

**IN THE SUPERIOR COURT OF
WHITFIELD COUNTY**

CITY OF DALTON	:	DOCKET NO. _____
	:	
VS.	:	
	:	
2.54231 acres of land; and certain	:	
easement rights; and	:	
	:	
Iva Mae Planzer.	:	

DECLARATION OF TAKING

WHEREAS, the City of Dalton, a political subdivision of the State of Georgia, has made a finding that the circumstances in connection with acquiring the right of way to construct the Glenwood Storm Water Project are such that it is necessary to acquire an 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 part hereof, under the Official Code of Georgia Annotated Sections 22-3-140, 32-3-4 through 32-3-19; and

WHEREAS, said right of way, easements and access rights, if any, are for storm water drainage upon, across, and under 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, the City of Dalton 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, easements and access rights, if any, 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 to the sworn statement, Appendix "C" to Exhibit "A" the City of Dalton estimates \$16,600.00 as the just and adequate compensation to be paid for said right of way, easements and access rights, if any, 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, the City of Dalton, under authority of the Official Code of Georgia Annotated Sections 22-3-140, 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 municipal storm water drainage purposes.

This the _____ day of _____, 2025.

Annalee Sams
Mayor of the City of Dalton

APPENDIX A

Order

APPENDIX “A” TO EXHIBIT “A”

ORDER

OF THE CITY OF DALTON

WHEREAS, the City of Dalton has laid out and determined to extend a storm water drain for municipal storm water drainage purposes on a section of land at 622 North Elm Street, Dalton and being more fully shown on a map and drawing on file in the office of the City of Dalton; and

WHEREAS, in order to maintain the projected schedule of sewer construction of the City of Dalton, it is necessary that the right of way, and other rights, if any, for the construction of said project be acquired without delay; and

WHEREAS, the parcel(s) of right of way and other rights as herein described and as listed below, shown of record as owned by the person named herein, all as described and shown in the annexes to this order hereinafter enumerated, all of said annexes, being by reference made a part of this order, are essential for the construction of said project:

Required R/W: 2.54231 acres of land; and certain easement rights; and

Appendix “A”- Annex 1- Legal Description

Annex 1-A- Plat

Owner: Iva Mae Planzer

NOW THEREFORE, it is found by the City of Dalton that the circumstances are such that it is necessary that the right of way, easements and access rights, if any, as described in annexes to this order be acquired by condemnation under the provisions of the Official Code of Georgia Annotated Sections 22-3-140, 32-3-4 through 32-3-19; and

IT IS ORDERED that the City of Dalton proceed to acquire the title, estate, or interest in the lands hereinafter described in annexes to this order by condemnation under the provisions of said Code, and the City Attorney as well as his duly authorized Assistant Attorneys, 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 code.

Done at the office of the City of Dalton, in Dalton, Georgia, this __ day of ____, 2025.

Annalee Sams
Mayor of the City of Dalton

Annex 1

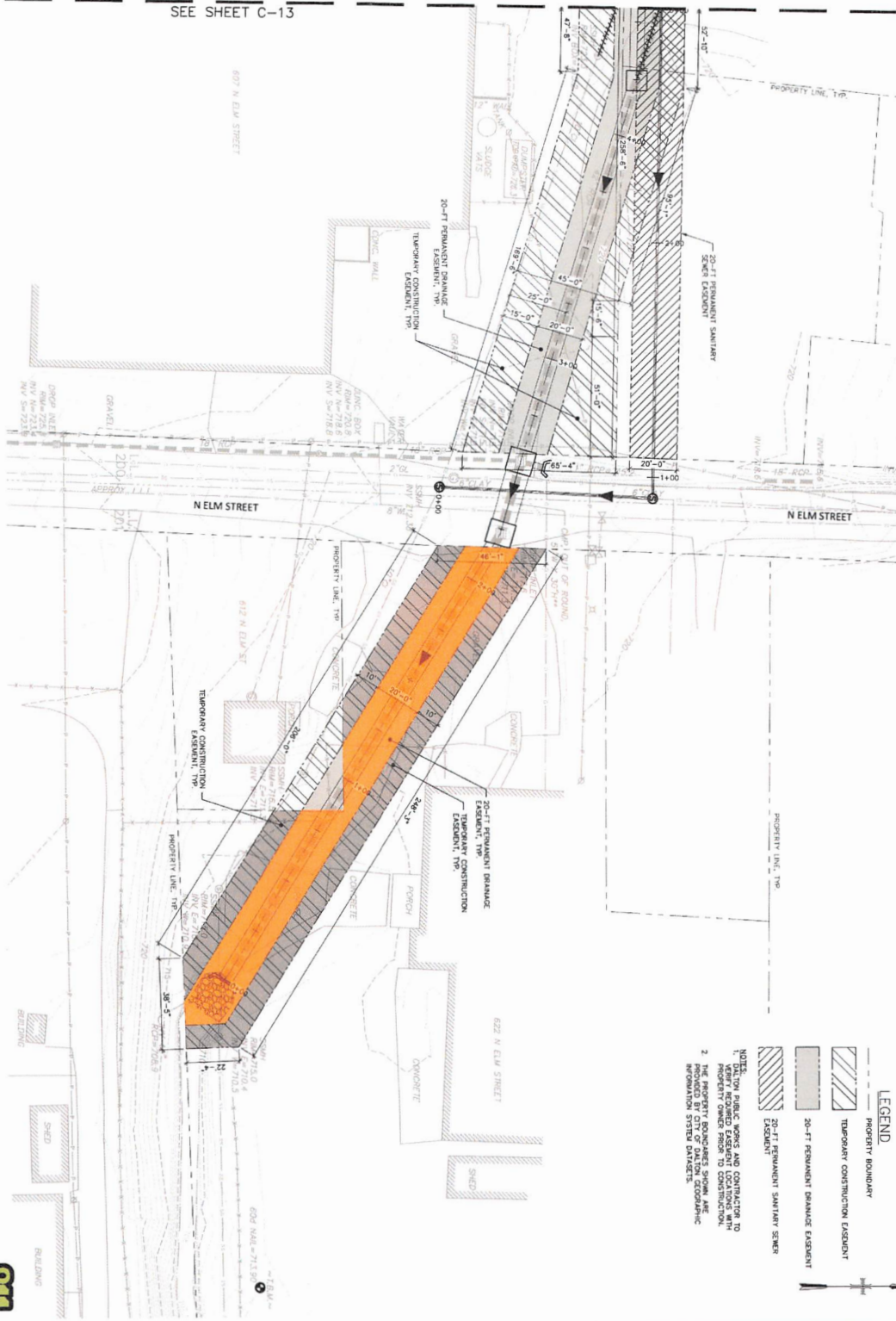
.

