

RESOLUTION # 2018 - _____

**RESOLUTION TO AUTHORIZE THE ACQUISITION OF
PARCELS OF LAND FOR PUBLIC ROAD RIGHT OF
WAY AND OTHER USES IN LAND LOT 206 OF THE 16TH
LAND DISTRICT OF ROCKDALE COUNTY, GEORGIA
BY NEGOTIATED CONTRACT OR CONDEMNATION
PURSUANT TO PROVISIONS OF TITLES 22 AND 32
OF THE OFFICIAL CODE OF GEORGIA ANNOTATED**

Tax Map Parcel Numbered: 011-0-01-008A

WHEREAS, Rockdale County, Georgia, owns and operates public streets, roads, highways and transportation systems for vehicular and pedestrian traffic on behalf of the residents of Rockdale County; and

WHEREAS, various fee simple and easement parcels of real property are needed and necessary for the construction and improvement of certain of said streets, roadways, highways and transportation systems and related equipment and facilities in conjunction with the said systems; and

WHEREAS, various fee simple and easement parcels of real property are needed and necessary for effective and efficient improvements (Klondike Road (CR57) / McDaniel Mill Road (CR62) / Hurst Road Intersection Improvements Project); and

WHEREAS, the above identified parcels of land, or portions thereof, in Land Lot 206 of the 16th District of Rockdale County have been identified as necessary for the construction and improvement of said systems; and

WHEREAS, negotiations to secure a contract or option for the acquisition of the needed property above described are authorized but condemnation of the same may be necessary;

NOW, THEREFORE, be it resolved by the Board of Commissioners of Rockdale County, Georgia as follows:

The Board of Commissioners hereby authorizes the acquisition of the necessary parcel(s) set forth above or portions thereof for street, road and highway projects through negotiation or the

Parcel No. 4

2018-528

use of eminent domain procedures of construction of said project and other related purposes allowed by law.

The Board hereby specifically finds that the circumstances are such that it is necessary that the real property rights as described in this Resolution be acquired by negotiation or condemnation pursuant to the provisions of O.C.G.A. Titles 22 and 32 and the County Attorney and/or his agents and designees are hereby specifically authorized to undertake such proceedings as may be necessary in accordance with the provisions of said Code and the procedures as set out therein.

The resolution shall be effective immediately upon adoption and is herewith adopted this ____ day of _____ 2018.

Rockdale County, Georgia
Board of Commissioners

Osborn Nesbitt, Sr., Chairman

ATTEST:

Sherri L. Washington., Commissioner Post I

Jennifer O. Rutledge, County Clerk/
Director of Legislative Affairs

Dr. Doreen Williams, Commissioner Post II

Approved as to form:

M. Qader A. Baig, County Attorney

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Right of Way)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: August 09, 2018

Page 1 of 6

All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

Beginning at a point 21.32 feet left of and opposite Station 106+39.23 on the construction centerline of McDaniel Mill Rd. on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 81°08'19.8" W a distance of 15.27 feet to a point 34.95 feet left of and opposite station 106+32.34 on said construction centerline laid out for MC DANIEL MILL RD; thence N 55°55'01.9" E a distance of 31.61 feet to a point 24.00 feet left of and opposite station 106+62.00 on said construction centerline laid out for MC DANIEL MILL RD; thence N 35°39'06.2" E a distance of 14.14 feet to a point 24.00 feet left of and opposite station 106+76.14 on said construction centerline laid out for MC DANIEL MILL RD; thence southwesterly 37.014 feet along the arc of a curve (said curve having a radius of 582.390 feet and a chord distance of 37.008 feet on a bearing of S 31°29'28.9" W) back to the point of beginning. Containing 0.004 acres more or less.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Permanent Construction Easement for Slopes and Utilities – Tract 1)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: August 09, 2018

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All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

ALSO, granted is the right to construct and maintain any required slopes and utilities within the easement area shown colored orange on the attached plat.

