

RESOLUTION # 2018 - 27

**RESOLUTION TO AUTHORIZE THE ACQUISITION OF
PARCELS OF LAND FOR PUBLIC ROAD RIGHT OF
WAY AND OTHER USES IN LAND LOT(S) 264 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: 041-0-01-016J

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 (Multi-Use Path along Sigman Road from Lester Road to Irwin Bridge Road – P.I. No. 0012886); and

WHEREAS, the above identified parcels of land, or portions thereof, in Land Lot(s) 264 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:

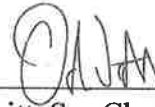
The Board of Commissioners hereby authorizes the acquisition of the necessary parcel(s) set forth above or portions thereof for street, road and highway projects through negotiation or the

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 13 day of November 2018.

Rockdale County, Georgia
Board of Commissioners

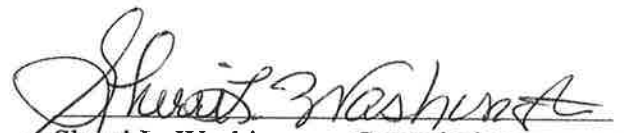


Osborn Nesbitt, Sr., Chairman


ATTEST:



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

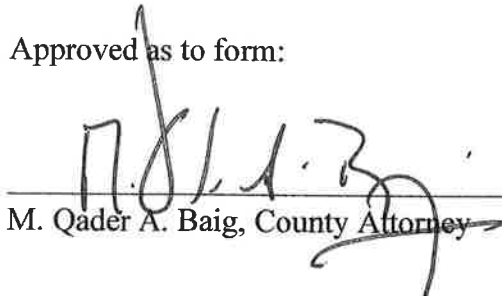


Sherri L. Washington, Commissioner Post I



Dr. Doreen Williams, Commissioner Post II

Approved as to form:



M. Qader A. Baig, County Attorney

IN THE SUPERIOR COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

ROCKDALE COUNTY, GEORGIA)
)
Plaintiff/ Condemnor,)
)
vs.)
)
.277 ACRE OF LAND AND CERTAIN)
EASEMENT RIGHTS; GARY JENKINS;)
LINDA B. JENKINS; JP MORGAN)
CHASE BANK; 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

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 **\$4,850.00** 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 _____, 2018

ROCKDALE COUNTY, GEORGIA

BY: 
Oz Nesbitt, Chairman

Attest:

By: 
Jennifer O. Rutledge, County Clerk

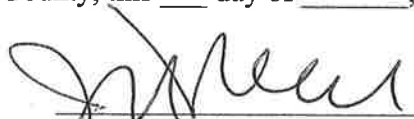
APPENDIX "A"

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}



EXHIBIT "A"

PROJECT NO.: 0012886 Rockdale County
PARCEL NO.: 4
DATE OF R/W PLANS: February 24, 2017
REVISION DATE: November 24, 2017

Page 1 of 2

RIGHT OF WAY

All that tract or parcel of land lying and being in Land Lot 264 of the 16th Land District of Rockdale County, Georgia, being more particularly described as follows:

Beginning at a point 75.00 feet left of and opposite Station 1107+51.36 on the construction centerline of Sigman Road on Georgia Highway Project No. 0012886; running thence S 88°31'32.5" E a distance of 123.64 feet to a point 75.00 feet left of and opposite station 1108+75.00 on said construction centerline laid out for Sigman Road; thence N 87°43'19.5" E a distance of 76.36 feet to a point 80.00 feet left of and opposite station 1109+51.20 on said construction centerline laid out for Sigman Road; thence S 0°55'38.8" W a distance of 43.18 feet to a point 36.81 feet left of and opposite station 1109+51.61 on said construction centerline laid out for Sigman Road; thence N 87°16'54.9" W a distance of 199.97.97 feet to a point 41.16 feet left of and opposite station 1107+51.59 on said construction centerline laid out for Sigman Road; thence N 0°55' 27.6" E a distance of 33.85 feet back to the Point of Beginning.

Containing 0.170 acres more or less. (7,389.36 SF)

EXHIBIT "A"

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Page 2 of 2

PERMANENT EASEMENT FOR THE CONSTRUCTION AND
MAINTENANCE OF SLOPES AND UTILITIES

All that tract or parcel of land lying and being in Land Lot 264 of the 16th Land District of Rockdale County, Georgia, being more particularly described as follows:

Beginning at a point 100.00 feet left of and opposite Station 1107+51.12 on the construction centerline of Sigman Road on Georgia Highway Project No. 0012886; running thence S 88°31'32.5" E a distance of 123.88 feet to a point 100.00 feet left of and opposite station 1108+75.00 on said construction centerline laid out for Sigman Road; thence S 85°55'22.8" E a distance of 76.04 feet to a point 96.55 feet left of and opposite station 1109+50.97 on said construction centerline laid out for Sigman Road; thence S 0°40'17.7" W a distance of 16.55 feet to a point 80.00 feet left of and opposite station 1109+51.20 on said construction centerline laid out for Sigman Road; thence S 87°43'19.5" W a distance of 76.36 feet to a point 75.00 feet left of and opposite station 1108+75.00 on said construction centerline laid out for Sigman Road; thence N 88°31'32.5" W a distance of 123.64 feet to a point 75.00 feet left of and opposite station 1107+51.36 on said construction centerline laid for Sigman Road; thence N 0° 55'27.6" E a distance of 25.00 feet back to the Point of Beginning.

