

**A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF DACULA,  
GEORGIA'S POWER OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN  
INTERESTS IN PROPERTY SITUATED IN GWINNETT COUNTY, GEORGIA, FOR  
CONSTRUCTION OF A CITY DRAINAGE EASEMENT AND RELATED PUBLIC  
PURPOSES.**

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

**WHEREAS**, the governing authority of the City of Dacula, 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. § 32-3-1, *et seq.* in the acquisition of certain interests in property for a City Drainage Easement and related public purposes.

**NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the City Attorney, or his designee, is ordered and directed to institute proceedings *in rem* pursuant to O.C.G.A. § 32-3-1, *et seq.* and 22-3-140 in the Superior Court Of Gwinnett County in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of the City of Dacula, said property now or formerly vested in Aaron Ballard, his successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of Eight Thousand Six Hundred Dollars (\$8,600.00) be made to 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 Mayor and City Council of the City of Dacula, Georgia

**SO RESOLVED** by the Mayor and City Council of the City of Dacula, Georgia, this \_\_\_\_ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,  
CITY OF DACULA, GEORGIA**

By: \_\_\_\_\_  
Brittni Nix, City Administrator

\_\_\_\_\_  
Hugh D. King, III, Mayor

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION OF DRAINAGE EASEMENT**

PIN R5301 128  
Easement Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, Gwinnett County, Georgia, being more particularly described as follows:  
**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way of Sanjo Street (30 feet right of way), Thence, 313.96 feet along the northerly right of way of Sanjo Street to a point on the adjoining property line between the parcels now or formerly owned by Osorio Sanchez and Janeth Carmen with Aaron Ballard, and being the **POINT OF BEGINNING**; Thence, along said line N 32° 04' 16" W for a distance of 150.68 feet to a point on the adjoining property line with a parcel now or formerly owned by AMH 2015-1 Borrower LP. Thence N 57° 03' 27" E a distance of 10.00 feet to a point; Thence, S 32° 04' 17" E for a distance of 150.73 feet to a point on the northerly right of way of Sanjo Street. Thence along said right of way, S 57° 22' 32" W for a distance of 10.00 feet to a point on a line, being the **POINT OF BEGINNING**. Said tract contains 0.03 Acres (1,507 sq ft).

### **LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**

Tract 1

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lot 301, 5<sup>th</sup> District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the northwestern intersection of the right of Sanjo Street (30 feet right of way) and the right of way of Maxey Street (30 feet of way varies); thence along the northwesterly right of way of Sanjo Street a distance of 150.23 feet, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 57°22'32" West, a distance of 103.06 feet to a point; thence leaving said right of way North 32°04'16" West, a distance of 10.00 feet to a point; thence North 57°22'32" East, a distance of 102.82 feet to a point; thence South 33°25'17" East, a distance of 10.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1029.39 Square Feet or 0.024 Acres.

**ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DACULA, GEORGIA  
TO CONDEMN PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING  
A DRAINAGE EASEMENT PROJECT**

**WHEREAS**, the Mayor and City Council of the City of Dacula, Georgia has laid out and determined to construct a City Drainage Easement facility for the City at that certain parcel identified for tax purposes as parcel identification number R5301 128 by the Gwinnett County Board of Tax Assessors; the same being more fully described and shown in the description and attached as Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation).

**WHEREAS**, the tract of property and other rights as herein described and as listed below shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) incorporated herein by reference and made a part of this Order are essential for the construction of said project:

Property/Rights: Permanent Drainage Easement of 0.03 Acres and  
Temporary construction easement of 0.024 acres  
Owner: Aaron Ballard  
Potentially Interested Parties: Person(s) in possession of the property.

**NOW THEREFORE**, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Mayor and City Council of the City of Dacula, Georgia that the circumstances are such that it is necessary that the property as described in Appendix B to Exhibit “A” of the Declaration of Taking be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 *et seq.* and O.C.G.A. § 22-3-140 for public storm water drainage system improvements, transportation improvements and related purposes.

**IT IS ORDERED** that the City of Dacula proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the City Attorney or his designees are authorized and directed to file condemnation proceedings, including a Declaration of Taking, 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 the provisions of said law.

**SO ORDERED** by the City of Dacula, Georgia Mayor and City Council, this \_\_\_\_\_ day of  
September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,  
CITY OF DACULA, GEORGIA**

By: \_\_\_\_\_  
Brittini Nix, City Administrator

\_\_\_\_\_  
Hugh D. King, III, Mayor

## EXHIBIT "A"

### DECLARATION OF TAKING

**WHEREAS**, the City of Dacula, Georgia, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and for public right-of-way or other public storm water and transportation system improvement purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in said order to condemn contained in the Resolution, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. § 32-3-1, *et seq.*; and

**WHEREAS**, said interests in property are for public purposes upon, across, and over the tract of land in the City of Dacula, Gwinnett County, Georgia, as fully described in the attachment hereto identified as Appendix B to Exhibit "A," and made a part hereof; and

**WHEREAS**, the City of Dacula, Georgia, 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 right-of-way above-referred to, a copy of the appraiser's sworn statement being attached hereto identified as Appendix C to Exhibit "A," and made a part hereof; and

**WHEREAS**, in consequence of the sworn statement, Appendix C to Exhibit "A," the City of Dacula, Georgia estimates of Eight Thousand Six Hundred Dollars (\$8,600.00) as just and adequate compensation to be paid for said right-of-way, as fully described in Appendix B to Exhibit "A" which is attached hereto and made a part hereof and will deposit said sum in the Court to the use of the persons entitled thereto.

