RESOLUTION # 2018 - TO

RESOLUTION TO AUTHORIZE THE ACQUISITION OF PARCELS OF LAND FOR PUBLIC ROAD RIGHT OF WAY AND OTHER USES IN LAND LOT(S) 207 OF THE 4TH 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: 011-0-01-0005

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(s) 207 of the 4th 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. 2
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 24th day of July 2018.

ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS

By: Oz Nesbitt, Chairman

By: Sherry L. Washington, Post 4

By: Doreen Williams, Ph. D., Post 2

Attest:

By: Jennifer O. Rutledge, County Clerk

Approved as to form:

By: M. Qader A. Baig, County Attorney

Parcel No. 2
EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932)  Rockdale County
P. I. NO.: 0008932
PARCEL NO.: 2 (Right of Way – Tract 1)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: December 14, 2017

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

Beginning at a point 39.31 feet left of and opposite Station 503+00.00 on the construction centerline of Klondike Road on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 51°51'06.8" W a distance of 0.69 feet to a point 40.00 feet left of and opposite station 503+00.00 on said construction centerline laid out for KLONDIKE RD; thence northeasterly 84.654 feet along the arc of a curve (said curve having a radius of 760,000 feet and a chord distance of 84.611 feet on a bearing of N 34°57'25.5" E) to the point 40.00 feet left of and opposite station 503+89.11 on said construction centerline laid out for KLONDIKE RD; thence N 31°45'56.6" E a distance of 29.87 feet to a point 40.00 feet left of and opposite station 504+18.98 on said construction centerline laid out for KLONDIKE RD; thence N 28°02'24.5" E a distance of 162.84 feet to a point 44.00 feet left of and opposite station 505+83.49 on said construction centerline laid out for KLONDIKE RD; thence northeasterly 51.626 feet along the arc of a curve (said curve having a radius of 444,000 feet and a chord distance of 51.597 feet on a bearing of N 32°24'28.9" E) to the point 44.00 feet left of and opposite station 506+30.00 on said construction centerline laid out for KLONDIKE RD; thence N 33°58'13.5" E a distance of 78.97 feet to a point 53.36 feet left of and opposite station 507+00.00 on said construction centerline laid out for KLONDIKE RD; thence S 29°28'18.1" W a distance of 109.19 feet to a point 35.52 feet left of and opposite station 508+02.79 on said construction centerline laid out for KLONDIKE RD; thence S 30°10'05.2" W a distance of 162.59 feet to a point 37.82 feet left of and opposite station 504+40.99 on said construction centerline laid out for KLONDIKE RD; thence southwesterly 135.863 feet along the arc of a curve (said curve having a radius of 904.498 feet and a chord distance of 135.735 feet on a bearing of S 34°17'20.0" W) back to the point of beginning. Containing 0.040 acres more or less.
EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 2 (Right of Way – Tract 2)
DATE OF RAW PLANS: June 10, 2016
REVISION DATE: December 14, 2017

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

Beginning at a point 24.77 feet right of and opposite Station 7+00.00 on the construction centerline of Hurst Road on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 89°56’03.5” E a distance of 200.13 feet to a point 16.64 feet right of and opposite station 9+03.27 on said construction centerline laid out for HURST RD; thence S 67°26’30.5” W a distance of 30.18 feet to a point 32.00 feet right of and opposite station 8+76.24 on said construction centerline laid out for HURST RD; thence northwesterly 71.263 feet along the arc of a curve (said curve having a radius of 598.000 feet and a chord distance of 71.221 feet on a bearing of N 86°37’35.4” W) to the point 32.00 feet right of and opposite station 8+01.16 on said construction centerline laid out for HURST RD; thence S 89°57’35.9” W a distance of 101.16 feet to a point 32.00 feet right of and opposite station 7+00.00 on said construction centerline laid out for HURST RD; thence N 0°02’24.1” W a distance of 7.23 feet back to the point of beginning. Containing 0.035 acres more or less.
All that tract or parcel of land lying and being in Land Lot 207 of the 4th Land District of Rockdale County, Georgia, being more particularly described as follows:

BEGINNING at a point 40.00 feet left of and opposite Station 503+00.00 on the construction centerline of Klondike Road on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 0°29'49.4" W a distance of 41.16 feet to a point 65.00 feet left of and opposite station 503+35.00 on said construction centerline laid out for KLONDIKE RD; thence northeasterly 49.714 feet along the arc of a curve (said curve having a radius of 735.000 feet and a chord distance of 49.704 feet on a bearing of N 33°42'13.5" E) to the point 65.00 feet left of and opposite station 503+89.11 on said construction centerline laid out for KLONDIKE RD; thence N 31°45'56.6" E a distance of 29.87 feet to a point 65.00 feet left of and opposite station 504+18.98 on said construction centerline laid out for KLONDIKE RD; thence N 31°34'46.3" E a distance of 138.09 feet to a point 60.00 feet left of and opposite station 505+60.00 on said construction centerline laid out for KLONDIKE RD; thence N 34°23'02.8" E a distance of 157.70 feet to a point 65.00 feet left of and opposite station 507+00.00 on said construction centerline laid out for KLONDIKE RD; thence N 59°57'57.9" E a distance of 22.01 feet to a point 60.10 feet left of and opposite station 507+18.56 on said construction centerline laid out for KLONDIKE RD; thence S 29°28'18.1" W a distance of 22.23 feet to a point 53.36 feet left of and opposite station 507+00.00 on said construction centerline laid out for KLONDIKE RD; thence S 33°58'13.5" W a distance of 78.97 feet to a point 44.00 feet left of and opposite station 506+30.00 on said construction centerline laid out for KLONDIKE RD; thence southwesterly 51.626 feet along the arc of a curve (said curve having a radius of 444.000 feet and a chord distance of 51.597 feet on a bearing of S 32°24'28.9" W) to the point 44.00 feet left of and opposite station 505+83.48 on said construction centerline laid out for KLONDIKE RD; thence S 28°02'24.5" W a distance of 162.64 feet to a point 40.00 feet left of and opposite station 504+18.98 on said construction centerline laid out for KLONDIKE RD; thence S 31°45'56.6" W a distance of 29.87 feet to a point 40.00 feet left of and opposite station 503+89.11 on said construction centerline laid out for KLONDIKE RD; thence southwesterly 84.654 feet along the arc of a curve (said curve having a radius of 760.000 feet and a chord distance of 84.611 feet on a bearing of S 34°57'25.5" W) back to the point of beginning. Containing 0.169 acres more or less.
EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932)  Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 2 (Permanent Construction Easement – Tract 2)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: December 14, 2017

All that tract or parcel of land lying and being in Land Lot 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 32.00 feet right of and opposite Station 7+00.00 on the construction centerline of Hurst Road on Georgia Highway Project No. CSSTP-0006-00(932); running thence N 89°57’35.9" E a distance of 101.16 feet to a point 32.00 feet right of and opposite station 8+01.16 on said construction centerline laid out for HURST RD; thence southeasterly 71.263 feet along the arc of a curve (said curve having a radius of 598.000 feet and a chord distance of 71.221 feet on a bearing of S 86°37’35.4" E) to the point 32.00 feet right of and opposite station 8+76.24 on said construction centerline laid out for HURST RD; thence S 65°39’44.0" W a distance of 32.22 feet to a point 48.00 feet right of and opposite station 8+46.37 on said construction centerline laid out for HURST RD; thence N 87°59’04.5" W a distance of 41.76 feet to a point 48.00 feet right of and opposite station 8+01.16 on said construction centerline laid out for HURST RD; thence S 89°57’35.9" W a distance of 81.16 feet to a point 48.00 feet right of and opposite station 7+20.00 on said construction centerline laid out for HURST RD; thence N 51°22’48.8" W a distance of 25.61 feet back to the point of beginning. Containing 0.055 acres more or less.
APPENDIX “B”
TO
EXHIBIT “A”

DESCRIPTION OF PROPERTY TO BE ACQUIRED
PROJECT NO. CSSTP-0006-00(932)

