# 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 Capital Improvement Project 18-014 PKG 7, 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 Willie L. Guthrie and being shown as project Parcel 50 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 of 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:	306 sf of permanent sewer easement 5,848 sf of temporary construction easement
Appendix 1A	Legal Description
Appendix 1B	Plat
Owners:	Willie L. Guthrie

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 \_\_\_\_\_ day of

\_\_\_\_\_, 2023.

## DEKALB COUNTY BOARD OF COMMISSIONERS

# **ROBERT PATRICK** Presiding Officer Board of Commissioners Dekalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia this \_\_\_\_\_ day of

\_\_\_\_\_, 2023.

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

Attest:

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

# Appendix 1A

PROJECT NO.: 18-014 PKG 7

PARCEL NO: 50 (466 Jointer Avenue Scottsdale, Georgia 30079) (TPID 18 046 04 007)

Property Owner: Willie L. Guthrie

### Permanent Sewer Easement

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18<sup>TH</sup> DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF BLANTON DRIVE (30'R/W) AND THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE (30' R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378454.22, E=2269487.92);

THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE NORTH 00 DEGREES 29 MINUTES 08 SECONDS EAST 10.49 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST 9.20 FEET TO A POINT;

THENCE NORTH 77 DEGREES 31 MINUTES 16 SECONDS WEST 8.61 FEET TO A POINT;

THENCE NORTH 12 DEGREES 28 MINUTES 44 SECONDS EAST 20.00 FEET TO A POINT;

THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 11.41 FEET TO A POINT;

THENCE SOUTH 61 DEGREES 34 MINUTES 03 SECONDS EAST 1.39 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 29 MINUTES 08 SECONDS WEST 22.64 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

SAID TRACT BEING 0.01 ACRES, 306 SQUARE FEET, MORE OR LESS.

Said permanent sewer easement is being acquired for the purpose of constructing, installing,

inspecting, maintaining, operating, repairing, and replacing a sanitary sewer line or lines for public sanitary sewer treatment and collection and wastewater purposes, including the right to clear and keep clear and to remove all undergrowth, trees and other obstructions, objects and structures from said property.

## **Temporary Construction Easement**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18<sup>TH</sup> DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF BLANTON DRIVE (30'R/W) AND THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE (30' R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378454.22, E=2269487.92), SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF BLANTON DRIVE SOUTH 89 DEGREES 51 MINUTES 19 SECONDS WEST 1.53 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST 11.37 FEET TO A POINT;

THENCE NORTH 77 DEGREES 31 MINUTES 16 SECONDS WEST 141.51 FEET TO A POINT;

THENCE NORTH 00 DEGREES 29 MINUTES 08 SECONDS EAST 40.89 FEET TO A POINT;

THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 153.35 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE;

THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 29 MINUTES 08 SECONDS WEST 10.61 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST 1.39 FEET TO A POINT;

THENCE NORTH 77 DEGREES 31 MINUTES 16 SECONDS WEST 11.41 FEET TO A POINT;

THENCE SOUTH 12 DEGREES 28 MINUTES 44 SECONDS WEST 20.00 FEET TO A POINT;

THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 8.61 FEET TO A POINT;

