



AGENDA STAFF MEMO

TO: Honorable Mayor and City Council Members
FROM: Sara Leaders, PE, Public Works Director
DATE: Submitted on April 3, 2025, for the April 14, 2025, Regular City Council Meeting

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AGENDA ITEM: Co Consideration of a Resolution to Condemn Property Rights Needed for **Big Creek Greenway Connector Project (Project No. 0015078), Parcel 06;** 5,701.11 Square Feet of Temporary Easement for Construction of Slopes; One (1) Temporary Driveway Easement; and Site Improvements. Owner: First Town, L.P.

SUMMARY:

The City is responsible for right-of-way acquisition for the Big Creek Greenway Connector project. The City has made a fair and reasonable offer based on the appraisal to acquire the temporary easement necessary for the construction of the project on Parcel 06. The City never received a signed counter offer from the property owner. To move forward with the project, staff is recommending approval of the resolution to initiate condemnation proceedings on Parcel 06.

FUNDING AND FINANCIAL IMPACT:

The appraised value of the rights needed is \$35,500.00.

ALTERNATIVES:

The project requires impacts to this parcel. There are no opportunities to further reduce impacts. Any further design changes would delay construction and increase total cost.

PROCUREMENT SUMMARY (if applicable)

REVIEW & APPROVALS:

Financial Review: Stacey Inglis, Deputy City Manager –
Legal Review: Chris Hamilton, Jarrard & Davis, LLP – April 2, 2025
Concurrent Review: Steven Krokoff, City Manager –

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ATTACHMENT(S):

Declaration of Taking
Order authorizing condemnation action
Resolution including Exhibit A

SERVICE • TEAMWORK • OWNERSHIP • LEADERSHIP • RURAL HERITAGE

2006 Heritage Walk, Milton, GA 30004 | 678.242.2500 | facebook.com/thecityofmiltonga | info@miltonga.gov | www.miltonga.gov



EXHIBIT “A”

DECLARATION OF TAKING

WHEREAS, the City of Milton, Georgia, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and/or easements for public road or other transportation 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 O.C.G.A. §§ 22-3-140; and

WHEREAS, said interests in property and easements are for public purposes upon, across, and over the tract of land in said city, as fully described in the attachment hereto identified as Appendix B to Exhibit “A,” and made a part hereof; and

WHEREAS, the City of Milton, 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 and/or easements, referenced above, 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 Milton, Georgia estimates \$35,500.00 as just and adequate compensation to be paid for said right-of-way and/or easements, as fully described in Appendix B to Exhibit “A” which is attached hereto and made a part hereof and now deposits said sum in the Court to the use of the persons entitled thereto.

NOW, THEREFORE, the premises considered, the City of Milton, Georgia, under authority of the Official Code of Georgia Annotated §§ 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 a public road or other transportation purposes.

PEYTON JAMISON, Mayor

ATTEST:

TAMMY LOWIT, City Clerk

APPROVED AS TO FORM:

/s/ Christopher J. Hamilton

Christopher J. Hamilton
Georgia Bar No. 320853
Priya M. Patel
Georgia Bar No. 869743

JARRARD & DAVIS, LLP
222 Webb Street
Cumming, Georgia 30040
(678) 455-7150 – telephone
(678) 455-7149 – facsimile
Attorneys for Condemnor

**ORDER OF THE CITY OF MILTON, GEORGIA TO CONDEMN PROPERTY FOR
PURPOSES OF CONSTRUCTING AND IMPROVING A PUBLIC TRANSPORTATION
PROJECT**

WHEREAS, the City of Milton, Georgia, through its Mayor and City Council, has laid out and determined to construct and improve Big Creek Greenway Connector (Project No.: 0015078) for the City of Milton at Fulton County tax parcel identification number 22 527010470090 being more fully described and shown in the description and drawing 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 person 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: 5,701.11 Square Feet of Temporary Easement for Construction of Slopes; and One (1) Temporary Driveway Easement.

Owner: First Town, L.P.

Potentially Interested
Parties: Georgia Department of Transportation; Deerfield Master
 Association; Deerfield Park, LLC

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the City of Milton 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.* for public road purposes or other transportation purposes.

