BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

Sandersville Railroad Company Hancock County, Georgia **In re: Sandersville Railroad Company's Petition for Approval to Acquire Real Estate by Condemnation**	Docket No.: 45045

PRE-FILED RESPONSIVE TESTIMONY OF MARVIN SMITH, JR.

on behalf of the Property Owner Respondents

August 25, 2023

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**Pro hac vice* applications pending

Counsel for Property Owner Respondents

Q. PLEASE STATE YOUR NAME, ADDRESS, AND AGE.

A. My name is Marvin Smith, Jr., and I am 78 years old. My home address is 15500 Avery Road, Rockville, Maryland 20855.

Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS PROCEEDING?

A. I am testifying on behalf of myself and my wife, Patricia Smith.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?

A. No.

Q. DO YOU OWN PROPERTY IN THE PATH OF THE HANSON SPUR?

A. Yes. I own one parcel.

Q. WHAT IS THE ADDRESS OF YOUR PROPERTY IN THE PATH OF THE HANSON SPUR?

A. My parcel doesn't have an address. It is Hancock County Tax Parcel No. 186003 and is approximately 116 acres.

Q. DO YOU OWN ANY OTHER PROPERTY IN SPARTA?

A. Yes. I grew up in Sparta, about 3-4 miles from the property that's involved in this proceeding. The address of that house is 171 Cherry Street, Sparta, Georgia 31087. I've owned that property since 1974.

Q. FOR HOW LONG HAVE YOU OWNED YOUR PROPERTY IN THE PATH OF THE HANSON SPUR?

A. Since 1974.

Q. WHAT IS YOUR FAMILY'S HISTORY RELATING TO YOUR PROPERTY IN THE PATH OF THE HANSON SPUR?

A. The property has belonged to the Smiths for almost 100 years. My grandfather purchased the property in the 1920s and farmed it. My father was raised there and was the only

one left to help his father farm when his siblings left. My father developed skills in carpentry and painting. His work was highly sought after throughout Hancock County. Eventually, my father moved totally into carpentry. By the time he did that, the farming business was over anyway. When my father went into ill health, he quitclaimed his rights to all of his property to me. My father died in February of 1994. I am an only child.

I left Sparta for Washington, D.C. to attend Howard University. I was drafted into the U.S. Army, and later had a career as a National Accounts Manager at AT&T and Senior Network Engineer at Lockheed Martin. By the time the property came to me in 1974, it wasn't being farmed for anything but timber. I did not grow up farming the land, but as a boy, I remember I used to go down with my father and help farm. I played on the property and visited with family there.

Q. HOW DO YOU CURRENTLY USE YOUR PROPERTY?

A. Pat and I visit the property about every quarter when I am in town to visit my mother in Sparta. I have loved hunting on the property. Currently we lease the land to a local hunting club to allow its members to come onto the land to hunt. We also grow and sell timber on the property and participate in a program for which we have contracted to undertake conservation practices on our land. We do not know how the Hanson Spur will affect our participation in the program, and that worries us.

Q. WHAT STRUCTURES ARE ON THE PROPERTY?

A. There are no structures on the property.

Q. DO YOU WANT TO SELL YOUR PROPERTY?

A. No.

Q. WHAT DO YOU PLAN TO DO WITH YOUR PROPERTY IF YOU ARE ABLE TO KEEP IT INTACT?

A. I don't have any plans to develop or change the land at this time. I'll continue growing

timber for now. However, I want my property to stay whole, so I can give it to the next generation to do with it as they see fit, just as my father gave it to me.

Q. WHAT DOES YOUR PROPERTY MEAN TO YOU?

A. The property means the opportunity to build generational wealth. This land has been in the family for generations, and we retained it through blood, sweat, and tears. It has a meaning to all of us. It is important that it remains whole, or else it might continue to disappear piece by piece. I want every part of what I inherited from my father and grandfather to pass along to my children.

Q. WHEN DID YOU FIRST HEAR ABOUT THE HANSON SPUR PROJECT?

A. April 2022.

Q. DID YOU RECEIVE MORE THAN ONE LETTER FROM SANDERSVILLE RAILROAD?

A. Yes, we received approximately three letters:

1. Letter dated April 4, 2022, signed by Benjamin Tarbutton, telling me his railroad company "required" some of my land for a new railroad track. That letter is attached as Exhibit A.

2. Letter dated April 19, 2022, signed by Benjamin Tarbutton, announcing that consultants would be going on my land to survey it, and saying that they have the "right to enter upon private property to conduct surveys." That letter is attached as Exhibit B.

