

RESOLUTION AND ORDER

A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF CHAMBLEE'S POWERS OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN INTERESTS IN PROPERTY SITUATED IN DEKALB COUNTY, GEORGIA FOR CONSTRUCTION OF A TRAFFIC ROUNDABOUT AND/OR OTHER PUBLIC TRANSPORTATION PURPOSES

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, municipalities may acquire private property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and the following sections authorize the City of Chamblee 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 Mayor and Council's finding that the circumstances are appropriate and necessary for the use of said method; and

WHEREAS, the governing authority of the City of Chamblee, Georgia, a municipal corporation 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. § 32-3-4, *et seq.* and in the public interest in the acquisition of certain interests in property more particularly described in Exhibit 1 attached hereto for construction of a traffic roundabout and/or other public transportation purposes pertaining to the City's N. Shallowford Road at N. Peachtree Road and Ellwyn Drive Roundabout Project and 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 a desire in the interests of justice to have a judicial ascertainment of any and all questions connected with this condemnation.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED AND ORDERED by the Mayor and Council for the City of Chamblee, Georgia that circumstances are such that it is appropriate and necessary to proceed with condemnation proceedings by the Declaration of Taking method on that certain tract of land more particularly described in Exhibit 1 for public purposes and to ensure the timely completion of the City's N. Shallowford Road at N. Peachtree Road and Ellwyn Drive Roundabout Project.

BE IT FURTHER RESOLVED AND ORDERED that the City Attorney, or her designee or outside counsel, is ordered and directed to institute those proceedings *in rem* pursuant to Title 32 of the Official Code of Georgia Annotated in the DeKalb County Superior Court to condemn the aforementioned property and interests therein all to the use of the City of Chamblee, said property now or formerly vested in those individuals and/or entities identified in Exhibit B hereto, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of **One Thousand Four Hundred and 0/100 Dollars (\$1,400.00)** be made into the Registry of the DeKalb County Superior Court for the benefit of the person or

persons entitled to such payment. The Mayor may sign any documents and/or pleadings required for proper filing under the aforementioned code sections including a Declaration of Taking and Order of the City Council and any other documents necessary to effectuate the same

ADOPTED by the Chamblee City Council, this ____ day of December, 2023.

ATTEST:

**CITY COUNCIL,
CITY OF CHAMBLEE, GEORGIA**

By _____
Cherron Bouie, City Clerk

Brian K. Mock, Mayor

Approved as to Form:

Irene B. Vander Els, City Attorney

EXHIBIT 1

Legal Description and Plat

PROJECT NO: Project N. Shallowford Road at N. Peachtree Road and Ellwyn Drive Roundabout