THENCE SOUTH 61 DEGREES 34 MINUTES 03 SECONDS EAST 9.20 FEET TO A POINT

# ON THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE;

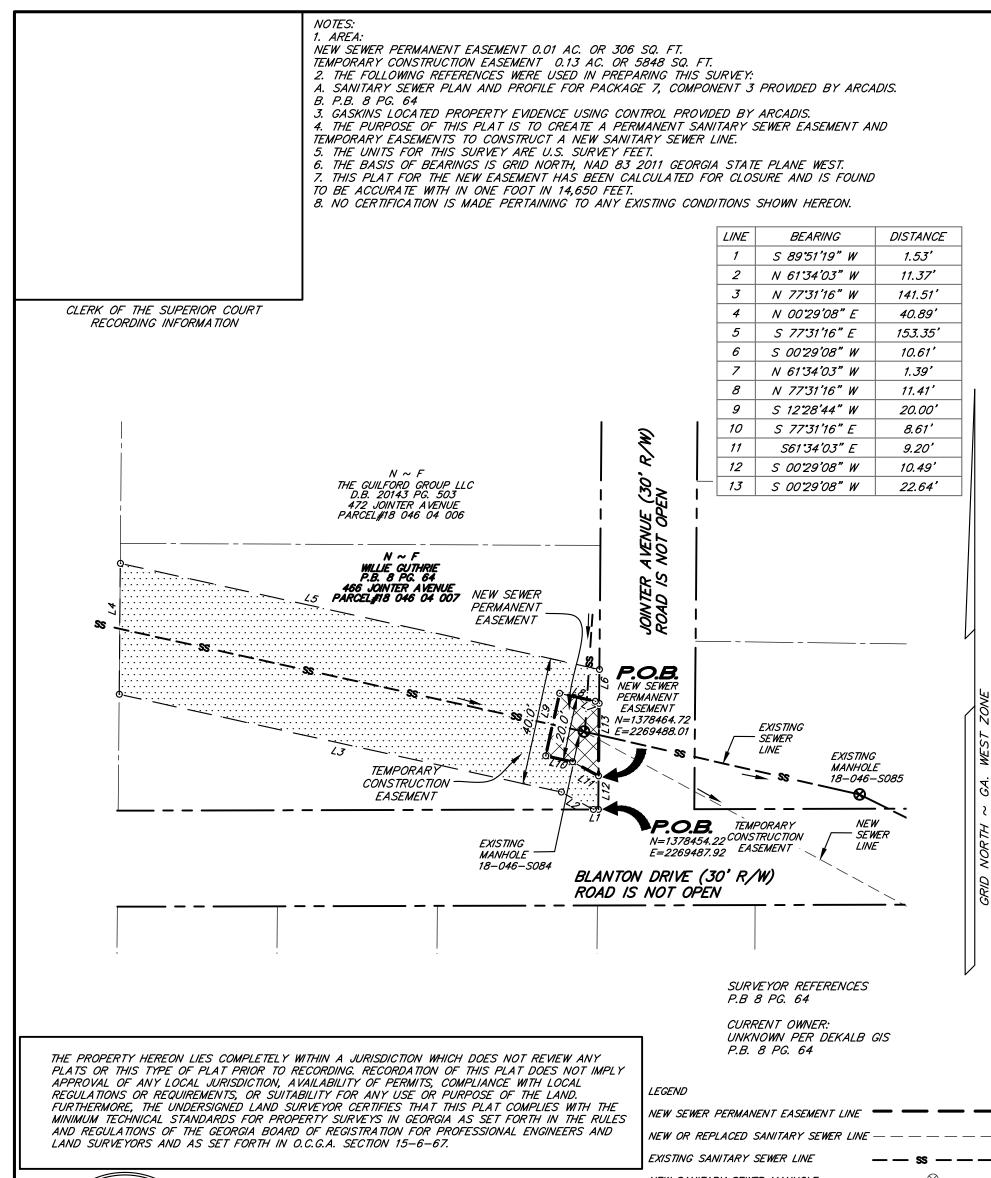
# THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 29 MINUTES 08 SECONDS WEST 10.49 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

# SAID TRACT BEING 0.13 ACRES, 5848 SQUARE FEET, MORE OR LESS.

Said temporary construction easement is being acquired for the purpose of constructing, installing, inspecting, maintaining, operating, repairing and replacing a sanitary sewer line or lines for public sanitary sewer treatment and collection and wastewater purposes, including the right to clear and keep clear and to remove all undergrowth, trees and other obstructions, objects and structures from said easement area. Said temporary construction easement is for a consecutive twelve (12)-month period between January 1, 2023 and December 31, 2026 and commences 30 days following certified mailing of the written notice of commencement of temporary construction easement to the property owner.