3. Letter and package of papers from the Sandersville Railroad "Railroad Rights of Way Manager" Cheryl Brewer and "Right of Way Consultant" Laura Northcraft saying they "needed" ownership "in fee" of several acres of my land and including sales agreements for parts of my land. That letter and package of papers is attached as Exhibit C. This was the last offer we received from Sandersville Railroad. (Before this offer, Mr. Tarbutton gave us two other offers.)

Q. HOW DID YOU FEEL WHEN YOU READ THE LETTERS?

A. I was not very afraid at first because I never thought a private railroad would be able to

get my land. That should not happen in America. So, my feeling was, I understood what the railroad wanted to do, but I didn't want to sell. None of this bothered me deeply until it became obvious that the railroad was going to use eminent domain to take my property after I said no. If I say no, that should be the end of it, because it's my land. But instead, this railroad company is saying they can just take it from me without my consent. That is very upsetting. It is wrong.

Q. DID BENJAMIN TARBUTTON EVER VISIT YOU AT YOUR HOME IN MARYLAND?

A. Yes, in July 2022.

Q. WHAT WAS THE NATURE OF THAT VISIT?

A. To make me an offer.

Q. WHAT DID MR. TARBUTTON SAY?

A. He told me that the trip to my home was part of a trip he'd made to some place in Pennsylvania that builds locomotives, and that he went up to negotiate new locomotives because he was so sure this project was going to go forward. He cited the law that he had authority to use eminent domain, that it gave him authority to go on my property and do surveys. He also made an offer at that time.

Q. DID SANDERSVILLE RAILROAD TRY TO PURCHASE YOUR PROPERTY PRIOR TO PETITIONING THE COMMISSION TO TAKE IT USING EMINENT DOMAIN?

A. Yes.

Q. WHAT WAS THE NATURE OF THOSE DISCUSSIONS?

A. A few days after Mr. Tarbutton visited my home in July 2022, he emailed me two offers.

The first offer was for about seven acres of my property for the railroad right of way plus

29 acres of my property that would be orphaned by the construction of the railroad (the railroad will run through the middle of my property, cutting the parcel in half). He offered me $3,000 per acre for the land he needs for the railroad right of way, but less than $1,700 per acre for the land that would be orphaned by the construction of the railroad. That offer is attached here as Exhibit D. So in one single offer he proposed first to devalue my land by putting a railroad down the middle of it, then in the same offer he proposed to buy at a discount the land which his railroad just devalued!

The second offer was for just the seven acres he needs for the right of way, and not the orphaned acreage. That offer is attached here as Exhibit E.

I refused those offers.

By January 2023, subsequent to unauthorized surveys on my property, I believe he had determined that he in fact needs about five acres of my land for the railroad right of way. That is reflected in the latest offer he made, which is attached as Exhibit C.

Q. HOW DID YOU RESPOND?

A. I said no.

Q. DID ANYONE CONDUCT A SURVEY OF YOUR PROPERTY?

A. Yes.

Q. HOW DID YOU KNOW?

A. A lessee of my property for hunting told me that there were surveying stakes across the property.

Q. DID THE SURVEYORS ASK PERMISSION TO COME ON YOUR PROPERTY?

A. No.

Q. HAVE YOU REVIEWED THE RAILROAD'S PLANS FOR YOUR

PROPERTY?

A. Yes.

Q. WHAT EFFECT WILL THE HANSON SPUR HAVE ON YOUR PROPERTY?

A. First, I will lose acreage that I don't want to lose. Current and future timber will be eliminated. The railroad will cut the parcel in half and cut off access to 29 acres of property, except for one narrow crossing which will be just twelve feet wide. Right now, I have open access to my land. Twelve feet of access is tiny. In addition to the loss of acreage and making it more difficult for me to access such a large part of my property, the railroad will limit options for my family to use, enjoy and develop the land. Hunters will be less likely to lease my land for hunting. Who wants to hunt around a railroad? If my children want to build on the property for themselves or for rent to others, their options will be dramatically limited with a railroad running through it. And of course the railroad will diminish the value of all my land, not just today but forever.

Q. WHAT EFFECT WILL THE HANSON SPUR HAVE ON YOUR LIFE?

A. I won't be free to give the land to my children whole. I would be devastated that the railroad could do that to me. It further imposes severe limits on my rights to build a family home, limits my ability to lease lots, and takes away the security granted under the U.S. Constitution.

