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 ROBERT DONALD GARRETT, SR.

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 Robert Donald Garrett, Sr., and I am 76 years old. My home address is 1335 Shoals Road, Sparta, Georgia 31087.

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

A. I am testifying on behalf of myself and my wife, Sarah Veazey Garrett.

Q. WHY ARE YOU TESTIFYING?

A. Sandersville Railroad is attempting to take a portion of our property from us against our will using eminent domain because we are in the path of the proposed Hanson Spur. My wife and I do not want to sell. I am testifying against Sandersville Railroad's attempt to take our property by eminent domain to build the Hanson Spur.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE COMMISSION?

A. No.

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

A. Yes.

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

A. 1335 Shoals Road, Sparta, Georgia 31087. It is Hancock County Tax Parcel No. 186013 and is approximately 80.40 acres.

Q. FOR HOW LONG HAVE YOU OWNED THIS PROPERTY?

A. My father deeded his land to me and my two brothers about 35 years ago. We divided the property into three pieces, and I own one of those pieces.

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

A. Our property has been in the Garrett family since just after the Civil War when my

great grandfather bought it. He farmed our property and owned the general store in Sparta. He also owned other properties in the area. My father was born in 1903 and had eight siblings. My father inherited his share of my grandfather's property around 1939.

I grew up farming on our property with my father. We farmed cotton, corn, cattle, and hogs. As long as cotton was king, that's what we farmed the most. So did everybody else, for the most part. We had 50-60 pecan trees. That is where the Christmas money came from, and the money we used to pay the property taxes. Eventually, it wasn't financially feasible to farm anymore, so we planted timber. Sally and I have lived here for 53 years and raised our children on our property. I have lived on this land for 72 of my 76 years.

Q. HOW DO YOU CURRENTLY USE YOUR PROPERTY?

A. Sally and I reside on our property full time. We have our own home and help maintain what we call the Garrett "home house," which is a historic farmhouse that my grandfather built and is near our property, on land now belonging to our son, Don Garrett, Jr. All of the Garrett land is very meaningful to us. On our parcel Sally and I grow timber to harvest and grow vegetables in the garden for our own use and to share with others when we have more than we need. My father participated in a government conservation program for planting trees and a soil conservation program. We currently participate in a 10-year Conservation Use program with Hancock County, which is for properties used for agricultural purposes. Proof of our participation is attached as Exhibit A. We use our property for daily living and recreation—hunting, hiking, fishing. Our grandchildren love to ride four wheelers, swim in the creeks, and look for Indian artifacts. The whole place is full of them. It was and is a fun place to live and grow up.

Q. WHAT STRUCTURES ARE ON THE PROPERTY?

A. Our home and a hunting cabin on the back side of the property near the creek.

Q. HOW DO YOU USE THOSE STRUCTURES?

A. We reside in the home full time and use the hunting cabin often; our children, grandchildren, and great grandchildren also use the hunting cabin as a place to camp and have fun in the outdoors.

Q. DID YOU GROW UP IN THE HOUSE YOU LIVE IN NOW?

A. No, I grew up in the Garrett home house.

Q. IS THE GARRETT HOME HOUSE LOCATED NEAR YOUR PROPERTY?

A. Yes, the Garrett home house is about 200 yards from my property. It is technically within our son's parcel. But the entire family uses that house and we all care about it as if it is our own.

Q. WHAT DOES THE GARRETT HOME HOUSE MEAN TO YOU?

A. My grandfather built it, and I grew up in it. The home house and surrounding land is the center of our family history.

Q. WHO CURRENTLY OWNS THE GARRETT HOME HOUSE?

A. My son, Don, Jr. owns the Garrett home house and five acres of land surrounding it. My brother and I gave it to him.

Q. WHY DID YOU GIVE IT TO DON, JR.?

A. So it would stay in the family. It was in bad repair, but Don, Jr. remodeled it. Don, Jr. is a combat veteran with over 22 years of service to his country, including seven special operations deployments to Iraq and Afghanistan combined. He needed a peaceful, quiet place to come home to. He deserves it after serving our country. It's a big house where family can come and just be—hunt and fish and have fun together, after our ancestors worked hard to build and retain it.

Q. HOW CLOSE WILL THE RAILROAD RUN TO THE GARRETT HOME HOUSE?

A. About 600 feet.

Q. HOW WILL THE RAILROAD AFFECT USE AND ENJOYMENT OF THE GARRETT HOME HOUSE?

A. The noise and vibration from the train will make the place less peaceful, quiet, and safe. No one wants a train running through their backyard. It's supposed to be a sanctuary, and sanctuaries should not have trains running through them.