PARCEL NO: 5

PROPERTY: 0.013 acres of land; and certain easement rights

RECORD OWNERS: MAPLE BEND CONDOMINIUM ASSOCIATION, INC.; VIVIAN TU; UNITED WHOLESALE MORTGAGE, LLC; JOANNE RESSLER; ALBERTA LLOYD; WILMINGTON SAVINGS FUND SOCIETY, FSB NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE OF CSMC 2019 RPL11 TRUST; JOHN LOUDERMILK; BRIANNA LOUDERMILK; CARRELL GILBERT; ANGELA C. GILBERT; SILVERCRAFT, INC., SUCCESSOR BY NAME CHANGE FROM SILVERTON MORTGAGE SPECIALISTS, INC.; CHRISTINE BRACKENRICH; PROVIDENT FUNDING ASSOCIATES, L.P.; NANCY K. CHRISTENSEN; GARY CHRISTENSEN; COLE TAYLOR BANK (INC.); ZOE E. DARLING; DEBORAH LYNN KEEGAN; PATRICK J. MIKOS; ASSOCIATED CREDIT UNION; PAMELA L. SMART; JENNIFER GUERIN; TRUIST FINANCIAL CORPORATION, SUCCESSOR BY NAME CHANGE FROM MERGER BETWEEN BB&T CORPORATION AND SUNTRUST BANK, SUCCESSOR BY MERGER WITH SUNTRUST MORTGAGE, INC., SUCCESSOR BY MERGER WITH FIRST CITIZENS BANK AND TRUST COMPANY, SUCCESSOR BY MERGER WITH SUN AMERICA BANK; ENDALE Z. EWNETU; ETETU A. MASHELE; AMERIS BANK, SUCCESSOR BY MERGER WITH FIDELITY BANK D/B/A FIDELITY BANK MORTGAGE; LEONARD SAMUEL HENRY; CADENCE BANK, N.A.; CAROL RUE BRODBECK; JP MORGAN CHASE BANK, N.A.; MANUELA TRANI; BANK OF AMERICA, N.A.; CARLOS ALBERTO GONZALEZ AGUILAR; EVERETT FINANCIAL, INC. D/B/A SUPREME LENDING; CAROLINE HENDEE; PROSPERITY HOME MORTGAGE, LLC; DELTA COMMUNITY CREDIT UNION; TERESA QUYNH NGUYEN; ATLANTIC BAY MORTGAGE GROUP, LLC; JEFFREY W. JAMES; THE MORTGAGE FIRM, INC.; SUZANNE FLOYD; CAPITAL CITY HOME LOANS, LLC, SUCCESSOR BY NAME CHANGE FROM BRAND MORTGAGE GROUP, LLC; PNC BANK, N.A. (INC.); MELISSA ANNE CAREY; PRIYA SRINIVASAN; AMERIS BANK; GEOFFREY D. DIEK; CHARLES AINSLIE STARRATT, JR.; PAMELA SUE STRARRATT; ROCKET MORTGAGE, LLC, SUCCESSOR BY NAME CHANGE FROM QUICKEN LOANS, LLC; UNITED

STATES OF AMERICA ACTING THROUGH INTERNAL REVENUE SERVICE; ALLISON AE MEINERT; GEORGIA HOUSING AND FINANCE AUTHORITY; CHRISTY ANN C. LOBO; LOANDEPOT.COM, LLC; ASHLEY HAMILTON; NEW AMERICAN FUNDING, LLC, SUCCESSOR BY NAME CHANGE FROM BROKER SOLUTIONS, INC. D/B/A NEW AMERICAN FUNDING; JENNIFER A. JONES; LAURIS TAYLOR JONES, IV; REGIONS BANK, INC. D/B/A REGIONS MORTGAGE; CAROL L. AMICK; AMY MALONE; MICHAEL J. MALONE; ADAM J. SUSSMAN; SOUTHSTATE BANK, N.A.; CLAUDE DEAN GUNNELLS; AMERICAN FEDERAL CO., INC; HONORABLE BEDELIA C. HARGROVE, DEKALB COUNTY PROBATE COURT; AND IRVIN J. JOHNSON, DEKALB COUNTY TAX COMMISSIONER; and any and all others having or claiming an interest in the herein described lands, individually,

REQUIRED RIGHT OF WAY

All that tract or parcel of land lying and being in land lot 334 of the 18th district of DeKalb County, City of Chamblee, Georgia and being more particularly described as follows:

Beginning at the Northeastern most property corner proceeding S 13° 45' 25" E a distance of 782.49 feet to a point. Thence, S 15° 15' 37" E on a curve with a chord distance of 74.24 feet and a radius of 2085.08 feet to the **Point of Beginning** Northing 1423046.33 Easting 2256545.08. Thence, S 16° 24' 07" E on a curve with a chord distance of 8.85 feet and a radius of 2085.08 feet to a point. Thence, S 58° 38' 25" W on a curve with a chord distance of 39.56 feet and a radius of 15.00 feet to a point. Thence, N 45° 43' 15" W for a distance of 22.82 feet to a point. Thence, N 61° 45' 03" W for a distance of 14.88 feet to a point. Thence, S 60° 03' 14" W for a distance of 29.48 feet to the **Point of Beginning**.

Containing 0.013 acres or 550.64 square feet of land 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 the attached survey dated August 1, 2022 and right of map drawing 60-0002 dated May 11, 2023 and attached hereto.

