

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2007 - 136

A RESOLUTION GRANTING APPROVAL TO THE CLAYTON COUNTY WATER AUTHORITY IN ACCORDANCE WITH GA. LAWS 1955, P. 3344, ET SEQ. FOR THE ACQUISITION BY EMINENT DOMAIN SUCH PROPERTY RIGHTS NECESSARY FOR NECESSARY IMPROVEMENTS AND REPLACEMENT OF EXISTING WATER MAIN; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Water Authority (the "Water Authority") is in need of a 20' wide perpetual easement for the purpose of laying, constructing, and maintaining a water line and a 40' wide temporary construction easement for a time frame of two month from the time construction activity begins across and through Land Lot 120 of the 12<sup>th</sup> District of Clayton County, the Hooper Phase 5 Project, for the relocation and replacement of existing water main; and

WHEREAS, Ga. Laws 1955, P. 3344, et seq. authorizes the Water Authority—with approval of the county governing authority—to acquire property rights by eminent domain where necessary for the expansion and development of the water and sewerage system; and

WHEREAS, efforts to acquire a necessary easement from Elbert J. Phillips, et. al., located in Land Lot 120 of the 12<sup>th</sup> District, Clayton County, Georgia, have not materialized and institution of condemnation proceedings are now necessary to effectuate the acquisition of the necessary easements and property rights in accordance with applicable Georgia law.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

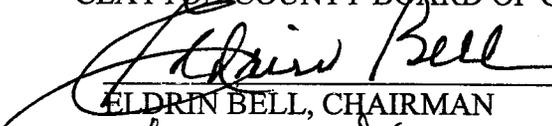
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby grants to the Water Authority approval for the necessary easements and property rights from Elbert J. Phillips, et. al., parcel no. 12119BA001, located in Land Lot 120 of the 12<sup>th</sup> District, Clayton County, Georgia, by eminent domain. Further, the Board of Commissioners hereby authorizes the Chairman to do all acts necessary to accomplish the intent of this Resolution. Copies of the plats of survey reflecting the locations of the proposed easements are attached hereto.

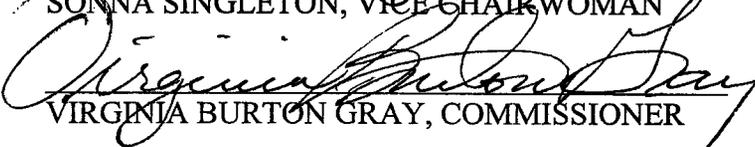
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

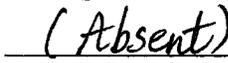
SO RESOLVED, this the 21<sup>st</sup> day of August, 2007.

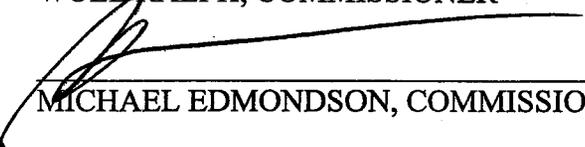
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
SONNA SINGLETON, VICE CHAIRWOMAN

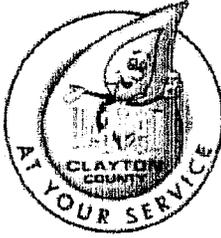
  
VIRGINIA BURTON GRAY, COMMISSIONER

  
(Absent)  
WOLE RALPH, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK



**Clayton County Water Authority**  
1600 Battle Creek Road • Morrow, Georgia 30260  
770.961.2130 • www.ccwa.us

---

August 6, 2007

Mr. Michael L. Smith  
Staff Attorney's Office  
Clayton County  
112 Smith Street  
Jonesboro, GA 30236

Re: Condemnation Request  
Hooper Phase 5, 16 Inch Water Main Replacement

Mr. Smith:

Enclosed please find documents pertaining to a request for various construction and permanent easements across and through the property located at 6382 Highway 42. Clayton County Water Authority (CCWA) has been unable to negotiate a friendly settlement with the property owner for the requested easements, and is seeking approval by the Clayton County Board of Commissioners to move forward with condemnation in the acquisition of said easements. The proposed easements are needed in conjunction with making necessary improvements to the water supply system of Clayton County. The existing 16 inch line has reached its service life and needs to be replaced.