Beginning at a point 34.95 feet left of and opposite Station 106+32.34 on the construction centerline of McDaniel Mill Rd. on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 81°48'22.2" W a distance of 5.69 feet to a point 40.00 feet left of and opposite station 106+29.72 on said construction centerline laid out for MC DANIEL MILL RD; thence N 33°03'56.4" E a distance of 44.33 feet to a point 42.00 feet left of and opposite station 106+74.00 on said construction centerline laid out for MC DANIEL MILL RD; thence N 28°56'30.7" E a distance of 51.35 feet to a point 48.00 feet left of and opposite station 107+25.00 on said construction centerline laid out for MC DANIEL MILL RD; thence N 53°58'25.5" E a distance of 26.34 feet to a point 39.72 feet left of and opposite station 107+50.00 on said construction centerline laid out for MC DANIEL MILL RD; thence S 35°21'24.1" W a distance of 47.26 feet to a point 39.48 feet left of and opposite station 107+02.74 on said construction centerline laid out for MC DANIEL MILL RD; thence southwesterly 70.585 feet along the arc of a curve (said curve having a radius of 597.392 feet and a chord distance of 70.543 feet on a bearing of S 31°58'18.5" W) back to the point of beginning. Containing 0.013 acres more or less.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Permanent Construction Easement for Slopes – Tract 2)
DATE OF RW PLANS: June 10, 2016
REVISION DATE: August 09, 2018

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All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

ALSO, granted is the right to construct and maintain any required slopes within the easement area shown colored orange on the attached plat.

Beginning at a point 25.26 feet left of and opposite Station 7+79.45 on the construction centerline of Hurst Rd. on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 0°46'16.9" W a distance of 14.74 feet to a point 40.00 feet left of and opposite station 7+79.26 on said construction centerline laid out for HURST RD; thence N 89°57'35.9" E a distance of 21.90 feet to a point 40.00 feet left of and opposite station 8+01.16 on said construction centerline laid out for HURST RD; thence southeasterly 122.131 feet along the arc of a curve (said curve having a radius of 670.000 feet and a chord distance of 121.962 feet on a bearing of S 84°49'05.9" E) to the point 40.00 feet left of and opposite station 9+16.00 on said construction centerline laid out for HURST RD; thence S 74°54'48.9" E a distance of 36.16 feet to a point 38.02 feet left of and opposite station 9+50.00 on said construction centerline laid out for HURST RD; thence northwesterly 68.938 feet along the arc of a curve (said curve having a radius of 900.480 feet and a chord distance of 68.921 feet on a bearing of N 85°10'23.8" W) to the point 31.15 feet left of and opposite station 8+84.96 on said construction centerline laid out for HURST RD; thence S 89°56'03.5" W a distance of 109.40 feet back to the point of beginning. Containing 0.041 acres more or less.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Permanent Construction Easement for Slopes and Utilities – Tract 3)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: August 09, 2018

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All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

ALSO, granted is the right to construct and maintain any required slopes and utilities within the easement area shown colored orange on the attached plat.

Beginning at a point 34.95 feet left of and opposite Station 106+32.34 on the construction centerline of McDaniel Mill Rd. on Georgia Highway Project No. CSSTP-0006-00(932); running thence northeasterly 70.585 feet along the arc of a curve (said curve having a radius of 597.392 feet and a chord distance of 70.543 feet on a bearing of N 31°58'18.5" E) to the point 39.48 feet left of and opposite station 107+02.74 on said construction centerline laid out for MC DANIEL MILL RD; thence N 35°21'24.1" E a distance of 47.26 feet to a point 39.72 feet left of and opposite station 107+50.00 on said construction centerline laid out for MC DANIEL MILL RD; thence N 35°20'26.2" E a distance of 23.98 feet to a point 39.85 feet left of and opposite station 107+74.00 on said construction centerline laid out for MC DANIEL MILL RD; thence S 54°22'49.5" E a distance of 14.62 feet to a point 25.23 feet left of and opposite station 107+74.00 on said construction centerline laid out for MC DANIEL MILL RD; thence S 35°02'51.1" W a distance of 71.17 feet to a point 24.48 feet left of and opposite station 107+02.82 on said construction centerline laid out for MC DANIEL MILL RD; thence southwesterly 26.687 feet along the arc of a curve (said curve having a radius of 582.390 feet and a chord distance of 26.684 feet on a bearing of S 34°37'29.4" W) to the point 24.00 feet left of and opposite station 106+76.14 on said construction centerline laid out for MC DANIEL MILL RD; thence S 35°39'06.2" W a distance of 14.14 feet to a point 24.00 feet left of and opposite station 106+62.00 on said construction centerline laid out for MC DANIEL MILL RD; thence S 55°55'01.9" W a distance of 31.61 feet back to the point of beginning. Containing 0.043 acres more or less.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Permanent Construction Easement for Slopes – Tract 4)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: August 09, 2018

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All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

ALSO, granted is the right to construct and maintain any required slopes within the easement area shown colored orange on the attached plat.

