

**RESOLUTION AND ORDER OF THE DEKALB COUNTY BOARD OF  
COMMISSIONERS AUTHORIZING CONDEMNATION BY DECLARATION OF  
TAKING METHOD PURSUANT TO O.C.G.A. §§ 22-3-140 and 32-3-1, ET SEQ. OF  
CERTAIN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA,  
FOR PUBLIC SANITARY SEWER COLLECTION AND TREATMENT AND  
WASTEWATER PURPOSES**

WHEREAS, DeKalb County, Georgia has determined it necessary to inspect, repair, replace, construct and maintain a certain public sanitary sewer line or line(s), as part of a capital improvement project known as 2021 Capital Improvement Project and being more fully shown on a map and drawing on file in the office of the DeKalb County Watershed Management; and

WHEREAS, Section 140 of Chapter 3 of Title 22 and Section 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and the latter's subsequent sections authorized DeKalb County, Georgia to file a condemnation proceeding *in rem* under a method known as the Declaration of Taking to acquire certain private property interests for public sanitary sewage collection and treatment service and water and wastewater service purposes upon payment of just and adequate compensation therefore to the person(s) entitled to such payment upon the CEO and Board of Commissioner's finding that circumstances are appropriate and necessary for the use of said method;

WHEREAS, the CEO 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 sanitary sewage collection and treatment and wastewater service purposes belonging to Tommie Tuff and being shown as project Parcel 18-014-042 for one or more reasons as set forth in the above-mentioned code sections as the same may be amended from time to time, including 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 said inspection, maintenance, operation, repair, replacement, and construction of said sanitary sewer line or lines, it is necessary that the easements for said project be acquired without delay; and

WHEREAS, the easements 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/exhibits to this Resolution and Order hereinafter enumerated, all said annexes/exhibits, being by reference made a part of this Resolution and Order, are essential for the construction of said project:

Certain Easement Rights: 1429 sq. ft. of permanent easement and 822 sq. ft. of Temporary Construction Easement

Appendix 1A                      Legal Description of Easements

Appendix 1B                      Plat

Owners:                              Tommie Tuff

NOW, THEREFORE, the CEO and Board of Commissioners of DeKalb County, Georgia finds that the circumstances are such that it is necessary that the easements, as described in the annexes/exhibits to this Resolution and Order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 22-3-140 and 32-3-1 et seq. for public sanitary sewer collection and treatment and water and wastewater purposes; and

IT IS ORDERED that DeKalb County, Georgia proceed to acquire the title, estate or interest in the lands hereinafter described in the Exhibits to this Resolution and Order by condemnation under the provisions of said Code, and that DeKalb County, Georgia's attorneys, or its assignees, are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said easements, 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 Presiding Officer is authorized to execute this Resolution and Order, a Declaration of Taking and any other documents necessary to effectuate the same.

SO ORDERED by the DeKalb County Board of Commissioners this [REDACTED] day of [REDACTED], 2023.

**DEKALB COUNTY  
BOARD OF COMMISSIONERS**

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**ROBERT PATRICK**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia this [REDACTED] day of [REDACTED], 2023.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

Attest:

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**BARBARA H. SANDERS, CCC**  
Clerk to the Board of Commissioners  
and Chief Executive Officer DeKalb County, Georgia

APPROVED AS TO FORM:

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Patrise Perkins-Hooker  
Georgia Bar Number 572358  
Johnson & Freeman, LLC  
3915 Cascade Road  
Suite 205  
Atlanta, GA 30311  
770-415-1026  
pperkins-hooker@jflc.com

## Appendix 1A

PROJECT NO.: 18-014  
PARCEL NO: 42  
Property Owner: Tommie Tuff

### **Permanent Sewer Easement**

ALL that tract or parcel of land lying and being in Land Lot 46 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at point at the intersection of the southerly right-of-way of Robinson Avenue (28' R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane Coordinates (N=1378854.09, E=2268721.28):

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 21.30 feet to a point, said point being THE POINT OF BEGINNING;

Thence continuing along said right-of-way South 01 degrees 13 minutes 14 seconds West 78.70 feet to a point;

Thence leaving said right -of-way North 88 degrees 46 minutes 46 seconds West 4.91 feet to a point;

Thence North 09 degrees 54 minutes 13 seconds West 101.91 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 20.38 feet to a point;

Thence leaving said right-of-way South 09 degrees 54 minutes 13 seconds East 21.71 feet to a point on the westerly right of way of Reed Street, said point being THE POINT OF BEGINNING;

Said tract being 0.03 acres, 1429 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

### **Temporary Construction Easement #1**

ALL that tract or parcel of land lying and being in Land Lot 46, 18th District of DeKalb County, Georgia, and being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly right-of-way of Robinson Avenue (28'R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane

Coordinates (N=1378854.09, E=2268721.28), said point being THE POINT OF BEGINNING;

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 21.30 feet to a point;

Thence leaving said right-of-way North 09 degrees 54 minutes 13 seconds West 21.71 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 4.19 feet to a point, said point being THE POINT OF BEGINNING;

Said tract being 0.00 acres, 45 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

### **Temporary Construction Easement #2**

ALL that tract or parcel of land lying and being in Land Lot 46, 18th District of DeKalb County, Georgia, being more particularly described as follows:

COMMENCING at a point at the intersection of the southerly right-of-way of Robinson Avenue (28' R/W) and the westerly right-of-way of Reed Street (34' R/W) with Georgia West State Plane Coordinates (N=1378854.09, E=2268721.28);

Thence along the westerly right-of-way of Reed Street South 01 degrees 13 minutes 14 seconds West 100.00 feet to a point;

Thence leaving said right-of-way North 88 degrees 46 minutes 46 seconds West 4.91 feet to a point, said point being THE POINT OF BEGINNING;

Thence North 88 degrees 46 minutes 46 seconds West 10.19 feet to a point;

Thence North 09 degrees 54 minutes 13 seconds West 51.32 feet to a point;

Thence North 01 degrees 13 minutes 14 seconds East 49.65 feet to a point on the southerly right-of-way of Robinson Avenue;

Thence along said right-of-way South 88 degrees 46 minutes 46 seconds East 0.43 feet to a point;

Thence leaving said right-of-way South 09 degrees 54 minutes 13 seconds East 101.91 feet to a point on the westerly right-of-way of Reed Street, said point being THE POINT OF BEGINNING;

Said tract being 0.02 acres, 777 square feet, more or less as shown on Exhibit of New Sanitary Sewer Easement for Tommie Tuff.

**Appendix 1B**  
**Plat**

GEORGIA, DEKALB COUNTY

I, Barbara H. Sanders, do hereby certify that I am the Clerk of the DeKalb County Board of Commissioners.

I further certify that the foregoing [REDACTED] pages constitute a true and correct exact copy of an Order of the Dekalb County Board of Commissioners, entered on the [REDACTED] day of [REDACTED], 2023 as same applies to the tract or parcel of land described in said [REDACTED] pages; and the original of said Order is on file at my office at 1300 Commerce Drive, Decatur, Georgia.

Given under my hand and the Seal of the DeKalb County Board of Commissioners, this [REDACTED] day of [REDACTED], 2023.

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**BARBARA H. SANDERS, CCC**  
Clerk to the Board of Commissioners  
and Chief Executive Officer  
DeKalb County, Georgia