

# **Coweta County Water & Sewerage Authority**

## **SPECIAL CALLED Meeting Agenda**

Thursday, November 7, 2024

Conference Room

Meeting Time: 6:05 P.M.

### **Approx**

### **Time**

### **Agenda Item**

### **Presenter**

6:05PM

Call to order

Chairman Laurie Bartlett

### **Business**

Ordinance and Resolution to Authorize  
Condemnation Proceedings for Public Use  
in Connection with a Public Raw Water  
Transmission Main and Line for Property  
Owned By Charlotte Sewell

Mr. Jay Boren

Ordinance and Resolution to Authorize  
Condemnation Proceedings for Public Use  
in Connection with a Public Raw Water  
Transmission Main and Line for Property  
Owned By Panther Creek Associates, LP;  
1202 Holdings, LLC; Pinetree Investments,  
et. al.

Mr. Jay Boren

Ordinance and Resolution to Authorize  
Condemnation Proceedings for Public Use  
in Connection with a Public Raw Water  
Transmission Main and Line for Property  
Owned By Mary and Ronald Hyde Living  
Trust

Mr. Jay Boren

Ordinance and Resolution to Authorize  
Condemnation Proceedings for Public Use  
in Connection with a Public Raw Water  
Transmission Main and Line for Property  
Owned By Brookside Valley Investments, LLC

Mr. Jay Boren

Adjournment

Chairman Laurie Bartlett

**AN ORDINANCE AND RESOLUTION AUTHORIZING THE COWETA COUNTY  
WATER AND SEWERAGE AUTHORITY BOARD ATTORNEY TO INSTITUTE  
NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION  
OF TAKING METHOD THROUGH A SPECIAL MASTER TO OBTAIN TITLE TO  
THE REAL PROPERTY DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID  
PROPERTIES BEING LOCATED IN COWETA COUNTY AND NECESSARY FOR  
PUBLIC USE IN CONNECTION WITH A PUBLIC RAW WATER TRANSMISSION  
MAIN AND LINE PROJECT ENTITLED CHATTAHOOCHEE EXPANSION  
PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Coweta Water and Sewerage Authority (“CCWSA”) in Coweta County (“County”) desires to build a raw water transmission main and line to connect water from the Chattahoochee River to the B.T. Brown Reservoir to be used to distribute water through CCWSA from the B. T. Brown Reservoir providing water to the general public. CCWSA received a Georgia Environmental Protection Division Permit to Withdraw, Divert or Impound Surface Water, Permit No. 038-1218-04 issued on April 2, 2024 to include properties which are located in Land Lots 194 and 195 of the Fifth District of Coweta County, Georgia, which are together known as the Chattahoochee Expansion Project (the “Project”), and

**WHEREAS**, the Project requires the acquisition of additional rights of ways from neighboring landowners; and

**WHEREAS**, CCWSA has been acquiring real property, including rights of way for the Project from property owners through negotiation, pursuant to the direction from the CCWSA Board of Directors; and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.3578 acres of permanent right of way and 0.5325 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5194 001 and 045 5194 004, which is described as approximately 48.78 acres located on Sewell Mill Road, Newnan, Georgia and is owned by Charlotte Sewell (the “Parcel”); and

**WHEREAS**, CCWSA is seeking to improve the ability to provide water to the general public and to ensure better water quality and flow of water for the citizens of Coweta County and those persons utilizing the raw water transmission main and line; and

**WHEREAS**, the improvements to the Project at this location will service the public needs by allowing for the water for the public and County at large along the Project route and throughout the County as described above; and

**WHEREAS**, in order to begin construction of said improvement, it was and continues to be necessary for CCWSA to acquire the final right of way being a part of the Parcel to accommodate the proposed raw water transmission main and line; and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.3578 acres for permanent right of way and 0.5325 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Bobby Sewell Estate,” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “A” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, because negotiations for the remaining Right of Way Area have failed, CCWSA needs to acquire the remaining Right of Way Area necessary for the raw water transmission main and line improvements through the use of the power of eminent domain; and

**WHEREAS**, time is of the essence for the acquisition of the Right of Way Area being condemned so that construction may begin immediately on the site; and

**WHEREAS**, due to such necessity, the CCWSA has determined that circumstances are such that it is necessary to proceed with condemnation on the Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*; and

**WHEREAS**, CCWSA, by this Ordinance and Resolution, desires the CCWSA Board Attorney proceed with condemnation on the remaining Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*

**NOW, THEREFORE, BE IT ORDAINED BY THE CCWSA BOARD OF DIRECTORS**, as follows:

**Section 1.** That the public necessity for immediately acquiring the fee simple Right of Way Area described hereinbelow for public use associated with the Chattahoochee Expansion Project is hereby declared and affirmed; and the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. §§ 22-3-140, *et seq.*, and 22-2-102, *et seq.*, and use of that method is hereby authorized to acquire and obtain title to the fee simple Right of Way Area.

**Section 2.** That the CCWSA Board Attorney, or her designee, shall be and hereby is authorized and the CCWSA Board Attorney, or her designee, shall be and hereby is directed, with respect to the said fee simple Right of Way Area described hereinbelow, to institute condemnation proceedings in the name of CCWSA for the condemnation of the Right of Way Area, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the CCWSA Board Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements on behalf of CCWSA in an effort to resolve and/or settle the condemnation case.

**Section 3.** That the Chairman of the CCWSA Board of Directors is hereby authorized and directed, to sign, for CCWSA as a body politic of the State of Georgia, the form of the Declarations of Taking, when prepared in final form connection with any condemnation of the Right of Way Area by the CCWSA Board Attorney's Office.

**Section 4.** That the CCWSA Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the CCWSA Board Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

**Section 5.** That the CCWSA Board Attorney be and hereby is authorized to engage the services of any expert witnesses or appraisers as necessary to assist with the condemnation and/or closing of said Right of Way Area.

**Section 6.** That the properties for the Chattahoochee Expansion Project already acquired by CCWSA and approved by the CCWSA Board of Directors are hereby affirmed as necessary for the completion and construction of the Project.

**Section 7.** That the Right of Way Area sought to be acquired by the declaration of taking method is as shown on the plat attached hereto as Exhibit "A."

**Section 8.** The parties with known interests in the Right of Way Area are as follows:

Property Owner:	Charlotte Sewell
Security Deed Holder:	Bobby R. Sewell to Synovus Bank

**Section 9.** All other Resolutions of the CCWSA Board of Directors not in conflict with this Ordinance and Resolution shall remain in full force and effect.

SO RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Laurie J. Bartlett, Chairman  
CCWSA Board of Directors

ATTEST:

\_\_\_\_\_  
Larry Kay, Secretary  
CCWSA Board of Directors

**EXHIBITS:**

A: PLAT OF PROPERTY TO BE ACQUIRED;

EXHIBIT "A"  
PLAT OF PROPERTY

EXHIBIT "A"  
PLAT OF PROPERTY







**AN ORDINANCE AND RESOLUTION AUTHORIZING THE COWETA COUNTY WATER AND SEWERAGE AUTHORITY BOARD ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD THROUGH A SPECIAL MASTER TO OBTAIN TITLE TO THE REAL PROPERTY DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTIES BEING LOCATED IN COWETA COUNTY AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH A PUBLIC RAW WATER TRANSMISSION MAIN AND LINE PROJECT ENTITLED CHATTAHOOCHEE EXPANSION PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Coweta Water and Sewerage Authority (“CCWSA”) in Coweta County (“County”) desires to build a raw water transmission main and line to connect water from the Chattahoochee River to the B.T. Brown Reservoir to be used to distribute water through CCWSA from the B. T. Brown Reservoir providing water to the general public. CCWSA received a Georgia Environmental Protection Division Permit to Withdraw, Divert or Impound Surface Water, Permit No. 038-1218-04 issued on April 2, 2024 to include properties which are located in Land Lots 13, 192, 193 and 194 of the Fourth and Fifth Districts of Coweta County, Georgia, which are together known as the Chattahoochee Expansion Project (the “Project”), and

**WHEREAS**, the Project requires the acquisition of additional rights of ways from neighboring landowners; and

**WHEREAS**, CCWSA has been acquiring real property, including rights of way for the Project from property owners through negotiation, pursuant to the direction from the CCWSA Board of Directors; and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.0979 acres of permanent right of way and 0.1099 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5193 001, which is described as approximately 5 acres located on Sewell Mill Road and Daniel Road, Newnan, Georgia and is owned by Panther Creek Associates, LP, (the “Parcel”); and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.8068 acres of permanent right of way and 1.5507 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5194 003, which is described as approximately 295.5 acres located on Sewell Mill Road and Daniel Road, Newnan, Georgia and is owned by Panther Creek Associates, LP, (the “Parcel”); and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 1.122 acres of permanent right of way and 2.245 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5194 004, which is described as approximately 147.44 acres located on Sewell Mill Road and Daniel Road, Newnan, Georgia and is owned by 1202 Holdings, LLC, c/o Pope & Land Enterprises, Inc., (the “Parcel”); and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.0218 acres of permanent right of way and 0.1352 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5192 001, which is described as approximately 9.5 acres located on Sewell Mill Road and Fuller Gordon Road, Newnan, Georgia and is owned by Pinetree Investments, LLC., & Jay Land & Panther Creek Partners, LLC, (the “Parcel”); and

**WHEREAS**, CCWSA is seeking to improve the ability to provide water to the general public and to ensure better water quality and flow of water for the citizens of Coweta County and those persons utilizing the raw water transmission main and line; and

**WHEREAS**, the improvements to the Project at this location will service the public needs by allowing for the water for the public and County at large along the Project route and throughout the County as described above; and

**WHEREAS**, in order to begin construction of said improvement, it was and continues to be necessary for CCWSA to acquire the final right of way being a part of the Parcel to accommodate the proposed raw water transmission main and line; and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.0979 acres for permanent right of way and 0.1099 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Panther Creek Associates, LP” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “A” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.8068 acres for permanent right of way and 1.5507 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Panther Creek Associates, LP” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “B” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 1.122 acres for permanent right of way and 2.245 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of 1202 Holdings, LLC, c/o Pope & Land Enterprises, Inc.” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “C” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.0218 acres for permanent right of way and 0.1352 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Pinetree Investments, LLC. & Jay Land & Panther Creek Partners, LLC,” dated 08/18/2023, prepared by TerraMark Geospatial, a

copy of which is attached hereto as Exhibit “D” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, because negotiations for the remaining Right of Way Area have failed, CCWSA needs to acquire the remaining Right of Way Area necessary for the raw water transmission main and line improvements through the use of the power of eminent domain; and

**WHEREAS**, time is of the essence for the acquisition of the Right of Way Area being condemned so that construction may begin immediately on the site; and

**WHEREAS**, due to such necessity, the CCWSA has determined that circumstances are such that it is necessary to proceed with condemnation on the Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*; and

**WHEREAS**, CCWSA, by this Ordinance and Resolution, desires the CCWSA Board Attorney proceed with condemnation on the remaining Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*

**NOW, THEREFORE, BE IT ORDAINED BY THE CCWSA BOARD OF DIRECTORS**, as follows:

**Section 1.** That the public necessity for immediately acquiring the fee simple Right of Way Area described hereinbelow for public use associated with the Chattahoochee Expansion Project is hereby declared and affirmed; and the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*, and use of that method is hereby authorized to acquire and obtain title to the fee simple Right of Way Area.

**Section 2.** That the CCWSA Board Attorney, or her designee, shall be and hereby is authorized and the CCWSA Board Attorney, or her designee, shall be and hereby is directed, with respect to the said fee simple Right of Way Area described hereinbelow, to institute condemnation proceedings in the name of CCWSA for the condemnation of the Right of Way Area, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the CCWSA Board Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements on behalf of CCWSA in an effort to resolve and/or settle the condemnation case.

**Section 3.** That the Chairman of the CCWSA Board of Directors is hereby authorized and directed, to sign, for CCWSA as a body politic of the State of Georgia, the form of the Declarations of Taking, when prepared in final form connection with any condemnation of the Right of Way Area by the CCWSA Board Attorney’s Office.

**Section 4.** That the CCWSA Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the CCWSA Board Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

**Section 5.** That the CCWSA Board Attorney be and hereby is authorized to engage the services of any expert witnesses or appraisers as necessary to assist with the condemnation and/or closing of said Right of Way Area.

**Section 6.** That the properties for the Chattahoochee Expansion Project already acquired by CCWSA and approved by the CCWSA Board of Directors are hereby affirmed as necessary for the completion and construction of the Project.

**Section 7.** That the Right of Way Area sought to be acquired by the declaration of taking method is as shown on the plat attached hereto as Exhibits “A,” “B,” “C,” and “D.”

**Section 8.** The parties with known interests in the Right of Way Area are as follows:

Property Owner:	Panther Creek Associates, L.P.; 1202 Holdings, LLC, c/o Pope & Land Enterprises, Inc.; and Pinetree Investments, LLC. & Jay Land & Panther Creek Partners, LLC
Security Deed Holder:	None

**Section 9.** All other Resolutions of the CCWSA Board of Directors not in conflict with this Ordinance and Resolution shall remain in full force and effect.