RECORD OWNERS:
John Daniel, c/o Danco Properties
P.O. Box 681742
Franklin, Tennessee 37068

Carla Daniel, c/o Danco Properties
P.O. Box 681742
Franklin, Tennessee 37068

IRA Innovations, Inc., c/o t/b/o Austin B. Daniel
Roth IRA Account #2201957
P.O. Box 681742
Franklin, Tennessee 37068

IRA Innovations, Inc., t/b/o David W. Daniel
Roth IRA Account #2201958
P.O. Box 681742
Franklin, Tennessee 37068

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(s) 207 of the 4th Land District of Rockdale County, said tracts of land consisting of approximately .299 acre.

Parcel No. 2
APPENDIX "C" TO EXHIBIT "A"

GEORGIA, ROCKDALE COUNTY

Personally comes, MATTHEW J. RAHN, MAI, of Carr. Rahnt & Associates, Inc., whose business address is 1506 Klondike Road, Suite 403, Conyers, Georgia 30094, who on oath says:

1. Affiant was employed by the Department of Transportation to appraise Parcel No. 2 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 $5,400.

[Signature]
APPRAISER

Sworn to and subscribed before me, this 17th day of April, 2018.

[Signature]
NOTARY PUBLIC
My commission expires 8/5/2018

Parcel No. 2
EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 2 (Right of Way – Tract 1)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: December 14, 2017

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EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
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EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932)  Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 2 (Permanent Construction Easement – Tract 1)
DATE OF R/W PLANS: June 10, 2016
REVISION DATE: December 14, 2017

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EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
P. I. NO.: 0006932
PARCEL NO.: 2 (Permanent Construction Easement – Tract 2)
DATE OF R/W PLANS: June 10, 2016
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DEPARTMENT OF TRANSPORTATION
ROCKDALE COUNTY
RIGHT OF WAY OF PROPOSED
KLONDIKE ROAD (CR 57) / MCDANIEL MILL ROAD (CR 62) / HURST ROAD INTERSECTION IMPROVEMENTS

CSSTP-0006-00 (932)
P.I. NO. 0006932
FEDERAL ROUTE * N/A
STATE ROUTE * N/A

FUNCTIONAL CLASS
MIXED THROUGH TRAFFIC COLLECTOR STREET
KLONDIKE RD EAST OF MCDANIEL MILL/HURST ROAD
URBAN HIGHWAY STREET

PROJECT INFORMATION
This project is located in ROCKDALE COUNTY and is
part of a larger project.
- Project designation & project
- Designated in English units

SCALE: 1" = 200' 1" = 200'

LENGTH OF RIGHT OF WAY PROJECT

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REVISIONS
- SHEET 2 OF 2
- SHEET 1 OF 2
- SHEET 3 OF 2
- SHEET 4 OF 2
- SHEET 5 OF 2
- SHEET 6 OF 2
- SHEET 7 OF 2
IN THE SUPERIOR COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

ROCKDALE COUNTY, GEORGIA

Plaintiff/Condemnor,

vs.

.299 ACRE OF LAND AND CERTAIN EASEMENT RIGHTS; JOHN DANIEL; CARLA DANIEL; IRA INNOVATIONS, INC. F/B/O AUSTIN B. DANIEL ROTH IRA ACCOUNT #2201957; IRA INNOVATIONS INC. F/B/O DAVID W. DANIEL ROTH IRA ACCOUNT #2201958; AND THE ROCKDALE COUNTY TAX COMMISSIONER, INDIVIDUALLY

Defendant/Condemnee,

CIVIL ACTION

FILE NO. __________________

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

Parcel No. 2
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 $5,400.00 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 24th day of July, 2018

ROCKDALE COUNTY, GEORGIA

BY: ____________________________
Oz Nesbitt, Chairman

Attest:

By: ____________________________
Jennifer O. Rutledge, County Clerk

Parcel No. 2
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 24th day of July, 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 24th day of July, 2018.

JENNIFER O. RUTLEDGE
Clerk, Rockdale County
Georgia

{Rockdale County, Georgia Seal}