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. We want to keep our property just the same as it is now and leave it to our kids whole, to enjoy and use as they see fit. We would continue gardening, hunting, fishing, and growing timber. We will continue to enjoy and maintain our home, our cabin, and our acreage, as well as the home house along with Don, Jr., whose peace and privacy is very important to us.

Q. WHAT DOES YOUR PROPERTY MEAN TO YOU?

A. It is our home. It's not just the house on the property that is home; it's the property itself—all of it. It is where I grew up and played. It's my heritage. It is all my mother and father had for me when they passed away. And it's really all I have to give to our two sons.

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

A. Sometime in 2021.

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

A. Through a friend of Don, Jr., whose brother is a county commissioner. I was very concerned the rest of that year, and tried calling the county commissioner's office but got no response. We got the first letter from Sandersville Railroad Company in April 2022, from Benjamin Tarbutton. He informed us that the railroad would require some of our property. He did

not say he wanted it. He said he required it. As if he had a right to our property. We were very upset.

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

A. Yes, approximately eight total:

1. Letter dated April 4, 2023, signed by Benjamin Tarbutton, saying he "required" my property for a railroad track he wanted to run to the Hanson Quarry, and a questionnaire that he wanted me to fill out. That letter and the questionnaire are attached as Exhibit B.

2. Letter dated April 19, 2023, signed by Benjamin Tarbutton, saying Sandersville Railroad was "build[ing] a new railroad track to serve the Hanson Aggregates Quarry near Sparta" and they were going to begin conducting field surveys of my property. He said they had the right to come onto my private property because they had the power of eminent domain and had the right to conduct surveys. That letter is attached as Exhibit C.

3. Letter dated June 13, 2022, signed by Lisa Ward, a real estate appraiser on behalf of Sandersville Railroad, encouraging me to provide information to them to help them make an appraisal of the acres they are demanding. That letter is attached as Exhibit D.

4. Letter dated August 2, 2022, signed by Benjamin Tarbutton, inviting us to a "community meeting" where engineers and executives from Sandersville Railroad and Hanson Aggregates would be available to answer questions. The letter was accompanied by a flier that indicated that the Hanson Spur will "allow Hanson to ship approximately 500,000 additional tons per year from the quarry." It does not indicate any other users of the Hanson Spur besides the Hanson Aggregates Quarry. That letter and the flier are attached as Exhibit E.

5. Letter dated September 20, 2022, signed by Benjamin Tarbutton, giving more facts about the railroad after the community meeting. With that letter he included another flier of information,

like a frequently asked questions document, saying that the Hanson Spur is necessary to allow Hanson Aggregates Quarry to deliver its product more efficiently, create new jobs, and bring millions of dollars in annual economic impact to the community. It also said the spur will allow Hanson to expand its quarry. The letter and the accompanying frequently asked questions document are attached as Exhibit F.

6. Letter dated November 29, 2022, 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 offering me money for it. The letter was accompanied by a cover letter. Those two letters are attached as Exhibit G.

7. Letter dated January 17, 2023, signed by Benjamin Tarbutton, saying that "negotiations for the required property rights have concluded" and that Sandersville Railroad provides an "administrative review process" as "final opportunity toward reaching an amicable settlement," and that to request that administrative review process I had to contact Benjamin Tarbutton and the administrative review process would be with Sandersville Railroad. If I didn't do that, the letter stated Sandersville Railroad "is authorized by law to acquire property by condemnation." It also said Sandersville Railroad must acquire my property "to complete the Project" and "drive economic development in Hancock County." It gave me a deadline of January 30, 2023 to respond. That letter is attached as Exhibit H.

8. Letter dated February 13, 2023, signed by Benjamin Tarbutton, saying since "you did not appeal to me" (Benjamin Tarbutton) about the appraisal and since "we were not able to reach a settlement with you," he was going to pursue condemnation and his offer would be revoked once condemnation proceedings commence. That letter is attached as Exhibit I.

9. Letter dated March 10, 2023, signed by L. Craig Dowdy, enclosing a copy of a Petition to Acquire Real Estate by Condemnation that Sandersville Railroad filed at the Georgia Public

Service Commission. That letter is attached as Exhibit J and was accompanied by Sandersville Railroad's first petition filed in these proceedings (Doc. # 193527).