The property owner affected by this request is:  
Elbert J. Phillips, et.al.  
6382 Highway 42  
Rex, GA 30273

Sincerely,

James Quattlebaum, R.L.S.  
Land Surveyor  
Clayton County Water Authority

Clayton County Water Authority  
1600 Battle Creek Road  
Morrow, Georgia 30260

Job Name: Hooper Phase 5

Job No. : \_\_\_\_\_

WATER EASEMENT

GEORGIA, CLAYTON COUNTY

THIS CONVEYANCE, executed this \_\_\_\_\_ day of \_\_\_\_\_ 2007,

That for and in consideration of the sum of Eight Thousand Three Hundred Forty Three and 00/100 Dollars (\$8,343.00), in hand paid, receipt of which is hereby acknowledged, the undersigned does hereby grant, sell and convey unto the Clayton County Water Authority and its successors in office, a perpetual 20 foot wide easement for right-of-way for the purpose of laying, constructing, and maintaining a water line across and through the following described lands:

All that tract or parcel of land located in Land Lot 119 of the 12th Land District of Clayton County, Georgia, being a part of a parcel known as Tax Parcel No. 12-119B-A001 and being more particularly described as:

BEGINNING at the western-most right-of-way miter AT the intersection of the western right-of-way line of Bennett Drive (50' R/W) and the northern right-of-way line of GA. HWY. 42 & S.R. 3 (100'R/W); Thence, following along the northern right-of-way line of GA. HWY. 42 & S.R. 3 for a distance of 472 feet to a point where the property line between property now or formerly owned by Elbert J. Phillips, et.al. and property now or formerly owned by Clara S. Wood intersects the northern right-of-way line of GA. HWY. 42 & S.R. 3; Thence, N 56° 23' 04" W for a distance of 18.56 feet along the property line to a point of intersection with the easement, said point being the true POINT OF BEGINNING.

From the POINT OF BEGINNING; Following a curve to the right having a radius of 1707.95 feet for a distance of 58.70 feet, and whose long chord bears N 70° 43' 40" W for a distance of 58.70 feet to a point on the easement; Thence, following a curve to the right having a radius of 1707.95 feet for a distance of 231.39 feet, and whose long chord bears N 65° 51' 43" W for a distance of 231.21 feet to a point where the easement intersects the property line between property now or formerly owned by Elbert J. Phillips, et.al. and property now or formerly owned by SSM Properties, LLLP; Thence, S 30° 34' 24" W a distance of 20.02 feet along the property line to a point of intersection with the easement; Thence, following a curve to the left having a radius of 1687.95 feet, and whose long chord bears N 65° 54' 43" W for a distance of 229.66 feet to a point where the easement intersects the property line between property now or formerly owned by Elbert J. Phillips, et.al. and property now or formerly owned by Clara S. Wood; Thence, N 14° 36' 04" E for a distance of 5.70 feet to a point on the property line; Thence, S 56° 23' 04" E for a distance of 57.63 feet along the property line to the POINT OF BEGINNING; Said easement contains 5052 square feet.

Together with a 4,915 square foot temporary construction easement granted for a time frame of two months from the time construction activity begins on the subject property, provided that construction shall begin no later than two years from the date of this document.

All as Shown on that certain "Water Easement" plat prepared for Elbert J. Phillips and Vicki M. Shockley by Clayton County Water Authority and dated Sept. 7, 2006, attached as Exhibit "A" and made a part hereof by this reference.

Grantee shall have the right of ingress and egress on said lands for the purposes of constructing, laying and maintaining said water line and shall exercise reasonable diligence in doing necessary work in connection there with so as to avoid damaging the property.

IN WITNESS WHEREOF, the undersigned hereunto set their hand(s) and seal(s) the day and year above written.

\_\_\_\_\_  
BY: The Estate of Elbert J. Phillips,  
Vicki M. Shockley, Executrix (LS)

\_\_\_\_\_  
BY: Vicki M. Shockley (LS)

Signed, sealed and delivered in the presence of:

\_\_\_\_\_

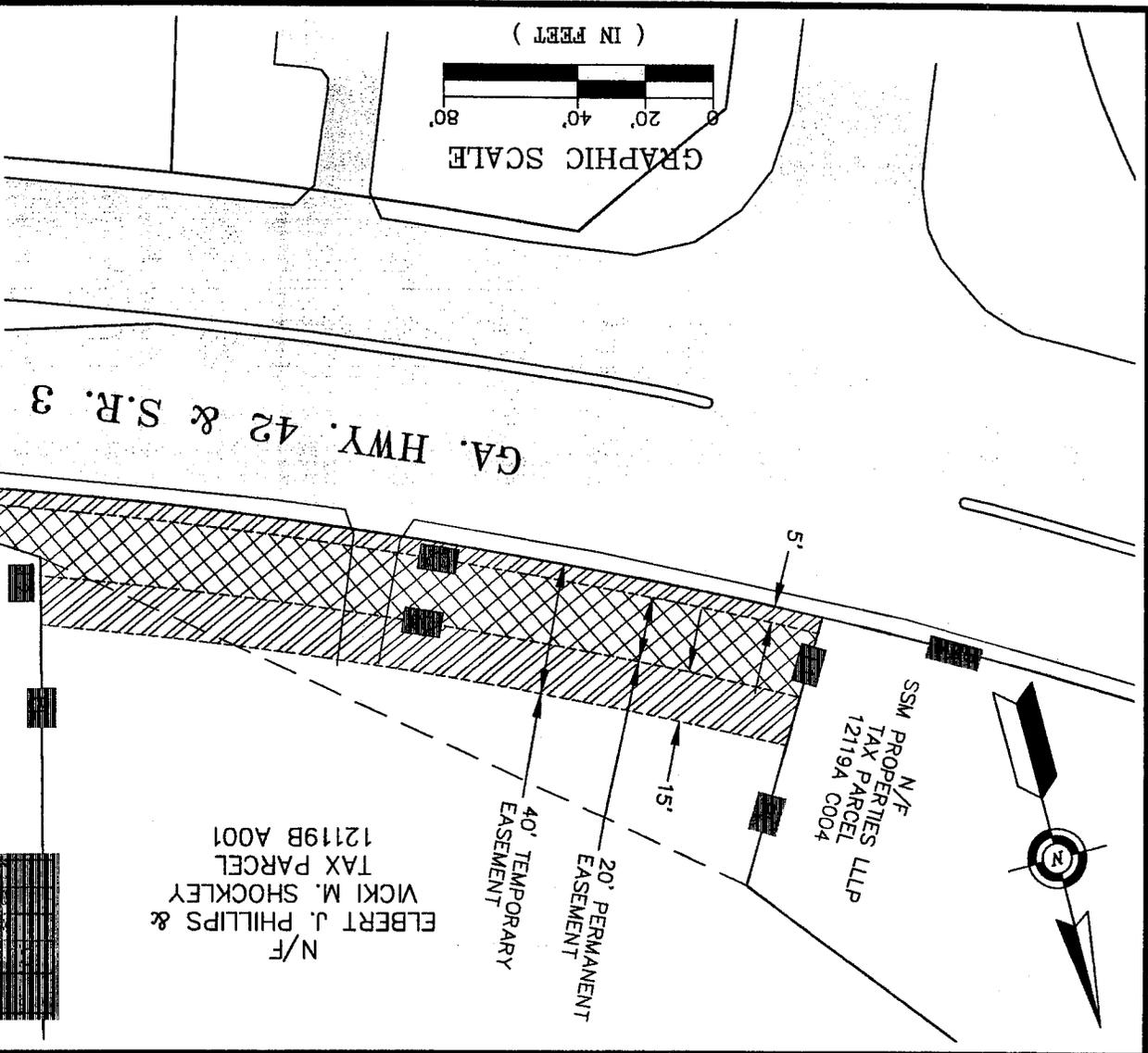
(Witness)

\_\_\_\_\_

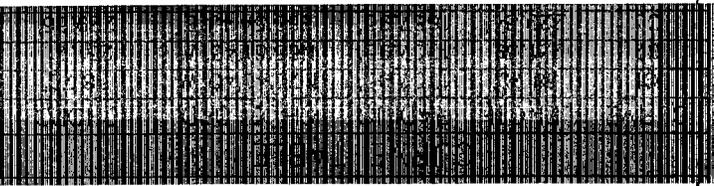
(Notary)

Notary Public, \_\_\_\_\_ County, Ga.

CLAYTON COUNTY WATER AUTHORITY		Property of <b>ELBERT J. PHILLIPS &amp; VICKI M. SHOCKLEY</b>	
WATER EASEMENT		Land Lot 119 12th District	
REVISIONS	BY	DATE	NO.
APPROVALS			
PERMANENT	5.052 Sq.Ft.	SCALE 1" = 40'	DATE 09/07/06
TEMPORARY	4.915 Sq.Ft.		



LINE	LENGTH	BEARING
L1	20.02'	N30.34'24"E
L2	5.70'	S14.36'04"W
L3	57.63'	S56.23'04"E



COMPENSATION SUMMARY

1. Before Value (Land Only)	\$946,777
2. Value of Part Acquired	\$ 8,343
3. Remainder Before	\$938,434
4. Remainder After	\$938,434
5. Damages (3-4)	\$ 0
6. Benefits (Enhancement)	\$ N/A
7. Total Value of Acquisition	\$ 8,343

Project: Hooper Phase 5  
Highway 42

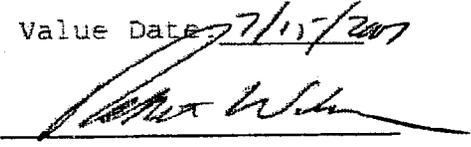
Parcel: Elbert J. Phillips  
Vicki M. Shockley

County: Clayton

Date Signed: 8/1/2007

Value Date: 7/15/2007

PI No.: N/A

Appraiser Signature:   
Robert Wilson  
GCGRPA No. 1497

TOTAL FAIR MARKET VALUE COMPENSATION: \$8,343

# Clayton County Property Assessment Office

The Clayton County Property Assessment Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

DATE 4/21/07  
TIME 2:05:10

CLAYTON COUNTY  
PROPERTY CARD  
FOR YEAR 2007

PAGE 1

PHILLIPS ELBERT J &  
SHOCKLEY VICKI M  
635 CHASERIDGE DR

PARCEL ID.. 12119B A001  
LOCATION...6382 HWY 42  
DEED YEAR/BOOK/PAGE... 2001 4709 304  
LEGAL DESC...

PIN... 12 119B A 001  
OWNER ID.....R322017

DISTRICT.. 8 COUNTY - FIRE  
AREA..... 6 RESIDENTIAL APPR AREA 6  
NEIGHOOD... 66001 JACK JOHN SUNSET HILL

MCDONOUGH GA 30253-

WATER/SEPTIC/ELEC/GAS

DESCRIPTION  
DESCRIPTION PAVED ROAD  
ROAD FRONT. 290.0  
MAINTAINED ON 6/21/06  
VISITED ON 4/18/03 BY RG3  
PARCEL STATUS... ACTIVE

CATEGORY.. Real & Personal

SALES HISTORY						DEED NAME	
DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	TRANS TYPE		
4709 304	1/19/01	QUIT CLAIM	RELATED		XFR	PHILLIPS ELBERT J & SHOCKLEY V	
0188 249	1/01/94	WARRANTY DEED	.		XFR	PHILLIPS EVELYN M	

LAND SEGMENTS												TOT	CURRENT
LND #	STRAT	LAND	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SIZ%	OTH%	TOP%	ADJ	FMV	
1 A	R4	AC SP	6.900	.00	.00	.00	.00	.00	.00	.00	.00	103,100	
MAP ACRES ...			6.900									TOTAL LAND FMV..	103,100

MAIN FIN AREA.. 1,546.00 IMPROVEMENT # 1 MAJOR IMPR-M  
ACT/EFF YR/AGE.. 1968 1968 39  
STRAT..... R1 DESCRPT....

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SIZ%	HGT%	PER%	CDS%	COST	
MA RCH	RANCH	100	1546.00	60.31	1.00		108.32			104	105,035	
EW 2	BRICK	100	1.00	.00							0	
- AT 1	NO ATTIC	100	1.00	.00							0	
- FN 2	CRAWL SPACE	100	1546.00	.00							0	
- HT FLR	FLOOR/WALL HEAT	100	1.00	.00							0	
- PL 1	ADDITIONAL PLUMBING	100	1.00	800.00							800-	
PT AP	ADDITIONS PORCHES	100	33.00	220.00							7,260	
TOTAL GRND FLOOR AREA..			1,546.00									
RCN...							100	x			111,495	
RCN...							100.00	x			111,495	
QUAL.. F	RES						95.00	x			105,920	
DEPR.. D50							32.00	-		33,894	33,894 T	
--FMV... MA	66001 JACK JOHN SUNSET HIL						105.00	x			75,627	

TOTAL PARCEL VALUES----	LAND /	OVR	IMPROVEMENTS /	OVR	TOTAL LAND/IMPROVE	2006 VALUE
FMV.....	103,100		75,627		178,727	172,870
APV.....	103,100		75,627		178,727	
						172,870