

RESOLUTION # 2018 - 10

**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 24 day of July 2018.

**ROCKDALE COUNTY, GEORGIA
BOARD OF COMMISSIONERS**

By: [Signature]
Oz Nesbitt, Chairman

By: [Signature]
Sherry L. Washington, Post 1

By: [Signature]
Doreen Williams, Ph. D., Post 2

Attest:

By: [Signature]
Jennifer O. Rutledge, County Clerk

Approved as to form:

By: [Signature]
M. Qader A. Baig, County Attorney

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 .

Page 1 of 4

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 162.64 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 506+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 R/W PLANS: June 10, 2016
REVISION DATE: December 14, 2017

Page 2 of 4

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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.

EXHIBIT "A"

PROJECT NO.: CSSTP-0006-00(932) Rockdale County
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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 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+83.49 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	Page 4 of 4

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

IRA Innovations, Inc., f/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.

APPENDIX "C" TO EXHIBIT "A"

GEORGIA, ROCKDALE COUNTY

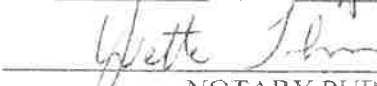
Personally comes, MATTHEW J. RAHN, MAI, of Carr, Rahn & Associates, Inc., whose business address is 1506 Klondike Road, Suite 403, Conyers, Georgia 30094, who on oath says:

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.


APPRAISER

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


NOTARY PUBLIC
My commission expires 8-5-2018



Parcel No. 2

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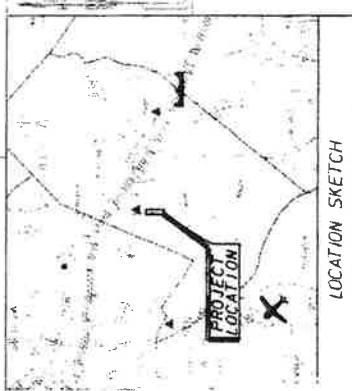
CSSTP-0006-00 (932)
P.I. NO. 0006932
FEDERAL ROUTE • N/A
STATE ROUTE • N/A

THIS PROJECT HAS BEEN PREPARED
USING THE HORIZONTAL GEORGIA
COORDINATE SYSTEM OF 1984 AND
NAD83 WEST ZONE AND THE NORTH
AMERICAN VERTICAL DATUM (NAVD)
OF 1988.

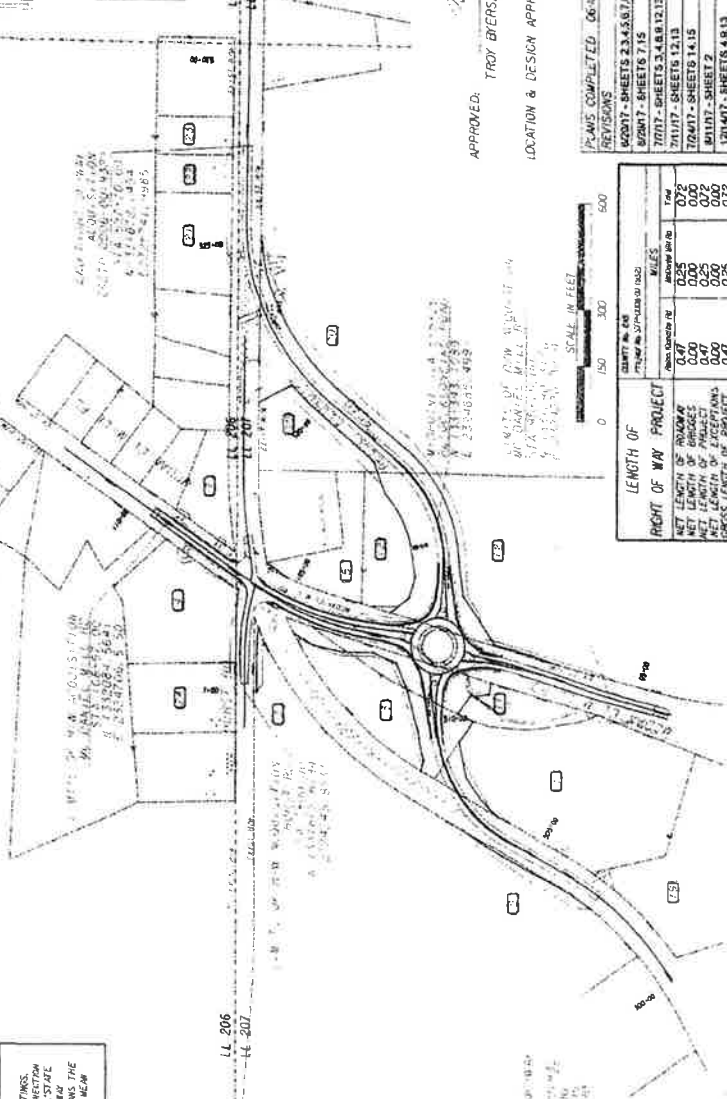
FUNCTIONAL CLASS:
MCDANIEL MILL RD - URBAN COLLECTOR STREET
KENDRIDE RD EAST OF MCDANIEL MILL/HURS-
TOWN ROAD
- URBAN MINOR ARTERIAL STREET
- HIS PROJECT IS 100% IN
ROCKDALE COUNTY AND IS
00% IN CONDLIST NO.4.
- PROJECT DESIGNATION: EX-EMPT
DESIGNED IN ENGLISH UNITS.
GAD #476