Beginning at a point 25.23 feet left of and opposite Station 107+74.00 on the construction centerline of McDaniel Mill Rd. on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 54°22'49.5" W a distance of 14.62 feet to a point 39.85 feet left of and opposite station 107+74.00 on said construction centerline laid out for MC DANIEL MILL RD; thence N 35°21'38.2" E a distance of 97.87 feet to a point 39.84 feet left of and opposite station 108+72.16 on said construction centerline laid out for MC DANIEL MILL RD; thence S 41°30'10.6" E a distance of 14.48 feet to a point 25.75 feet left of and opposite station 108+68.83 on said construction centerline laid out for MC DANIEL MILL RD; thence S 35°02'51.1" W a distance of 94.65 feet back to the point of beginning. Containing 0.032 acres more or less.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 4 (Temporary Driveway Easement)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: August 09, 2018

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All that tract or parcel of land lying and being in Land Lots 206 and 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

Also, granted is the right to an easement for the construction of a driveway as shown colored pink on the attached plat.

Said easement expires upon completion and final acceptance of said project by the Department of Transportation.

APPENDIX "B"
TO
EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE ACQUIRED

PROJECT NO. CSSTP-0006-00(932)

RECORD OWNERS:

Anthony K. Turner
1095 McDaniel Mill Road, SW
Conyers (Rockdale County), GA 30094-5555

Nationstar Mortgage, LLC, d/b/a/ Mr. Cooper (MERS)
c/o Corporation Service Company, Reg. Agent
40 Technology Parkway South, Suite 300
Norcross (Gwinnett County), Georgia 30092

Rockdale County Tax Commissioner
969 Pine Street
Conyers, Georgia 30012

Said interests as described on Pages ___ and ___ of Appendix "A" are for public transportation and other public purposes, as defined by law across and over certain tracts of land located in Land Lot 206 of the 16th Land District of Rockdale County, said tracts of land consisting of approximately .133 acre.

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, COBB COUNTY

Personally comes, MATTHEW J. RAHN, MAI, of Carr, Rahn & Associates, Inc., whose business address is 1770 The Exchange, Suite 230, Atlanta, Georgia 30339, who on oath says:

1. Affiant was employed by the Department of Transportation to appraise Parcel No. 4 of the right of way and rights required for construction of Project No. CSSTP-0006-00(932) in Rockdale County, Georgia for said Department 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 parcel.