Q. ARE YOU RELATED TO ANY OF THE OTHER PROPERTY OWNERS IN THE PATH OR NEAR THE PATH OF THE HANSON SPUR?

A. Yes. Blaine Smith and Mark Smith are my cousins. Thomas Ahmad Lee is my cousin's son.

Q. HAVE YOU READ MATERIALS ABOUT THE HANSON SPUR PROVIDED BY THE RAILROAD?

A. Yes.

Q. HAVE YOU READ ABOUT THE HANSON SPUR IN THE NEWS?

A. Yes.

Q. FROM YOUR PERSPECTIVE, WILL THE HANSON SPUR BENEFIT THE SPARTA COMMUNITY?

A. No.

Q. FROM YOUR PERSPECTIVE, WILL THE HANSON SPUR HARM THE SPARTA COMMUNITY?

A. Yes. For instance, property values will be diminished, and people may be unwilling to invest in property improvements.

Q. WHY NOT JUST SELL?

A. If I sold to Sandersville Railroad, I would be breaking up my property at great financial and personal cost. I would be selling a source of generational wealth, and a piece of my family's history. The future use of the land is very valuable and meaningful, and we are the ones who should be able to choose how it is used. To tell me I cannot say no to an offer from a private individual, for his private gain, is an insult and it's not right. Eminent domain has a long history of abuse, and this is eminent domain abuse. Significant long-term enrichment of private entrepreneurs is not a public use. I have no interest in selling, and I should not be forced to.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2023, a copy of the foregoing *Pre-Filed Responsive Testimony of Marvin Smith, Jr.*, has been served via electronic mail and U.S. First-Class Mail on the following pursuant to GA. COMP. R. & REGS. 515-16-16-.02; 515-2-1-.04(4)(b), (3):

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DATED this 25th day of August, 2023.



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Counsel for Property Owner Respondents

EXHIBIT A

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

April 4, 2022

Mr. Marvin Smith, Jr.
15500 Avery Road
Derwood, MD 20855

Dear Mr. Smith,

The Sandersville Railroad plans to build a new railroad track from near Sparta southward to the Hanson Aggregates Sparta Quarry. I am sending you this letter because some of your property will be required as right of way for this new project.

I want this process to be as minimally invasive to you as possible, and I ask that you work with us to accomplish this very important project for Hancock County. Cheryl Brewer with CHB Acquisition Services, LLC whose cell phone number is (706)832-1412 and email address is cherylbrewer@bellsouth.net will be leading this right of way acquisition effort. I have included a questionnaire with this letter, and I hope you will complete it and return the questionnaire in the self-addressed envelope.

Over the course of this project and in the years to follow, the Sandersville Railroad and Hanson Aggregates will be making significant capital investments in Hancock County. These investments will lead to new jobs and economic activity for Hancock County and the surrounding region.

I would be happy to meet with you to discuss this project. Please feel free to contact me or Cheryl Brewer with any questions.

Sincerely,

Ben J. Tarbutton III

EXHIBIT B

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

April 19, 2022

Dear Mr. Marvin Smith, Jr.,

The Sandersville Railroad Company is requesting your cooperation in our effort to build a new railroad track to serve the Hanson Aggregates Quarry near Sparta. As stated in an earlier letter to you, this project will effect your property.

Field surveys are scheduled to begin soon on your property for the purpose of gathering the information necessary to finalize the design and the amount of right of way needed for the new railroad track. The survey will also include the identification of streams, wetlands, and open waters. Aerial drones may be used to collect survey data. Geotechnical samples may be collected, and small brush, bush, or sapling cuttings may be necessary to collect the field survey data. The Sandersville Railroad has contracted with the Consultant firms listed below to provide professional services for this project.

During the course of our work, it may be necessary for our Consultant's personnel to enter upon your property to the extent necessary to conduct the survey. Georgia law provides a right of eminent domain for all public utilities, including railroads (see Official Code of Georgia Sections 46-8-124 and Title 22), and, in connection with that right, the further right to enter upon private property to conduct surveys, inspections and appraisals (see Bearden v. Ga. Power Co., 262 Ga. App. 550). Please be assured that we will perform all work in a professional manner with as little inconvenience to you as possible.

The following contact information should be used regarding any questions you have about the project and the work to be performed:

- Russell Moorehead – Croy Engineering (423) 708-5858 moorehead@croyeng.com
- Cheryl Brewer – CHB Acquisition Services (706) 832-1412 cherylbrewer@bellsouth.net

I sincerely appreciate your cooperation and regret any inconvenience this work may cause.

Sincerely,

Ben J. Tarbutton, III

EXHIBIT C

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

DATE: 1/13/2023

Marvin Smith, JR
1550 Avery Road
Derwood, MD 20855

RE: PROJECT: Hanson Railroad Spur COUNTY: Hancock
PARCEL: 7

Dear Mr. Marvin Smith, JR:

The Department is in the process of purchasing property to improve the railroad designated above. In order to make this project possible, 5.53 acres of your property in fee will be needed. This is more particularly shown on the plat attached to the agreement provided with this letter.