SO RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Laurie J. Bartlett, Chairman  
CCWSA Board of Directors

ATTEST:

\_\_\_\_\_  
Larry Kay, Secretary  
CCWSA Board of Directors

**EXHIBITS:**

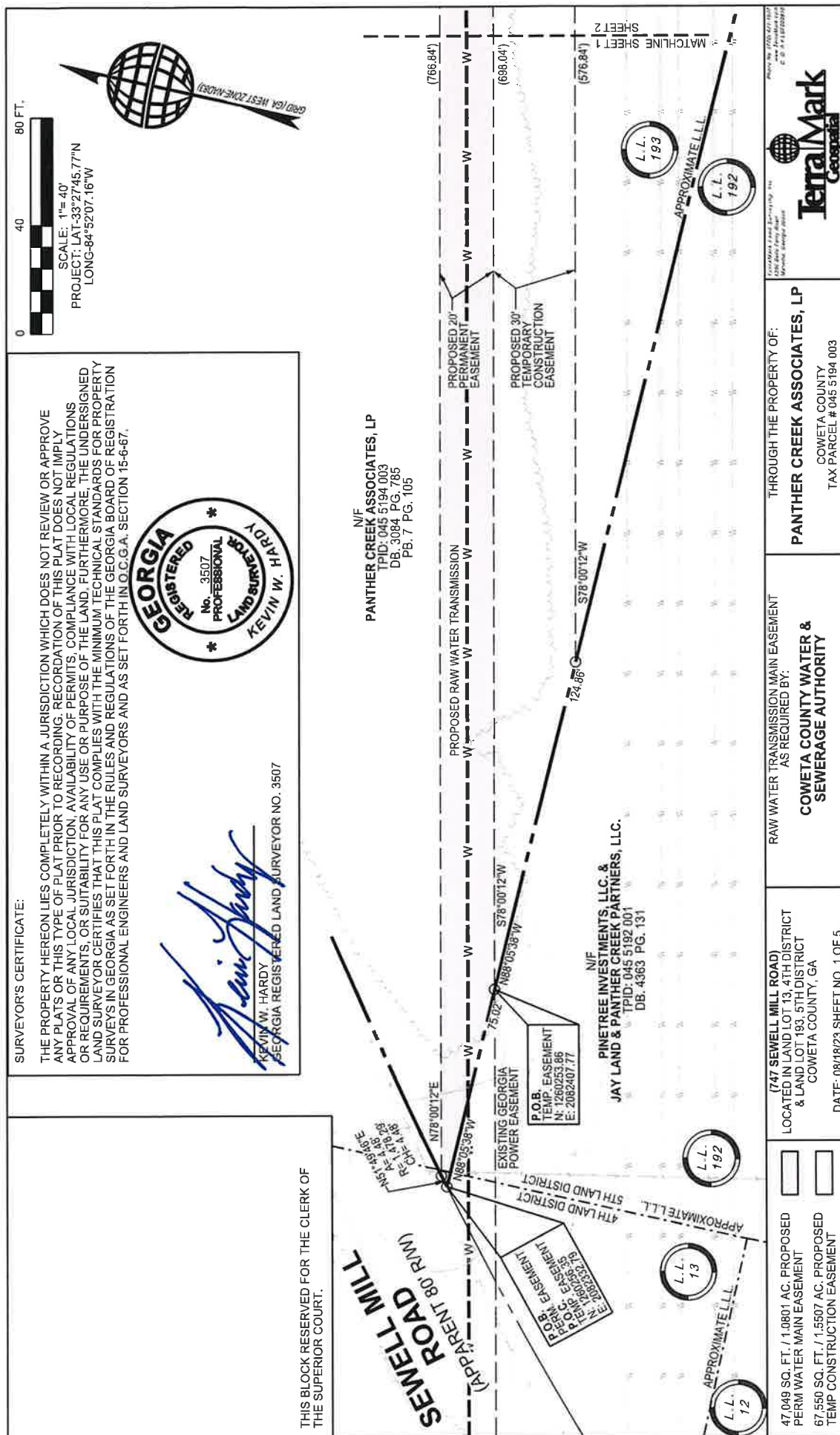
- A: PLAT OF PROPERTY TO BE ACQUIRED:
- B: PLAT OF PROPERTY TO BE ACQUIRED:
- C: PLAT OF PROPERTY TO BE ACQUIRED:
- D: PLAT OF PROPERTY TO BE ACQUIRED:

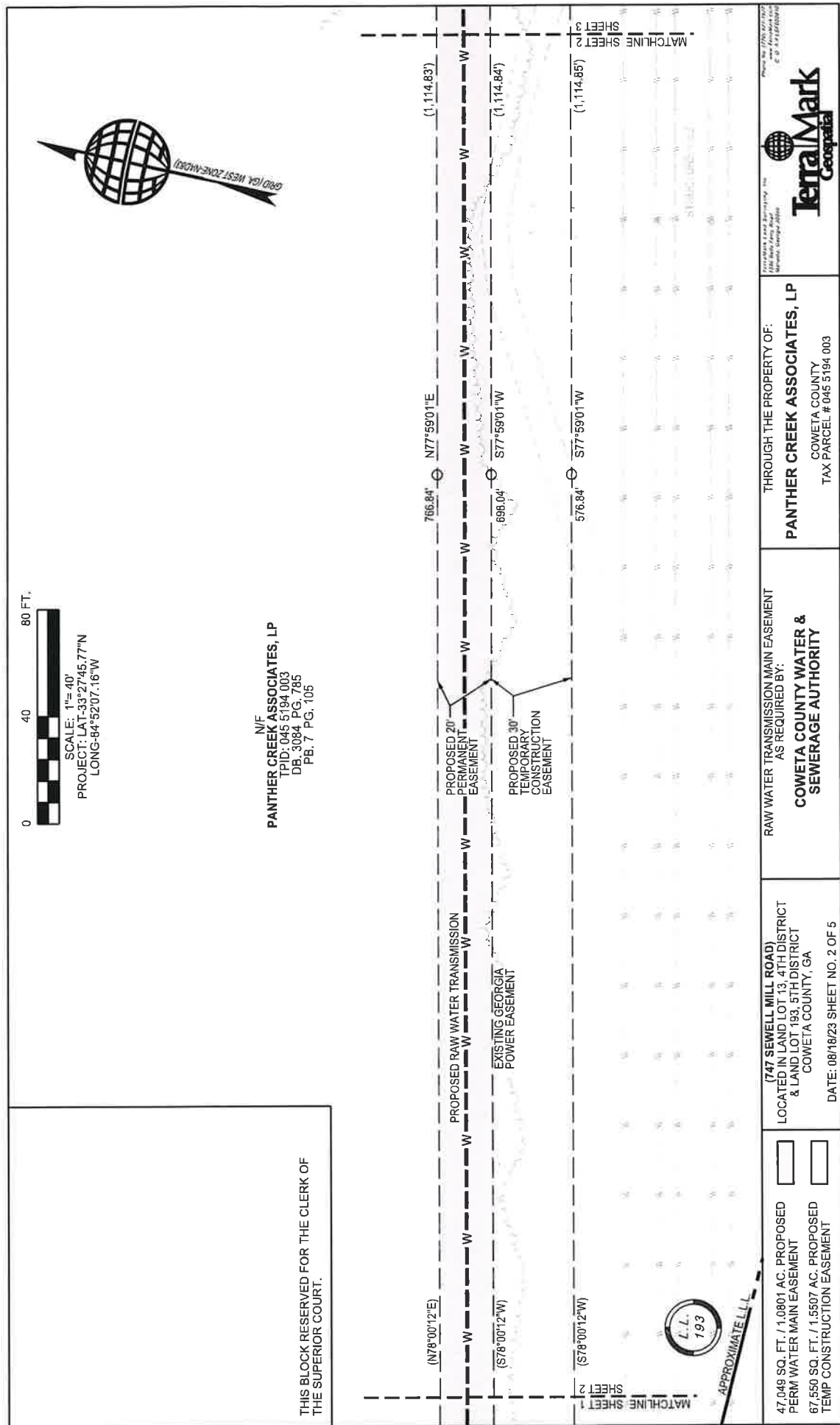
EXHIBIT "A"  
PLAT OF PROPERTY

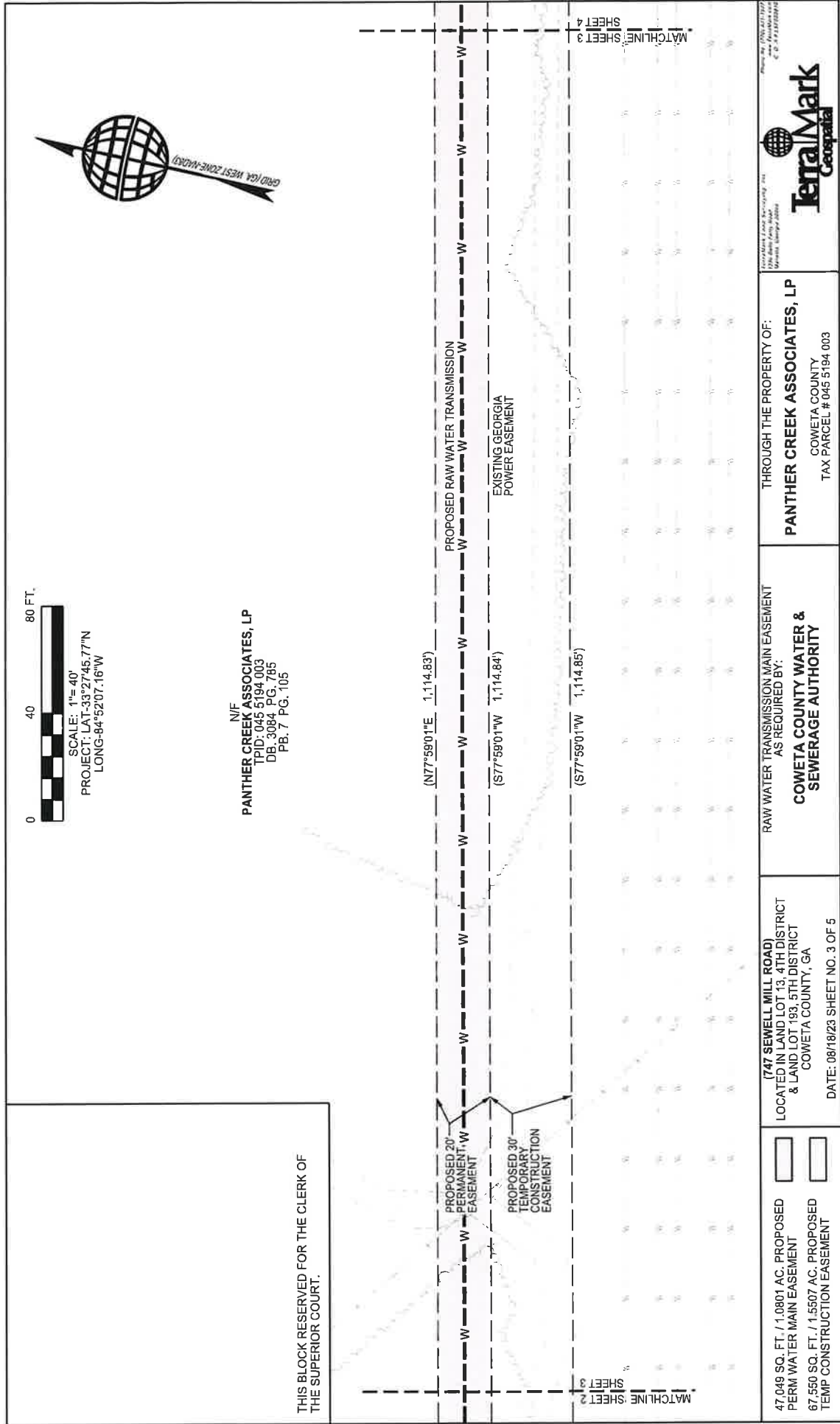




EXHIBIT "B"  
PLAT OF PROPERTY











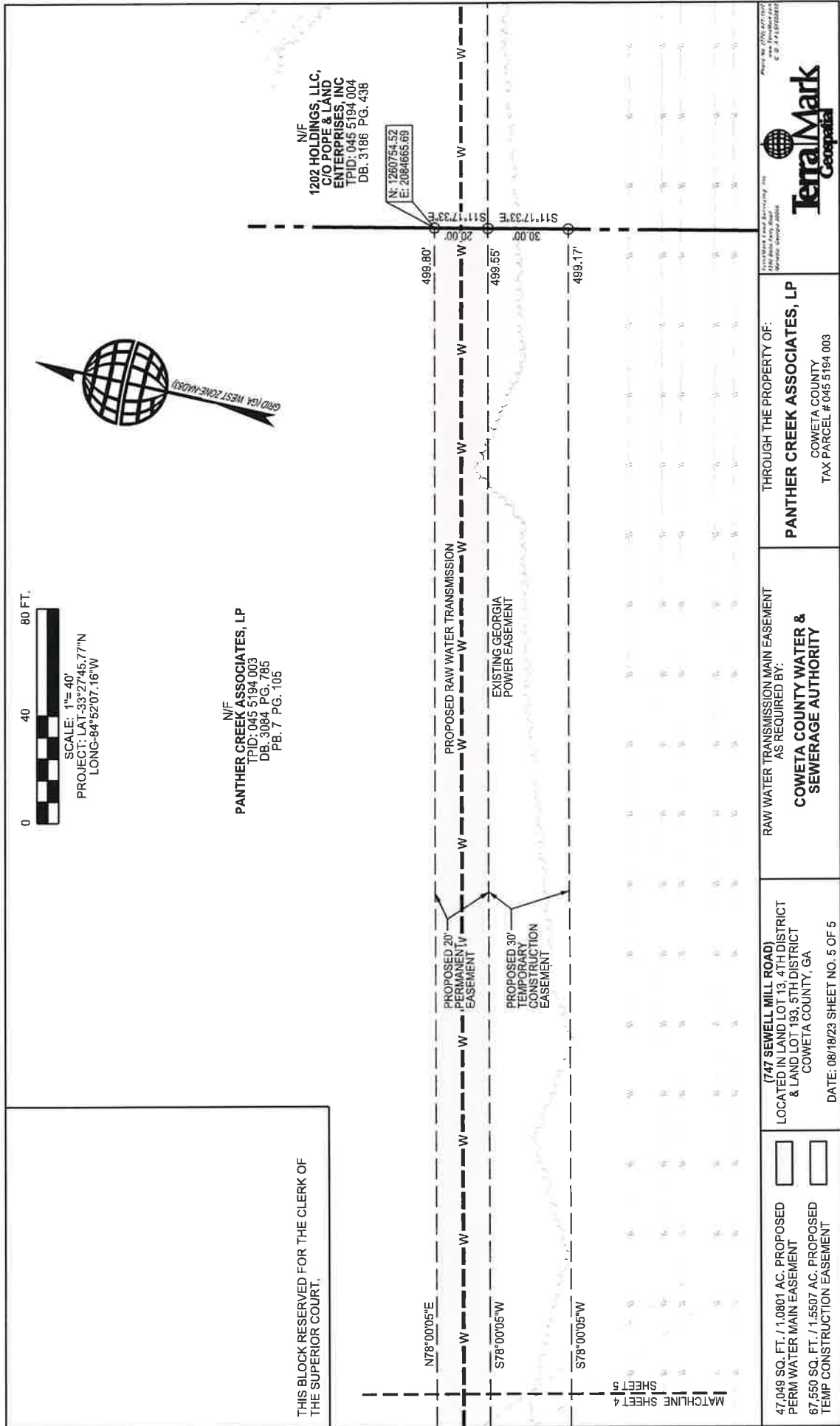
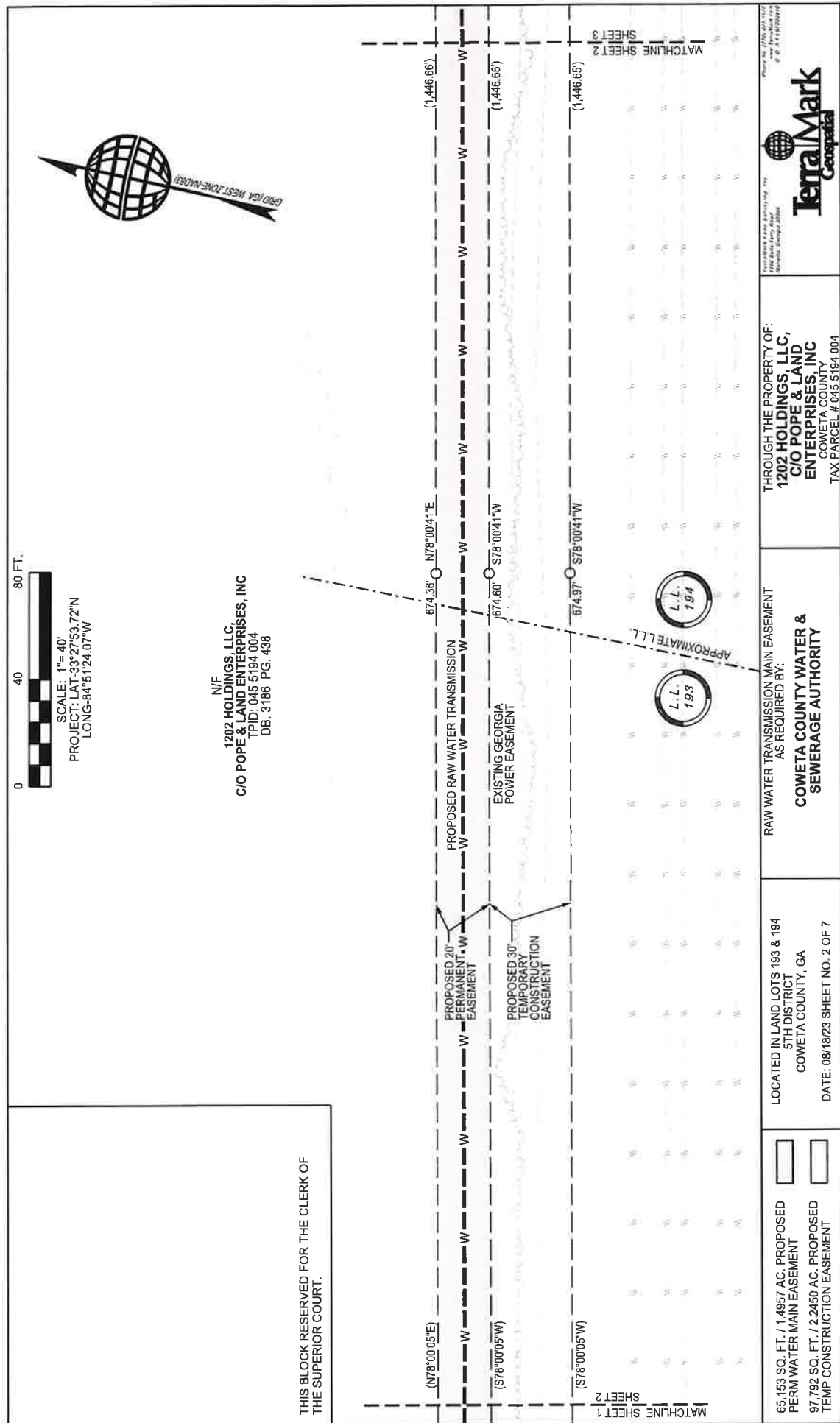
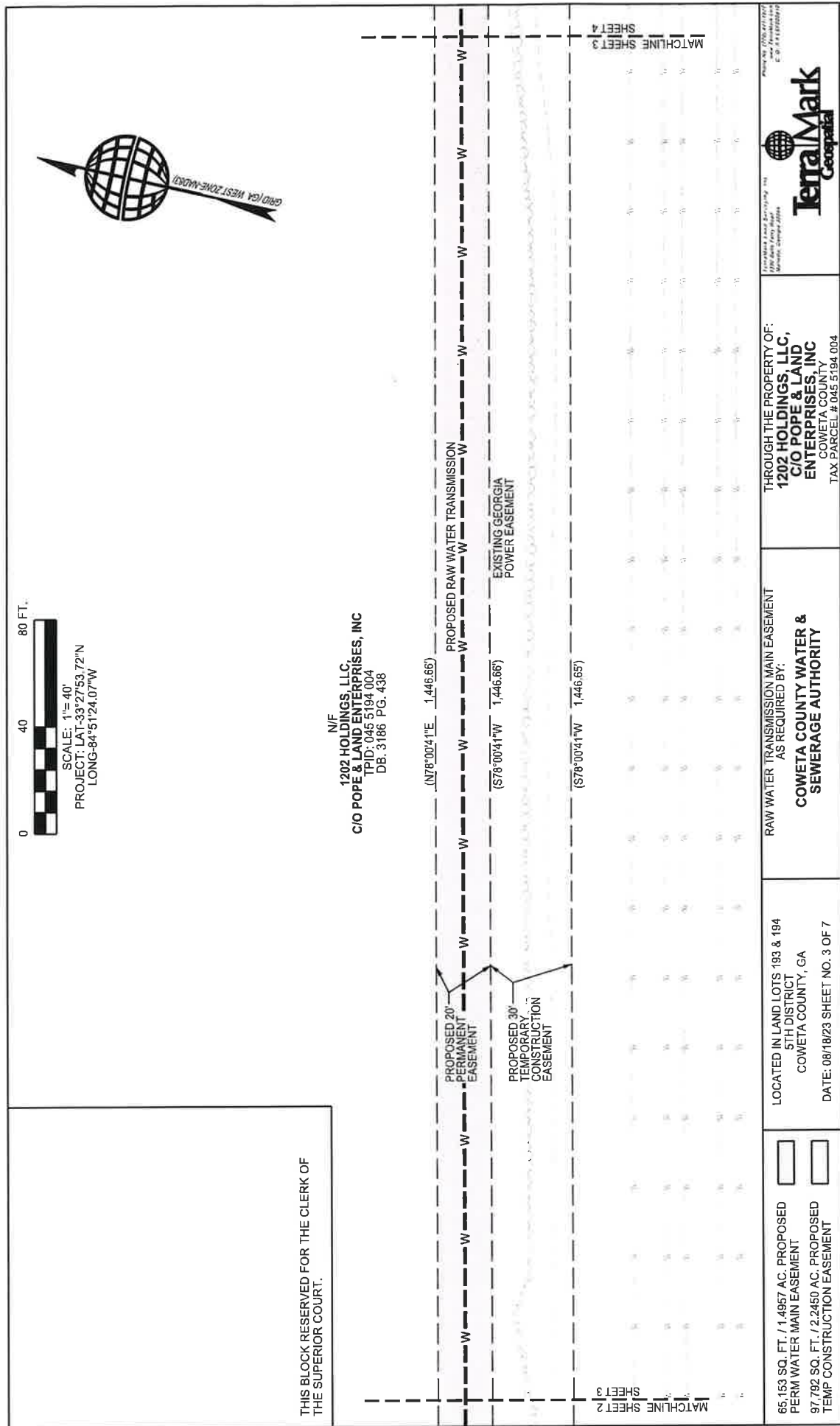