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

A. There were many days, hours, and nights—trying to sleep—when I was tormented over them.

Q. DID YOU WRITE ANY LETTERS?

A. Yes.

Q. HOW MANY LETTERS DID YOU WRITE PERSONALLY?

A. I personally wrote three letters to Mr. Tarbutton. My lawyer sent one letter to Mr. Tarbutton. I also wrote a letter to the Georgia Department of Transportation, and two letters to the Georgia Public Service Commission.

Q. WHAT DID YOU TELL MR. TARBUTTON AND SANDERSVILLE RAILROAD IN THE LETTERS YOU WROTE TO THEM?

A. I begged Mr. Tarbutton to change his mind about building the railroad and taking our land. When I got his first letter in April 2022 I responded to his first letter in my own handwriting, saying "no" and explaining that we do not want our family land cut in half, and do not want a railroad to disturb our peace, or our son's peace, or to degrade our property.

When I got his second letter about the surveyors, I responded with another handwritten letter telling him he did not have permission from me to do any of the things he wanted to do on my property. I decided to hire a lawyer because I did not want Mr. Tarbutton coming onto my land. The lawyer then sent a letter to Mr. Tarbutton saying he had to stay off my land unless he could show that he was allowed to come onto my land. That letter is attached as Exhibit K. Ultimately it was too expensive for me to fight Mr. Tarbutton in court about his legal right to come on my land. His people came onto my land to conduct surveys and make plans for his railroad,

against my will.

After that, in July 2022, I sent Mr. Tarbutton another handwritten letter explaining to him my concern for my son Don, Jr., who is a combat veteran who has served in several combat missions and deserves the peace he has at his family property. If he was going to have the power to lay down track no matter what, I begged him to consider a different route, not just for the good of my family, but for the good of all of my neighbors and the many people whose lives would be totally upset by the railroad.

Q. DID BENJAMIN TARBUTTON EVER RESPOND TO YOU?

A. Mr. Tarbutton did send one letter to me in late August 2022. I had written to him suggesting that he run his railroad through Mr. McEver's property, since, as I understand it, Mr. McEver was already leasing his property to the quarry and would presumably benefit from the railroad. In his August 26, 2022 letter, Mr. Tarbutton stated that my phone calls and letters had impacted the route and that he had moved it farther north and farther away from the homes. But the route he settled on still bisects our land and the train will still run very close to homes—our home, the Garrett home house, my grandniece's house, and many homes closer to the quarry and on Maggie Reynolds Road. This letter was sent to me in August 2022, just a couple of weeks after Sandersville Railroad filed for an injunction against me to force me to allow their people onto my land to survey it against my will. Mr. Tarbutton's letter tried to appease me and said he wanted to work with me "to a resolution," but it was clear that the only resolution possible, as far as he was concerned, was that Sandersville Railroad was going to build that railroad and use my property to do it, whether I liked it or not. That letter is attached as Exhibit L.

The only other letters I received from him were not responses to me personally. They were just more letters that he sent to everyone about how wonderful his railroad is going to be. Mr. Tarbutton certainly did not change his mind about the railroad or about going after our property.

They showed that Sandersville Railroad does not care about the destruction of my family's property or our way of life. They just care about their own plans for my property, which won't serve the public, but will just help them expand their business and the quarry's business.

Q. DID ANYONE FROM SANDERSVILLE RAILROAD EVER CALL YOU?

A. Yes.

Q. WHAT WERE THE NATURE OF THOSE CALLS?

A. An employee or an agent spoke with me, not Mr. Tarbutton. They made me an offer to purchase the property.

Q. DID BENJAMIN TARBUTTON EVER VISIT YOU IN PERSON?

A. No.

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. They offered me money. I felt like the message was to accept the offer, or they will use eminent domain.

Q. DID ANYONE CONDUCT A SURVEY OF YOUR PROPERTY?

A. Yes.

Q. WHO CONDUCTED THE SURVEY?

A. Sandersville Railroad's agents.

Q. HOW DO YOU KNOW THAT IT WAS SANDERSVILLE RAILROAD'S AGENTS WHO CONDUCTED THE SURVEY?

A. Sandersville Railroad sent a letter announcing they were going to come on my property.

but I sent a letter clearly telling them they could not come onto my property. Then, the railroad filed an injunction against me in superior court. I felt the odds were stacked against me, and I could not afford to fight it, so I gave up. The result was a consent judgment and injunction so I could not deny them access. That consent judgment and injunction is attached as Exhibit M.