TEMPORARY CONSTRUCTION EASEMENT

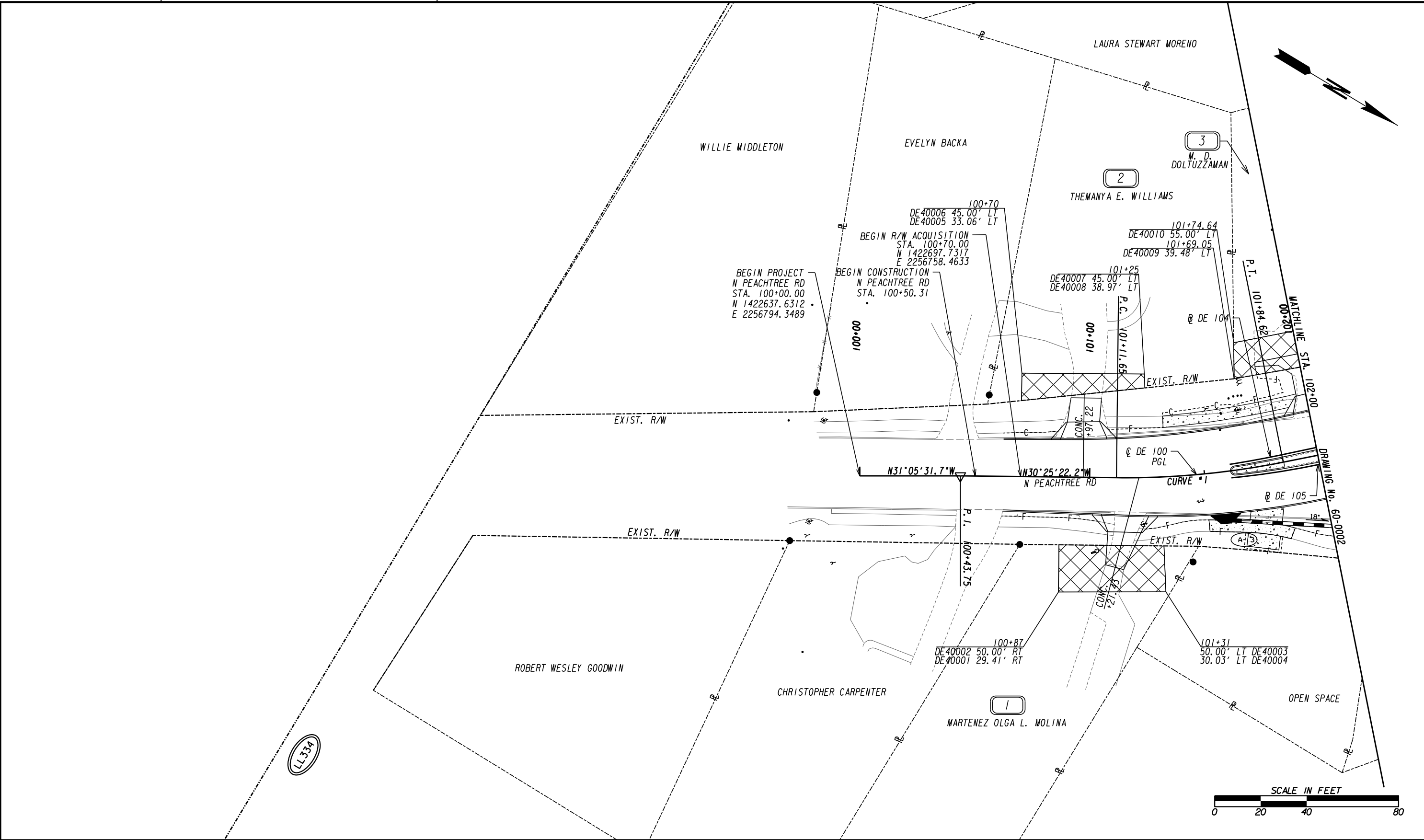
All that tract or parcel of land lying and being in land lot 334 of the 18th district of DeKalb County, City of Chamblee, Georgia and being more particularly described as follows:

Beginning at the Northeastern most property corner proceeding S 13° 45' 25" E a distance of 782.49 feet to a point. Thence, S 15° 15' 37" E on a curve with a chord distance of 74.24 feet and a radius of 2085.08 feet to the **Point of Beginning** proceeding S 60° 03' 14" W for a distance of