Your property has been valued by qualified appraisers who, after careful consideration, have found the Fair Market Value of the property and/or rights to be purchased, and damages to the remainder, if any, to be $ 16,600.00 . The attached form, entitled "Summary Statement Basis for Just and Adequate Compensation", separates certain elements comprising the above listed value.

Our Right of Way Specialist, Laura Northcraft located at 29 West Gibson Street, Warrenton, GA 30828 , Email: Lnorthcraft-chb@att.net Phone: 843-409-3828 , is authorized to explain this and discuss the full effect of the purchase and your rights as provided by law.

If you will agree to the terms expressed herein by signing the enclosed "Agreement to Purchase Real Estate" and returning it to the Right of Way Specialist, it will be promptly submitted for closing and payment.

Sincerely,

Cheryl H. Brewer

Cheryl H. Brewer
Railroad Rights of Way Manager

BY: Laura Northcraft
Laura Northcraft

Right of Way Consultant

Attachment(s)
cc:

Summary Statement Basis For Just and Adequate Compensation

1. PROJECT: Hanson Railroad Spur	County: Hancock	Parcel: 7
2. OWNER NAME/MAILING ADDRESS:	Marvin Smith, JR 1550 Avery Road Derwood, MD 20855	
3. PROPERTY ADDRESS: Shoals Road, Sparta GA		
4. FAIR MARKET VALUE (see attached Market Data Information):		

Right of Way; 5.53 AC/SF X $ 3,000.00 AC/SF =		$16,590.00	
Permanent Easement: N/A AC/SF X $ 0.00 AC/SF X N/A % =		$0.00	
Temporary Easement: N/A AC/SF X $ 0.00 AC/SF X N/A % =		$0.00	
Estimated Value of Improvement(s):		$0.00	
Cost to Cure:		$0.00	
Damage to Trade Fixtures:		$0.00	
Estimated Value of all consequential or severance damages:	$0.00		
Estimated Value of REMAINDER:			$ 0.00
TOTAL ESTIMATED FAIR MARKET VALUE: Without the Remainder			$ 0.00
Including the Remainder			$ 0.00

(This value is the amount approved by the Sandersville Railroad for the purchase of the required property and does not contain conjectural decreases or increases in value caused by this project).

5. Division of Interests

NAME	KIND OF INTEREST	ESTIMATED VALUE
Marvin Smith JR.	Fee	$16,600.00 rd
Total Estimated Fair Market Value:		$16,600.00 rd.

6. If you wish to retain and remove the items listed in the Special/Other Provision section on the Option for Right of Way Sandersville Railroad will:

   (a) Deduct at Closing $_____ (Retention Value)

   (b) Deduct at Closing $_____ (Performance Bond)

   Total Withheld at Closing $ _____

DATE: 1/13/2023 PREPARED BY: Laura Northcraft
Staff Negotiator

Market Data Information

Vacant Land Sales

Address	DB	Page
Pine Bloom Road	577	419
Highway 15	531	471
6087 Springfield Road	574	397
132 Monument Road	536	151
Off of Fort Creek Road	584	279

Improved Land Sales (If Applicable)

Address	DB	Page

Rentals (If Applicable)

Address

Other Sales (If Applicable)

Address	DB	Page

AGREEMENT TO PURCHASE REAL ESTATE

Map #186 Parcel # 003

GEORGIA, HANCOCK COUNTY

For and in consideration of the sum of One Dollar ($1.00), receipt whereof being acknowledged, the undersigned grants to the Sandersville Railroad Company an option to acquire the following described real estate:

Right of Way rights through that tract or parcel of land located in Hancock County, Georgia, lying within Map # 186 Parcel # 003, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of $16,600, the undersigned agrees to execute and deliver to the Sandersville Railroad Company fee simple title to the lands owned by the undersigned as reflected on the attached Exhibit "A".

Orphaned Acres that are adjacent to the Right of Way through the tract or parcel of land located in Hancock County, Georgia, lying within Map #186 Parcel # 003, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of $0.00, the undersigned agrees to execute and deliver to the Sandersville Railroad Company fee simple title to the lands owned by the undersigned as reflected on the attached Exhibit "A". The sum may change pending a property survey to develop a plat, which will yield the exact acres to be used at closing.

* * * * * * * * * * * * * * * * * * * *

The following conditions are imposed upon the grant of this option:

1) This option shall extend for 180 days from this date.

2) The consideration recited is full payment for the rights conveyed.

   5.53 Acres of Right of Way

   0 Acres of Orphaned Acres

3) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.

4) Special Provisions, if applicable, are listed on Exhibit "B", which is attached hereto and incorporated herein by reference.

