

**IN THE SUPERIOR COURT OF DEKALB COUNTY  
STATE OF GEORGIA**

**DEKALB COUNTY, GEORGIA** )  
    **Condemnor,** )  
 )  
**v.** )  
 )  
**0.002 acres of land; and All known and** )  
**unknown heirs and beneficiaries of the** )  
**Estate of John Wesley Murphy; All** )  
**known and unknown heirs and** )  
**beneficiaries of the Estate of Louise** )  
**Marie Favors n/k/a Louise Murphy;** )  
**Marlys Favors Byrd; Aundra Michelle** )  
**Favors; Dexter J. Favors; Eric Favors;** )  
**All known and unknown heirs and** )  
**beneficiaries of the Estate of Fernanza** )  
**Favors; Georgia United Credit Union;** )  
**Irvin J. Johnson, DeKalb County Tax** )  
**Commissioner; Hon. Bedelia C.** )  
**Hargrove, DeKalb County Probate Court** )  
**Judge; and any and all others having or** )  
**claiming any interest in the herein** )  
**described lands, individually,** )  
    **Condemnees.** )

**Case No.:** \_\_\_\_\_

**Parcel:**       **20**  
**Project:**     **Glenwood Road**  
                  **Sidewalk Project**  
                  **Phase III**  
**Pay-in:**      **\$400.00**  
**Judge:**       \_\_\_\_\_

**DECLARATION OF TAKING**

WHEREAS, DEKALB COUNTY, GEORGIA, by and through its Board of Commissioners, has made a finding and determination that the circumstances in connection with acquiring the fee simple right-of-way to construct improvements to a public transportation system, and which improvements are commonly known as **Glenwood Road Sidewalk Project – Phase III**, are such that it is necessary to acquire the title, estate or interest in the lands as fully described in this Declaration of Taking, by condemnation through the exercise of the power of eminent domain of DeKalb County, Georgia, such Resolution and Order being attached hereto as Appendix “A” to this Exhibit “A” and made a part hereof; and

WHEREAS, DEKALB COUNTY, GEORGIA finds the circumstances of this case make it necessary to employ the declaration of taking method as Condemnor believes the title of the apparent owner is defective, doubtful, incomplete, or in controversy, or that there are or may be unknown persons or nonresidents who have or may have some claim or demand thereon, or that there are taxes due or that should be paid thereon, or that it is desirable to have a quick and effective judicial ascertainment of any question connected with Condemnor's acquisition of the property described herein by the exercise of the power of eminent domain including, but not limited to, a judicial ascertainment of the just and adequate compensation Condemnor shall pay, and a judicial ascertainment of what person or persons are entitled to such compensation; and

WHEREAS, said fee simple title to the right of way is for public road and transportation purposes upon, across, and over the tract of land in DeKalb County, Georgia as fully described in the attachment hereto identified as Appendix "B" to this Exhibit "A" and made a part hereof; and

WHEREAS, DEKALB COUNTY, GEORGIA caused an investigation and report to be made by a competent, state-licensed, and independent real estate appraiser to estimate the sum of money to be deposited in the Court as just and adequate compensation for the right of way, easements and access rights, if any, with a copy of the appraiser's sworn statement being attached hereto identified as Appendix "C" to this Exhibit "A" and made part hereof; and

WHEREAS, in consequence of such sworn statement, Appendix "C" to Exhibit "A," DEKALB COUNTY, GEORGIA estimates the sum of **FOUR HUNDRED AND NO/100ths DOLLARS (\$400.00)** as just and adequate compensation to be paid for said Property, as fully described in Appendix "A" to this Exhibit "A", attached hereto, and now deposits said sum in the registry of the Court, to the use of the persons entitled thereto; and

WHEREAS, to maintain a projected schedule of construction it is necessary that the Property needed for the construction of said project be acquired without delay; and

WHEREAS, the parcel of Property as herein described and listed in the Petition, attachments, or below, are essential for the construction of said project.

NOW THEREFORE, the premises considered, DEKALB COUNTY, GEORGIA under authority of the laws of Georgia, Official Code of Georgia Sections 32-3-1 through 32-3-19, declares that it is necessary that the Property as described in appendices hereto, be acquired by condemnation, and that said Property or interest therein as described in appendices hereto and in the Petition is taken for public and governmental purposes, more specifically for public road and transportation purposes, and that the same is necessary for the construction of a transportation project.