**NOW THEREFORE**, the premises considered, the City of Dacula, Georgia, under authority of O.C.G.A. § 32-3-1, *et seq.* and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Appendix B to Exhibit "A," which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for said Drainage Easement.

This \_\_\_\_\_ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,  
CITY OF DACULA, GEORGIA**

By: \_\_\_\_\_  
Brittni Nix, City Clerk

\_\_\_\_\_  
Hugh D. King, III, Mayor

N/F  
AMH 2015-1 BORROWER LP  
356 MCMILLAN RD  
DACULA, GA 30019  
TAX ID # 5301 292  
DB 55966 PG 57

N57°03'27"E  
10.00'

IPF 1.5 OTP

EXISTING  
PROPERTY LINE

N/F  
OSORIO SANCHEZ JANETH CARMEN  
2535 SANJO ST  
DACULA, GA 30019  
TAX ID # R5301 084  
DB 60015 PG 662

EXISTING  
PROPERTY LINE

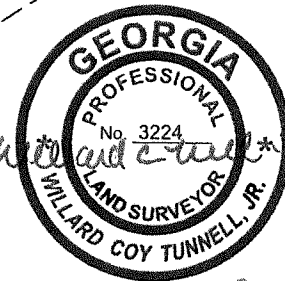
N32°04'16"W  
150.68'

EXISTING  
PROPERTY LINE

N/F  
AARON B BALLARD  
2525 SANJO ST  
DACULA, GA 30019  
TAX ID # R5301 128  
DB 50325 PG 675

S32°04'17"E  
150.73'

9  
1507.11 SF  
0.03 AC



SANJO STREET  
(30' R/W)

IPF .5 RB

S57°22'32"W  
10.00'

P.O.B.

313.96 TO THE INTERSECTION  
OF THE RIGHT OF WAY OF  
SANJO STREET & THE RIGHT  
OF WAY OF MCMILLAN ROAD

0 30' 60'

GRAPHIC SCALE  
1"=30'