Witness my hand and seal this _____ day of _____, _____.

Signed, Sealed and Delivered
in the presence of:

_____
Witness

_____
Notary Public

_____(Seal)
Marvin Smith, JR

_____(Seal)

ACCEPTED BY:

_____
Sandersville Railroad

_____
Date

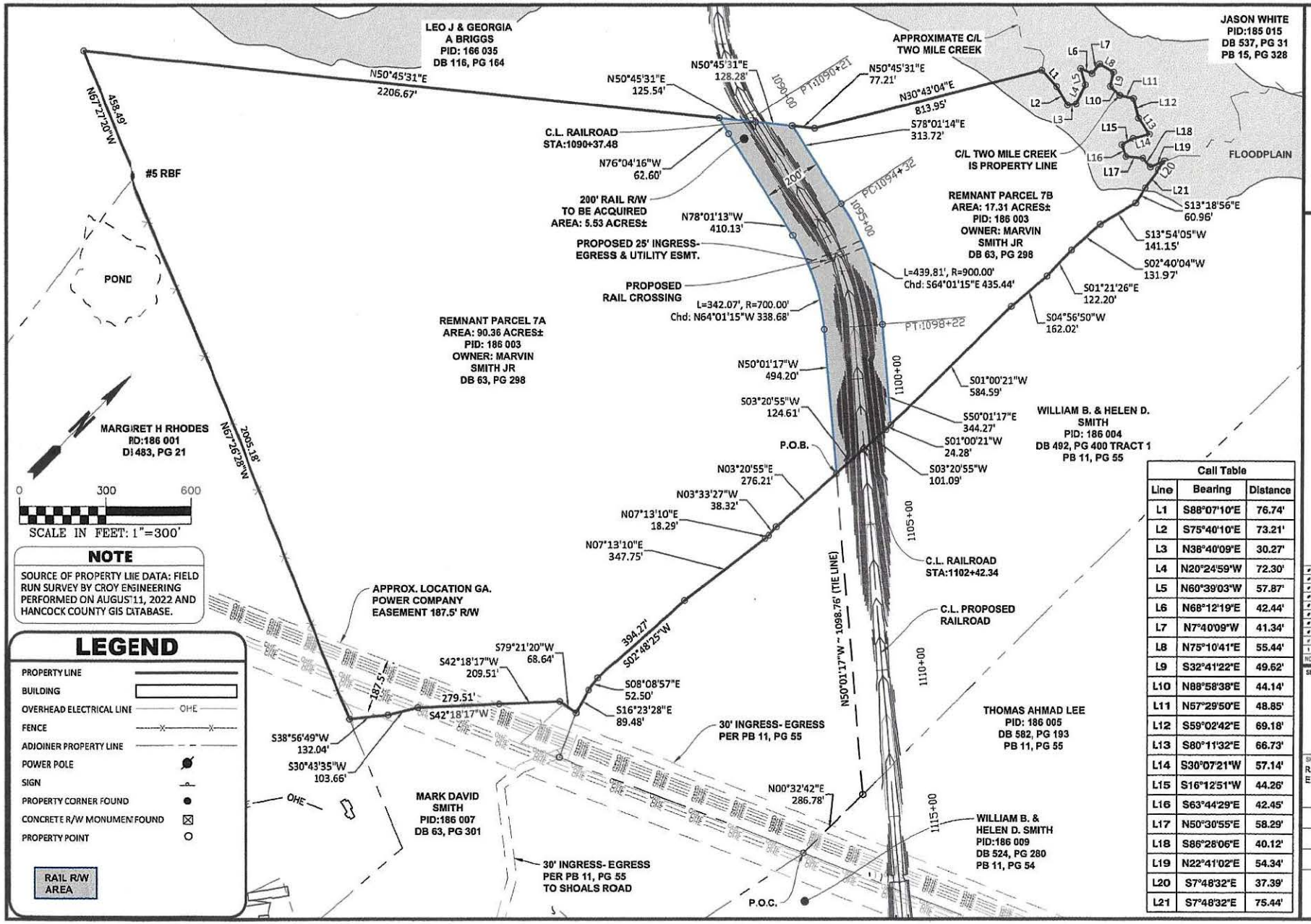

LEO J & GEORGIA A BRIGGS
PID: 166 035
DB 116, PG 164
N50°45'31"E
2206.67'
N67°27'20"W
458.49'
#5 RBF
POND
MARGIRET H RHODES
PID:186 001
DB 483, PG 21
N67°26'28"W
2005.18'
0
300
600
SCALE IN FEET: 1"=300'
NOTE
SOURCE OF PROPERTY LINE DATA: FIELD RUN SURVEY BY CROY ENGINEERING PERFORMED ON AUGUST 11, 2022 AND HANCOCK COUNTY GIS DATABASE.
LEGEND
PROPERTY LINE
BUILDING
OVERHEAD ELECTRICAL LINE
FENCE
ADJOINER PROPERTY LINE
POWER POLE
SIGN
PROPERTY CORNER FOUND
CONCRETE R/W MONUMENT FOUND
PROPERTY POINT
RAIL R/W AREA
N50°45'31"E
125.54'
N50°45'31"E
128.28'
1090+00
PT:1090+21
N50°45'31"E
77.21'
N30°43'04"E
813.95'
S78°01'14"E
313.72'
C.L. RAILROAD
STA:1090+37.48
N76°04'16"W
62.60'
200' RAIL R/W
TO BE ACQUIRED
AREA: 5.53 ACRES±
200'
PC:1094+32
1095+00
N78°01'13"W
410.13'
PROPOSED 25' INGRESS-EGRESS & UTILITY ESMT.
PROPOSED
RAIL CROSSING
L=342.07', R=700.00'
Chd: N64°01'15"W 338.68'
REMNANT PARCEL 7A
AREA: 90.36 ACRES±
PID: 186 003
OWNER: MARVIN
SMITH JR
DB 63, PG 298
APPROXIMATE C/L
TWO MILE CREEK
C/L TWO MILE CREEK
IS PROPERTY LINE
JASON WHITE
PID:185 015
DB 537, PG 31
PB 15, PG 328
FLOODPLAIN
REMNANT PARCEL 7B
AREA: 17.31 ACRES±
PID: 186 003
OWNER: MARVIN
SMITH JR
DB 63, PG 298
L=439.81', R=900.00'
Chd: S64°01'15"E 435.44'
S13°18'56"E
60.96'
S13°54'05"W
141.15'
S02°40'04"W
131.97'
S01°21'26"E
122.20'
S04°56'50"W
162.02'
PT:1098+22
1100+00
N50°01'17"W
494.20'
S01°00'21"W
584.59'
S03°20'55"W
124.61'
S50°01'17"E
344.27'
S01°00'21"W
24.28'