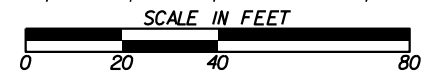
29.48 feet to a point. Thence, N 61° 45' 03" W for a distance of 14.88 feet to a point. Thence, N 45° 43' 15" W for a distance of 89.91 feet to a point. Thence, S 53° 55' 41" E for a distance of 92.12 feet to a point. Thence, N 68° 39' 12" E for a distance of 13.55 feet to a point. Thence, N 05° 17' 47" W for a distance of 82.66 feet to a point. Thence, S 13° 45' 25" E for a distance of 16.96 feet to a point. Thence, S 15° 15' 37" E on a curve with a chord distance of 74.24 feet and a radius of 2085.08 feet to the **Point of Beginning**.




Containing 1581 square feet of land more or less.

Said temporary construction easement is condemned for the right to construct and maintain the public road. Said easement will expire on December 31, 2024 and is shown described within the attached survey dated August 1, 2022 and right of map drawing 60-0002 dated May 11, 2023 and attached hereto. Upon expiration of the easement, the condemnees shall have the right to use the easement area and condemnor will cease maintenance of the same.



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	<div><div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div></div><div><div></div><div></div><div></div><div></div></div></div>	BEGIN LIMIT OF ACCESS.....BLA END LIMIT OF ACCESS.....ELA EXISTING LIMIT OF ACCESS REQ'D LIMIT OF ACCESS EXISTING LIMIT OF ACCESS & R/W REQ'D LIMIT OF ACCESS & R/W ORANGE BARRIER FENCE ESA - ENV. SENSITIVE AREA	DATE		REVISIONS		DATE		REVISIONS		CITY OF CHAMBLEE	
											RIGHT OF WAY MAP	
											PROJECT NO: COUNTY: DEKALB LAND LOT NO: 334 LAND DISTRICT: GMD: N/A DATE: 5-11-2023 SH 1 OF 3	



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	-----P-----	BEGIN LIMIT OF ACCESS.....BLA	DATE	REVISIONS	DATE	REVISIONS	CITY OF CHAMBLEE RIGHT OF WAY MAP PROJECT NO: COUNTY: DEKALB LAND LOT NO: 334 LAND DISTRICT: GMD: N/A DATE: 5-11-2023 SH 2 OF 3	DRAWING No. 60-0002
	-----C-----F-----	END LIMIT OF ACCESS.....ELA						
		EXISTING LIMIT OF ACCESS						
		REQ'D LIMIT OF ACCESS						
		EXISTING LIMIT OF ACCESS & R/W						
		EXISTING LIMIT OF ACCESS & R/W						
		REQ'D LIMIT OF ACCESS & R/W						
		ORANGE BARRIER FENCE						
		ESA - ENV. SENSITIVE AREA						

PAR 7 DW EASE REQ'D DRWY. EASM'T. DE 40007				

PNT	OFFSET/		STATION/	ALIGNMENT

DE40025	34.89 L		202+28.00	N. Shallowford Road
DE40026	45.00 L		202+28.00	N. Shallowford Road
DE40027	45.00 L		202+70.00	N. Shallowford Road
DE40028	34.84 L		202+70.00	N. Shallowford Road
DE40025	34.89 L		202+28.00	N. Shallowford Road

60-0003

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

RIGHT OF WAY/ TEMPORARY CONSTRUCTION EASEMENT
AS REQUIRED BY
CITY OF CHAMBLEE
LOCATED IN LAND LOT 334
18TH DISTRICT
CITY OF CHAMBLEE, DEKALB COUNTY, GA

SURVEYOR'S CERTIFICATE

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.