Appendix 1B

# **PROPERTY DESCRIPTION** EXHIBIT 1



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DAD

Drawing name: P:

Plotted By: tshor

$\begin{array}{c} & & O & R & G \\ & & O & R & G \\ & & O & R & G \\ & & & & & \\ & & & & \\ & & & & \\ & & & & \\ & & & & \\ & & & & \\ & & & & \\ & & & & \\ & & & & & \\ & & & & \\ & & & & & \\ & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & & & & \\ & & &$	Den C. Den REVISION:04/05/2021 ADD OWNER NAME 04/19/2021 EDIT TITLE BLOCK	04–19–2021 	NEW SANITARY S EXISTING SANITAL PROPERTY LINE EXISTING RIGHT- 30	RY SEWER MANHOL	30	8 60
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FILE: P: ARCADIS/DEKALB FIELD DATE: 12/08/2020 OFFICE DATE: 02/02/2021	<b>Gask</b>					
SCALE: 1"=30'	ENGINEERING•SURVEYING•PLANNING/CONS www.gscsurvey.com		WILLIE (	GUTHRIE		
REVISIONS		<u>Canton Office</u> 47 Reinhardt College Pkwy Sto. 2 Canton, CA 20114				
02/15/2021	· · · · · · · · · · · · · · · · · · ·	Ste. 3 Canton, GA 30114 Phone: (770) 479-9698	I OCA TH	D IN L.L.	46	
ADDRESS ARCADIS COMMENTS	Lawrenceville Office	<u>Newnan Office</u>	19+6 01			
03/22/2021	Lawrenceville, GA 30046	46 Ga. Hwy. 154, Ste. 109 Newnan, GA 30265	DEKALE	COUNTY,	GA	
EDIT TEMP. ESMT.	Phone: (770) 299-1005	Phone: (770) 424-7168		,	SHEE	<u>T 1 OF 2</u>

	ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18 <sup>TH</sup> DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT AT THE INTERSECTION	ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 46 OF THE 18 <sup>TH</sup> DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
	COMMENCING AT A POINT AT THE INTERSECTION	
	OF THE NORTHERLY RIGHT-OF-WAY OF BLANTON DRIVE (30'R/W) AND THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE (30' R/W) WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378454.22,E=2269487.92);	BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF BLANTON DRIVE (30'R/W) AND THE WESTERL RIGHT-OF-WAY OF JOINTER AVENUE (30' R/ WITH GEORGIA WEST STATE PLANE COORDINATES (N=1378454.22,E=2269487.92), SAID POINT BEING THE POINT OF BEGINNING;
	THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF JOINTER AVENUE NORTH OO DEGREES 29 MINUTES 08 SECONDS EAST 10.49 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;	THENCE ALONG THE NORTHERLY RIGHT—OF—WAY OF BLANTON DRIVE SOUTH 8 DEGREES 51 MINUTES 19 SECONDS WEST 1.5. FEET TO A POINT;
CLERK OF THE SUPERIOR COURT RECORDING INFORMATION	THENCE LEAVING SAID RIGHT—OF—WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST 9.20 FEET TO A POINT;	THENCE LEAVING SAID RIGHT—OF—WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST 11.37 FEET TO A POINT;
	THENCE NORTH 77 DEGREES 31 MINUTES 16 SECONDS WEST 8.61 FEET TO A POINT;	THENCE NORTH 77 DEGREES 31 MINUTES 16 SECONDS WEST 141.51 FEET TO A POINT;
	THENCE NORTH 12 DEGREES 28 MINUTES 44 SECONDS EAST 20.00 FEET TO A POINT;	THENCE NORTH OO DEGREES 29 MINUTES 08 SECONDS EAST 40.89 FEET TO A POINT;
	THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 11.41 FEET TO A POINT;	THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 153.35 FEET TO A POINT ON THE WESTERLY RIGHT—OF—WAY OF JOINTER
	THENCE SOUTH 61 DEGREES 34 MINUTES 03 SECONDS EAST 1.39 FEET TO A POINT ON THE WESTERLY RIGHT—OF—WAY OF JOINTER AVENUE;	AVENUE; THENCE ALONG SAID RIGHT-OF-WAY SOUTH DEGREES 29 MINUTES 08 SECONDS WEST 10.
	THENCE ALONG SAID RIGHT-OF-WAY SOUTH 00 DEGREES 29 MINUTES 08 SECONDS WEST 22.64 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;	FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 61 DEGREES 34 MINUTES 03 SECONDS WEST
	SAID TRACT BEING 0.01 ACRES, 306 SQUARE FEET, MORE OR LESS, AS SHOWN ON EXHIBIT OF NEW SANITARY SEWER EASEMENT FOR WILLIE GUTHRIE.	1.39 FEET TO A POINT; THENCE NORTH 77 DEGREES 31 MINUTES 16
		SECONDS WEST 11.41 FEET TO A POINT; THENCE SOUTH 12 DEGREES 28 MINUTES 44 SECONDS WEST 20.00 FEET TO A POINT;
		THENCE SOUTH 77 DEGREES 31 MINUTES 16 SECONDS EAST 8.61 FEET TO A POINT;
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		THENCE ALONG SAID RIGHT-OF-WAY SOUTH DEGREES 29 MINUTES OB SECONDS WEST 10. FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;
		SAID TRACT BEING 0.13 ACRES, 5848 SQUAR FEET, MORE OR LESS, AS SHOWN ON EXHIBIT FOR NEW SANITARY SEWER EASEMENT FOR WILLIE GUTHRIE.