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. There will be a 200-foot-wide swath across my property that I will no longer own and I would be trespassing to go on it. The railroad will cut our property in half. This will make it very difficult to access the back part of the property because there is no access to the backside of our property at all, so the railroad will cut us off from half our property except for the very small crossing that Sandersville Railroad says it will make. But even that will not really work. Even if I could cross the tracks there will be a "cut" across my property, which is a gorge. Right now, there is a road we use, but that will be cut off by the railroad. At the point where Sandersville Railroad wants to put a crossing, there is no road. There has to be a road for us and for the logging equipment to get through and harvest the timber. Sandersville Railroad has not offered a solution, nor have they offered to help with any of this. But even if they did, the railroad will lessen the value of our property as a whole. We'll lose acres, and it will be more difficult to enjoy the property the way we do now. Using and enjoying our property will be less safe, because we will have to cross a railroad to use and enjoy it. It will be much more difficult to freely transverse our property to access our cabin and for hunting, fishing, hiking and just living. Worse, we will not be able to leave the property to the next generation whole. I will leave my children something less than I received from my father, by no choice of my own.

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

A. I know that the folks at Sandersville Railroad believe that because they are taking around 3% of our property, this is not a big deal. If they were taking 3% of my property for a nature walk or garden that would be one thing. But this is a railroad—a massive machine that will drive right through the middle of our property. Regardless of how much of our property it uses, the noise, smell, disruption, danger, and other effects will negatively affect the entire property, and it will impact our lives. We will be cut off from the other part of our property by a 200-foot-wide railroad right of way and tracks. The only place we can get from one side to the other is through a little 25-foot-wide crossing they are supposed to provide. Currently the Garrett family spends time on my property and my brother's property now owned by my nieces and nephew. We all spend time at the Garrett home house—my wife and I; Don, Jr and his kids and grandkids; my nieces and nephew and their kids and grandkids. The train will run very near that house and make it far less enjoyable to be on our ancestral land. We also have safety concerns that Sandersville Railroad has not addressed. In addition to safety issues with the railroad track itself, we are concerned that we won't be able to keep trespassers off the tracks. This is going to put a lot of stress on us, as it already has.

Q. PRIOR TO SANDERSVILLE RAILROAD FILING ITS FIRST PETITION TO CONDEMN YOUR PROPERTY, WHAT WAS YOUR UNDERSTANDING OF WHY SANDERSVILLE RAILROAD WAS BUILDING THE HANSON SPUR?

A. To provide service to the Hanson Quarry.

Q. WHY DID YOU THINK THAT?

A. Because that is what Mr. Tarbutton said in his letters to me. That is what they said in their fact sheet about the project which they mailed to me. That is what they said in their frequently asked questions document which they mailed to me. That is what my wife Sally heard from them

and the quarry representatives when she attended their "community meeting" in person. That's all they ever talked about—the quarry. They said it will help the quarry increase output.

Q. BASED ON WHAT YOU HAVE READ SINCE SANDERSVILLE RAILROAD FILED ITS FIRST PETITION TO CONDEMN YOUR PROPERTY, WHAT DO YOU THINK IS THE CURRENT PURPOSE OF THE HANSON SPUR?

A. It will help the Hanson Quarry increase output, just like they said. Once these proceedings began, Sandersville Railroad started talking about the Hanson Spur hauling things besides rock from the quarry. But if there were no quarry, there would be no spur. The fact that Sandersville Railroad has gotten a few smaller customers to maybe sign on does not change the fact that the Hanson Spur will exist to serve the Hanson Quarry.

Q. BEFORE SANDERSVILLE RAILROAD PETITIONED TO CONDEMN YOUR PROPERTY, DID ANYONE FROM SANDERSVILLE RAILROAD EVER MENTION OTHER CUSTOMERS FOR THE HANSON SPUR BESIDES THE QUARRY?

A. No.

Q. DO YOU KNOW MANY OF YOUR NEIGHBORS IN SPARTA?

A. Yes.

Q. DO YOU KNOW MANY OF THE OTHER PROPERTY OWNERS IN THE PATH OF THE HANSON SPUR?

A. Yes.

Q. HAVE YOU TALKED TO YOUR NEIGHBORS OR OTHER SPARTA COMMUNITY MEMBERS ABOUT THE HANSON SPUR?

A. Yes.

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, it will not benefit anyone but the railroad and the Hanson Quarry.