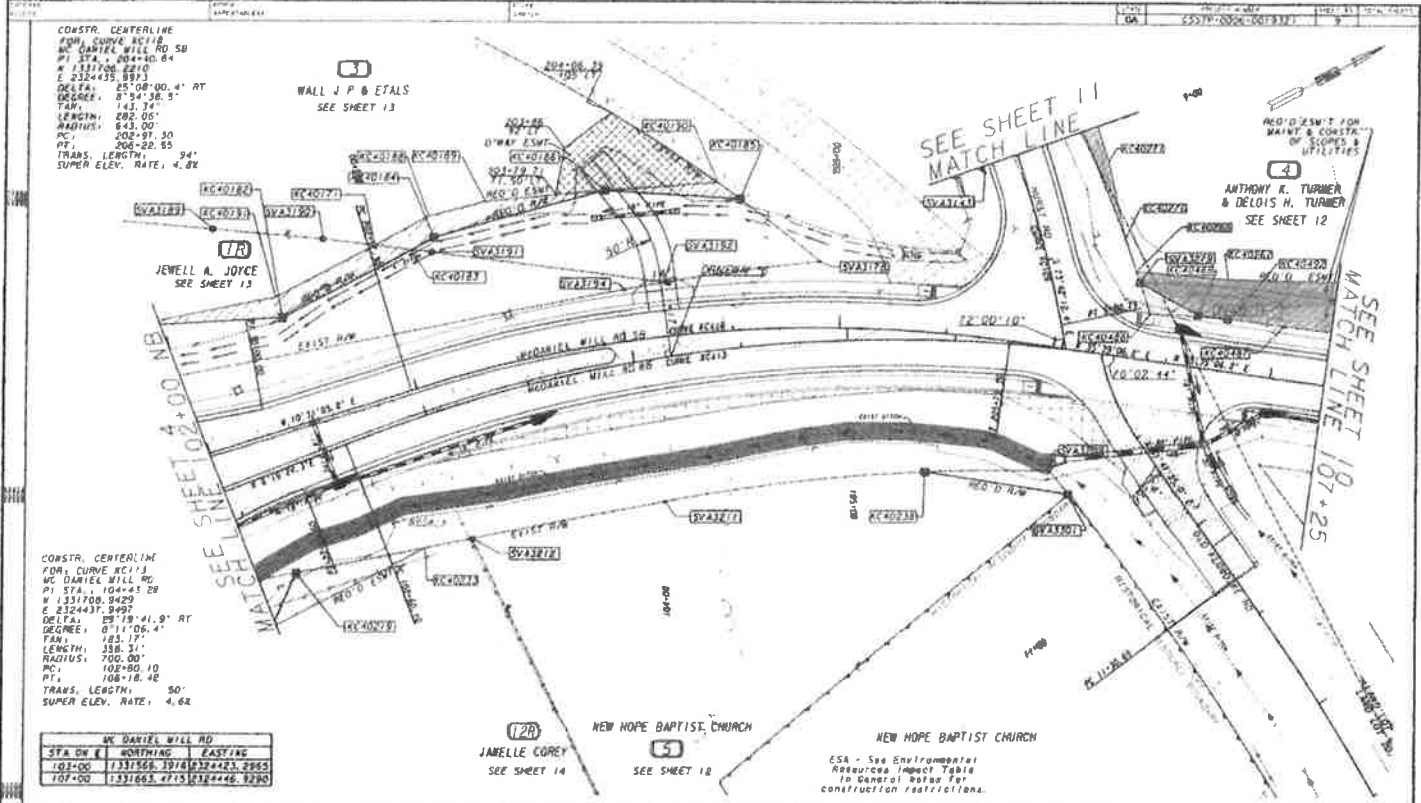
2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnees by reason of the taking and use of said parcel 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 parcel, and any consequential damages or benefits considered, is in the amount of \$13,400.



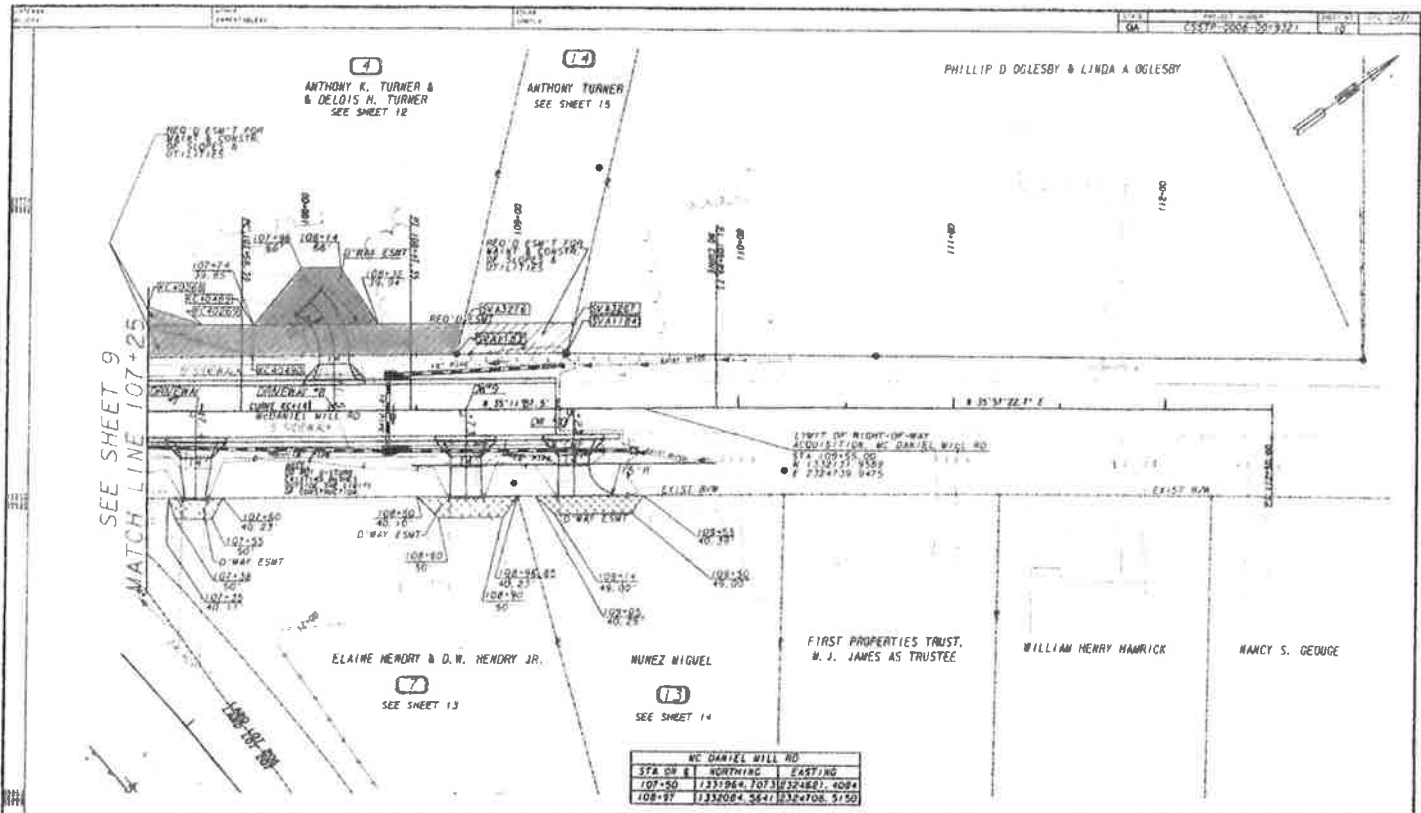

APPRAISER

Sworn to and subscribed before me, this 13th day of November, 2018.


NOTARY PUBLIC
My commission expires 07/28/22



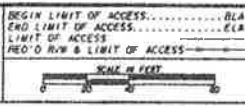
PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIGHTS EASEMENT FOR CONSTR. & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR. OF SLOPES EASEMENT FOR CONSTR. OF DRIVES		BEGIN LIMIT OF ACCESS.....OLA END LIMIT OF ACCESS.....ELA LIMIT OF ACCESS REQ'D R/W & LIMIT OF ACCESS		GEORGIA DEPARTMENT OF TRANSPORTATION	DATE REVISIONS 6/20/17 UPDATED PLAN AND GRADING, EROSION LIMITS, AND CONED 7/27/17 ELIMINATED PARCEL 11, COMBINED INTO PARCEL 1 12/18/17 RECD DRIVEWAY AND DRIVEWAY EASEMENT TO PARCEL 11 4/25/18 PARCEL 12 NORTH REBARRED CHANGED TO PARCEL 10 7/26/18 UPDATED PARCEL 4, ADDED PARCEL 4 A.W. SECTS J & K	DATE REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAN LAND LOT NO. 206, 207 LAND DISTRICT 4 PROJECT NO. CS57P-0006-001937 COUNTY, ROCKDALE SMD, 476 DATE 08/10/16 34 9 OF 35
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SEE SHEET 9
MATCH LINE 107+25