S03°20'55"W
101.09'
P.O.B.
WILLIAM B. & HELEN D. SMITH
PID: 186 004
DB 492, PG 400 TRACT 1
PB 11, PG 55
N03°20'55"E
276.21'
N03°33'27"W
38.32'
N07°13'10"E
18.29'
N07°13'10"E
347.75'
1105+00
C.L. RAILROAD
STA:1102+42.34
C.L. PROPOSED
RAILROAD
N50°01'17"W ~ 1098.76' (TIE LINE)
1110+00
APPROX. LOCATION GA. POWER COMPANY EASEMENT 187.5' R/W
187.5'
394.27'
S02°48'25"W
S79°21'20"W
68.64'
S42°18'17"W
209.51'
279.51'
S42°18'17"W
S08°08'57"E
52.50'
S16°23'28"E
89.48'
30' INGRESS- EGRESS
PER PB 11, PG 55
THOMAS AHMAD LEE
PID: 186 005
DB 582, PG 193
PB 11, PG 55
S38°56'49"W
132.04'
S30°43'35"W
103.66'
OHE
MARK DAVID SMITH
PID:186 007
DB 63, PG 301
N00°32'42"E
286.78'
1115+00
WILLIAM B. & HELEN D. SMITH
PID:186 009
DB 524, PG 280
PB 11, PG 54
30' INGRESS- EGRESS
PER PB 11, PG 55
TO SHOALS ROAD
P.O.C.
Call Table
Line | Bearing | Distance
L1 | S88°07'10"E | 76.74'
L2 | S75°40'10"E | 73.21'
L3 | N38°40'09"E | 30.27'
L4 | N20°24'59"W | 72.30'
L5 | N60°39'03"W | 57.87'
L6 | N68°12'19"E | 42.44'
L7 | N7°40'09"W | 41.34'
L8 | N75°10'41"E | 55.44'
L9 | S32°41'22"E | 49.62'
L10 | N88°58'38"E | 44.14'
L11 | N57°29'50"E | 48.85'
L12 | S59°02'42"E | 69.18'
L13 | S80°11'32"E | 66.73'
L14 | S30°07'21"W | 57.14'
L15 | S16°12'51"W | 44.26'
L16 | S63°44'29"E | 42.45'
L17 | N50°30'55"E | 58.29'
L18 | S86°28'06"E | 40.12'
L19 | N22°41'02"E | 54.34'
L20 | S7°48'32"E | 37.39'
L21 | S7°48'32"E | 75.44'
CROY
1370 MARKET STREET
CHATTANOOGA, TN 37402
PHONE: (423) 708-5858
RIGHT-OF-WAY
EXHIBIT PARCEL #7
113th G.M.D
HANCOCK COUNTY, GEORGIA
NO | REVISION REFERENCE | DATE
1 | ALIGNMENT CHANGE
SEAL
SHEET TITLE
RIGHT-OF-WAY
EXHIBIT #7
DRAWN BY
TBA
CHECKED BY
RDM
SCALE
1"=300'
ISSUE DATE
9/28/2022
PROJECT NUMBER
1992.000
DRAWING NUMBER
EXH.7
SHEET 1 of 1

