



Transportation

Drew Raessler, Agency Director

District 2

Cobb County...Expect the Best!

TO: Dr. Jackie R. McMorris, County Manager

FROM: Drew Raessler, Agency Director

DATE: February 13, 2024

PURPOSE

To determine that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq., on six parcels on Lower Roswell Road, Project No. E6020.

BACKGROUND

Lower Roswell Road is an approved roadway safety and operational improvements project in the 2011 SPLOST Transportation Improvements Program (TIP).

Improvements on Lower Roswell Road, from Woodlawn Drive to Davidson Road, consist of adding a median, access management and turn lanes at Woodlawn Drive, improving turn lanes at Johnson Ferry Road and Davidson Road, and improving the alignment of Lower Roswell Road across Johnson Ferry Road. The project also includes the addition of sidewalk on the east side of Woodlawn Drive and a multi-use trail on the south side of Lower Roswell Road.

Additional rights-of-way, easements, and limits of access are needed to construct this project. Right-of-way funding for this project is available in the 2011 SPLOST TIP Fund.

Negotiations with the property owners are ongoing. However, to ensure project deadlines are met, the Department is requesting condemnation approval by the Board of Commissioners in the event negotiations are unsuccessful, and the Land Acquisition Review Committee, consisting of the Department's Development Services, Right-of-Way and Construction staff, and the County's Legal personnel, recommend condemnation actions be filed.

Under appropriate circumstances, as are more fully set forth under the provisions of O.C.G.A. §32-3-4, the County is authorized to acquire real property interests by the Declaration of Taking method for reasons including, but not limited to, a desire for judicial ascertainment of all issues pertaining to the acquisition.

The attached Resolutions are a form document that has been pre-approved for use by the County Attorney's Office (CAO). These documents will be reviewed by the CAO's assigned attorney upon routing the Resolutions for signature.

IMPACT STATEMENT

N/A

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners determine that circumstances are such that it is necessary to proceed with condemnation proceedings by Declaration of Taking under O.C.G.A. §32-3-4, et. seq.; authorize the commencement of condemnation proceedings on six parcels on Lower Roswell Road, Project No. E6020; adopt Resolutions and Orders in form substantially similar to the attached and as approved by the County Attorney's Office; and further authorize the Chairwoman to execute the necessary documents.

ATTACHMENTS

1. Location Map
2. Resolutions and Attachments 1 for Parcels 22, 24, 25, 27, 27T and 28