THIS PROJECT HAS BEEN PREPARED
USING THE NORTHERN GEORGIA
COORDINATE SYSTEM OF 1984 (NAD
83) WITH WEST ZONE AND THE NORTH
AMERICAN VERTICAL DATUM (NAVD,
F. 538).

FIRE PROOF HAS PLAN DESIGNED
TO COMPLY WITH TITLE II PROVISIONS
OF THE AMERICANS WITH DISABILITIES
ACT (ADA).

[illegible]

LOCATION SKETCH



POINT	CONTROL POINTS		ELEVATION
	MORNING	EASTING	
CP-1	131913.442	24246.17	852.351
CP-3	131914.194	24252.55	872.245
CP-4	131848.182	24747.82	850.250
CP-5	131813.197	23817.31	854.616
CP-7	131824.174	234419.652	824.371

Engineering
Planner

Q

1152 Locust Bridge Road
504 436
Natl. Assn. of Eng'g Planners
1445 12th Street
504 512 9125

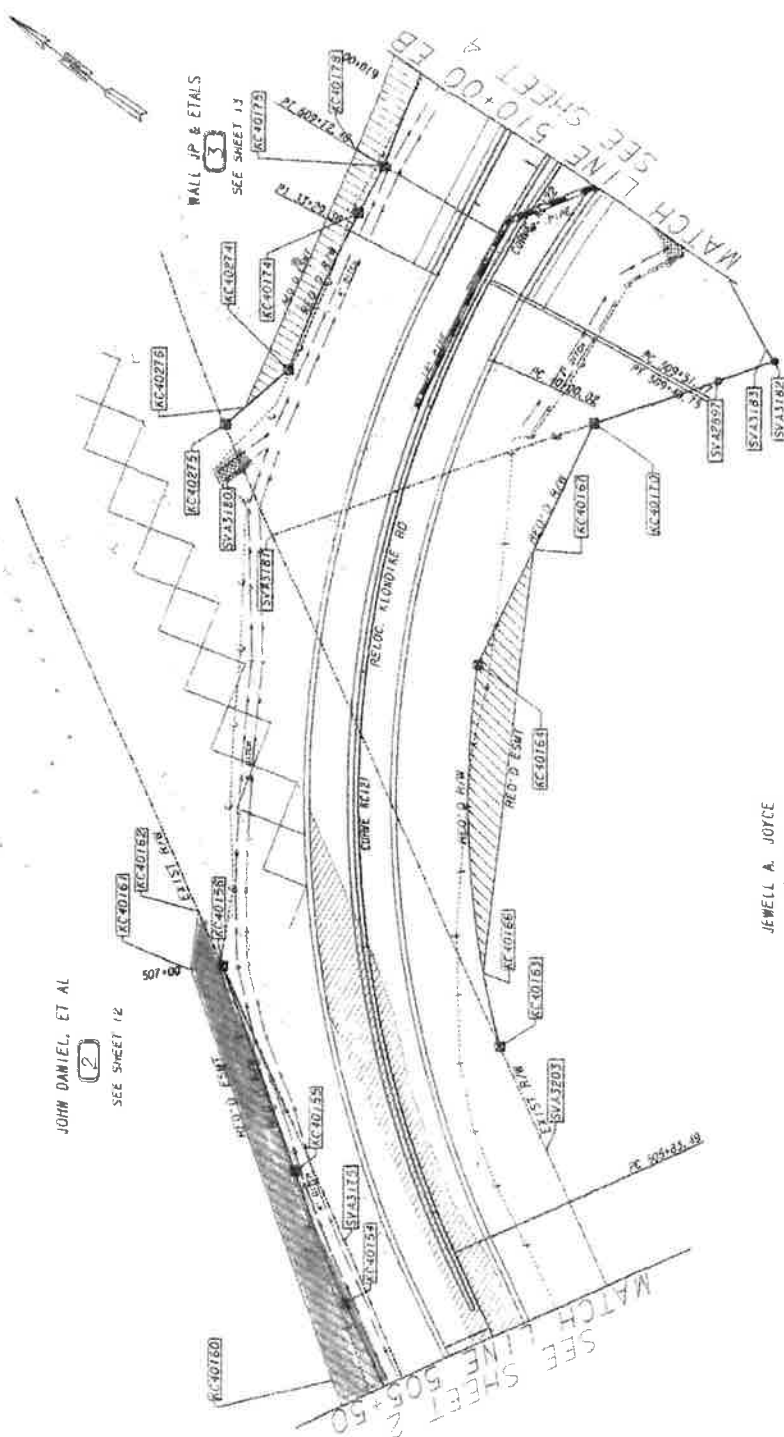
APPROVED: [Signature] DATE: 2-20-17

TROY BRENS, STATE RAIL ADMINISTRATOR

LOCATION & DESIGN APPROVAL DATE: February 10, 2017

PLANS COMPLETED 06-0-86	
PROJECTS	
900017 - SHEETS 2,3,4,5,6,7,8,9,10,11	
900017 - SHEETS 7,15	
707017 - SHEETS 3,4,5,6,7,12,13,14,15	
700017 - SHEETS 12,15	
700017 - SHEETS 2	
120447 - SHEETS 4,9,13	

LENGTH OF	RIGHT OF WAY PROJECT		MILES		Total
	Net Length (ft)	Net Length (mi)	Net Length (ft)	Net Length (mi)	
NET LENGTH OF ROADWAY	0.00	0.00	0.25	0.25	0.25
NET LENGTH OF BRIDGES	0.00	0.00	0.00	0.00	0.00
NET LENGTH OF TUNNELS	0.00	0.00	0.00	0.00	0.00
NET LENGTH OF EXCELSIONS	0.00	0.00	0.25	0.25	0.25
GROSS LENGTH OF PROJECT	0.00	0.00	0.25	0.25	0.25



JOHN DANIEL, ET AL

2

SEE SHEET 12

JEWELL A. JOYCE

1

SEE SHEET 12

CONSTR. CENTERLINE