EXHIBIT "A"

Exhibit B

Special Provisions

- During the 180 day due diligence period the following actions will occur:
  - Title Search
  - Geotechnical work to evaluate soil types.
  - Any other work necessary to consummate closing.
- At Grade Railroad Crossing
  - In the case the Sandersville Railroad Company crosses the property where the landowner will own both side of the Right of Way, the Sandersville Railroad Company will work with Owner to locate an at grade railroad crossing that is suitable for both parties.
  - The location of the grade crossing will take into consideration engineering, safety and the topography of the approaches.
  - The crossing will be 12 feet in width and will be of a rock gravel material.
  - The Sandersville Railroad Company will maintain the crossing at no expense to Owner.

Availability of Incidental Payments: Claim Form

		PROJECT #	Hanson Railroad Spur
		COUNTY	Hancock
		PARCEL	7
OWNER NAME/MAILING ADDRESS	Marvin Smith, JR 1550 Avery Road Derwood, MD 20855	DATE:	
PHONE #:		SOCIAL SECURITY # OR FEI# (include SSN for each property owner)	
PROPERTY ADDRESS:	Shoals Road, Sparta, GA		

This is to advise you that due to the acquisition of the above project and parcel, you are eligible for reimbursement for expenses you may have incurred due to the Sandersville Railroad purchasing your property. These expenses may include:1. Pro-rata portion of taxes, and 2. Survey work. Pro-rata tax deductions are normally handled at closing on a total acquisition situation. However, if they are not, or in the event of condemnation, it will be **your** responsibility to provide to the Sandersville Railroad copies of your paid receipt(s) as described in Property Tax Payments section below.

1. Property Tax Payments are handled as follows:

A. **For Total Acquisition of your property (by Sandersville Railroad),** a deduction for your pro-rata share of the taxes will be withheld at closing. Then, upon your receipt of your property tax bill for the current year of acquisition, you should immediately forward the property tax bill to the Railroad (at the address below) along with this letter for the Railroad's proper payment to the tax authority.

B. **For Partial Acquisition of your property (by Sandersville Railroad),** the Railroad will reimburse you for the pro-rata share of taxes on the portion of property acquired by the Railroad. To apply for this reimbursement, you will need to send a copy of your paid tax bill receipt to the Railroad, along with this letter and a completed W9 to the address below.

Sandersville Railroad
C/O Ben J. Tarbutton, III
Post Office Box 269
Sandersville, Ga. 31082

2. Survey Work Reimbursement is handled as follows:
You may be eligible for reimbursement for **reasonable** survey fees to re-establish **existing** property corner pins that were removed as a result of construction of the project. Please note that it is your responsibility to obtain pre-approval from your assigned Right of Way Agent and to confirm construction completion prior to going forward with affected pin replacement. Your assigned Right of Way Agent for survey incidental benefits is:

Right of Way Agent: Laura Northcraft Phone: 843-409-3828 Email: Lnorthcraft-chb@att.net

(1) Contact your Right of Way Agent before proceeding with survey; send estimate and obtain pre-approval.
(2) Your Right of Way Agent will need this completed claim form, approved survey estimate, and paid receipt in order to submit claim to the Sandersville Railroad Office for reimbursement.

Survey Pre-Approval: For Railroad Use Only
Survey Estimate Amt: $_____ Date of Estimate: _____ Survey Reimbursement Amt Approved: _____
Pre-approved Signature (for Reimbursement): _____, Sandersville Railroad, C/O Ben J. Tarbutton, III

In order to file claim for payment of the above expenses, you must have paid receipt(s) to support your claim and the attached W9 is required. You must file within eighteen (18) months of the date your property was acquired, except survey fees, which must be filed within six (6) months after construction on the project is completed.