MC DANIEL WILL AD	
374 OF E	NORTHING EASTING
107+50	1331964.70731324821, 4084
108+57	1332084.56418324708, 5150

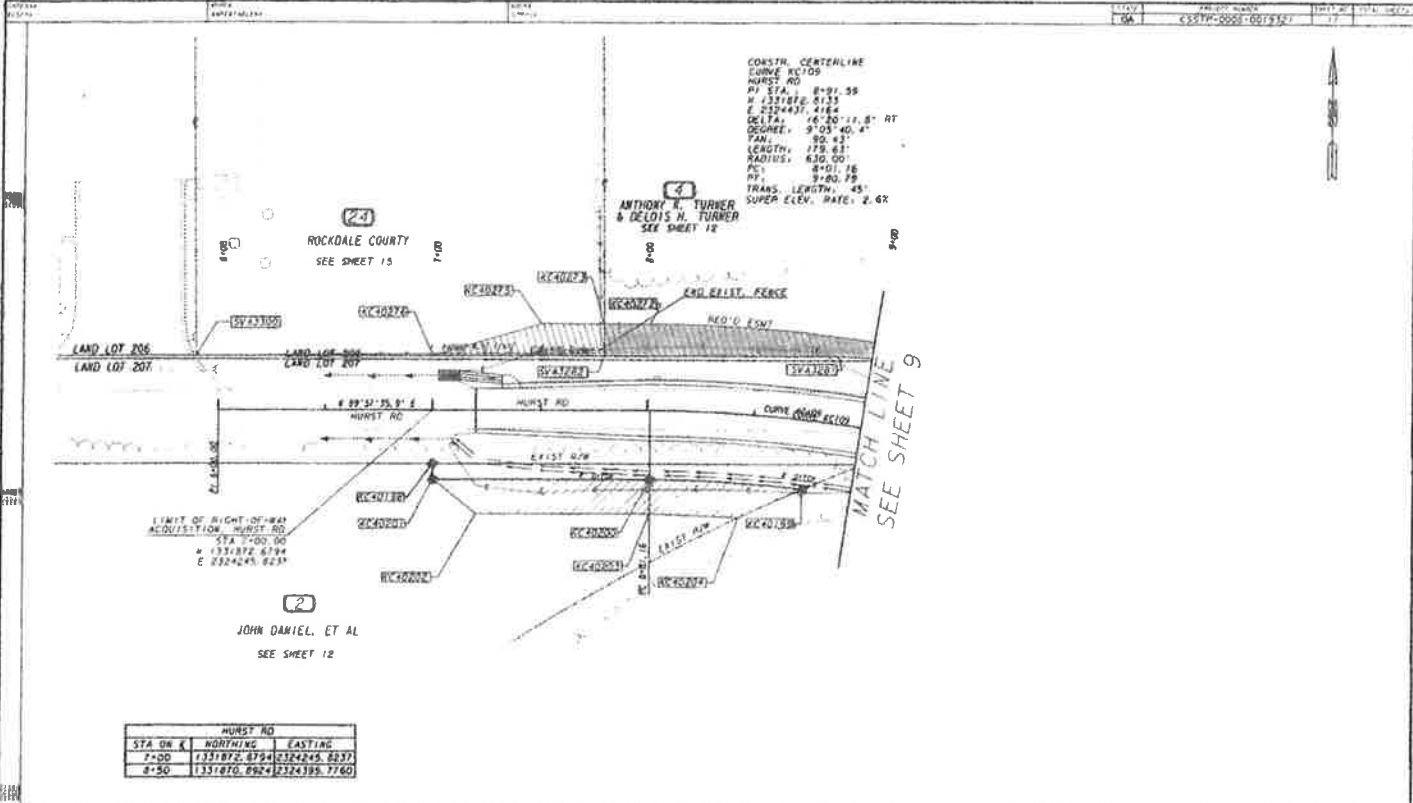
PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTRUCTION
& MAINTENANCE OF SLOPES
EASEMENT FOR CONSTRUCTION OF DRIVES



GEORGIA
DEPARTMENT
OF
TRANSPORTATION

DATE	REVISIONS	DATE	REVISIONS
8/20/17	WORKED PLAN FOR BRIDGE (EMPH. LIMITS, PM & BMP)		
8/11/17	COMPLETED STAKEOUT/SURVEYS AT PM 1 OF EXISTENT 2		
	ADDED NOTE ON PARCEL 1		
7/27/18	ADDED PARCEL 13 WITH DRIVEWAY, DRIVEWAY EASEMENT		
7/16/18	SPLITTED PARCEL 4, ADDED PAR 4 EWAYS 1 & 2		
8/17/18	ADDED PARCEL 14 ESMT		

STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY PLAN	
LAND LOT NO. 207	
LAND DISTRICT, 4	
PROJECT NO. CSSTP-0006-001572	
COUNTY, ROCKDALE	
NSD, 476	
DATE 06/10/18	SH 10 OF 15



CONSTR. CENTERLINE
 CURVE KCI09
 HURST RD
 PI STA. 8+91.58
 P 1331872.5133
 E 2324421.1164
 DELTA: 16°20'11.8" RT
 DEGREE: 9°05'40.4"
 TAN: 80.43
 LENGTH: 178.63'
 RADIUS: 630.00'
 PC: 8+01.16
 PT: 9+80.59
 TRANS. LENGTH: 45'
 SUPER ELEV. RATE: 2.4%

