

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

THE CITY OF SMYRNA

Condemnor,

VS.

The hereinafter described lands

and rights in lands; MOGAR FARMS FUNDING, *

LLC, THE BRAND BANKING COMPANY; *

BUCKHEAD AMERICA MANAGEMENT, LLC *

CARLA JACKSON, as Tax Commissioner; *

KELLI WOLK, as Probate Judge and any and all *

others having or claiming any interest in the *

described lands, *

Condemnees. *

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CIVIL ACTION FILE

NO. _____

DECLARATION OF TAKING

WHEREAS, the City Of Smyrna, by and through its Mayor and Council, has made a finding and determination that the circumstances in connection with acquiring property to construct improvements to a public transportation system, are such that it is necessary to acquire the title, estate or interest in the lands as fully described in this Declaration of Taking, by condemnation through the exercise of the power of eminent domain. A copy of the resolution making such finding is attached hereto as Appendix "1" to this Exhibit "A" and made a part hereof; and

WHEREAS, said property is for public transportation purposes upon, across, and over the tract of land in said City, as fully described in the attachment hereto identified as Appendix "2" to this Exhibit "A" and made a part hereof; and

EXHIBIT "A"

WHEREAS, the City Of Smyrna 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, if any, above referred to, a copy of the appraiser's sworn statement being attached hereto, identified as Appendix "C" to this Exhibit "A" and made a part hereof; and

WHEREAS, in consequence of such sworn statement, Appendix "3" to Exhibit "A", The City Of Smyrna estimates the sum of \$10,600 as just and adequate compensation to be paid for said property, as fully described in Appendix "2" to Exhibit "A", attached hereto, and now deposits said sum in the registry of the Court, to the use of the persons entitled thereto; and

WHEREAS, in order to maintain a projected schedule of construction it is necessary that the property for the construction of said project be acquired without delay; and

WHEREAS, the parcel of property as herein described and listed in the Petition, attachments, or below, are essential for the construction of said project;

NOW THEREFORE, the premises considered, The City Of Smyrna, under authority of the laws of Georgia, Official Code of Georgia Sections 32-3-1 through 32-3-19, declares that it is necessary that the property as described in annexes hereto, be acquired by condemnation, and that said property or interest therein as described in appendices hereto and in the petition, is taken for public and governmental purposes, specifically for public transportation purposes, and that the same is necessary for the construction of a transportation project. The City Of Smyrna has authorized the acquisition of the title, estate or interest in the lands described by condemnation under the provisions of law, has exercised its power of eminent domain, and has authorized the filing of condemnation proceedings, to acquire said title, estate or interest in said lands and to deposit in the Court the sum

estimated as just compensation, all in accordance with law. Let there be attached hereto as Appendix "1" to this Exhibit "A" a copy of the Resolution of the City of Smyrna finding that circumstances are such that it is necessary to proceed in the particular case under the provisions of Article 1, Chapter 3, Title 32, Official Code of Georgia Annotated.

This ____ day of _____, 2015.

THE CITY OF SMYRNA

By: _____
A. Max Bacon, Mayor

ATTEST:

TERRI GRAHAM, CITY CLERK