Sincerely,

Cheryl H. Brewer
Railroad Rights of Way Manager

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

		–							

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here | **Signature of U.S. person ▶** | **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9*.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

EXHIBIT D

AGREEMENT TO PURCHASE REAL ESTATE

Map # 186 Parcel # 3

GEORGIA, HANCOCK COUNTY

For and in consideration of the sum of One Dollar ($1.00), receipt whereof being acknowledged, the undersigned grants to the Sandersville Railroad Company an option to acquire the following described real estate:

> **Right of Way** rights through that tract or parcel of land located in Hancock County, Georgia, lying within Map # 186 Parcel # 3, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of **$ 25,200**, the undersigned agrees to execute and deliver to the Sandersville Railroad Company fee simple title to the lands owned by the undersigned as reflected on the attached Exhibit "A".

> **Orphaned Acres** that are adjacent to the Right of Way through the tract or parcel of land located in Hancock County, Georgia, lying within Map # 186 Parcel # 3, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of **$ 49,800**, the undersigned agrees to execute and deliver to the Sandersville Railroad Company fee simple title to the lands owned by the undersigned as reflected on the attached Exhibit "A". The sum may change pending a property survey to develop a plat, which will yield the exact acres to be used at closing.

Total Land Purchase Price: **$75,000**

* * * * * * * * * * * * * * * * * * * *

The following conditions are imposed upon the grant of this option:

1) This option shall extend for 180 days from this date.

2) The consideration recited is full payment for the rights conveyed.

   7.2 Acres of Right of Way

   29.7 Acres of Orphaned Acres

3) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.

4) Special Provisions, if any, are listed on Exhibit "B", which is attached hereto and incorporated herein by reference.

Witness my hand and seal this _____ day of _____, _____.

Signed, Sealed and Delivered
in the presence of:

_____

Witness

_____

Notary Public

_____(Seal)

_____(Seal)

ACCEPTED BY:

_____

Owner

_____

Date

Exhibit B

Special Provisions

- During the 180 day due diligence period the following actions will occur:
    - Title Search
    - Geotechnical work to evaluate soil types.
    - Any other work necessary to consummate closing.
- Marketable Timber
    - In the event the Right of Way or Orphaned Acres has marketable timber the Sandersville Railroad will employ a registered Forester to take a timber inventory. The Forester will take that inventory and apply market rates for each species to come up with a timber value that will be added to the sum. The Sandersville Railroad will pay Owner this total sum at closing.

EXHIBIT E

AGREEMENT TO PURCHASE REAL ESTATE

Map # 186 Parcel # 3

GEORGIA, HANCOCK COUNTY

For and in consideration of the sum of One Dollar ($1.00), receipt whereof being acknowledged, the undersigned grants to the Sandersville Railroad Company an option to acquire the following described real estate:

> **Right of Way** rights through that tract or parcel of land located in Hancock County, Georgia, lying within Map # 186 Parcel # 3, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

For the sum of **$ 25,200**, the undersigned agrees to execute and deliver to the Sandersville Railroad Company fee simple title to the lands owned by the undersigned as reflected on the attached Exhibit "A".

* * * * * * * * * * * * * * * * * * * *

The following conditions are imposed upon the grant of this option:

1) This option shall extend for 180 days from this date.

2) The consideration recited is full payment for the rights conveyed.

   7.2 Acres of Right of Way

3) The undersigned shall obtain all quit claim deeds or releases from any tenant now in possession and any other parties having a claim or interest in the property described above.

4) Special Provisions, if any, are listed on Exhibit "B", which is attached hereto and incorporated herein by reference.

Witness my hand and seal this _____ day of _____, _____.

Signed, Sealed and Delivered
in the presence of:

_____(Seal)

_____
Witness

_____(Seal)

_____
Notary Public

ACCEPTED BY:

_____
Owner

_____
Date

Exhibit B

Special Provisions

- During the 180 day due diligence period the following actions will occur:
    - Title Search
    - Geotechnical work to evaluate soil types.
    - Any other work necessary to consummate closing.
- At Grade Railroad Crossing
    - In the case the Sandersville Railroad Company crosses the property where the landowner will own both side of the Right of Way, the Sandersville Railroad Company will work with Owner to locate an at grade railroad crossing that is suitable for both parties.
    - The location of the grade crossing will take into consideration engineering, safety and the topography of the approaches.
    - The crossing will be 12 feet in width and will be of a rock gravel material.
    - The Sandersville Railroad Company will maintain the crossing at no expense to Owner.
    - At closing a Side Agreement will be executed by both parties to reflect the items outlined in this special provision.
- Marketable Timber
    - In the event the Right of Way has marketable timber the Sandersville Railroad will employ a registered Forester to take a timber inventory. The Forester will take that inventory and apply market rates for each species to come up with a timber value that will be added to the sum. The Sandersville Railroad will pay Owner this total sum at closing.