DWG\Dekalb Sewer 18-46-4-7.dwg Plotted on: Apr 19, 2021



Jean C. Olam 04-19-2021

DATE

REVISION:04/05/2021 ADD OWNER NAME 04/19/2021 EDIT TITLE BLOCK

DRAWN BY: TBS

CHECKED BY: DCO

FILE: P: ARCADIS/DEKALB

FIELD DATE: 12/08/2020

OFFICE DATE: 02/02/2021

SCALE: 1"=30'

REVISIONS

02/15/2021

ADDRESS ARCADIS COMMENTS

03/22/2021

EDIT TEMP. ESMT.



ENGINEERING•SURVEYING•PLANNING/CONSULTING•CONSTRUCTION MGMT

www.gscsurvey.com LSF# 789

<u>Marietta Office</u> 1266 Powder Springs Rd Marietta, GA 30064 Phone: (770) 424-7168

Lawrenceville Office 558 Old Norcross Rd Ste. 204 Lawrenceville, GA 30046 Phone: (770) 299-1005 <u>Canton Office</u> 147 Reinhardt College Pkwy Ste. 3 Canton, GA 30114 Phone: (770) 479-9698

<u>Newnan Office</u> 4046 Ga. Hwy. 154, Ste. 109 Newnan, GA 30265 Phone: (770) 424-7168 EXHIBIT OF A NEW SANITARY SEWER EASEMENT FOR:

WILLIE GUTHRIE

LOCATED IN L.L. 46 18th DISTRICT DEKALB COUNTY, GA. \_\_\_\_\_\_SHEET 2 OF 2

# APPRAISAL CERTIFICATION EXHIBIT 2

### **CERTIFICATION OF APPRAISER**

I Hereby Certify:

That I have personally inspected the property appraised herein and that I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal or in the data book or report which supplements said appraisal.

That to the best of my knowledge and belief, the statements contained in the appraisal herein set forth are true and correct, the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions, and conclusions. That my analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice. The appraiser is currently certified under the continuing education program of the State of Georgia through the date October 31, 2022.

