

**STATE OF GEORGIA
COUNTY OF NEWTON**

**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF
NEWTON COUNTY, GEORGIA**

WHEREAS, the Newton County Board of Commissioners has determined that Newton County needs to make certain improvements at Gaithers Road known as Project NCWO#10 Gaithers Road: CR 150 ("The Project"), for benefit of the public and it has been determined that it is necessary for the Board of Commissioners to locate, acquire and dedicate a temporary easement, permanent easement, driveway easement, and a right of way over certain property described herein for such purpose(s); and

WHEREAS, the Property and Property Rights described as Parcels 6, 7, & 8 on the plats attached hereto as **Annex "A"**, are necessary for the construction of The Project; and

WHEREAS, acquisition by Newton County of the Property and Property Rights is in the best interests of the citizens of Newton County; and

WHEREAS, in order to maintain the current schedule for the planned road improvements at Gaithers Road, as described herein, it is necessary that such Property and Property Rights be acquired without further delay; and

WHEREAS, the Board has been unable to acquire the Property and Property Rights; and

WHEREAS, Newton County is prepared to deposit into the Registry of the Court just and adequate compensation to be paid for the Property and Property Rights to the use of the persons entitled thereto upon proper award under the Declaration of Taking method;

WHEREAS, the Property and Property Rights, essential for the purposes described in **Annex "A"** are shown of record to be owned by the following:

**Circle S. Enterprises, Inc.
Mr. Ralph Spears, Jr.
205 Spears Lane
Mansfield, GA. 30055**

**Leakton, LTD.
c/o Elizabeth S. Blair
5145 Pratt Street
Covington, GA. 30014**

NOW THEREFORE, BE IT RESOLVED, the premises considered, that:

(1) Newton County proceed to acquire the Property and Property Rights, by condemnation under the provisions of O.C.G.A. § 32-3-4, it being determined that it is necessary to utilize the declaration of taking method to acquire the Property; and

(2) The Chairman and Clerk are authorized to make amendments to this Resolution to correctly identify all owners of the Property and Property Rights and to correctly identify the Property and Property Rights acquired hereunder; and

(3) The County Attorney, Wm. Thomas Craig, is authorized and directed to file condemnation proceedings in the name of Newton County to acquire the Property and Property Rights; and


(4) The County Attorney and the County Clerk are authorized to deposit into the Registry of the Court the sum determined by finding of the Declaration of Taking method (O.C.G.A. § 32-3-1 et seq.) to be just and adequate compensation, all in accordance with the provisions of said Act.


Resolved this 20th day of November, 2012.

BOARD OF COMMISSIONERS OF
NEWTON COUNTY, GEORGIA

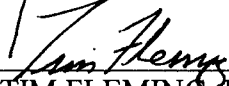

KATHRYN G. MORGAN, Chairman

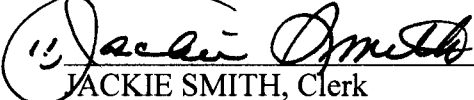

T.M. (MORT) EWING, District 1


LANIER SIMS, District 2


NANCY SCHULZ, District 3


J.C. HENDERSON, District 4


TIM FLEMING, District 5


JACKIE SMITH, Clerk



ANNEX "A"
TO
RESOLUTION OF THE BOARD OF COMMISSIONERS
OF NEWTON COUNTY, GEORGIA

The property from which the Property and Property Rights are being acquired:

Leakton, LTD.

A permanent non-exclusive easement for the purpose of ingress, egress and regress access, and for the purpose of locating, constructing, maintaining, repairing and relocating within the same a culvert and ditch under, over, upon and through the land shown as the easement for construction and maintenance of slopes on Parcel 06 on the right-of-way plans entitled "Right of Way of Proposed Gaithers Road Improvements" prepared by Hatch Mott MacDonald and dated March 15, 2012, such area being shown on Sheet 7 of said plans recorded in Plat Book 49, pages 190-201, Newton County, Georgia records, which plans are incorporated herein by reference thereto for a more complete description and attached hereto.

A temporary construction easement to perform such work as Newton County deems necessary over and upon the land shown as the easement for construction of slopes on Parcels 06 and 07 on the right-of-way plans entitled "Right of Way of Proposed Gaithers Road Improvements" prepared by Hatch Mott MacDonald and dated March 15, 2012 such area being shown on Sheet 7 of said plans recorded in Plat Book 49, pages 190-201, Newton County, Georgia records, which plans are incorporated herein by reference thereto for a more complete description and attached hereto.

An easement for the purpose of connecting the driveway to the paved road, over and upon the land shown as the easement for construction of drives on Parcels 06 and 07 on the right-of-way plans entitled "Right of Way of Proposed Gaithers Road Improvements" prepared by Hatch Mott MacDonald and dated March 15, 2012, such area being shown on Sheet 7 of said plans recorded in Plat Book 49, pages 190-201, Newton County, Georgia records, which plans are incorporated herein by reference thereto for a more complete description and attached hereto.

Circle S Enterprises, Inc.

A temporary construction easement to perform such work as Newton County deems necessary over and upon the land shown as the easement for construction of slopes on Parcel 08 on the right-of-way plans entitled "Right of Way of Proposed Gaithers Road Improvements" prepared by Hatch Mott MacDonald and dated March 15, 2012, such area being shown on Sheet 7 of said plans recorded in Plat Book 49, pages 190-201, Newton County, Georgia records, which plans are incorporated herein by reference thereto for a more complete description and attached hereto.