

**APPENDIX "1" TO EXHIBIT "A"**

**RESOLUTION 2020-06**

**A RESOLUTION AND ORDER OF THE CITY COUNCIL OF THE CITY OF SMYRNA, GEORGIA AUTHORIZING CONDEMNATION OF A TRACT OF LAND KNOWN AS A PORTION OF 2415 S. COBB DRIVE SMYRNA, GEORGIA AND LOCATED IN LAND LOTS 346 OF THE 17<sup>TH</sup> LAND DISTRICT OF COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4 *et seq.***

**WHEREAS**, Section 4 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated and following sections authorize the City to file a condemnation proceeding in Cobb County Superior Court under a method known as declaration of taking to acquire private property interests for public road or transportation purposes upon payment of just and adequate compensation therefore to the person or persons entitled to such payment upon the Council's finding that circumstances are appropriate for the use of said method; and

**WHEREAS**, the City Council of the City of Smyrna, Georgia ("Council") finds and believes that circumstances are appropriate for the use of the declaration of taking method to acquire property for public road or transportation purposes. Said tract is owned by Michael Farkas and is acquired for one or more of the reasons set forth in O.C.G.A. § 32-3-4, including a desire in the interest of justice to have judicial ascertainment of any and all questions connected with the condemnation.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the Council that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking method on a portion of that tract of land known as 2415 S. Cobb Drive (Parcel #69) located in land lot No. 346 of the 17<sup>th</sup> Land District in Cobb County, Georgia.

**BE IT FURTHER RESOLVED AND ORDERED**, that legal counsel for the City of Smyrna, Georgia is authorized and directed to file such proceedings and the Mayor is authorized to execute this Resolution and Order on behalf of the full Council, a Declaration of Taking, and any other documents necessary to effectuate same.

**SO RESOLVED** this 20th day of July, 2020.

THE CITY OF SMYRNA

CITY SEAL:

By: \_\_\_\_\_  
Derek Norton, Mayor

ATTEST:

\_\_\_\_\_  
Heather K. Peacon – Corn, City Clerk

APPENDIX 3 TO EXHIBIT "A"

AFFIDAVIT OF HALL RIGDON, MAI

Personally, comes Hall Rigdon, who after being sworn, deposes and states as follows:

1. Affiant is over the age of 21 years and otherwise competent to make this affidavit.
2. Affiant was employed by the City of Smyrna to appraise a portion of 2415 S. Cobb Drive, Smyrna Ga. for said City 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 property.
3. Affiant is familiar with real estate values in said city and in the vicinity where said property is located. Affiant has personally inspected the property and rights to be condemned. In appraising said property affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to any remaining property of the Condemnees by reason of the taking and the use of said parcel, and other rights for the construction of said project, and any consequential benefits which may result to said parcel 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 the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of \$215,918.00.

\_\_\_\_\_  
Hall Rigdon, MAI  
Georgia Certified General Appraiser  
Certification CG680

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public