That I understand that such appraisal may be used in connection with the acquisition for a project to be constructed by DeKalb County.

That such appraisal has been made in conformity with the appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes; and that to the best of my knowledge, no portion of the value assigned to such property consists of items, which are non-compensable under the established law of said State.

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event. That I have no personal interest in or bias with respect to the parties involved and that I have no present or prospective interest in the property that is the subject of this report. I have performed no services, as an appraiser or in any other capacity, regarding the subject property within three years prior to accepting this assignment

That I have not revealed the findings and results of such appraisal to anyone other than the property officials of the acquiring agency of said State or officials of the Federal Highway Administration and I will not do so until so authorized by said officials, or until I am required to do so by due process of law, or until I am released from this obligation by having publicly testified as to such findings.

That my opinion of just compensation for the acquisition as of the 18th day of February 2022 is **\$1,010.00** and this is based upon my independent appraisal and the exercise of my professional judgment.

12nes

Signature

February 18, 2022

Cynthia K. Milner 3888 Sovereign Dr. Buford, GA 30519 770.868.9597

# **TEN DAY LETTER** EXHIBIT 3

770.621.7200 (o) 770.621.7271 (f) DeKalbCountyga.gov Watershed Management 1580 Roadhaven Drive Stone Mountain, GA 30083 David E. Hayes, Interim Director

> Chief Executive Officer Michael Thurmond

Board of Commissioners

District 1 Robert Patrick

> District 2 Jeff Rader

District 3 Larry Johnson

District 4 Stephen Bradshaw

District 5 Mereda Davis Johnson

> District 6 Edward "Ted" Terry

District 7 Lorraine Cochran-Johnson

Dear Ms. Willie Guthrie:

**RE: PROJECT: 18-014 PKG 7** 

As you know, DeKalb County, acting through Atlas Technical Consultants LLC (formerly Moreland Altobelli Associates, LLC), must acquire a portion of your property in conjunction with the construction of the above numbered project.

**COUNTY: DEKALB COUNTY DEPARTMENT OF WATERSHED** 

**PARCEL: 0050** 

The property rights required have been explained by our negotiator and are shown on the plat attached to the option previously furnished you. The County seeks to acquire **306.00 square feet of Permanent Sewage Easement and 5,848.00 square feet of Proposed Temporary Construction Easement** from your property located at **466 Jointer Avenue**, Atlanta, GA **30079.** Through a process of thorough review of expert appraisals, we believe that the Fair Market Value for your property is <u>\$1,010.00</u>. Your appraised value came in at <u>\$1,010.00</u> and we will honor the original Option amount indicated above. I have attached a copy of the Appraised Summary page for your review.

We prefer to acquire the property needed for sanitary sewer easement; however, we are authorized by law to acquire property by condemnation. As litigation is costly to both the County and Landowner, it is our sincere desire that upon reconsideration of our offer, a settlement agreement can be reached, hopefully avoiding litigation. Since negotiations for the required property rights have concluded, the County provides an administrative review process as a final opportunity toward reaching an amicable settlement. Should you elect to submit an administrative review, your request must be made directly to **Jeff Joyner, Atlas Technical Consultants LLC** within ten (10) days of this letter, or by **November 1**, **2022**. This appeal should be requested by mail using the attached form. It must include the lowest monetary amount acceptable to you with any supporting documentation.



October 16, 2022

# VIA CERTIFIED MAIL RECEIPT: 7022 0410 0000 8782 3374

MANAGEMENT

**P.I. NUMBER: 18-014** 

Willie L. Guthrie 466 Jointer Avenue Acottsdale, GA 30079 Page 2 Project: PKG 7 P.I. Number: 18-014

County: DeKalb Parcel: 0050

Upon receipt of your request for an administrative review, an authorized representative of DeKalb County will contact you to arrange a meeting for a discussion of your views and supporting documentation of the value of your property. With this being the final effort for settlement, please be prepared to furnish any supporting documentation. You are not required to be represented by an attorney; however, anyone you deem necessary may accompany you. Should this final review fail to produce an agreement, condemnation action will be initiated.