IT IS ORDERED that City of Milton 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 City Attorney Ken Jarrard 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 Milton, Georgia, this ____ day of _____ 2025.

PEYTON JAMISON, Mayor

ATTEST:

TAMMY LOWIT, City Clerk

APPROVED AS TO FORM:

/s/Christopher J. Hamilton

Christopher J. Hamilton
Georgia Bar No. 320853
Priya M. Patel
Georgia Bar No. 869743

JARRARD & DAVIS, LLP

222 Webb Street
Cumming, Georgia 30040
678-455-7150 (telephone)
678-455-7149 (facsimile)

Attorneys for City of Milton, Georgia

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING ITS ATTORNEY TO EXERCISE THE CITY OF MILTON, GEORGIA'S POWERS OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN INTERESTS IN PROPERTY SITUATED IN THE CITY OF MILTON, GEORGIA FOR PUBLIC ROAD AND/OR OTHER PUBLIC TRANSPORTATION PURPOSES

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

WHEREAS, the governing authority of the City of Milton, 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. Section 32-3-1 *et seq.* and O.C.G.A. Section 22-3-140 in the acquisition of certain interests in property for municipal road and/or other transportation purposes.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, Ken Jarrard, City Attorney, or his designee, is ordered and directed to institute proceedings in rem pursuant to O.C.G.A. Section 32-3-1 *et seq.* and O.C.G.A. Section 22-3-140 in the Fulton County Superior Court in order to condemn that certain property and interest 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 Milton, Georgia, said property now or formerly vested in First Town, L.P., its successors or assigns. It is further resolved that payment of just and adequate compensation therefore be made to the person or persons, entity or entities 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 City Council.

RESOLVED this ____ day of _____ 2025.

Peyton Jamison, Mayor

Attest: _____
Tammy Lowit, City Clerk

(SEAL)