GA 30-10  
N  
JEFF  
37  
DAC  
DB  
PAR

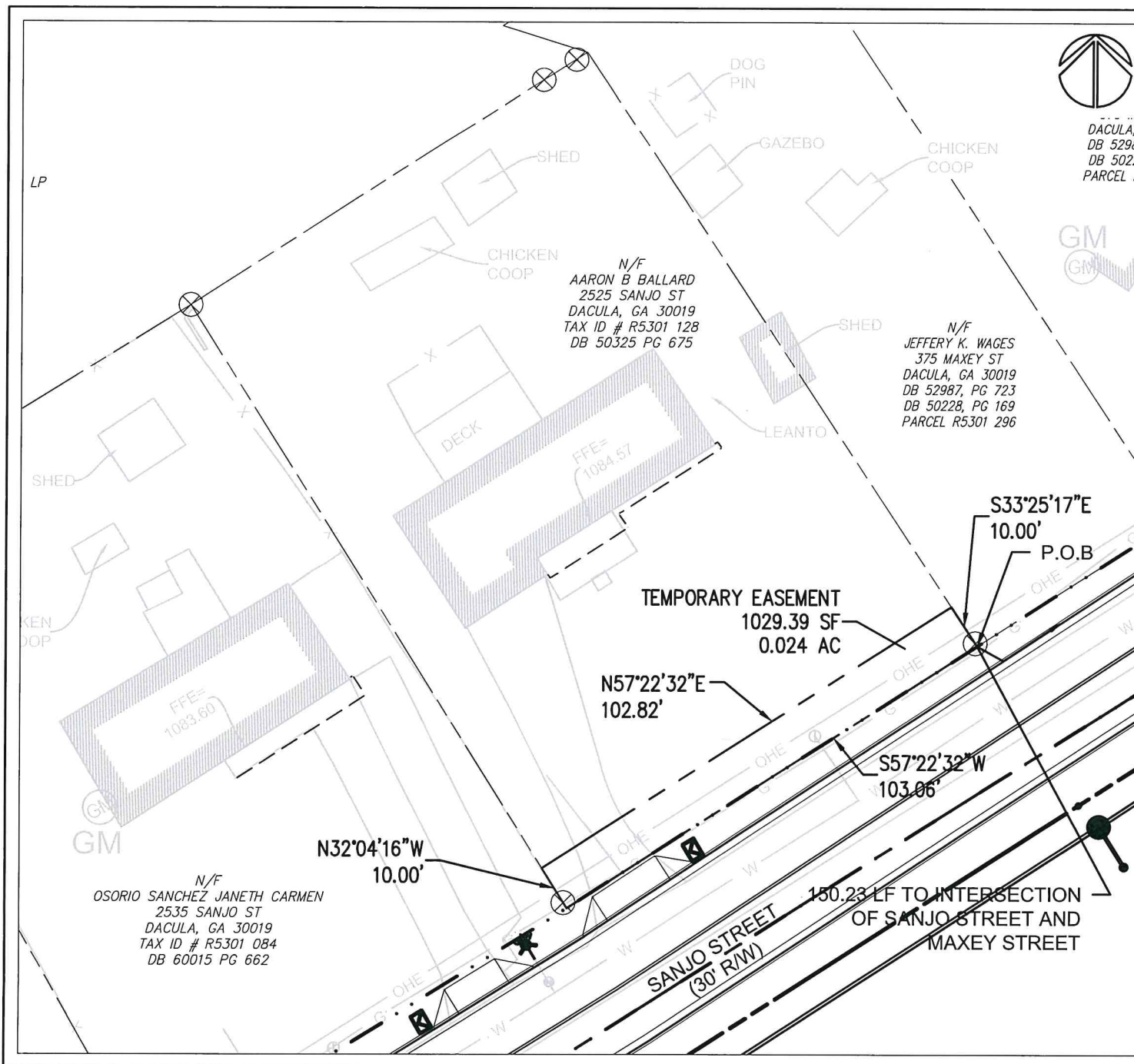
**BOWMAN**

4174 SILVER PEAK PARKWAY  
SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550  
FAX (770) 932-6551  
WWW.BOWMAN.COM

JOB NO: 200523-01-001  
DRAWN BY: RWH  
CHECKED BY: KDW  
SCALE: 1"= 30'  
DATE: 05/02/2025  
LL/DIST 301 / 5th  
CITY OF DACULA

**SANJO  
STREET**

**R5301 128  
EXHIBIT A  
TRACT 1**



DACULA,  
DB 52987  
DB 50228  
PARCEL R



*Christopher B Dellinger*

REGISTERED  
No. 3415  
PROFESSIONAL  
LAND SURVEYOR  
CHRISTOPHER B DELLINGER  
8-28-2015

**BOWMAN**

4174 SILVER PEAK PARKWAY  
SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550  
FAX (770) 932-6551  
WWW.BOWMAN.COM

JOB NO: 200523-01-001  
DRAWN BY: RWH  
CHECKED BY: KDW  
SCALE: 1"= 30'  
DATE: 08/28/2024  
LL 301/5th DISTRICT  
CITY OF DACULA  
GWINNETT COUNTY

**SANJO  
STREET**

**EXHIBIT A  
TEMPORARY EASEMENT**

## Appendix B

### LEGAL DESCRIPTION OF DRAINAGE EASEMENT

PIN R5301 128  
Easement Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, Gwinnett County, Georgia, being more particularly described as follows:  
**TO FIND THE POINT OF BEGINNING** commence at the southeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way of Sanjo Street (30 feet right of way), Thence, 313.96 feet along the northerly right of way of Sanjo Street to a point on the adjoining property line between the parcels now or formerly owned by Osorio Sanchez and Janeth Carmen with Aaron Ballard, and being the **POINT OF BEGINNING**; Thence, along said line N 32° 04' 16" W for a distance of 150.68 feet to a point on the adjoining property line with a parcel now or formerly owned by AMH 2015-1 Borrower LP. Thence N 57° 03' 27" E a distance of 10.00 feet to a point; Thence, S 32° 04' 17" E for a distance of 150.73 feet to a point on the northerly right of way of Sanjo Street. Thence along said right of way, S 57° 22' 32" W for a distance of 10.00 feet to a point on a line, being the **POINT OF BEGINNING**. Said tract contains 0.03 Acres (1,507 sq ft).

### LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

T.C.E. Tract 1

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lot 301, 5<sup>th</sup> District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the northwestern intersection of the right of Sanjo Street (30 feet right of way) and the right of way of Maxey Street (30 feet of way varies); thence along the northwesterly right of way of Sanjo Street a distance of 150.23 feet, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 57°22'32" West, a distance of 103.06 feet to a point; thence leaving said right of way North 32°04'16" West, a distance of 10.00 feet to a point; thence North 57°22'32" East, a distance of 102.82 feet to a point; thence South 33°25'17" East, a distance of 10.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1029.39 Square Feet or 0.024 Acres.



## Appendix C

### APPRAISER'S CERTIFICATION

GEORGIA, GWINNETT COUNTY

Personally comes, Matthew Retter whose address is 246 North Perry Street, Lawrenceville, Georgia 30046 and deposes and testifies as follows:

1. Affiant was employed by the City of Dacula, Georgia to appraise the property needed for the Drainage Line Project and rights required for construction of the Project in Gwinnett County, Georgia for the 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 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 Eight Thousand Six Hundred Dollars (\$8,600.00)

---

Matthew Retter

Sworn to and subscribed before me,  
this \_\_\_\_ day of \_\_\_\_\_, 2025.

---

NOTARY PUBLIC

My Commission Expires: