



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2026-0875

Substitute

6/23/2026

Public Hearing: YES ☒ NO ☐

Department: Public Works - Transportation

SUBJECT:

Commission District(s): 3 & 6

Resolution, Order, and Declaration of Taking- Required 0.179 acres of Right of Way and Temporary Easement for "Constitution Roads Freight Corridor Improvement", Cost to County \$97,505.00
3327 Woodstock Rd (15 080 07 010)

Information Contact: Patrece Keeter

Phone Number: (770) 492-5206

PURPOSE:

To consider adopting the attached Resolution, Order and Declaration of Taking for acquisition of certain rights of way and temporary easement on Parcel 5 (Owner: Betty Jean Mauldin) needed for "Constitution Road Freight Corridor Improvement" (the "Project"); and to consider authorizing the Chief Executive Office to execute all necessary documents.

NEED/IMPACT:

The condemnation will enable the County to include the subject property in the Project to install a roundabout at the intersection of Fayetteville Road, Bailey Street, Woodstock Road, and Fleetwood Drive. The required property interest is valued at \$97,505.00 and a certified letter has been sent to the property owner.

The County Attorney has reviewed the attached documents and approves to form.

FISCAL IMPACT:

The fiscal impact to DeKalb County is \$97,505.00. The funding is SPLOST 1, Category 1B.9 established in previous agenda items related to the Project.

RECOMMENDATION:

Adopt the attached Resolution, Order and Declaration of Taking for acquisition of certain rights of way and temporary easement on Parcel 5 (Owner: Betty Jean Mauldin) needed for "Constitution Road Freight Corridor Improvement" (the "Project"); and Authorize the Chief Executive Office to execute all necessary documents.

DEKALB COUNTY, GEORGIA
Condemnor,
v.
0.179 acres of land; Certain easement rights;
and Betty Jean Mauldin; Nicole M. Golden,
DeKalb County Tax Commissioner; Hon.
Bedelia C. Hargrove, Judge, DeKalb County
Probate Court; and any and all others
having or claiming any interest in the
herein described lands, individually,
Condemnees.

Parcel	5
Project:	Constitution Road Freight Corridor Improvements
Pay-in:	\$97,505.00
Judge:	

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

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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 **NINETY-SEVEN THOUSAND FIVE HUNDRED FIVE AND NO/100ths DOLLARS (\$97,505.00)** 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 Article1, Chapter 3, Title 32, Official Code of Georgia Annotated.

This ____ day of _____ 2026

DEKALB COUNTY BOARD OF COMMISSIONERS

Chakira Johnson, P.E.
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

[Insert Resolution following execution]

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 14 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 _____ 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 RIGHT OF WAY IS TAKEN

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

Record Owner(s): Betty Jean Mauldin; Nicole M. Golden, 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 right of way 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 District of DeKalb County. Said tract of land consisting of approximately 0.5762 acres more or less.

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 5** of the fee simple and 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 \$97,505.00.


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]



**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.**

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 Constitution Road Freight Corridor Improvements Project 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 public 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 Betty Jean Mauldin, being known as project Parcel 5, Land Lot 80 of the 15th 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 title to the easements, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel of easement 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 Right of Way:	0.179 acres of land
Temporary Construction Easement:	0.099 acres of land
Appendix A – Annex I –	Legal Description
Annex II –	Plat
Owners:	Betty Jean Mauldin; Nicole M. Golden, 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

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 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 ___ 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

Annex I of Appendix A of Exhibit A

Legal Description

PROJECT NAME: Constitution Road Freight Corridor Improvements Project
COUNTY: DeKalb County
PROPERTY TAX ID NO.: 15 080 07 010
PARCEL NO.: 5
DATE OF R/W/ PLANS: August 2, 2023
LAST REVISED PLANS: Drawing No. 60-0004, 60-0005, & 60-0011 on April 22, 2026
REQUIRED R/W: 0.179 acres of land; and certain easement rights;
PROPERTY OWNERS: Betty Jean Mauldin; Nicole M. Golden, 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 80 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 (7,797 S.F. OR 0.179 ACRES)

Beginning at a point 23.58 feet left of and opposite Station 104+05.81 on the construction centerline of Bailey Street; running thence N 82°41'36.2" E a distance of 42.42 feet to a point 26.10 feet left of and opposite station 104+50.00 on said construction centerline laid out for Bailey Street; thence northeasterly 79.16 feet along the arc of a curve (said curve having a radius of 388.50 feet and a chord distance of 79.02 feet on a bearing of N 75°11'29.6" E) to the point 32.82 feet left of and opposite station 105+32.55 on said construction centerline laid out for Bailey Street; thence northeasterly 124.05 feet along the arc of a curve (said curve having a radius of 128.50 feet and a chord distance of 119.29 feet on a bearing of N 41°41'57.4" E) to the point 36.75 feet left of and opposite station 201+00.81 on said construction centerline laid out for Woodstock Road; thence S 82°28'33.0" E a distance of 27.61 feet to a point 10.87 feet left of and opposite station 200+91.18 on said construction centerline laid out for Woodstock Road; thence S 22°31'04.0" E a distance of 70.47 feet to a point 0.93 feet right of and opposite station 200+21.71 on said construction centerline laid out for Woodstock Road; thence S 65°31'18.4" W a distance of 5.22 feet to a point 4.18 feet left of and opposite station 200+20.66 on said construction centerline laid out for Woodstock Road; thence southwesterly 230.08 feet along the arc of a curve (said curve having a radius of 500.00 feet and a chord distance of 228.06 feet on a bearing of S 78°42'15.8" W) to the point 21.46 feet left of and opposite station 104+30.46 on said construction centerline laid out for Bailey Street; thence N 87°52'29.9" W a distance of 23.82 feet back to the point of beginning.

Containing approximately 7,797 square feet (0.179 acres), 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. 60-0004, 60-0005, & 60-0011, last revised on April 22, 2026.

TEMPORARY CONSTRUCTION EASEMENT (4,312 S.F. OR 0.099 ACRES)

Beginning at a point 24.19 feet left of and opposite Station 103+60.58 on the construction centerline of Bailey Street; running thence N 17°52'04.6" E a distance of 17.53 feet to a point 41.79 feet left of and opposite station 103+65.55 on said construction centerline laid out for Bailey Street; thence N 88°55'47.5" E a distance of 72.99 feet to a point 41.00 feet left of and opposite station 104+44.00 on said construction centerline laid out for Bailey Street; thence N 74°30'03.2" E a distance of 98.14 feet to a point 50.00 feet left of and opposite station 105+48.00 on said construction centerline laid out for Bailey Street; thence N 52°05'32.3" E a distance of 50.57 feet to a point 71.00 feet left of and opposite station 105+94.00 on said construction centerline laid out for Bailey Street; thence N 25°30'50.6" E a distance of 43.22 feet to a point 46.00 feet left of and opposite station 201+04.25 on said construction centerline laid out for Woodstock Road; thence S 82°28'33.0" E a distance of 9.87 feet to a point 36.75 feet left of and opposite station 201+00.81 on said construction centerline laid out for Woodstock Road; thence southwesterly 124.05 feet along the arc of a curve (said curve having a radius of 128.50 feet and a chord distance of 119.29 feet on a bearing of S 41°41'57.4" W) to the point 32.82 feet left of and opposite station 105+32.55 on said construction centerline laid out for Bailey Street; thence southwesterly 79.16 feet along the arc of a curve (said curve having a radius of 388.50 feet and a chord distance of 79.02 feet on a bearing of S 75°11'29.6" W) to the point 26.10 feet left of and opposite station 104+50.00 on said construction centerline laid out for Bailey Street; thence S 82°41'36.2" W a distance of 42.42 feet to a point 23.58 feet left of and opposite station 104+05.81 on said construction centerline laid out for Bailey Street; thence N 87°52'29.9" W a distance of 43.42 feet back to the point of beginning.

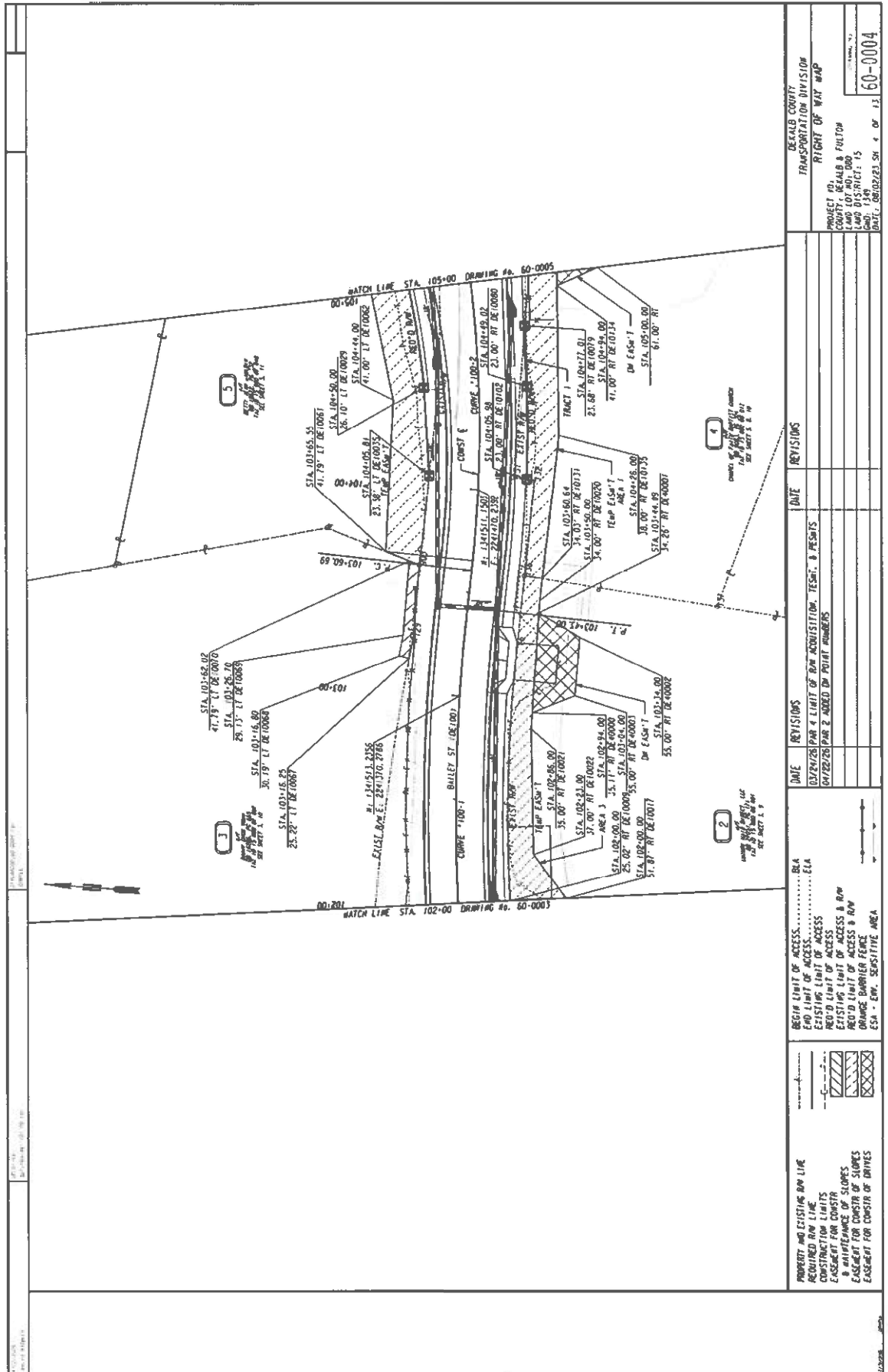
Containing approximately 4,312 square feet (0.099 acres), more or less.

The title, estate or interest in the above-described lands, required by condemnor and now taken by condemnor for public use as follows: A temporary easement for construction as shown and described within on the plats marked Annex II of Appendix A dated August 2, 2023 on Drawing Nos. 60-0004, 60-0005, and 60-0011, last revised on April 22, 2026. Said temporary construction easement shall expire one year from the date of filing.

Annex II of Appendix A of Exhibit A

Plat





PANEL 4 AREA 1 REQ'D TEMP. EASHT. DESDOIT SEE SHEET 4. 5

PNT	OFFSET	STATION	ALIGNMENT	
136	25.41 R	103+61.00	Bolley Street	
	46.59 S	81°09'52.1" E	Bolley Street	
132	23.61 A	104+55.65	Bolley Street	
	3.63 N	3°35'04.5" E	Bolley Street	
ARC LENGTH = 44.49				
CHORD BEAR = N 86°08'50.6" E				
LETH CHORD = 44.48				
RADIUS = 625.00				
DEGREE = 91°11'48.5"				
DE10080	21.90 R	104+41.02	Bolley Street	
DE10079	21.68 R	104+71.01	Bolley Street	
DE10075	45.56 R	105+71.19	Fayetteville Road SE (West)	
DE10073	49.30 L	502+06.00	Fayetteville Road SE (West)	
DE10074	34.20 L	502+16.00	Fayetteville Road SE (West)	
DE10103	55.20 L	502+16.89	Fayetteville Road SE (West)	
DE10132	70.20 L	502+64.00	Bolley Street	
DE10133	49.20 R	105+41.00	Bolley Street	
DE10134	41.20 R	104+91.00	Bolley Street	
DE10135	38.20 R	104+26.01	Bolley Street	
DE10131	34.23 R	103+56.64	Bolley Street	
DE10131	131	25.41 R	103+61.00	Bolley Street
REQD EASHT = 5372.27 SF				
REQD EASHT = 0.128 ACRES				

PANEL 4 AREA 2 REQ'D TEMP. EASHT. DESDOIT SEE SHEET 4. 5

PNT	OFFSET	STATION	ALIGNMENT
DE10006	47.00 L	501+38.00	Fayetteville Road SE (West)
DE10023	19.01 L	501+85.00	Fayetteville Road SE (West)
71	22.96 L	501+20.37	Fayetteville Road SE (West)
DE10027	41.00 L	501+18.42	Fayetteville Road SE (West)
DE10006	47.00 L	501+38.00	Fayetteville Road SE (West)
REQD EASHT AREA 21 = 922.38 SF			
REQD EASHT AREA 21 = 0.02 AC			
REQD TEMP EASHT AREA 1 + AREA 21 = 6494.65 SF			
REQD TEMP EASHT AREA 1 + AREA 21 = 0.15 AC			

PANEL 4 REQ'D DMT. EASHT. SEE SHEET 4. 5

REQ'D DRIVEWAY EASHT = 1

PANEL 5 REQ'D TEMP. EASHT. DESDOIT SEE SHEET 4. 5

PNT	OFFSET	STATION	ALIGNMENT
DE10055	23.58 L	104+05.81	Bolley Street
DE10059	26.10 L	104+56.00	Bolley Street
ARC LENGTH = 73.15			
CHORD BEAR = N 15°11'29.6" E			
LETH CHORD = 73.02			
RADIUS = 308.50			
DEGREE = 14°44'52.6"			
DE10031	32.82 L	105+32.55	Bolley Street
ARC LENGTH = 124.05			
CHORD BEAR = N 41°41'51.4" E			
LETH CHORD = 118.29			
RADIUS = 128.50			
DEGREE = 12°12'47"			
DE10031	32.82 L	105+32.55	Bolley Street
ARC LENGTH = 73.16			
CHORD BEAR = S 75°11'29.6" W			
LETH CHORD = 73.02			
RADIUS = 308.50			
DEGREE = 14°44'52.6"			
DE10025	26.10 L	104+05.81	Bolley Street
DE10035	23.58 L	104+05.81	Bolley Street
REQD EASHT = 4301.57 SF			
REQD EASHT = 0.099 ACRES			

PANEL 5 REQ'D TEMP. EASHT. DESDOIT SEE SHEET 4. 5

PNT	OFFSET	STATION	ALIGNMENT
DE10055	23.58 L	104+05.81	Bolley Street
DE10059	26.10 L	104+56.00	Bolley Street
ARC LENGTH = 73.15			
CHORD BEAR = N 15°11'29.6" E			
LETH CHORD = 73.02			
RADIUS = 308.50			
DEGREE = 14°44'52.6"			
DE10031	32.82 L	105+32.55	Bolley Street
ARC LENGTH = 124.05			
CHORD BEAR = N 41°41'51.4" E			
LETH CHORD = 118.29			
RADIUS = 128.50			
DEGREE = 12°12'47"			
DE10031	32.82 L	105+32.55	Bolley Street
ARC LENGTH = 73.16			
CHORD BEAR = S 75°11'29.6" W			
LETH CHORD = 73.02			
RADIUS = 308.50			
DEGREE = 14°44'52.6"			
DE10025	26.10 L	104+05.81	Bolley Street
DE10035	23.58 L	104+05.81	Bolley Street
REQD EASHT = 4301.57 SF			
REQD EASHT = 0.099 ACRES			

DATE REVISIONS

03/24/26 PAR 4 LIMIT OF R/W ACQUISITION, TEST, & RESURF
04/22/26 PAR 5 TEST POINTS UPDATED

DATE REVISIONS

03/24/26 PAR 4 LIMIT OF R/W ACQUISITION, TEST, & RESURF
04/22/26 PAR 5 TEST POINTS UPDATED

DETAILS COUNTY

TRANSPORTATION DIVISION

RIGHT OF WAY TABLES

PROJECT NO:
COUNTY: ALBANY & FULTON
LAND LOT: 001.000
LAND DISTRICT: 15
DATE: 08/02/23 SHEET 11 OF 13

60-0011