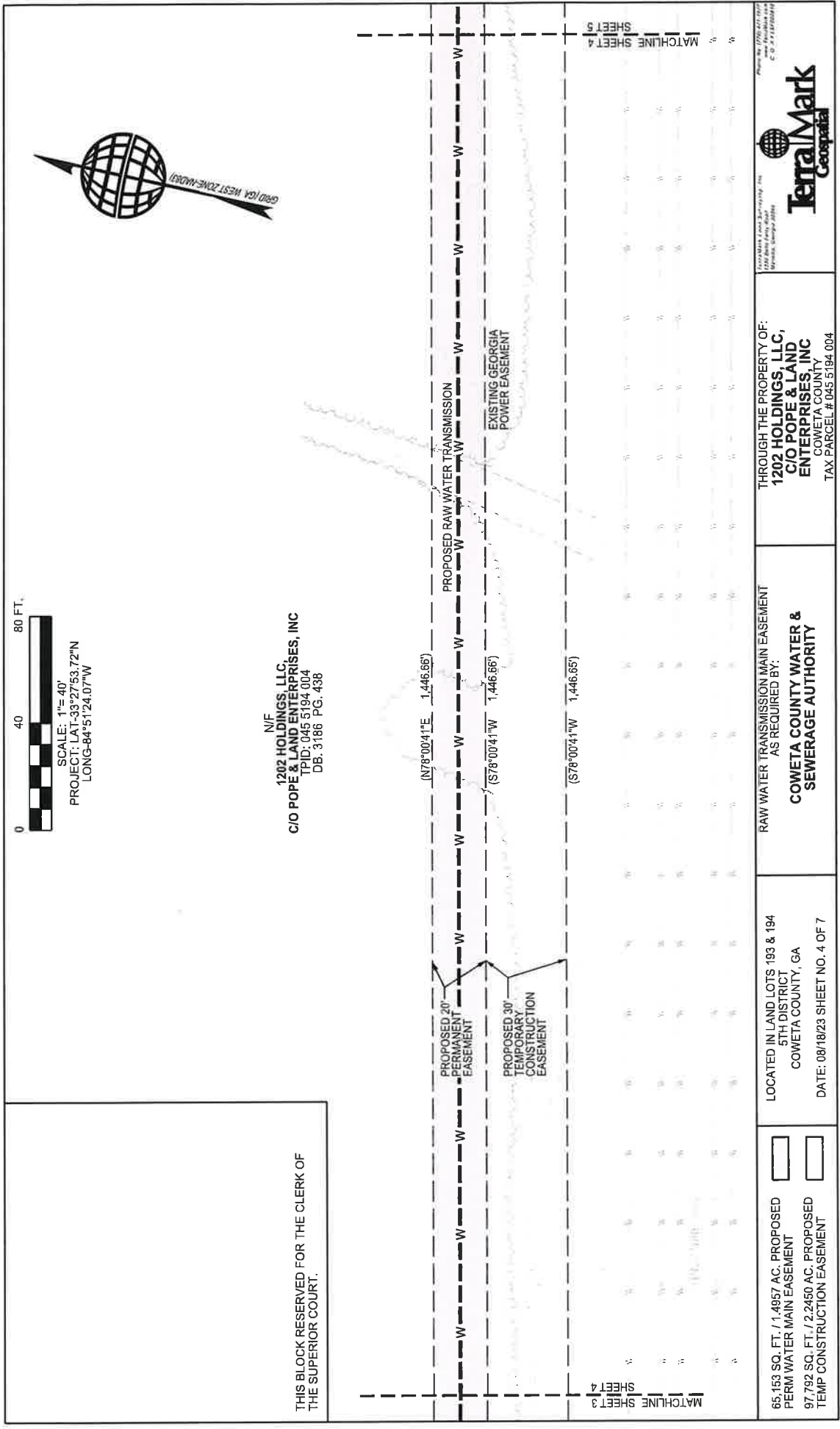
EXHIBIT "C"  
PLAT OF PROPERTY

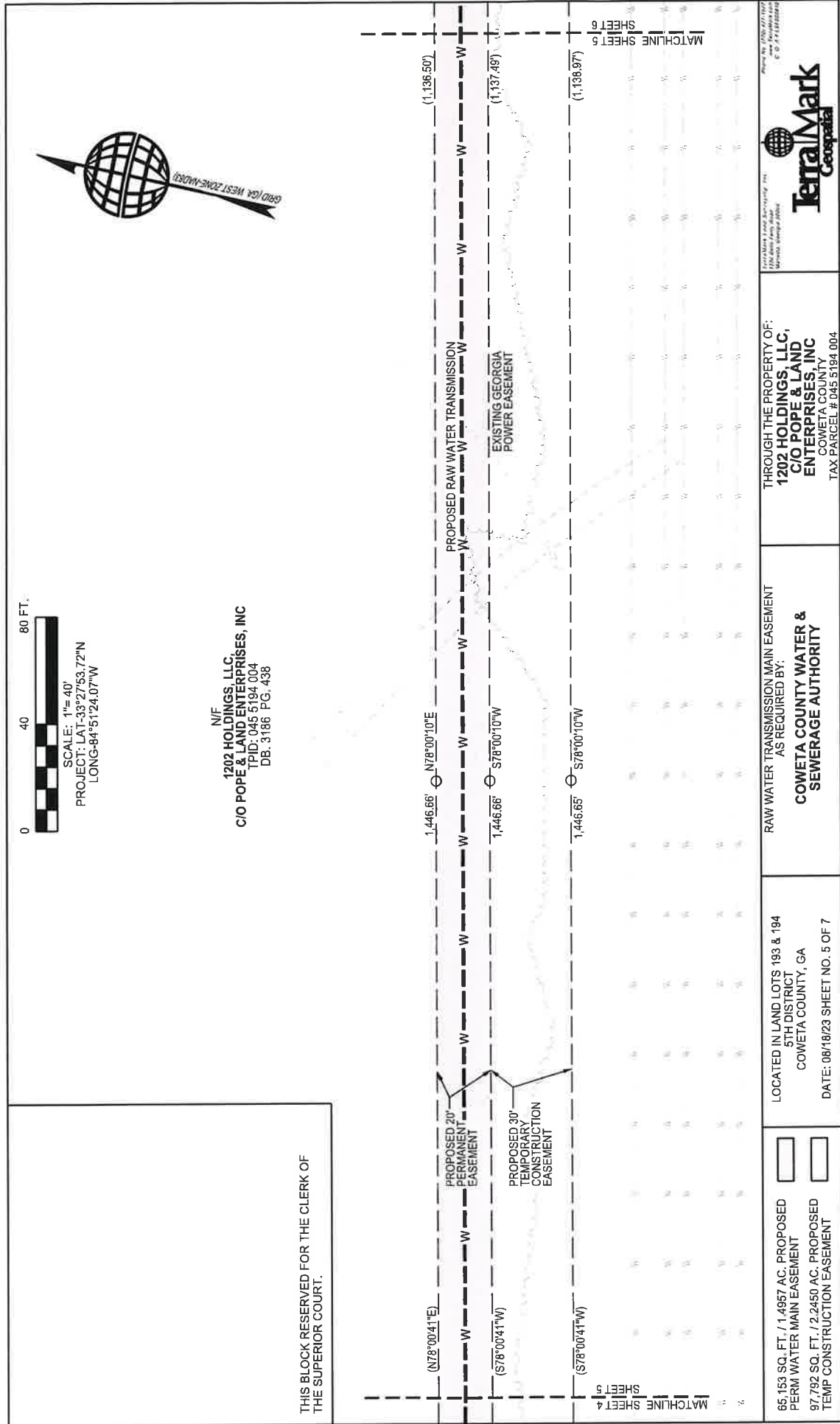


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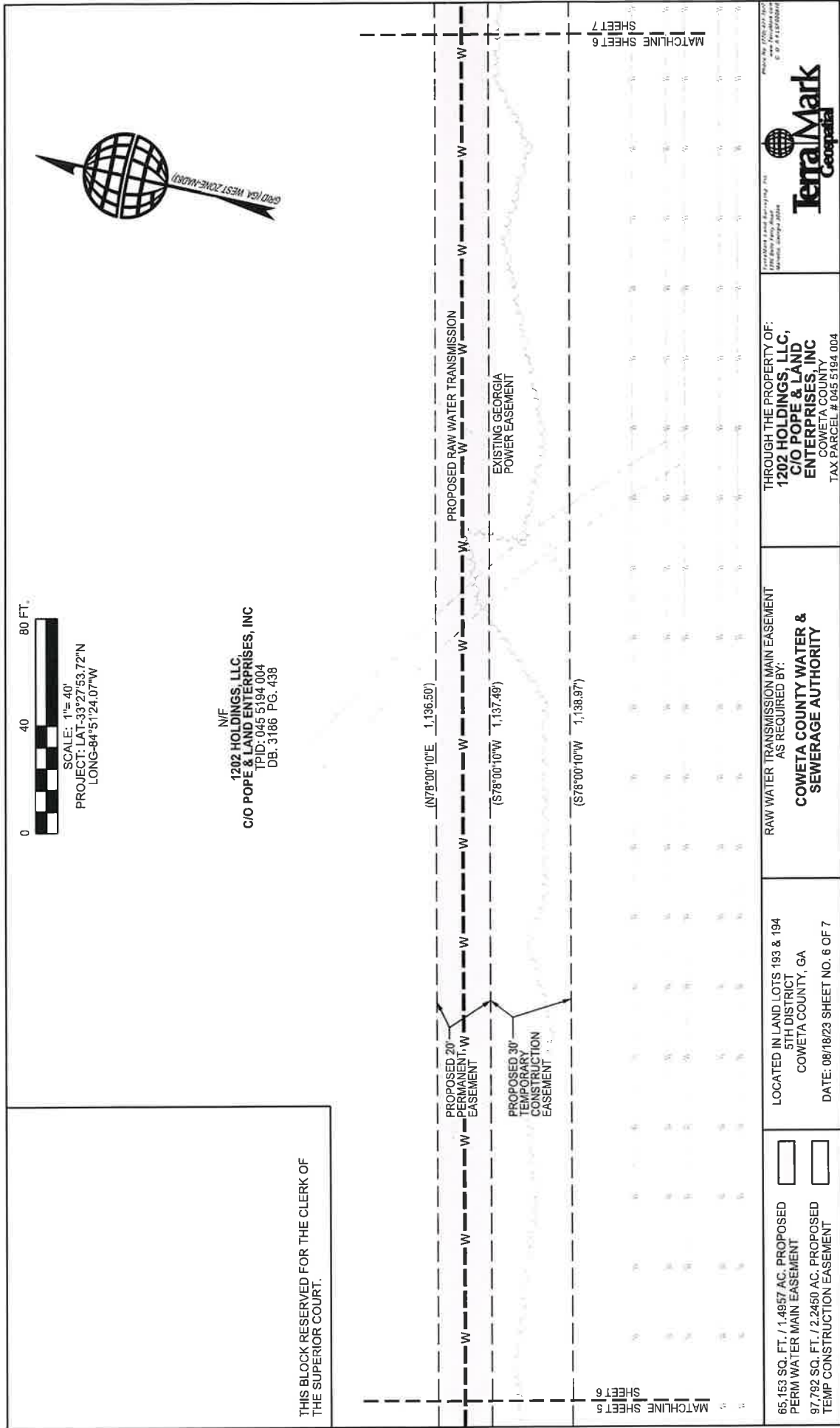






EXHIBIT "D"  
PLAT OF PROPERTY



**SURVEYOR'S CERTIFICATE:**

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS AND REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

KEVIN W. HARDY  
GEORGIA REGISTERED LAND SURVEYOR NO. 3507



THIS BLOCK RESERVED FOR THE CLERK OF  
THE SUPERIOR COURT.

N/F  
PANTHER CREEK ASSOCIATES, LP  
TPID: 045 5193 001  
DB.1194 PG.358  
PB.7 PG.105

NIF  
PANTHER CREEK ASSOCIATES, LP  
TPID: 045 5194 003  
-DB. 3084 PG. 105  
-DB. 3084 PG. 105

PROPOSED VARIABLE WIDTH  
PERMANENT EASEMENT --  
PROPOSED RAW WATER

EXISTING GEORGIA  
POWER EASEMENT

**FULLER GORDON ROAD**  
(APPROX 30' EASEMENT)

N/F  
PINETREE INVESTMENTS, LLC. &  
JAY LAND & PANTHER CREEK PARTNERS, LLC.  
TPID: 045 5192 001  
DB. 4363 PG. 131

978 SQ. FT. / 0.0225 AC. PROPOSED  
PERM WATER MAIN EASEMENT

(205 SEWELL MILL ROAD)  
LOCATED IN LAND LOT 13, 4TH DISTRICT  
& LAND LOT 192, 5TH DISTRICT  
COWETA COUNTY, GA

DATE: 08/18/23 SHEET NO. 1

WATER TRANSMISSION MAIN EASEMENT  
AS REQUIRED BY:  
**COWETA COUNTY WATER &  
SEWERAGE AUTHORITY**

THROUGH THE PROPERTY OF:  
**PINETREE INVESTMENTS, LLC. &  
 JAY LAND & PANTHER  
 CREEK PARTNERS, LLC.**  
 COWETA COUNTY  
 TAX PARCEL # 045 5192 001

SCALE: 1"= 40'  
PROJECT: LAT-33°27'45.02"N  
LONG-84°52'9.80"W



PATH: S:\SURVEY\2023\2023-049\DGN\EASEMENTS.DGN E10

**AN ORDINANCE AND RESOLUTION AUTHORIZING THE COWETA COUNTY WATER AND SEWERAGE AUTHORITY BOARD ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD THROUGH A SPECIAL MASTER TO OBTAIN TITLE TO THE REAL PROPERTY DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTIES BEING LOCATED IN COWETA COUNTY AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH A PUBLIC RAW WATER TRANSMISSION MAIN AND LINE PROJECT ENTITLED CHATTAHOOCHEE EXPANSION PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Coweta Water and Sewerage Authority (“CCWSA”) in Coweta County (“County”) desires to build a raw water transmission main and line to connect water from the Chattahoochee River to the B.T. Brown Reservoir to be used to distribute water through CCWSA from the B. T. Brown Reservoir providing water to the general public. CCWSA received a Georgia Environmental Protection Division Permit to Withdraw, Divert or Impound Surface Water, Permit No. 038-1218-04 issued on April 2, 2024 to include properties which are located in Land Lots 234, 246 and 247 of the Fifth District of Coweta County, Georgia, which are together known as the Chattahoochee Expansion Project (the “Project”), and

**WHEREAS**, the Project requires the acquisition of additional rights of ways from neighboring landowners; and

**WHEREAS**, CCWSA has been acquiring real property, including rights of way for the Project from property owners through negotiation, pursuant to the direction from the CCWSA Board of Directors; and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.5436 acres of permanent right of way and 0.8160 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 082 5246 002, which is described as approximately 345.7 acres located on Happy Valley Circle, Newnan, Georgia and is owned by Brookside Valley Investments, LLC, (the “Parcel”); and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 1.482 acres of permanent right of way and 2.2173 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 082 5246 002, which is described as approximately 345.7 acres located on Happy Valley Circle, Newnan, Georgia and is owned by Brookside Valley Investments, LLC, (the “Parcel”); and

**WHEREAS**, CCWSA is seeking to improve the ability to provide water to the general public and to ensure better water quality and flow of water for the citizens of Coweta County and those persons utilizing the raw water transmission main and line; and