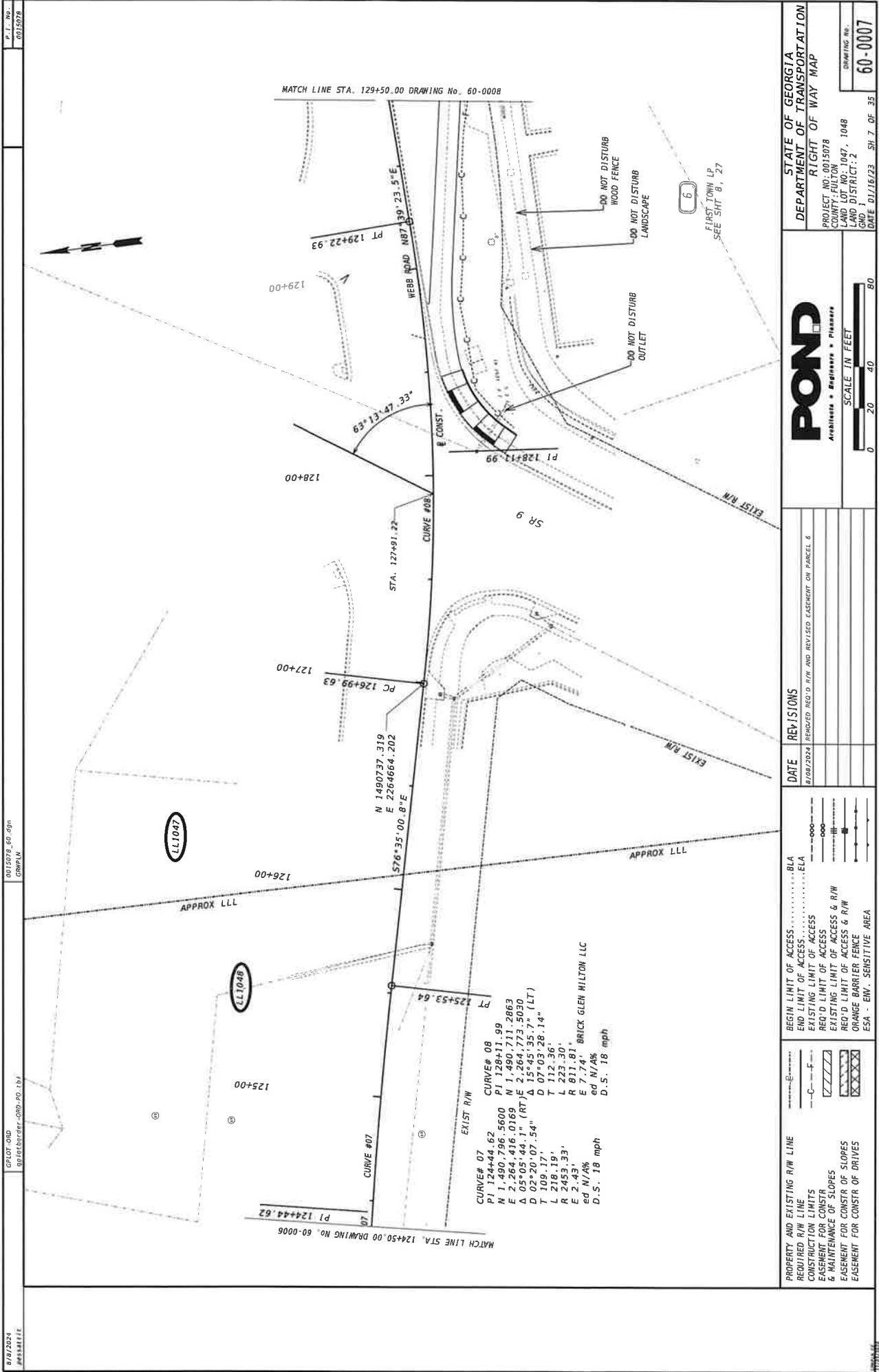