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

A. Yes.

Q. WHY NOT JUST SELL?

A. The railroad is a private business trying to use eminent domain, and that shouldn't be allowed. Our land is just flat-out not for sale. We live here. This is our home, our sanctuary, and our heritage! We will not have it violated by being cut into two parcels by a railroad without a fight. Anything less, I could not live with myself if I didn't do all I could to keep our properties whole for our family. Mr. Tarbutton doesn't have enough money to buy this property. And he should not be allowed to just take what is ours.

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 Robert Donald Garrett, Sr.*, 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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EXHIBIT A

HANCOCK BOARD OF ASSESSORS
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Sparta, Georgia 31087
(706) 444-5721

BOARD OF ASSESSORS
Wyman Grier, Chairman
Marvin A. Smith, Member
Sherman Woodley, Member

OFFICE STAFF
Aisha B Hill, Chief Appraiser
Arthur Lawson, Appraiser
Latreshia Dargan, Appraier

October 24,2022

DONALD GARRETT
1335 SHOALS ROAD
SPARTA, GA 31087

RE: 186-013
80.40 ACRES

Dear Property Owner,

For the last ten years your property has been in the Current Use Program (CUVA) resulting in lower property taxes. CUVA allows for reduced assessments on property used for agricultural purposes. To participate in the program, the owner must enter a ten year covenant which states that the property will only be used for agricultural purposes and not developed in any other manner.

You began receiving benefits from CUVA in 2013. Your covenant ended on December 31, 2022. If you wish to continue the program and subsequent tax savings for another ten years, you must make application between January 1, 2023 and April 1, 2023. Several legislative changes to the program have occurred since you originally enrolled. As a result, not all previously qualified properties remain eligible. Additionally, some of the changes may make the program less appealing to you. It is important to be aware of and understand the changes before you commit to another ten year covenant. If you have any questions about the changes, please contact a member of the appraisal staff at our office.

If you are planning to continue in CUVA, a twelve ($25) dollar recording fee is now required upon application for each parcel enrolled. This fee is collected in order that all covenants may be recorded at the Clerk of Courts Office per Georgia law.

Remember, application must be made no later than April 1, 2023 in order to continue uninterrupted participation in the program. If you miss the deadline, property taxes will be based on the fair market value rather than the CUVA values for tax year 2023.

Should you have any questions or concerns regarding Conservation Use, please contact our office at (706) 444-5721. Office hours are Monday - Friday from 8:00 until 5:00.

Thank you,

Hancock County Board of Assessors

RECEIPT No. 013157

DATE 12-19-22

FROM Donald Garrett $25.00

Twenty five dollars 00/100 DOLLARS

○ FOR RENT
~~○~~ FOR Cuva 186-013

ACCT. 25 00 ~~CASH~~
PAID 25 00 ● CHECK

EXHIBIT B

Copy of 1st letter from

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

copys for Jan & Mark Smith

April 4, 2022

Mr. Donald R. Garrett, Sr.
1335 Shoals Road
Sparta, GA 31087

Dear Mr. Garrett,

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

Ben J. Tarbutton III

Property Owner's Questionnaire

copy

COUNTY	Hancock	MAP & PARCEL	186 013

1. Owner Name(s):
2. Street Address:
3. Mailing Address: *(If different than property Address)*

Email Address:

4. I can most easily be contacted between the hours of:
5. Telephone Numbers: Cell: Home: Work
6. Date property was acquired:
7. Do you get water from: Well? ☐ Public Line? ☐
8. Is sewer available to your property? Yes ☐ No ☐
9. Do you use septic tank and drain field? Yes ☐ No ☐
10. Where are your septic tank and drain filed lines located? Front ☐ Back ☐ Side ☐
11. PLEASE LIST ALL MORTGAGE HOLDERS AND/OR INDIVIDUALS, INCLUDING TENANTS, WHO MAY HAVE AN INTEREST IN YOUR PROPERTY.

Name:		Name:	
Address:		Address:	
Phone #:		Phone #:	
Account #:		Account #:	
Name:		Name:	
Address:		Address:	
Phone #:		Phone #:	
Account #:		Account #:	

12. Comments concerning your property:

13. Please mail or email to the below contact

CHB Acquisition Services, LLC, ATTN Cheryl Brewer, P.O. Box 632, Warrenton, Ga. 30828
Email cherylbrewer@bellsouth.net Phone # (706)832-1412

EXHIBIT C

2nd letter from

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

April 19, 2022

Dear Mr. Donald Garrett, Sr..