DEKALB COUNTY, GEORGIA, through its Chief Executive Officer and Board of Commissioners, has authorized the acquisition of the title, estate or interest in the lands described by condemnation under the provisions of law, has exercised its power of eminent domain, and has authorized the filing of condemnation proceedings, to acquire said title, estate or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with law. Let there be attached hereto as Appendix "A" to this Exhibit "A" the Resolution and Order of the DeKalb County, Georgia finding that circumstances are such that it is necessary to proceed in the particular case under the provisions of Article 1, Chapter 3, Title 32, Official Code of Georgia Annotated.

This 13th day of May, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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Michelle Long Spears  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this 13th day of May, 2025.

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Lorraine Cochran-Johnson  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive Officer

**Appendix “A” to Exhibit “A”**

Resolution and Order of DeKalb County, Georgia

**RESOLUTION AND ORDER OF DEKALB COUNTY, GEORGIA  
AUTHORIZING CONDEMNATION BY DECLARATION OF TAKING  
METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. §§ 32-3-4 ET  
SEQ. OF A TRACT OF LAND COMPRISED OF 0.002 ACRES OF FEE  
SIMPLE RIGHT-OF-WAY, BEING PROJECT PARCEL 20, LAND LOT  
166 OF THE 15<sup>th</sup> DISTRICT, DEKALB COUNTY, GEORGIA**

WHEREAS, pursuant to Article 9, Paragraph 5 of the Georgia Constitution, counties may acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, DeKalb County, Georgia has laid out and determined to construct, improve and maintain a public road in DeKalb County, Georgia as part of a local project commonly known and designated as **Glenwood Road Sidewalk Project – Phase III** and being more fully shown on a map and drawing on file in the office of DeKalb County, Georgia and on DeKalb County, Georgia's website; and

WHEREAS, the governing authority of DeKalb County, Georgia, a political subdivision of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity for exercising its powers of eminent domain pursuant to O.C.G.A. § 32-3-1 *et seq.* in the acquisition of certain interests in property for county transportation purposes;

WHEREAS, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and following sections authorize DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation therefore to the person or persons entitled to such payment upon the Chief Executive Officer and Board of Commissioners' finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the Chief Executive Officer and Board of Commissioners of DeKalb County, Georgia find and believe the circumstances are appropriate for the use of the Declaration of Taking method to acquire property for public road or other public transportation purposes presently vested in John Wesley Murphy and Louise Marie Favors n/k/a Louise Murphy, being known as project Parcel 20, Land Lot 166 of the 15<sup>th</sup> District, DeKalb, County, Georgia, for one or more of the reasons set forth in O.C.G.A. § 32-3-4 as the same may be amended from time to time, including, but not limited to, a desire in the interests of justice to have judicial ascertainment of any and all questions connected with the condemnation.

WHEREAS, to maintain DeKalb County, Georgia's projected schedule of road construction, it is appropriate and necessary for the fee simple title to right of way and easements, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of right of way and other rights as herein described and as listed below, shown of record as owned by the person named herein, all as described and shown in the annexes to this order hereinafter enumerated, all of said annexes, by reference made a part of this order, are essential for the construction of said project:

Required R/W:	0.002 acres of land
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Appendix A – Annex I –	Legal Description
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Annex II –	Plat
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Owners:	All known and unknown heirs and beneficiaries of the Estate of John Wesley Murphy; All known and unknown heirs and beneficiaries of the Estate of Louise Murphy; Maryls Favors Byrd; Aundra Michelle Favors; Dexter J. Favors; Eric Favors; All known and unknown heirs and beneficiaries of the Estate of Fernanza Favors; Georgia United Credit Union; Irvin J. Johnson, DeKalb County Tax
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Commissioner; Honorable Bedelia C. Hargrove,  
DeKalb County Probate Judge; and any and all others  
having or claiming interest therein in the described  
lands, individually

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED that the Chief Executive Officer and the Board of Commissioners of DeKalb County, Georgia find the circumstances are such that it is appropriate and necessary that the right of way and easements, if any, as described in the annexes to this Resolution and Order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19.

IT IS FURTHER ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the annexes to this Resolution and Order by condemnation under the provisions of said Code, and DeKalb County, Georgia's attorneys and its outside attorneys are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate or interest in said lands and to deposit in the Court the sum estimated as just compensation, all in accordance with the provisions of said Code, and the Chief Executive Officer or the Presiding Officer is authorized to execute this Resolution and Order, any documents and/or pleadings required for the filing under the aforementioned Code a Declaration of Taking and any other documents necessary to effectuate the same.

This 13th day of May, 2025.