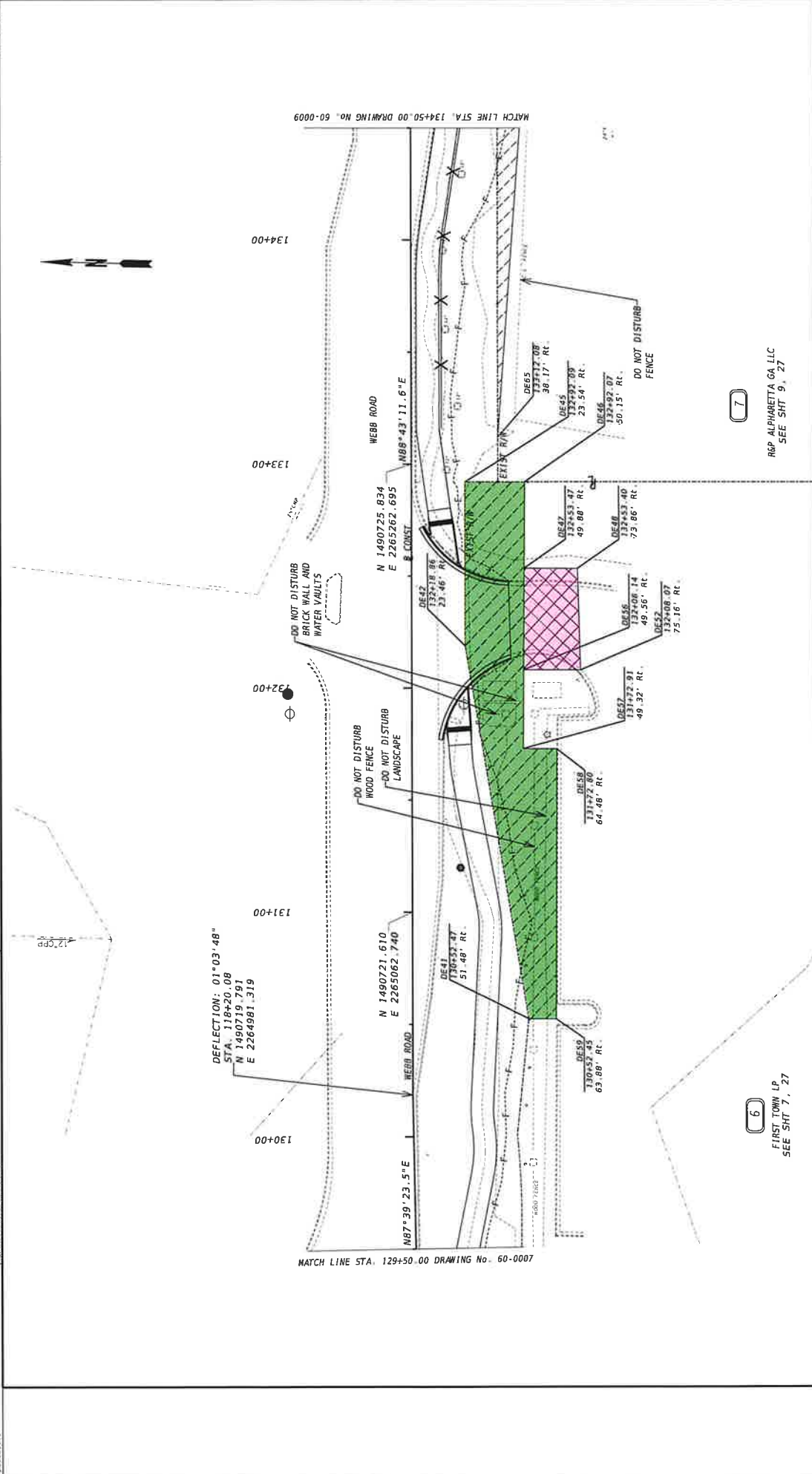