Containing 0.107 acres more or less. (4,674.66 SF)

APPENDIX "B"
TO
EXHIBIT "A"

DESCRIPTION OF PROPERTY TO BE ACQUIRED

PROJECT NO. 0012886

RECORD OWNERS:

Mr. Gary Jenkins
c/o Smith Welch Webb & White
Attn: Grant E. McBride, Esq.
2200 Keys Ferry Court
McDonough, Ga. 30253

Ms. Linda B. Jenkins
c/o Smith Welch Webb & White
Attn: Grant E. McBride, Esq.
2200 Keys Ferry Court
McDonough, Ga 30253

JP Morgan Chase Bank
c/o C T Corporation System
Attn: Kelly Lettmann
289 S Culver St.,
Lawrenceville, Ga 30046-4805

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) 264 of the 16th Land District of Rockdale County, said tracts of land consisting of approximately .277 acres.

Parcel No. 4

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, FORSYTH COUNTY

Personally comes H. Chris Causey, residing 1750 Trellis Place, Alpharetta, Forsyth County, Georgia, 30004.

1. Affiant was employed by the Department of Transportation to appraise the property owned by Gary Jenkins and Linda Jenkins, Parcel 4, consisting of 7,389.36 square feet of Required Right of Way and 4,674.66 square feet of Permanent Easement for the Construction of Slopes and Utilities required for the proposed Multi-Use Path along Sigman Road from Lester Road to Irwin Bridge Road, improvement project, Project Number #0012886 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 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 considered, is in the amount of \$4,850.00.

H. Chris Causey

H. Chris Causey
GA CERT. R.E. Appraiser No. 250075

Sworn to and subscribed before me,
This 13 day of April, 2018.

Diane Beidl
NOTARY PUBLIC

My commission expires _____



Parcel No 4

EXHIBIT "A"

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PARCEL NO.: 4
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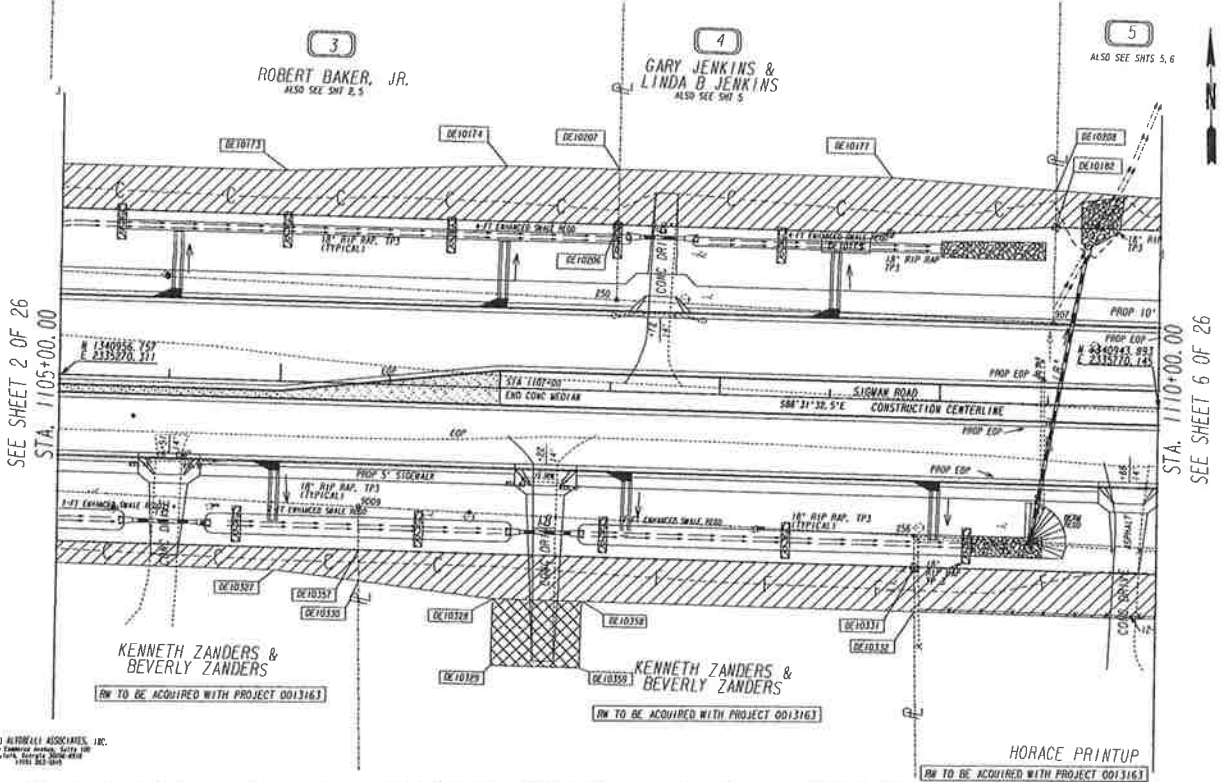
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Containing 0.107 acres more or less. (4,674.66 SF)



SEE SHEET 2 OF 26
STA. 1105+00.00

SEE SHEET 6 OF 26
STA. 1110+00.00

MA MORELAND ALTRUIEY ASSOCIATES, INC.
 2500 Peachtree Dunwoody, Suite 100
 Atlanta, Georgia 30328
 (404) 412-3000

PROPERTY AND EXISTING ROW LINE
 REQUIRED ROW LINE
 CONSTRUCTION LIMITS
 EASEMENT FOR CONSTR
 & MAINTENANCE OF SLOPES
 EASEMENT FOR CONSTR OF SLOPES
 EASEMENT FOR CONSTR OF DRIVES



DATE	REVISIONS	DATE	REVISIONS
11-24-17	REV ROW PAR 4.5		

DATE	REVISIONS

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP
 PROJECT NO. 0012866
 COUNTY: ROCKDALE
 LAND LOT NO. 264
 LAND DISTRICT: 16
 DATE: 11-24-17, SH. 4 OF 26
 DRAWING NO. 60-0004