DEKALB COUNTY BOARD OF COMMISSIONERS

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Michelle Long Spears  
Presiding Officer  
Board of Commissioners DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this 13th day of May, 2025.



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Lorraine Cochran-Johnson  
Chief Executive Officer DeKalb County, Georgia

ATTEST:

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive Officer

**Annex I of Appendix A of Exhibit A**

**Legal Description**

PROJECT NAME: Glenwood Road Sidewalk Project – Phase III  
COUNTY: Dekalb County  
PROPERTY TAX ID NO.: 15-166-08-015  
PARCEL NO.: 20  
DATE OF R/W/ PLANS: April 12, 2022  
LAST REVISED PLANS: Drawing No. 60-0005 on August 5, 2022  
REQUIRED R/W: 0.002 acres  
PROPERTY OWNERS: All known and unknown heirs and beneficiaries of the Estate of John Wesley Murphy; All known and unknown heirs and beneficiaries of the Estate of Louise Murphy; Maryls Favors Byrd; Aundra Michelle Favors; Dexter J. Favors; Eric Favors; All known and unknown heirs and beneficiaries of the Estate of Fernanza Favors; Georgia United Credit Union; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

All that tract or parcel of land lying and being in Land Lot 166 of the 15th Land District of Dekalb County, Georgia, being shown described within on the attached plats marked and being more particularly described as follows:

**REQUIRED RIGHT OF WAY CONTAINING 87.92 S.F. or 0.002 acres**

Beginning at point 433 being 30.00 feet right of and opposite Station 119+29.80 on the construction centerline of GLENWOOD ROAD on Dekalb County Project GLENWOOD ROAD Sidewalks Improvements - Phase III; running thence S 85°00'25.5" E a distance of 54.10 feet to point DE10092 being 33.25 feet right of and opposite station 119+83.90 on said construction centerline laid out for GLENWOOD ROAD; thence N 88°26'41.7" W a distance of 54.10 feet to point DE10093 being 33.25 feet right of and opposite station 119+29.80 on said construction centerline laid out for GLENWOOD ROAD; thence N 1°34'35.3" E a distance of 3.25 feet back to the point of beginning.

Consisting of 87.92 square feet more or less.

The title, estate or interest in the above described land, required by condemnor and now taken by condemnor for public use is as follows: Fee simple title to the above described land as described within on the attached plats dated April 12, 2022, Drawing Nos. 60-0005 last revised on August 5, 2022, and No. 60-0025.

**Annex II of Appendix A of Exhibit A**

**Plat**

DeKalb County, Georgia

I, Barbara H. Sanders-Norwood, do hereby certify that I am DeKalb County, Georgia's County Clerk.

I further certify the foregoing \_\_\_\_\_ pages constitute a true and correct exact copy of an Resolution and Order of DeKalb County, Georgia entered on the 13th day of May, 2025 as the same applies to the tract or parcel of land described in said \_\_\_\_\_ pages; and the original of said Resolution and Order is on file at my office at 1300 Commerce Drive, Decatur, Georgia 30030.

Given under my hand and the Seal of DeKalb County, Georgia this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Barbara H. Sanders-Norwood, CCC  
Clerk to the DeKalb County, Georgia  
Board of Commissioners and Chief Executive  
Officer

**Appendix “B” to Exhibit “A”**

**Description of Property from which Right of Way is Taken**

## **DESCRIPTION OF PROPERTY FROM WHICH RIGHT OF WAY IS TAKEN**

Project: **Glenwood Road Sidewalk Project – Phase III**

Record Owner(s): All known and unknown heirs and beneficiaries of the Estate of John Wesley Murphy; All known and unknown heirs and beneficiaries of the Estate of Louise Murphy; Maryls Favors Byrd; Aundra Michelle Favors; Dexter J. Favors; Eric Favors; All known and unknown heirs and beneficiaries of the Estate of Fernanza Favors; Georgia United Credit Union; Irvin J. Johnson, DeKalb County Tax Commissioner; Honorable Bedelia C. Hargrove, DeKalb County Probate Judge; and any and all others having or claiming interest therein in the described lands, individually

Said fee simple title to right of way and easements as described in Appendix A is for public road purposes in DeKalb County, Georgia, as defined by law across and over certain tracts of land located in Land Lot 166 of the 15<sup>th</sup> Land of DeKalb County. Said tract of land consisting of approximately 0.274 acres of land.

**APPENDIX “C” TO EXHIBIT “A”**

Appraiser’s Certificate