

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

DEKALB COUNTY, GEORGIA)
 Condemnor,)
)
 v.)
)
 Certain easement rights; and Warren)
 E. Pope, Jr.; All known and unknown)
 heirs of Lenard Gay; All known and)
 unknown heirs of Linda L. Gay; Tina)
 R. Gay a/k/a Tina R. Holliman; All)
 known and unknown heirs of Lenard)
 Gay, Jr.; Lashawn Gay; All known and)
 and unknown heirs of Patrick Pearson;)
 Sherrie J. Pearson; All known and)
 unknown heirs of Eliza Pearson;)
 Patricia Gay; Irvin J. Johnson,)
 DeKalb County Tax Commissioner;)
 Hon. Bedelia C. Hargove, Judge,)
 DeKalb County Probate Court; and)
 any and all others having or claiming)
 any interest in the herein described)
 lands, individually,)
 Condemnees.)

Case No.: _____
 Parcel: 10
 Project: Constitution Road
 Freight Corridor
 Improvements Project
 Pay-in: \$2,205.00
 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 certain easement rights to construct improvements to a public transportation system, and which improvements are commonly known as Constitution Road Freight Corridor Improvements Project, 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 easement rights are 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 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 **TWO THOUSAND TWO HUNDRED FIVE AND NO/100ths DOLLARS (\$2,205.00)** 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 ___ day of _____ 2026

DEKALB COUNTY BOARD OF COMMISSIONERS

Chakira Johnson
Presiding Officer
Board of Commissioners DeKalb County, Georgia

Approved by the Chief Executive Officer of DeKalb County this ___ day of _____ 2026.

Lorraine Cochran-Johnson
Chief Executive Officer DeKalb County,
Georgia

ATTEST:

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 with Annexes to be inserted after approval]

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 nine pages constitute a true and correct exact copy of an Resolution and Order of DeKalb County, Georgia approved on the ___ day of _____, 2026 as the same applies to the tract or parcel of land described in said nine 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 _____, 2026.

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 EASEMENTS ARE TAKEN

Project: **Constitution Road Freight Corridor Improvements Project**

Record Owner(s): Warren E. Pope, Jr.; Tina R. Gay a/k/a Tina R. Holliman; All heirs known and unknown of Linda L. Gay; All heirs known and unknown of Lenard Gay, Jr.; LaShawn Gay; All known and unknown heirs of Patrick Pearson; Sherrie J. Pearson; All known and unknown heirs of Eliza Pearson; Patricia Gay; 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 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 80 of the 15th Land of DeKalb County.

APPENDIX "C" TO EXHIBIT "A"

Appraiser's Certificate

STATE OF GEORGIA
DEKALB COUNTY

Personally comes, Andy B. Anderson, whose business address is at 2513-A Royal Place, Tucker, Georgia 30084.

Affiant was employed by DeKalb County, Georgia to appraise Parcel 10 of the easement rights required for construction of Constitution Road Freight Improvement Project in DeKalb County, Georgia for said DeKalb County and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcels.

Affiant is familiar with real estate values in said County and in the vicinity where said parcels are located. Affiant has personally inspected the property or right condemned and in appraising said parcels Affiant took into consideration the Fair Market Value of said parcels as well as any consequential damages to the remaining property of the Condemnees by reasons of the taking and use of said parcels and other rights for the construction of said project and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, Affiant has thus estimated that the just and adequate compensation for said parcels, and any consequential damages or benefits considered, is in the amount of \$2,205.00.

Appraiser: Andy B. Anderson

Sworn to and subscribed before me
this 20 day of April, 2026.

Notary Public

My commission expires: 10/30/29

[Affix seal]