**WHEREAS**, the improvements to the Project at this location will service the public needs by allowing for the water for the public and County at large along the Project route and throughout the County as described above; and

**WHEREAS**, in order to begin construction of said improvement, it was and continues to be necessary for CCWSA to acquire the final right of way being a part of the Parcel to accommodate the proposed raw water transmission main and line; and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.5436 acres for permanent right of way and 0.8160 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Brookside Valley Investments, LLC,” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “A” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 1.482 acres for permanent right of way and 2.2173 acres of temporary easement as shown on that certain plat entitled “Raw Water Transmission Main Easement as Required by CCWSA through the Property of Brookside Valley Investments, LLC,” dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit “B” (hereinafter known as “the Right of Way Area”); and

**WHEREAS**, because negotiations for the remaining Right of Way Area have failed, CCWSA needs to acquire the remaining Right of Way Area necessary for the raw water transmission main and line improvements through the use of the power of eminent domain; and

**WHEREAS**, time is of the essence for the acquisition of the Right of Way Area being condemned so that construction may begin immediately on the site; and

**WHEREAS**, due to such necessity, the CCWSA has determined that circumstances are such that it is necessary to proceed with condemnation on the Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*; and

**WHEREAS**, CCWSA, by this Ordinance and Resolution, desires the CCWSA Board Attorney proceed with condemnation on the remaining Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-1404, *et seq.* and 22-2-102, *et seq.*

**NOW, THEREFORE, BE IT ORDAINED BY THE CCWSA BOARD OF DIRECTORS**, as follows:

**Section 1.** That the public necessity for immediately acquiring the fee simple Right of Way Area described hereinbelow for public use associated with the Chattahoochee Expansion Project is hereby declared and affirmed; and the circumstances are such that it is necessary to proceed

with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. §§ 22-3-140, *et seq.*, and 22-2-102, *et seq.*, and use of that method is hereby authorized to acquire and obtain title to the fee simple Right of Way Area.

**Section 2.** That the CCWSA Board Attorney, or her designee, shall be and hereby is authorized and the CCWSA Board Attorney, or her designee, shall be and hereby is directed, with respect to the said fee simple Right of Way Area described hereinbelow, to institute condemnation proceedings in the name of CCWSA for the condemnation of the Right of Way Area, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the CCWSA Board Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements on behalf of CCWSA in an effort to resolve and/or settle the condemnation case.

**Section 3.** That the Chairman of the CCWSA Board of Directors is hereby authorized and directed, to sign, for CCWSA as a body politic of the State of Georgia, the form of the Declarations of Taking, when prepared in final form connection with any condemnation of the Right of Way Area by the CCWSA Board Attorney's Office.

**Section 4.** That the CCWSA Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the CCWSA Board Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

**Section 5.** That the CCWSA Board Attorney be and hereby is authorized to engage the services of any expert witnesses or appraisers as necessary to assist with the condemnation and/or closing of said Right of Way Area.

**Section 6.** That the properties for the Chattahoochee Expansion Project already acquired by CCWSA and approved by the CCWSA Board of Directors are hereby affirmed as necessary for the completion and construction of the Project.

**Section 7.** That the Right of Way Area sought to be acquired by the declaration of taking method is as shown on the plat attached hereto as Exhibits "A" and "B."

**Section 8.** The parties with known interests in the Right of Way Area are as follows:

Property Owner:	Brookside Valley Investments, LLC
Security Deed Holder:	None

**Section 9.** All other Resolutions of the CCWSA Board of Directors not in conflict with this Ordinance and Resolution shall remain in full force and effect.

SO RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Laurie J. Bartlett, Chairman  
CCWSA Board of Directors

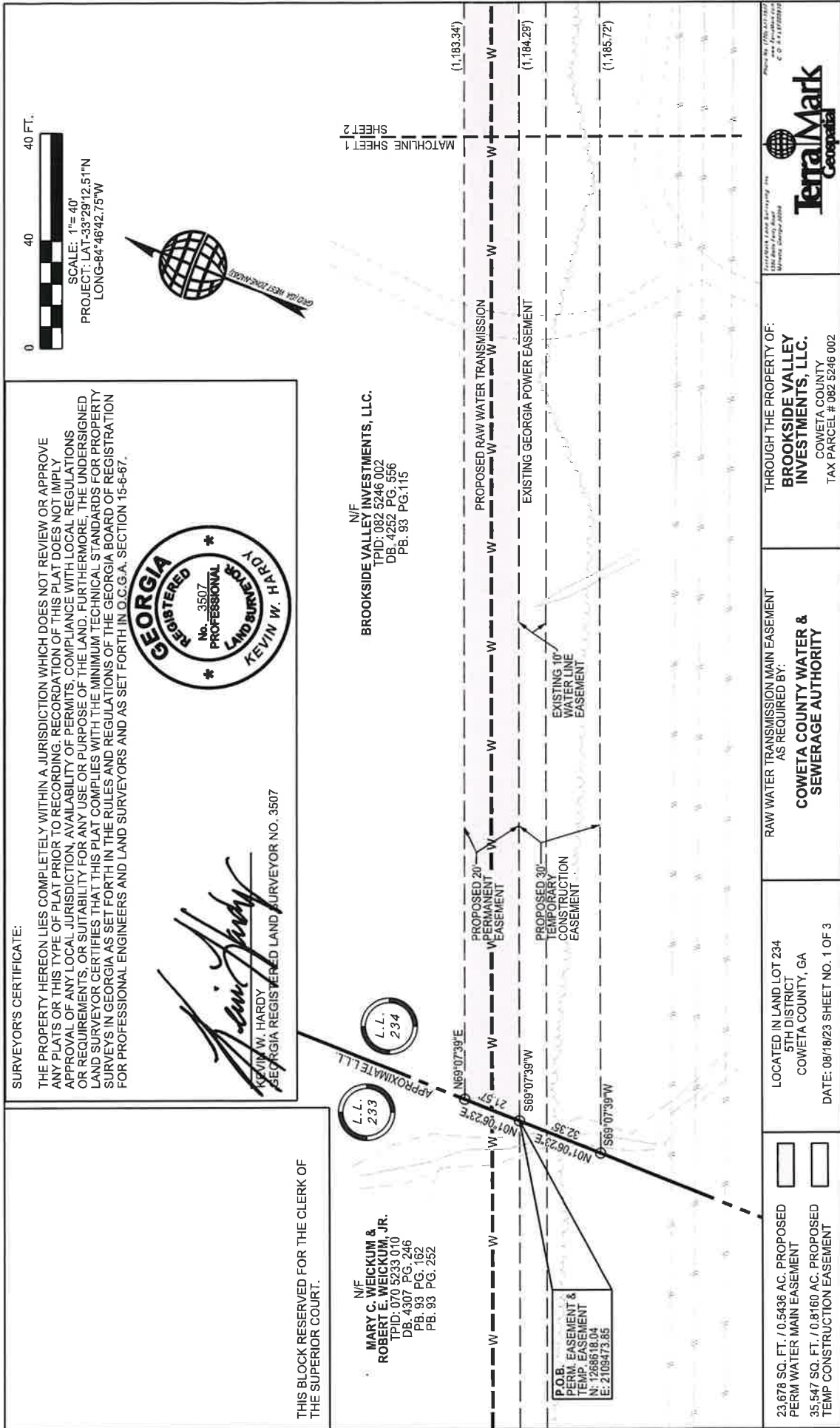
ATTEST:

\_\_\_\_\_  
Larry Kay, Secretary  
CCWSA Board of Directors

**EXHIBITS:**

- A: PLAT OF PROPERTY TO BE ACQUIRED:
- B: PLAT OF PROPERTY TO BE ACQUIRED:

EXHIBIT "A"  
PLAT OF PROPERTY







SCALE: 1"= 40'  
PROJECT: LAT-33°29'12.51"N  
LONG-84°46'42.75"W



THIS BLOCK RESERVED FOR THE CLERK OF  
THE SUPERIOR COURT.

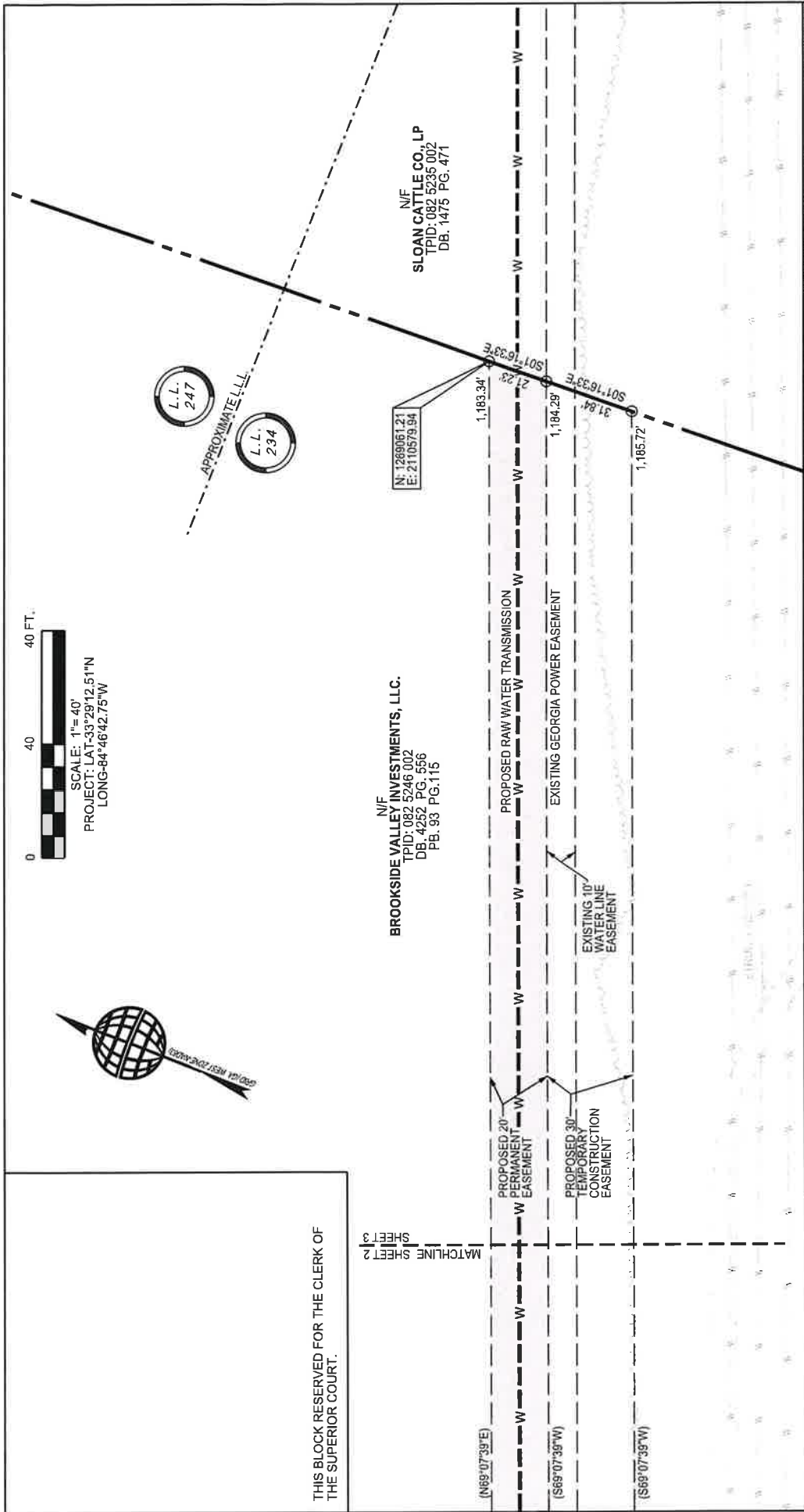
N/F  
BROOKSIDE VALLEY INVESTMENTS, LLC.  
TPID: 082 5246 002  
DB. 4252 PG. 556  
PB. 93 PG. 115

MATCHLINE SHEET 2  
SHEET 3

MATCHLINE SHEET 1  
SHEET 2



23,678 SQ. FT. / 0.5436 AC. PROPOSED PERM WATER MAIN EASEMENT	LOCATED IN LAND LOT 234 5TH DISTRICT COWETA COUNTY, GA	RAW WATER TRANSMISSION MAIN EASEMENT AS REQUIRED BY:	THROUGH THE PROPERTY OF:	<div></div>
35,547 SQ. FT. / 0.8160 AC. PROPOSED TEMP CONSTRUCTION EASEMENT	DATE: 08/18/23 SHEET NO. 2 OF 3	COWETA COUNTY WATER & SEWERAGE AUTHORITY	BROOKSIDE VALLEY INVESTMENTS, LLC. COWETA COUNTY TAX PARCEL # 082 5246 002	



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

SCALE: 1"= 40'

PROJECT: LAT-33°29'12.51"N  
LONG-84°46'42.75"W

0 40 40 FT.

PROPOSED 20' PERMANENT EASEMENT

PROPOSED 30' TEMPORARY CONSTRUCTION EASEMENT

EXISTING 10' WATER LINE EASEMENT

EXISTING GEORGIA POWER EASEMENT

PROPOSED RAW WATER TRANSMISSION

NIF  
BROOKSIDE VALLEY INVESTMENTS, LLC.  
TPID: 082 5246 002  
DB: 4252 PG. 556  
PB: 33 PG.115

NIF  
SLOAN CATTLE CO., LP  
TPID: 082 5235 002  
DB: 1475 PG. 471

L.L. 247

L.L. 234

APPROXIMATE L.L.

N: 1269061.21  
E: 2110579.94

1,183.34'

21.23'

1,184.29'

31.84'

1,185.72'

(N69°07'39"E)

(S69°07'39"W)

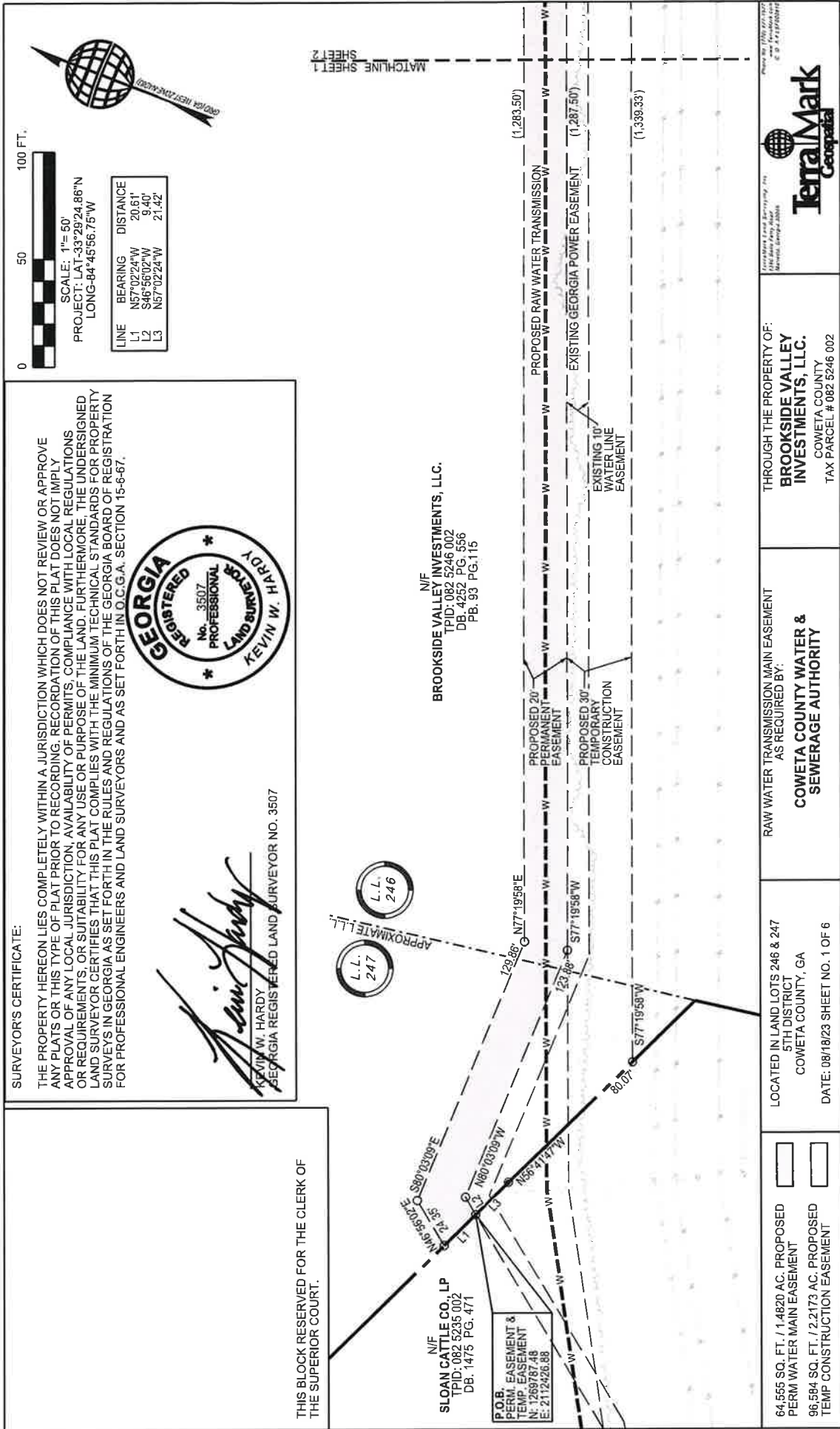
(S69°07'39"W)

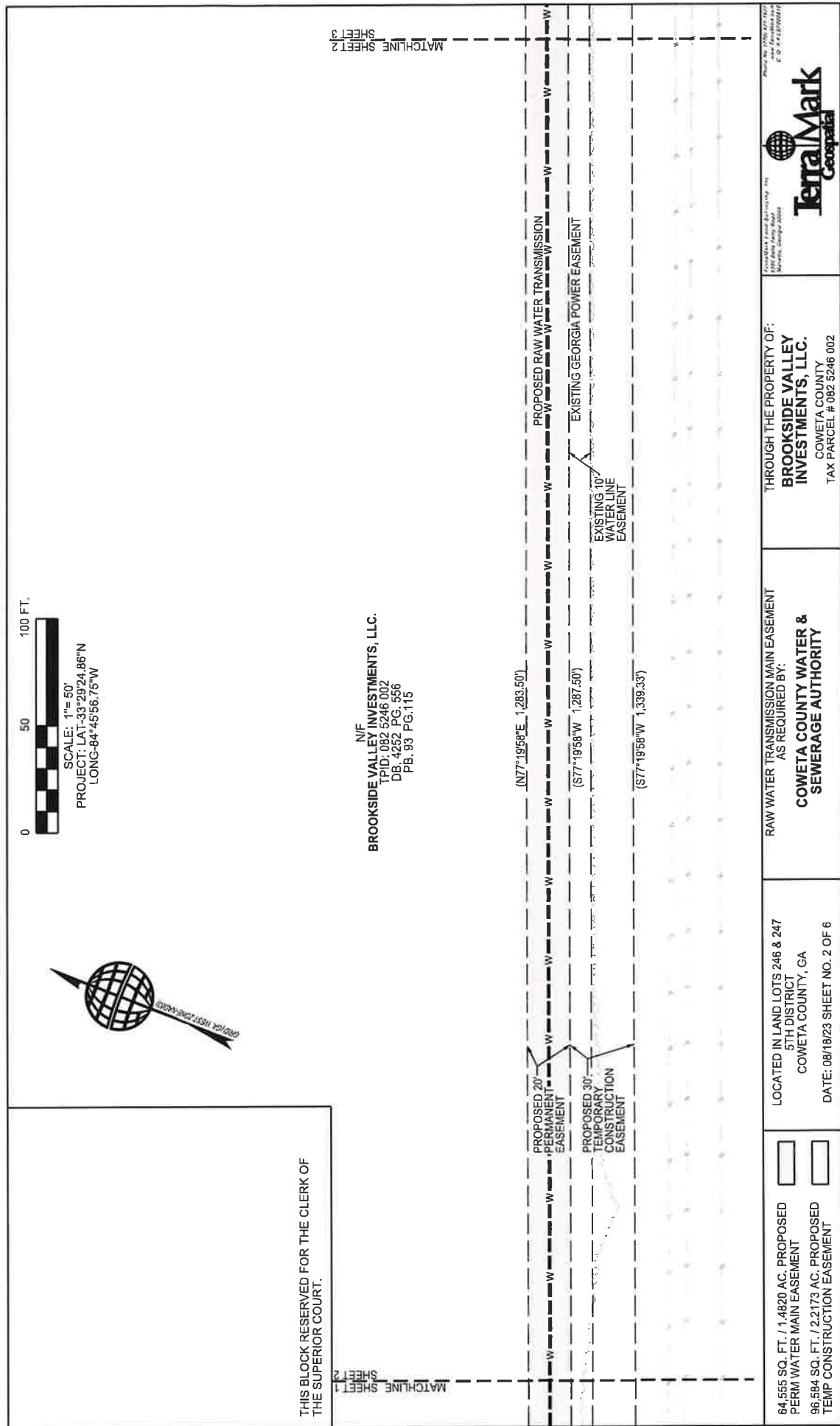
MATCHLINE SHEET 2

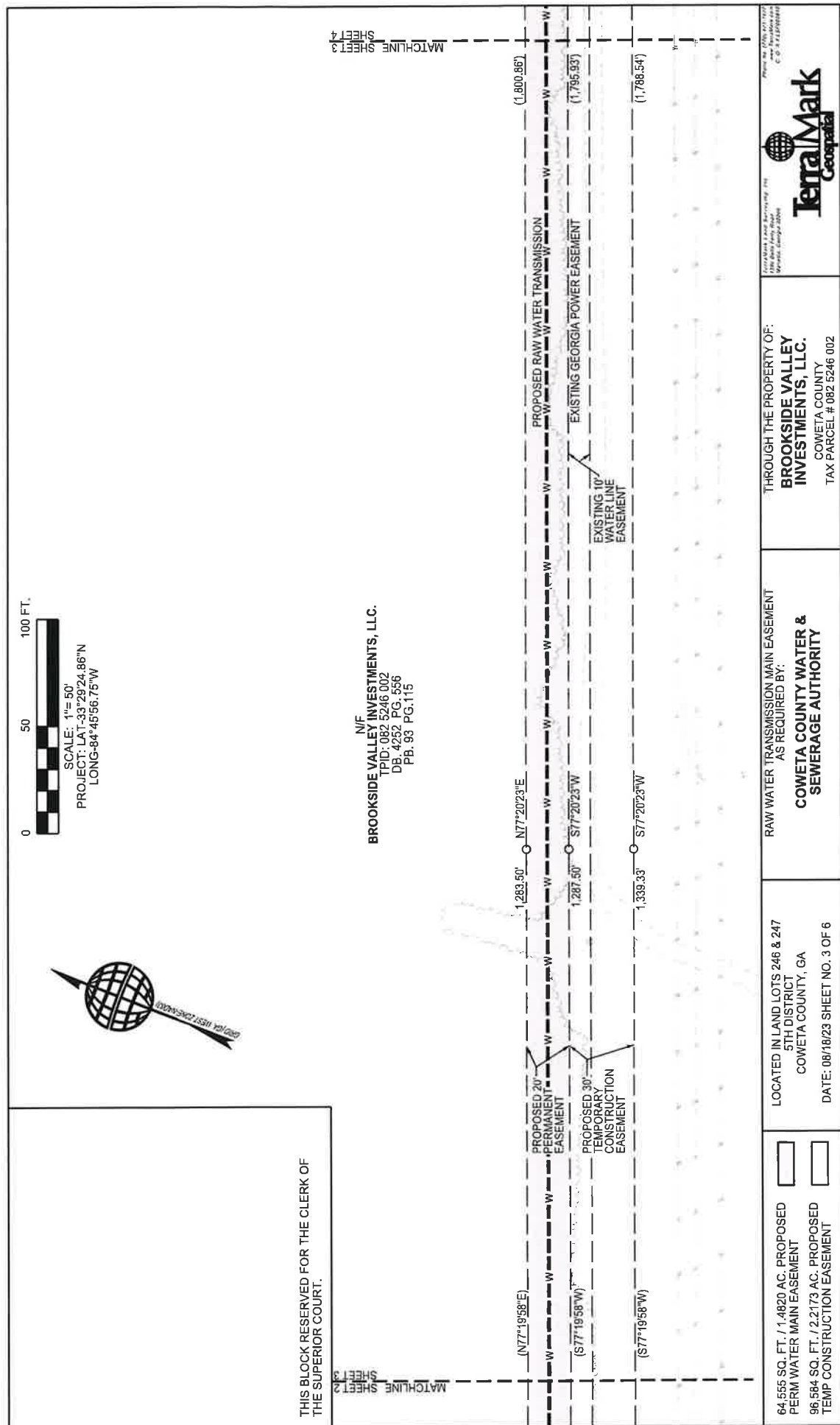
MATCHLINE SHEET 3

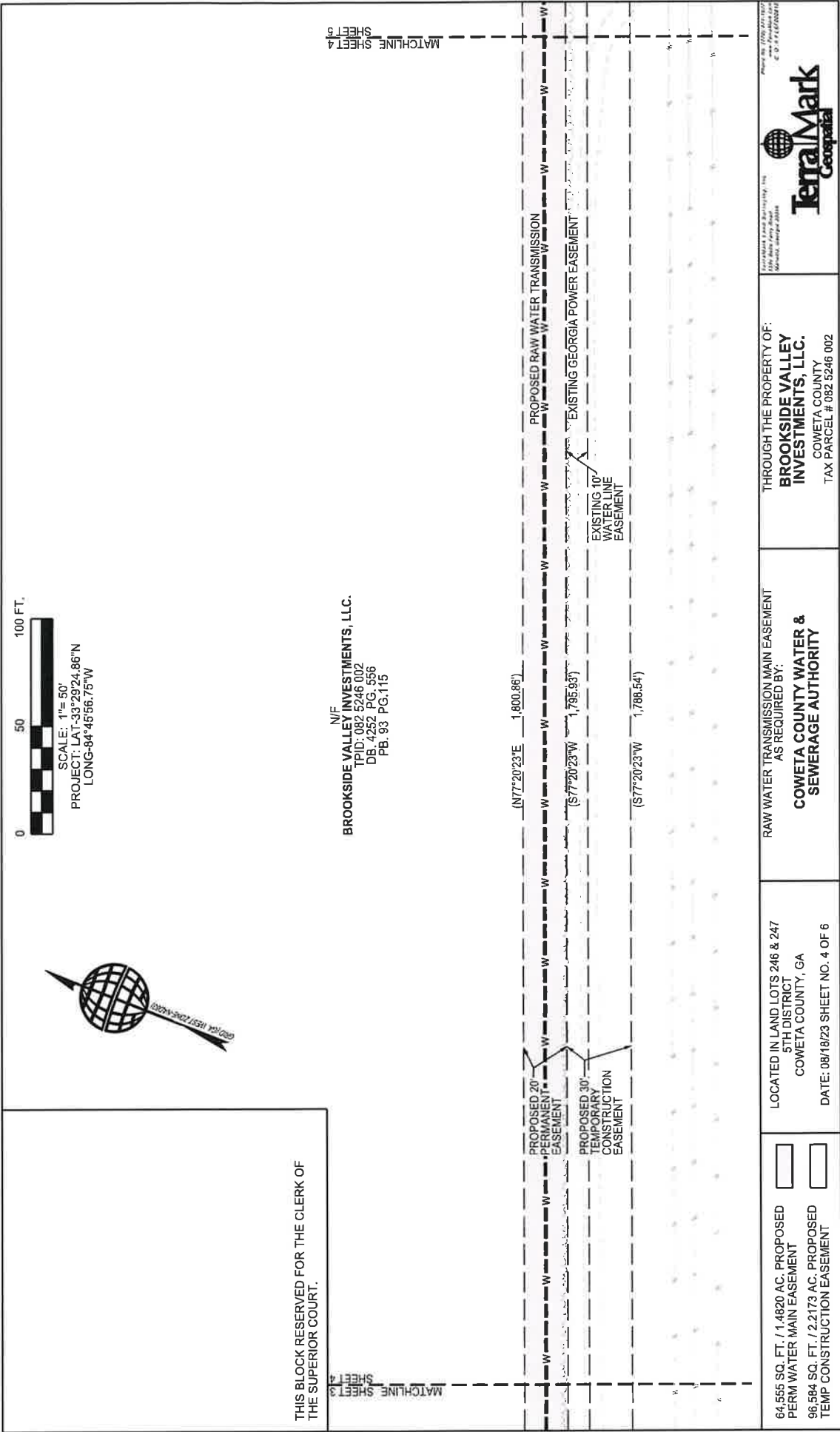
23.678 SQ. FT. / 0.5436 AC. PROPOSED PERM WATER MAIN EASEMENT	LOCATED IN LAND LOT 234 5TH DISTRICT COWETA COUNTY, GA	RAW WATER TRANSMISSION MAIN EASEMENT AS REQUIRED BY:	THROUGH THE PROPERTY OF:	
35.547 SQ. FT. / 0.8160 AC. PROPOSED TEMP CONSTRUCTION EASEMENT	DATE: 08/18/23 SHEET NO. 3 OF 3	COWETA COUNTY WATER & SEWERAGE AUTHORITY	BROOKSIDE VALLEY INVESTMENTS, LLC. COWETA COUNTY TAX PARCEL # 082 5246 002	TerraMark Geospatial 1000 Lakes Lane, Suite 200, Marietta, Georgia 30066 Phone: 770.243.1200 E: T.M.G@terra-mark.com

EXHIBIT "B"  
PLAT OF PROPERTY

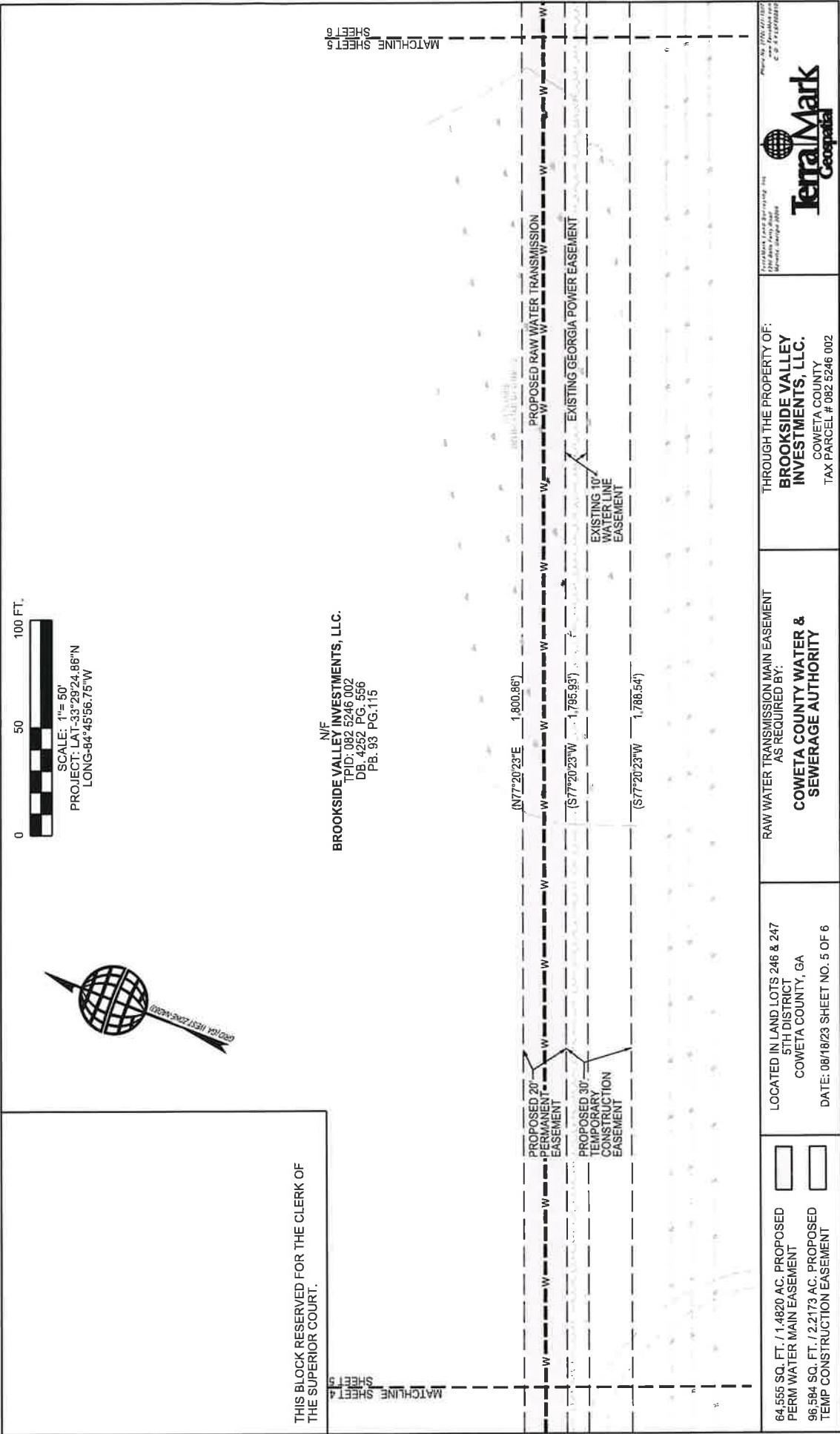




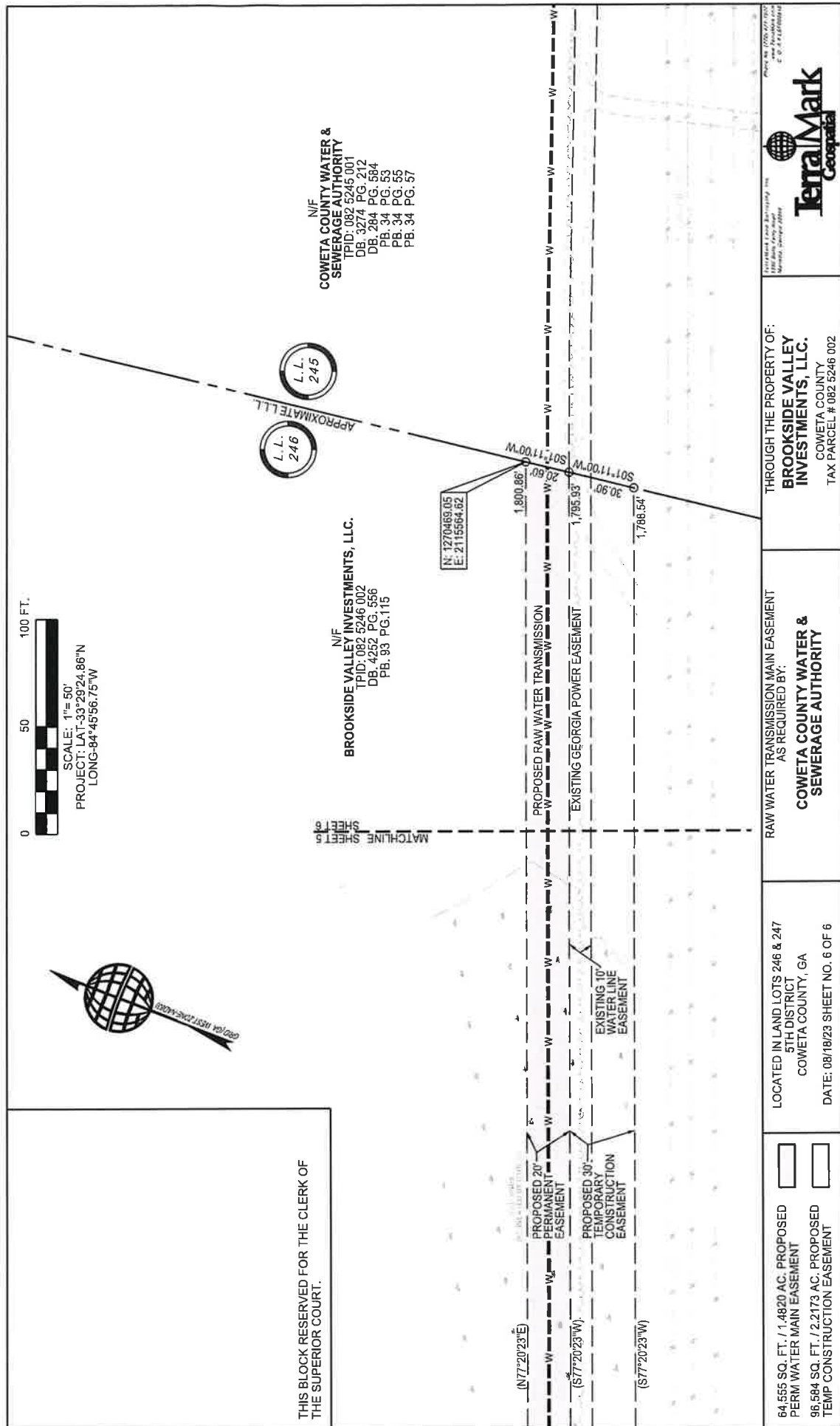












**AN ORDINANCE AND RESOLUTION AUTHORIZING THE COWETA COUNTY WATER AND SEWERAGE AUTHORITY BOARD ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD THROUGH A SPECIAL MASTER TO OBTAIN TITLE TO THE REAL PROPERTY DESCRIBED AND IDENTIFIED HEREIN BELOW, SAID PROPERTIES BEING LOCATED IN COWETA COUNTY AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH A PUBLIC RAW WATER TRANSMISSION MAIN AND LINE PROJECT ENTITLED CHATTAHOOCHEE EXPANSION PROJECT; AND FOR OTHER PURPOSES.**

**WHEREAS**, Coweta Water and Sewerage Authority (“CCWSA”) in Coweta County (“County”) desires to build a raw water transmission main and line to connect water from the Chattahoochee River to the B.T. Brown Reservoir to be used to distribute water through CCWSA from the B. T. Brown Reservoir providing water to the general public. CCWSA received a Georgia Environmental Protection Division Permit to Withdraw, Divert or Impound Surface Water, Permit No. 038-1218-04 issued on April 2, 2024 to include properties which are located in Land Lot 195 of the Fifth District of Coweta County, Georgia, which are together known as the Chattahoochee Expansion Project (the “Project”), and

**WHEREAS**, the Project requires the acquisition of additional rights of ways from neighboring landowners; and

**WHEREAS**, CCWSA has been acquiring real property, including rights of way for the Project from property owners through negotiation, pursuant to the direction from the CCWSA Board of Directors; and

**WHEREAS**, CCWSA has been able to purchase majority of the necessary rights of ways except for the 0.6255 acres of permanent right of way and 0.9642 acres of temporary easement being a part of that certain property identified as Tax Parcel No. 045 5195 001, which is described as approximately 70 acres located on Rex Hyde Road, Newnan, Georgia and is owned by the Mary and Ronald Hyde Living Trust (the “Parcel”); and

**WHEREAS**, CCWSA is seeking to improve the ability to provide water to the general public and to ensure better water quality and flow of water for the citizens of Coweta County and those persons utilizing the raw water transmission main and line; and

**WHEREAS**, the improvements to the Project at this location will service the public needs by allowing for the water for the public and County at large along the Project route and throughout the County as described above; and

**WHEREAS**, in order to begin construction of said improvement, it was and continues to be necessary for CCWSA to acquire the final right of way being a part of the Parcel to accommodate the proposed raw water transmission main and line; and

**WHEREAS**, the property sought herein to be acquired for the Project pursuant to this Ordinance and Resolution consists of 0.6255 acres for permanent right of way and 0.9642 acres of temporary easement as shown on that certain plat entitled "Raw Water Transmission Main Easement as Required by CCWSA through the Property of the Ronald and Mary Hyde Living Trust," dated 08/18/2023, prepared by TerraMark Geospatial, a copy of which is attached hereto as Exhibit "A" (hereinafter known as "the Right of Way Area"); and

**WHEREAS**, because negotiations for the remaining Right of Way Area have failed, CCWSA needs to acquire the remaining Right of Way Area necessary for the raw water transmission main and line improvements through the use of the power of eminent domain; and

**WHEREAS**, time is of the essence for the acquisition of the Right of Way Area being condemned so that construction may begin immediately on the site; and

**WHEREAS**, due to such necessity, the CCWSA has determined that circumstances are such that it is necessary to proceed with condemnation on the Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140 *et seq.* and 22-2-102 *et seq.*; and

**WHEREAS**, CCWSA, by this Ordinance and Resolution, desires the CCWSA Board Attorney proceed with condemnation on the remaining Right of Way Area for the Chattahoochee Expansion Project through the Declaration of Taking Method, as authorized by O.C.G.A. §§ 22-3-140 *et seq.* and 22-2-102, *et seq.*

**NOW, THEREFORE, BE IT ORDAINED BY THE CCWSA BOARD OF DIRECTORS**, as follows:

**Section 1.** That the public necessity for immediately acquiring the fee simple Right of Way Area described hereinbelow for public use associated with the Chattahoochee Expansion Project is hereby declared and affirmed; and the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. §§ 22-3-140, *et seq.* and 22-2-102, *et seq.*, and use of that method is hereby authorized to acquire and obtain title to the fee simple Right of Way Area.

**Section 2.** That the CCWSA Board Attorney, or her designee, shall be and hereby is authorized and the CCWSA Board Attorney, or her designee, shall be and hereby is directed, with respect to the said fee simple Right of Way Area described hereinbelow, to institute condemnation proceedings in the name of CCWSA for the condemnation of the Right of Way Area, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the CCWSA Board Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements on behalf of CCWSA in an effort to resolve and/or settle the condemnation case.

**Section 3.** That the Chairman of the CCWSA Board of Directors is hereby authorized and directed, to sign, for CCWSA as a body politic of the State of Georgia, the form of the Declarations of Taking, when prepared in final form connection with any condemnation of the Right of Way Area by the CCWSA Board Attorney's Office.

**Section 4.** That the CCWSA Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefor from the CCWSA Board Attorney and to make all necessary and proper payments in connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

**Section 5.** That the CCWSA Board Attorney be and hereby is authorized to engage the services of any expert witnesses or appraisers as necessary to assist with the condemnation and/or closing of said Right of Way Area.

**Section 6.** That the properties for the Chattahoochee Expansion Project already acquired by CCWSA and approved by the CCWSA Board of Directors are hereby affirmed as necessary for the completion and construction of the Project.

**Section 7.** That the Right of Way Area sought to be acquired by the declaration of taking method is as shown on the plat attached hereto as Exhibit "A."

**Section 8.** The parties with known interests in the Right of Way Area are as follows:

Property Owner:	The Mary and Ronald Hyde Living Trust
Security Deed Holder:	None

**Section 9.** All other Resolutions of the CCWSA Board of Directors not in conflict with this Ordinance and Resolution shall remain in full force and effect.

SO RESOLVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
Laurie J. Bartlett, Chairman  
CCWSA Board of Directors

ATTEST:

\_\_\_\_\_  
Larry Kay, Secretary  
CCWSA Board of Directors

**EXHIBITS:**

A: PLAT OF PROPERTY TO BE ACQUIRED:

EXHIBIT "A"  
PLAT OF PROPERTY

**SURVEYOR'S CERTIFICATE:**

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES, NOT REVIEW OR APPROVE ANY PLATS OR THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT HIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



  
KEVIN W. HARDY  
GEORGIA REGISTERED LAND SURVEYOR

KEVIN W. HARDY  
GEORGIA REGISTERED LAND SURVEYOR NO. 3507

LINE	BEARING	ARC	RADIUS	CHORD
C1	S81°07'12"E	21.92'	1125.71'	21.92'
C2	S82°31'27"E	33.25'	1125.71'	33.25'

LINE	BEARING	DISTANCE
L1	S33°01'49"W	14.88'
L2	N33°01'49"E	26.49'
L3	N33°01'49"E	14.19'
L4	S33°01'49"W	16.80'

**RONALD & MARY HYDE LIVING TRUST**  
N/F  
TPID: 045 5195 001  
DB: 5091 PG: 221

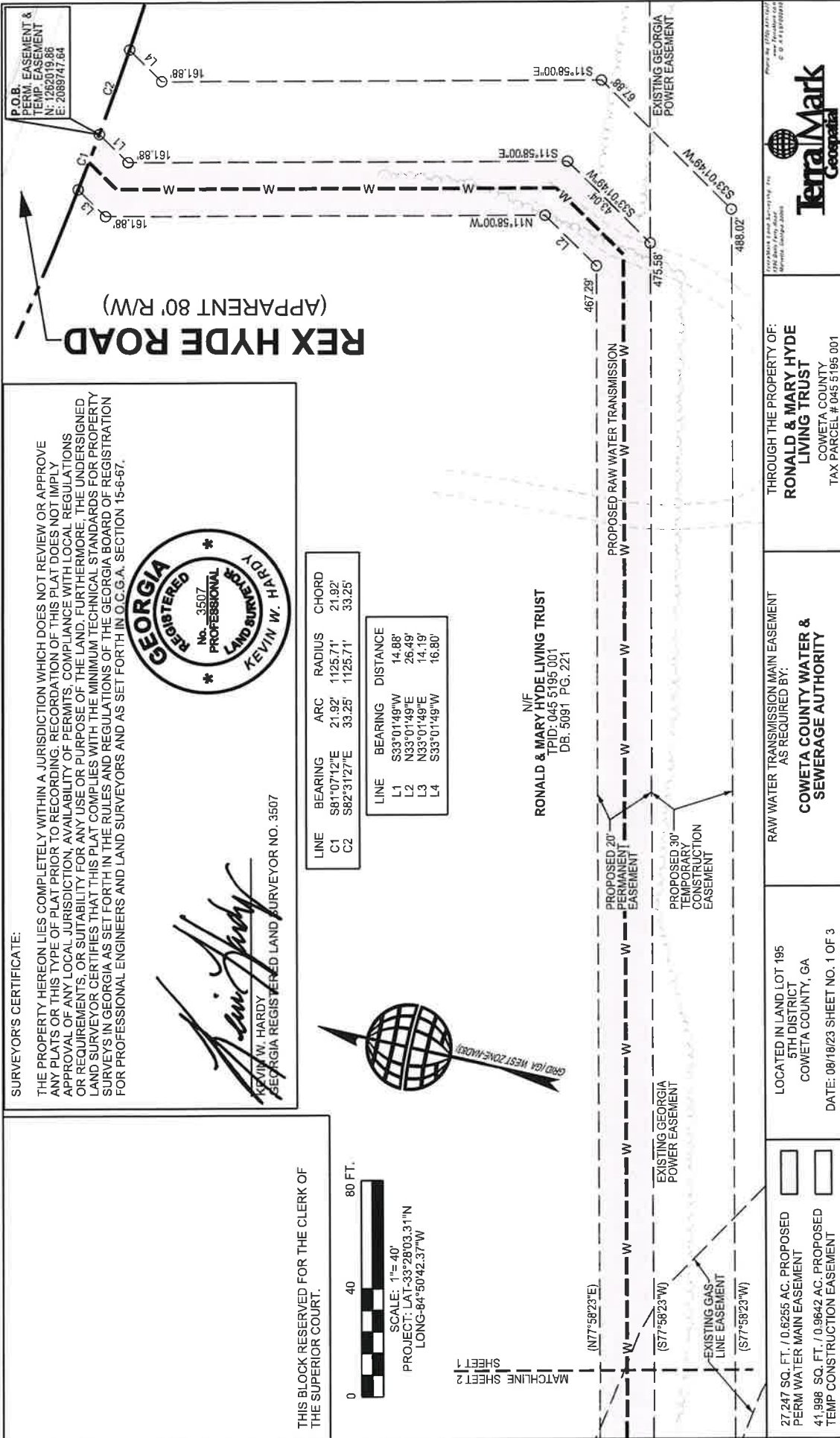


THIS BLOCK RESERVED FOR THE CLERK OF  
THE SUPERIOR COURT.



SCALE: 1"= 40'  
PROJECT: LAT-33°28'03.31"N  
LONG-84°50'42.37"W

MATCHLINE SHEET 2  
SHEET 1



**TerraMark**  
Geospatial



TerraMark Inc. and Associates, Inc.  
1714 South First Street  
Denver, Colorado 80202

Phone: 303.437.1027  
Fax: 303.437.1028  
E-Mail: [info@terra-mark.com](mailto:info@terra-mark.com)

THROUGH THE PROPERTY OF:  
**RONALD & MARY HYDE  
LIVING TRUST**  
COWETA COUNTY  
TAX PARCEL # 045 5195 001

**RAW WATER TRANSMISSION MAIN EASEMENT  
AS REQUIRED BY:  
COWETA COUNTY WATER &  
SEWERAGE AUTHORITY**

LOCATED IN LAND LOT 195  
5TH DISTRICT  
COWETA COUNTY, GA

DATE: 08/18/23 SHEET NO. 1 OF 3

27,247 SQ. FT. / 0.6255 AC. PROPOSED  
PERM WATER MAIN EASEMENT

PATH: S:\SURVEY\2023\2023-049\DGN\EASEMENTS.DGN E14

THIS BLOCK RESERVED FOR THE CLERK OF  
THE SUPERIOR COURT.

0 40 80 FT.

SCALE: 1"= 40'  
PROJECT: LAT-33°28'03.31"N  
LONG-84°50'42.37"W



N/F  
RONALD & MARY HYDE LIVING TRUST  
TPID: 045 5195 001  
DB. 5091 PG. 221

**EXHIBIT "A"**

MATCHLINE SHEET 2

(N78°04'29"E)

(S78°04'29"W)

(S78°04'29"W)

PROPOSED 20-  
PERMANENT  
EASEMENT

PROPOSED 30'-  
TEMPORARY  
CONSTRUCTION  
EASEMENT

EXISTING GAS  
LINE EASEMENT

PROPOSED RAW WATER TRANSMISSION

EXISTING GEORGIA  
POWER FASMENT

677.79' N77°58'23"E (467.29')

$\Theta = 691.88^\circ$   $S77^\circ 58' 23'' W$   $(475.58^\circ)$

688 02'  $\ominus$   $S77^{\circ}58'23''W$   $\frac{1488.02}{1488.02}$

MATCHLINE SHEET 3  
SHEET 2

MATCHLINE SHEET 3  
SHEET 2

27,247 SQ. FT. / 0.6255 AC. PROPOSED  
PERM WATER MAIN EASEMENT

LOCATED IN LAND LOT 195  
5TH DISTRICT  
COWETA COUNTY, GA

DATE: 08/18/23 SHEET NO. 2 OF 2

**RAW WATER TRANSMISSION MAIN EASEMENT  
AS REQUIRED BY:  
COWETA COUNTY WATER &  
SEWERAGE AUTHORITY**

THROUGH THE PROPERTY OF:  
**RONALD & MARY HYDE  
LIVING TRUST**  
COWETA COUNTY  
TAX PARCEL # 045 5195 001



Tel: 01454 610000  
 1250 Little Ferry Road  
 Marston, Oxford OX4 1JF

PATH: S:\SURVEY\2023\2023-049\DGN\EASEMENTS\ E14