Legal proceedings will be instituted after <u>November 1, 2022</u>, if we have not received an executed option, a request for an administrative review, or some other form of satisfactory reply. We regret that such action may become necessary, but we must proceed with acquisition in order to meet the scheduled construction dates.

Yours Very Truly,

Jeff Joyner S.E. Region Right of Way Manager

Atlas Technical Consultants LLC

cc: Chase Fuller, Atlas Technical Consultants

Date:

Jeff Joyner S.E. Region Right of Way Manager Atlas Technical Consultants LLC 2450 Commerce Avenue Suite 100 Duluth, GA 30096-8910

Subject:	Administrative A	ppeal of Fair	Market Value
	Project Number:	18-014	
	County:	<u>DeKalb</u>	
	Parcel Number:	<u>0050</u>	

Dear Mr. Joyner:

I am requesting that you review the offer that was presented to me by Atlas Technical Consultants LLC. After having considered the County's offer of **\$6,000.00**, I am of the opinion that the least I can settle this matter for is **\$\_\_\_\_\_** in view of the following support of my estimate of value. (A settlement amount must be specified for consideration):

Name:	 	
Address:	 	
Email:	 	
Phone #:	 	
Signature:		

4572 Memorial Drive | Decatur, GA 30032 | P: (770) 621-7200 F: (770) 621 – 7271 www.dekalbwatershed.com

# INTENT TO CONDEMN LETTER EXHIBIT 4

770.621.7200 (o)Watershed Management770.621.7271 (f)1580 Roadhaven DriveDeKalbCountyga.govStone Mountain, GA 30083

David E. Hayes, Director



February 15, 2023 Certified Mail Receipt: 7020 1810 0000 5721 0062

Willie L. Gutherie 466 Jointer Avenue Scottsdale, GA 30079

Re: Intent to Condemn-DeKalb County, Georgia for Public Sanitary Sewer Collection and Treatment and Wastewater Purposes

Project Tract No. 18-014-050 Property Parcel Tax ID # 18-046-04-007, Property Address: 466 Jointer Avenue, Scottsdale, GA 30079

Dear Property Owners:

Under Georgia State Laws, a County is empowered to acquire private property for public use by payment of just and adequate compensation for that property. Based on our appraisal of your property, DeKalb County is offering payment to you in the amount of **\$1,010.00**. Since negotiations have failed, it is being recommended that your property be acquired through condemnation action, which will assure you of having opportunity to present evidence of value in a condemnation proceeding and the right of appeal for a jury trial.

The DeKalb County Board of Commissioners will consider a resolution to condemn your property at its regularly scheduled meeting held on **Tuesday, February 28, 2023 at 10:00 a.m. at the Manuel J. Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030**. While your presence at this meeting is not required, you may attend if you so desire. Should the Board vote to condemn your property, you will be notified.

If you receive a carbon copy of this letter, we may not be condemning your ownership interest in this property; however, we are giving all parties who have any ownership interest in this property notice of this intent to condemn. For your review, we have attached a plat and legal description showing the actual boundaries of the property being considered for condemnation so that you can determine if your ownership interest is affected.

I would like to point out that even after the initiation of condemnation proceedings, the County will work with you in an attempt to reach a mutual agreement. In the meantime, should you decide

Chief Executive Officer Michael Thurmond

Board of Commissioners

District 1 Robert Patrick

District 2 Michelle Long Spears

> District 3 Larry Johnson

District 4 Stephen Bradshaw

District 5 Mereda Davis Johnson

> District 6 Edward "Ted" Terry

District 7 Lorraine Cochran-Johnson to reconsider the County's offer or if you have any questions, please call Rasheedah Oliver at (404) 454-8559.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions regarding this correspondence.

Sincerely,

David Hayes

David Hayes Director of Watershed Management Division