All that tract or parcel of land lying and being in Land Lot No. 201 in the 12th District and 3rd Section of Whitfield County, Georgia, being located in the City of Dalton, on the east side of Elm Street, and being more particularly described according to a plat of survey entitled "Plat for Jolly Textile Co. Property" prepared by Peter L. Bakkum, Georgia Registered Land Surveyor No. I 096, dated January 27, 1958 and recorded in Deed Book 110 Page 245, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

For prior title, see Deed Book 6217 Page 267, Whitfield County, Georgia Land Records.

Annex 1A

MATCH LINE STA. 5+00
SEE SHEET C-13



NOTES:
1. DALTON PUBLIC WORKS AND CONSTRUCTION TO BE COMPLETED PRIOR TO CONSTRUCTION.
2. THE PROPERTY BOUNDARIES SHOWN ARE PROVIDED BY CITY OF DALTON GEORGIAN INFORMATION SYSTEMS DIVISION.

- LEGEND
- PROPERTY BOUNDARY
 - TEMPORARY CONSTRUCTION EASEMENT
 - 20-FT PERMANENT DRAINAGE EASEMENT
 - 20-FT PERMANENT SANITARY SEWER EASEMENT

ARCADIS LOCAL ENTITY, INC. 2839 PACES TERRY RD SUITE 300 DALTON, GA 30703 TEL: 770-443-4666 WWW.ARCADIS.COM	
WHELFORD COUNTY, GEORGIA CITY OF DALTON	
NORTH GLENWOOD AVENUE BYPASS SYSTEM	
ARCADIS MAIL NO. 30078891	
DATE: 3/28/2024	
DESIGNED BY: A. CHAN	
DRAWN BY: T. MITCHELL	
CHECKED BY: B. DRULL	
SHEET TITLE: EASEMENT PLAN (SHEET 2 OF 2)	
SCALE: AS SHOWN	
C-14	

APPENDIX B

Description of Property From Which Right of Way is Taken

APPENDIX "B" TO EXHIBIT "A"

DESCRIPTION OF PROPERTY FROM WHICH RIGHT OF WAY IS TAKEN

PROJECT: GLENWOOD STORM WATER PROJECT

Record Owner: Iva Mae Planzer.

All that tract or parcel of land lying and being in Land Lot No. 201 in the 12th District and 3rd Section of Whitfield County, Georgia, being located in the City of Dalton, on the east side of Elm Street, and being more particularly described according to a plat of survey entitled "Plat for Jolly Textile Co. Property" prepared by Peter L. Bakkum, Georgia Registered Land Surveyor No. I 096, dated January 27, 1958 and recorded in Deed Book 110 Page 245, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

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APPENDIX C

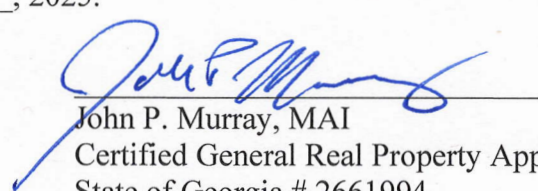
Affidavit of John Murray

GEORGIA, WHITFIELD COUNTY


Personally came, John P. Murray, MAI of Childers Associates, who conducts business at 2219 Greensboro Highway, Watkinsville, Georgia 30677, who on oath states the following:

1. Affiant has been an appraiser since 2002. Affiant is currently a Certified General Real Property Appraiser in the State of Georgia and has been a Certified General Appraiser in the State of Georgia at all times pertinent hereto.
2. Affiant was engaged by the City of Dalton to appraise 622 North Elm Street, Whitfield County, Georgia of the right of way and rights required for the storm water drainage construction for the City of Dalton and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 22-3-140, 32-3-4 through 32-3-19, for the acquisition of the needed right of ways.
3. Affiant is familiar with real estate values in said county and in the vicinity where the property is located. Affiant has personally inspected the property or right condemned and in appraising said property affiant took into consideration the Fair Market Value of said property, as well as any consequential damages to remaining property of the Condennnees 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 determined that the just and adequate compensation for said parcel, and any consequential damages or benefits considered, is in the amount of **\$16,600.00**.

This 25th day of March, 2025.


John P. Murray, MAI
Certified General Real Property Appraiser
State of Georgia # 2661994

Sworn to and subscribed before me,
This 25 day of March, 2025.


NOTARY PUBLIC

My commission expires 08/03/2025