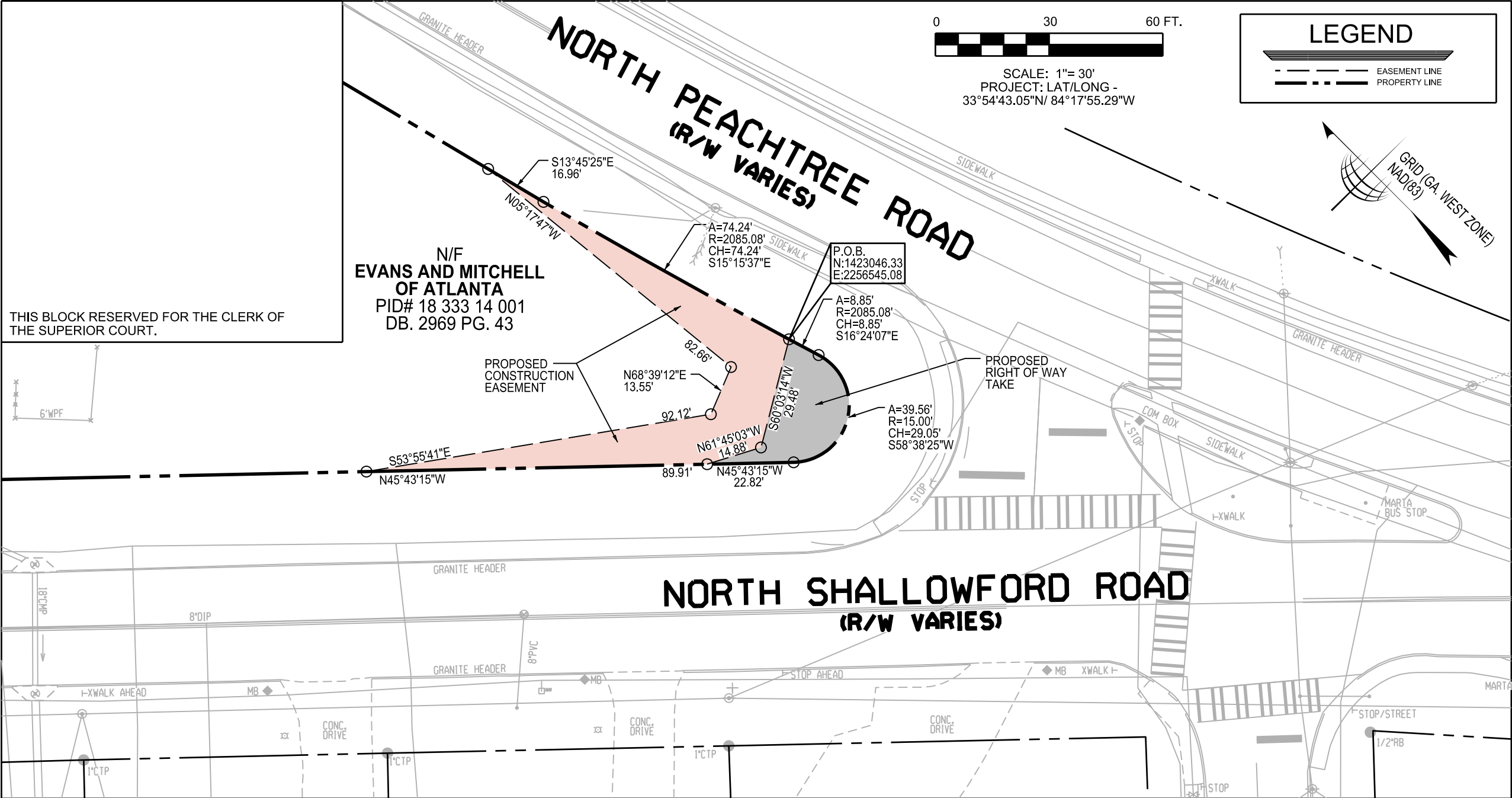
WILLIAM C. WOHLFORD, JR., RLS
REGISTERED NUMBER: 2577


SURVEY NOTES

- 1. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAD A CLOSURE OF ONE FOOT IN 14,256 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
- 2. EQUIPMENT USED:
A TRIMBLE "S" SERIES TOTAL STATION WAS USED TO OBTAIN ANGULAR MEASUREMENTS AND DISTANCE MEASUREMENTS.

A TRIMBLE R-10 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED RTK SURVEY WAS PERFORMED AND ADJUSTED BY RELATIVE POSITIONAL ACCURACY.
- 3. THE TEMPORARY CONSTRUCTION EASEMENT HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 301,431 FEET. THE RIGHT OF WAY TAKE HAS BEEN CALCULATED FOR CLOSURE AND IS ACCURATE WITHIN ONE FOOT IN 14,275 FEET.
- 4. ACCORDING TO THE "FIRM" (FLOOD INSURANCE RATE MAP) OF DEKALB COUNTY, GEORGIA (PANEL NUMBER 13089C0016K), DATED 8/15/2019; NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.
- 5. THE BEARINGS SHOWN ON THIS SURVEY ARE COMPUTED ANGLES BASED ON A GRID BEARING BASE (GA WEST ZONE) NAD83.
- 6. FIELD WORK FOR THIS PROPERTY WAS COMPLETED ON 03/02/2022.

1,581 SQ. FT. / 0.0363 AC. PROPOSED TEMP CONSTRUCTION EASEMENT	LOCATED IN LAND LOT 334 18TH DISTRICT CITY OF CHAMBLEE, DEKALB COUNTY, GA	RIGHT OF WAY/ TEMPORARY CONSTRUCTION EASEMENT AS REQUIRED BY:	THROUGH THE PROPERTY OF: EVANS AND MITCHELL OF ATLANTA DB. 2969 PG. 43 DEKALB COUNTY	 <div>TerraMark Land Surveying, Inc. 1396 Bells Ferry Road Marietta, Georgia 30066 www.TerraMark.com (P) (770) 421-1927</div>
551 SQ. FT. / 0.0126 AC. PROPOSED RIGHT OF WAY TAKE	DATE: 8/1/2022 REV.: 12/12/2023 SHEET NO. 1 OF 2	CITY OF CHAMBLEE	TAX PARCEL # 18 333 14 001	



1,581 SQ. FT. / 0.0363 AC. PROPOSED TEMP CONSTRUCTION EASEMENT	LOCATED IN LAND LOT 334 18TH DISTRICT CITY OF CHAMBLEE, DEKALB COUNTY, GA	RIGHT OF WAY/ TEMPORARY CONSTRUCTION EASEMENT AS REQUIRED BY:	THROUGH THE PROPERTY OF: EVANS AND MITCHELL OF ATLANTA DB. 2969 PG. 43	<div><div>TerraMark Land Surveying, Inc. 1396 Bells Ferry Road Marietta, Georgia 30066 www.TerraMark.com (P) (770) 421-1927</div></div>
551 SQ. FT. / 0.0126 AC. PROPOSED RIGHT OF WAY TAKE	DATE: 8/1/2022 REV.: 12/12/2023 SHEET NO. 2 OF 2	CITY OF CHAMBLEE	DEKALB COUNTY TAX PARCEL # 18 333 14 001	

GEORGIA, DEKALB COUNTY

I, Cherron Bouie, do hereby certify that I am Clerk for the City of Chamblee, Georgia Mayor and Council.

I further certify that the foregoing _____ pages constitute a true and correct exact copy of the Resolution and Order of the Mayor and Council for the City of Chamblee, Georgia, adopted by the Mayor and Council of the City of Chamblee, Georgia and entered on the 19th day of December, 2023 as 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 3518 Broad Street, Chamblee, Georgia 30341.

Given under my hand and the Seal of the City of Chamblee, Georgia, this _____ day of _____, 20____.

Cherron Bouie
Clerk
City of Chamblee, Georgia

APPENDIX “B” to EXHIBIT “A”

Description of Property from which Right of Way is Taken

PROJECT NO: Project N. Shallowford Road at N. Peachtree Road and Ellwyn Drive Roundabout