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

Ben J. Tarbutton, III

EXHIBIT D

Telfair Appraisal Company
315 Commercial Drive, Suite D-4
Savannah, GA 31406
Lisa Ward 912.663.8820 or Carol Mouchet 912.224.8959
www.telfaircompany.com

June 13, 2022

SENT VIA US MAIL- CERTIFIED

Mr. R. Donald Garrett, Sr.
1335 Shoals Road
Sparta, GA 31087

RE: Sandersville Railroad, Shoals Road Project, Parcel 13, Sparta, Hancock County, GA

Dear Property Owner,

As you may be aware, the Sandersville Railroad is planning construction of the above referenced project and has requested an appraisal of the real estate at the above location. This letter has been sent to you to 1) explain the appraisal process and our relationship with the railroad, 2) encourage you to provide property information that will aid in our appraisal, and 3) encourage you to contact us.

The purpose of the appraisal is to estimate the fair market value of the portion of property needed for the right of way at this particular location, plus any consequential damages, less any special benefits that may be caused by the widening. The appraisal will meet all of the reporting requirements set forth by the Georgia Department of Transportation (GDOT) and will be performed according to the laws of the State of Georgia. The appraisal will meet or exceed the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice. Although the railroad is our client, we have a legal obligation to provide a fair, competent, and unbiased analysis of the property in question and the impact, if any, the acquisition has on the property.

You are encouraged to provide any pertinent information relating to your property, the area, and/or the local real estate market, e.g., sale or lease contracts, surveys, building plans, location of septic lines, tanks, well(s) etc., which will help us in completing the appraisal assignment. If you have any of this information available, please mail it to the address below and we will copy and return all information to you as soon as possible. Your information will be given thorough consideration, but as the appraisers, we will have to arrive at our own independent estimate of value.

We will be able to answer questions falling within the area of our expertise. If you have any such questions, please contact Lisa Ward at 912-663-8820.

Sincerely,

Lisa S. Ward
GA Certified General Real Property Appraiser #248364

If you do not wish to speak with me at this time, please sign below and return to me via mail to the address above or email to lisa@telfaircompany.com

Name: _____ **Signature:** _____ **Date:** _____

EXHIBIT E

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

August 2, 2022

Mr. Donald Garrett, Sr.
1335 Shoals Road
Sparta, GA 31087

Dear Mr. Garrett,

As many of you know, the Sandersville Railroad is planning a new 4.5-mile spur connecting the CSX rail line that runs along Ga. Highway 16 in Hancock County to the Hanson Aggregates quarry off of Shoals Road.

We are sending this letter to invite you to a community meeting where project leaders will be available to answer questions. The meeting will be held at the **Hancock County Youth Center in Sparta, Georgia on August 11, 2022, from 6:30 p.m. to 8 p.m. The address is 12560 Augusta Highway.** The meeting will be a drop in format with project engineers and executives from Sandersville Railroad and Hanson Aggregates on site. We will also have detailed maps and other information available for review. Please feel free to join us at any time during the 90-minute window.

Included with this letter is a fact sheet with more information about the Hanson Spur. If you have any questions, we will be happy to answer them at the meeting. If you would like additional information or cannot attend, please visit sandersvillerailroad.com/hanson-spur-project/. On this page, you will find a feedback form you can fill out.

We look forward to meeting you and answering your questions.

Sincerely,

Ben J. Tarbutton III

President

Railroad Company

Hanson Spur



Hanson and Sandersville Railroad will create 12 additional jobs, averaging $90,000 per year in salary and benefits

20 construction jobs to complete the project

Over $1.5 million in annual direct economic impact to Hancock County

Just one round trip per day to the Hanson Aggregate Quarry

Nearly 150 fewer trucks per day on local roads by using rail

Significant opportunities for local contractors and businesses

Sandersville Railroad has announced plans for a 4.5-mile spur that will connect the CSX rail line that runs along Ga. Highway 16 in Hancock County to the Hanson Aggregate quarry off of Shoals Road.

The Hanson Spur will run through rural pasture and timberlands and will allow Hanson to ship approximately 500,000 additional tons per year from the quarry.