ANTHONY R. TURNER
 & DELOIS H. TURNER
 SEE SHEET 12

ROCKDALE COUNTY
 SEE SHEET 15

JOHN DANIEL, ET AL
 SEE SHEET 12

HURST RD		
STA ON	NORTHING	EASTING
7+00	1331872.8794	2324245.8237
8+50	1331870.8924	2324385.7760

PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES	BEGIN LIMIT OF ACCESS END LIMIT OF ACCESS LIMIT OF ACCESS RED-D R/W & LIMIT OF ACCESS	BILA ELA	GEORGIA DEPARTMENT OF TRANSPORTATION	DATE	REVISIONS	DATE	REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAN LAND LOT NO. 206, 207 LAND DISTRICT # PROJECT NO. CSSTP-0006-001932 COUNTY: ROCKDALE DWG. #16 DATE 08/10/18 17 OF 15
				6/25/17	ISSUED PER NEW DRAWING. CONSTR. LIMITS PER 2.1.24 ORDER			

IN THE SUPERIOR COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

ROCKDALE COUNTY, GEORGIA)	CIVIL ACTION
)	
Plaintiff/ Condemnor,)	FILE NO. _____
)	
vs.)	
)	
.133 ACRE OF LAND AND CERTAIN)	
EASEMENT RIGHTS; ANTHONY K.)	
TURNER; NATIONSTAR MORTGAGE,)	
LLC, D/B/A, MR. COOPER (MERS); AND)	
THE ROCKDALE COUNTY TAX)	
COMMISSIONER, INDIVIDUALLY)	
)	
Defendant/ Condemnee,)	

DECLARATION OF TAKING

EXHIBIT "A"

WHEREAS, the Chairman and CEO of the Board of Commissioners of Rockdale County has made and entered an order finding that the circumstances in connection with acquiring certain property for transportation purposes are such that it is necessary to acquire the title, estate or interest in the lands as fully described in said order, a certified copy of which is attached to this Declaration identified as Appendix "A" to Exhibit "A" and made a part hereof, under the Official Code of Georgia Annotated §§ 32-3-4 through §32-3-19; and

WHEREAS, said acquisition is for public transportation and other public purposes upon, across, and over the tract of land in said county, as fully described in the attachment hereto identified as Appendix "B" to Exhibit "A" and made a part hereof; and

WHEREAS, Rockdale County has caused an investigation and report to be made by a competent land appraiser, upon which to estimate the sum of money to be deposited in the Court as just and adequate compensation for the property above referred to, a copy of the appraiser's

sworn statement being attached hereto identified as Appendix "C" to Exhibit "A" and made part hereof; and

WHEREAS, in consequence of the sworn statement, Appendix "C" to Exhibit "A", Rockdale County estimates **\$13,400.00** as the just and adequate compensation to be paid for said property as fully described in Appendix "A" to Exhibit "A" attached hereto, and now deposited said sum in the Court, to the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Rockdale County, under authority of the provisions of Official Code of Georgia Annotated §§ 32-3-4 through § 32-3-19, hereby declares that the property or interest therein as described in Appendix "A" to Exhibit "A" attached to and a part of this Declaration, is taken for public transportation and other public purposes.

This the ____ day of November, 2018

ROCKDALE COUNTY, GEORGIA

BY: _____
Osborn Nesbitt, Sr., Chairman

Attest:

By: _____
Jennifer O. Rutledge, County Clerk

APPENDIX "A"

GEORGIA, ROCKDALE COUNTY

I, **JENNIFER O. RUTLEDGE**, do hereby certify that I am Clerk to the Board of Commissioners of Rockdale County.

I further certify that the foregoing ____ () pages constitute a true and correct exact copy of an Order of the Chairman of the Board of Commissioners of Rockdale County entered on the ____ day of _____, 2018 as same applies to the tract or parcel of land described in said ____ () pages; and the original of said Order is on file at my office at Rockdale County Board of Commissioners, Conyers, Georgia.

Given under my hand and the Seal of Rockdale County, this ____ day of _____, 2018.

JENNIFER O. RUTLEDGE
Clerk, Rockdale County
Georgia

{Rockdale County, Georgia Seal}