EXHIBIT A

STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP		POND Architects • Engineers • Planners	
PROJECT NO: 0015078 COUNTY: FULTON LAND LOT NO: 1047, 1048 LAND DISTRICT: 2 GMD: J DATE: 01/16/23 SH 7 OF 35		DRAWING NO: 60-0007	
DATE: 8/08/2024 REVISIONS:		SCALE: 1" = 40'	
BEGIN LIMIT OF ACCESS END LIMIT OF ACCESS REQ'D LIMIT OF ACCESS EXISTING LIMIT OF ACCESS & R/W REQ'D LIMIT OF ACCESS & R/W ORANGE BARRIER FENCE ESA - ENV. SENSITIVE AREA		REVISIONS:	



STATE OF GEORGIA

DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJECT NO: 60-0007

COUNTY: FULTON

LAND LOT NO: 1047

LAND DISTRICT: 2

DATE: 01/16/23

SH. 8 OF 35

60-0008

REVISIONS

DATE

DESCRIPTION

8/18/2024

REMOVED REV'D R/W ON PARCEL 6 AND REVISED EASEMENTS ON PARCELS 6 AND 7

PROPERTY AND EXISTING R/W LINE

REQUIRED R/W LINE

CONSTRUCTION LIMITS

CONSTRUCTION LIMITS FOR CONSTRUCTION

EASEMENT FOR CONSTRUCTION OF SLOPES

EASEMENT FOR CONSTRUCTION OF DRAIVES

BEGIN LIMIT OF ACCESS

END LIMIT OF ACCESS

EXISTING LIMIT OF ACCESS

REQ'D LIMIT OF ACCESS

EXISTING LIMIT OF ACCESS & R/W

REQ'D LIMIT OF ACCESS & R/W

ORANGE BARRIER FENCE

ESA - ENV. SENSITIVE AREA

SCALE IN FEET

0 20 40 80

6

FIRST TOWN LP

SEE SHT 7, 27

8/8/2024 DMS-ATT-11		OFFLOT-ORD BAYVIEW RD, RD 141		0015078.60.dgn DWG FILE		P.L. No. 0015078	
PARCEL 6 DE178 EASMT. FOR CONST. OF SLOPES PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING				PARCEL 7 DE179 EASMT. FOR CONST. OF SLOPES PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE41 51.478 R 130+52.472 Webb Rd				DE65 38.173 R 133+12.083 Webb Rd			
DE42 23.458 R 129+09.39.06"E Webb Rd				DE66 32.050 R 135+04.133 Webb Rd			
DE43 73.229 R 130+46.37.00"E Webb Rd				DE67 49.723 R 134+69.954 Webb Rd			
DE44 23.538 R 132+52.080 Webb Rd				DE68 38.173 R 133+12.083 Webb Rd			
DE45 26.615 R 130+14.30.83"E Webb Rd				RECD EASMT = 1100.00 SF			
DE46 30.154 R 132+52.072 Webb Rd				RECD EASMT = 0.025 ACRES			
DE47 38.607 R 132+53.466 Webb Rd				PARCEL 8 DE312			
DE48 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE49 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE50 43.328 R 132+53.466 Webb Rd				DE68 18.199 R 136+42.123 Webb Rd			
DE51 43.328 R 132+53.466 Webb Rd				DE69 18.127 R 139+37.178 Webb Rd			
DE52 43.328 R 132+53.466 Webb Rd				DE70 356.983 R 142+94.753 Webb Rd			
DE53 43.328 R 132+53.466 Webb Rd				DE71 7.732 R 137+11.37.37"E Webb Rd			
DE54 43.328 R 132+53.466 Webb Rd				DE72 16.364 R 143+02.473 Webb Rd			
DE55 43.328 R 132+53.466 Webb Rd				DE73 31.000 R 143+87.066 Webb Rd			
DE56 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE57 43.328 R 132+53.466 Webb Rd				DE90 35.235 R 143+79.236 Webb Rd			
DE58 43.328 R 132+53.466 Webb Rd				DE91 30.000 R 144+74.412 Webb Rd			
DE59 43.328 R 132+53.466 Webb Rd				DE92 30.000 R 144+89.333 Webb Rd			
DE60 43.328 R 132+53.466 Webb Rd				DE93 15.009 R 144+89.333 Webb Rd			
DE61 43.328 R 132+53.466 Webb Rd				DE94 15.285 R 144+74.557 Webb Rd			
DE62 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE63 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE64 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE65 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE66 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE67 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE68 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE69 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE70 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE71 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE72 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE73 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE74 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE75 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE76 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE77 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE78 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE79 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE80 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE81 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE82 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE83 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE84 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE85 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE86 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE87 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE88 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE89 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE90 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE91 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE92 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE93 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE94 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE95 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE96 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE97 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE98 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE99 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE100 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE101 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE102 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE103 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE104 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE105 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE106 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE107 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE108 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE109 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE110 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE111 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE112 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE113 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE114 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE115 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE116 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE117 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE118 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE119 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE120 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE121 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE122 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE123 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE124 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE125 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE126 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE127 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE128 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE129 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			
DE130 43.328 R 132+53.466 Webb Rd				PARCEL 8 DE32			
DE131 43.328 R 132+53.466 Webb Rd				EASMT. FOR CONST. OF SLOPES			
DE132 43.328 R 132+53.466 Webb Rd				PNT OFFSET/ STATION/ ALIGNMENT DIST BEARING			
DE133 43.328 R 132+53.466 Webb Rd				DE74 30.146 R 144+74.412 Webb Rd			
DE134 43.328 R 132+53.466 Webb Rd				DE95 30.000 R 144+89.333 Webb Rd			
DE135 43.328 R 132+53.466 Webb Rd				DE96 30.000 R 144+74.412 Webb Rd			
DE136 43.328 R 132+53.466 Webb Rd				RECD EASMT = 225.46 SF			
DE137 43.328 R 132+53.466 Webb Rd				RECD EASMT = 0.005 ACRES			

PROPERTY AND EXISTING R/W LINE		BEGIN LIMIT OF ACCESS		BLA	
EXISTING R/W LINE		END LIMIT OF ACCESS		END LIMIT OF ACCESS	
CONSTRUCTION LIMITS		EXISTING LIMIT OF ACCESS		EXISTING LIMIT OF ACCESS	
EASMENT FOR CONSTR		EXISTING LIMIT OF ACCESS		EXISTING LIMIT OF ACCESS	
& MAINTENANCE OF SLOPES		REQ'D LIMIT OF ACCESS & R/W		REQ'D LIMIT OF ACCESS & R/W	
EASMENT FOR CONSTR OF SLOPES		ORANGE BARRIER FENCE AREA		ORANGE BARRIER FENCE AREA	
EASMENT FOR CONSTR OF DRIVES		ESA - ENV. SENSITIVE AREA		ESA - ENV. SENSITIVE AREA	

STATE OF GEORGIA		DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY MAP		PROJECT NO. 0015078	
LAND DIST. NO. 1		LAND DIST. NO. 1	
GND. 1		GND. 1	
DATE 01/16/23		SH 27 OF 35	
60-0027		60-0027	