 FOR CURVE NO. 12
 PI STA. 507+60.59
 PC STA. 505+50.00
 PT STA. 509+49.75
 CURVE DATA
 RADIUS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'
 CHORD BEARS 147.10'

STA. ON E	WORTHING	EASTING
505+00	1331158.8095	2323442.1158
509+00	1331255.4469	2324075.3079

DATE	REVISIONS	DATE	REVISIONS
06/10/16	1		
06/10/16	2		
06/10/16	3		
06/10/16	4		
06/10/16	5		
06/10/16	6		
06/10/16	7		
06/10/16	8		
06/10/16	9		
06/10/16	10		
06/10/16	11		
06/10/16	12		
06/10/16	13		
06/10/16	14		
06/10/16	15		
06/10/16	16		
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PROPERTY AND EXISTING N/W LINE
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 CONSTRUCTION LIMITS
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 EASEMENT FOR CONSTRUCTION OF DRAINAGE

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY PLAN
 LAND ACQUISITION
 PROJECT NO. 00000-001932
 DATE 06/10/16
 SHEET 12 OF 15

IN THE SUPERIOR COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

ROCKDALE COUNTY, GEORGIA

CIVIL ACTION

Plaintiff/ Condemnor,

FILE NO. _____

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,

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 **\$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 24 day of July, 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 24 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 24 day of July, 2018.


JENNIFER O. RUTLEDGE
Clerk, Rockdale County
Georgia

{Rockdale County Georgia Seal}