PARCEL NO: 5

PROPERTY: 0.013 acres of land; and certain easement right

RECORD OWNERS: MAPLE BEND CONDOMINIUM ASSOCIATION, INC.; VIVIAN TU; UNITED WHOLESALE MORTGAGE, LLC; JOANNE RESSLER; ALBERTA LLOYD; WILMINGTON SAVINGS FUND SOCIETY, FSB NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS OWNER TRUSTEE OF CSMC 2019 RPL11 TRUST; JOHN LOUDERMILK; BRIANNA LOUDERMILK; CARRELL GILBERT; ANGELA C. GILBERT; SILVERCRAFT, INC., SUCCESSOR BY NAME CHANGE FROM SILVERTON MORTGAGE SPECIALISTS, INC.; CHRISTINE BRACKENRICH; PROVIDENT FUNDING ASSOCIATES, L.P.; NANCY K. CHRISTENSEN; GARY CHRISTENSEN; COLE TAYLOR BANK (INC.); ZOE E. DARLING; DEBORAH LYNN KEEGAN; PATRICK J. MIKOS; ASSOCIATED CREDIT UNION; PAMELA L. SMART; JENNIFER GUERIN; TRUIST FINANCIAL CORPORATION, SUCCESSOR BY NAME CHANGE FROM MERGER BETWEEN BB&T CORPORATION AND SUNTRUST BANK, SUCCESSOR BY MERGER WITH SUNTRUST MORTGAGE, INC., SUCCESSOR BY MERGER WITH FIRST CITIZENS BANK AND TRUST COMPANY, SUCCESSOR BY MERGER WITH SUN AMERICA BANK; ENDALE Z. EWNETU; ETETU A. MASHELE; AMERIS BANK, SUCCESSOR BY MERGER WITH FIDELITY BANK D/B/A FIDELITY BANK MORTGAGE; LEONARD SAMUEL HENRY; CADENCE BANK, N.A.; CAROL RUE BRODBECK; JP MORGAN CHASE BANK, N.A.; MANUELA TRANI; BANK OF AMERICA, N.A.; CARLOS ALBERTO GONZALEZ AGUILAR; EVERETT FINANCIAL, INC. D/B/A SUPREME LENDING; CAROLINE HENDEE; PROSPERITY HOME MORTGAGE, LLC; DELTA COMMUNITY CREDIT UNION; TERESA QUYNH NGUYEN; ATLANTIC BAY MORTGAGE GROUP, LLC; JEFFREY W. JAMES; THE MORTGAGE FIRM, INC.; SUZANNE FLOYD; CAPITAL CITY HOME LOANS, LLC, SUCCESSOR BY NAME CHANGE FROM BRAND MORTGAGE GROUP, LLC; PNC BANK, N.A. (INC.); MELISSA ANNE CAREY; PRIYA SRINIVASAN; AMERIS BANK; GEOFFREY D. DIEK; CHARLES AINSLIE STARRATT, JR.; PAMELA SUE STRARRATT; ROCKET MORTGAGE, LLC, SUCCESSOR BY NAME CHANGE FROM QUICKEN LOANS, LLC; UNITED

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Said fee simple title to right of way, easements, and access rights, if any, as described in Appendix “A” to Exhibit “A” is for a public road, as defined by law across and over certain tracts of land located in Land Lot 334 of the 18th Land District of DEKALB County. Said tract of land consisting of approximately +/- 6.238 acres.

APPENDIX “C” TO EXHIBIT “A”

Appraiser’s Affidavit

GEORGIA, GWINNETT COUNTY

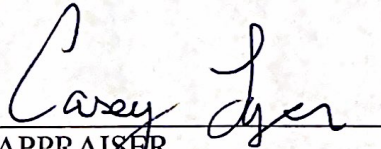
APPRAISER'S AFFIDAVIT

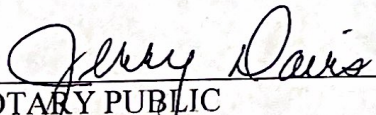
Personally comes, **Casey Lyon** residing at 3087 Cove View Ct, Dacula, GA 30019.

1. The CITY OF CHAMBLEE, GEORGIA employed Affiant to appraise Parcel No. 5 (4132 N Gloucester Pl, Chamblee, GA) of the right of way, easement rights and access rights, if any, required for construction of Project N. Shallowford Road at N. Peachtree Road and Ellwyn Drive Roundabout in DeKalb County, Georgia. Affiant makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 et seq. 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 **\$1,400**.

Sworn to and subscribed before me,
This 14 day of Dec., 2023.


APPRAISER


NOTARY PUBLIC
My Commission Expires: 11/5/26

JERRY DAVIS
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Nov. 5, 2026