Construction is expected to start in 2023 and take approximately 15 months to complete. All property owners affected will be compensated for any impact to their property, and crossings will be installed on any property traversed by the new spur.

This route was selected to avoid sensitive environmental areas near the upper Ogeechee River northeast of the planned route. This expansion of the quarry will provide hundreds of thousands of dollars of sales tax revenue to enhance the budget of Hancock County and its school system.

When: 6:30pm-8pm on August 11, 2022

Where: Hancock County Youth Center in Sparta, Georgia

Members of the Hancock County community are invited to attend an informational Hanson Spur Project meeting hosted by Sandersville Railroad Company.

EXHIBIT F

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

September 20, 2022

1335 Shoals Road
Sparta, Georgia 31087

Dear

Thank you to those who were able to attend our community meeting on Thursday, August 11. We were pleased with the level of dialogue and input we received from many of you. Since the meeting, we have taken time to review your questions and consider many of your suggestions.

For those of you who were unable to make it, I want to offer some important background:

- This new spur will average only one round trip per day, at 20 miles per hour or less. It will run during business hours. The new spur and increased production at Hanson will create 12 new permanent jobs, with an average wage of $90,000 per year (including benefits).
- This rail spur will allow Hanson to potentially expand and subsequently move its plant more than 1,500 feet further from residents on Clayton, Shoals and Maggie Reynolds roads. This potential expansion will generate additional jobs and hundreds of thousands of additional tax dollars per year for Hancock County.
- All homes along Clayton Road are at least two football field lengths from the spur line, with most well over 1,000 feet away, with trees in between the line and the homes. If you reside on Clayton or Maggie Reynolds Road and saw a surveyor at the edge of your property but were not contacted directly by Sandersville Railroad, then they were verifying adjacent property lines; the spur will not be coming through your property.
- We will also be building 20-foot-tall berms near many areas of the rail line closest to Clayton Road and property owned by the Garrett family to further minimize noise impact. Trees between Clayton Road property owners and the berm structures will not be removed.

As a result of your feedback, we are taking a hard look at the Maggie Reynolds Road area to see what we can do to minimize impact there, including adding additional berms or lowering the height of the track to reduce visual impact or noise.

Also, as a result of your input, Hanson and Sandersville Railroad are engaging with the Hancock County School system to see if we can develop an apprenticeship or other program to ensure that as many of the new jobs as possible go to local residents.

Enclosed you will find a document that includes answers to many of the questions we were asked on August 11, along with a fact sheet about the project. We have also uploaded a copy of these questions and answers on our website (www.sandersvillerailroad.com/hanson-spur-project), along with a copy of the more detailed route map that was available at the meeting.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

Ben J. Tarbutton III

President

General Questions (Timing, Economic Impact)

- Why is this project necessary?
  - The Hanson Spur will allow the Hanson Aggregates Quarry on Shoals Road to deliver its aggregate (crushed rock) product more efficiently to customers outside the region in Georgia and along the eastern U.S. The rail spur and expansion will create 12 new jobs paying $90,000 per year in salary and benefits on average, as well as millions of dollars in annual economic impact to the community. Hanson is also considering a multi-million-dollar expansion once the rail spur is complete that will create additional jobs and significant property tax revenue for Hancock County. This expansion would begin in 2025.
- Where will the new plant be located?
  - If completed, the new plant will be hundreds of feet northwest of the current site, further away from the residents of Shoals Road and other nearby roads.
- What is the construction timeline for the Hanson Spur?
  - Construction for the Hanson Spur will take approximately 15 months, starting in 2023.
- What is the projected economic impact of the spur?
  - The spur line will create $1.5 million in annual direct economic impact to Hancock County.
- How many jobs will this project bring to Hancock County?
  - The new spur will create 12 permanent jobs averaging $90,000 with salary and benefits. It will also take 20 construction jobs to complete the project.
- Where can I find out more about job opportunities at the Sandersville Railroad?
  - Please apply through Indeed.com
- Where can I find out more about contracting opportunities on the Hanson Spur construction?
  - Please visit our website https://www.sandersvillerailroad.com/hanson-spur-project to provide information about your business through the online form.
- Will local residents be hired for this project?
  - We want to hire as many qualified local residents as possible. Hanson and Sandersville Railroad also plan to engage with the Hancock County school system to develop a program to support the aggregate and industrial facilities in the region to help connect students to high paying jobs.
- How will Hanson and Sandersville Railroad invest in the local community?
  - Sandersville Railroad has always supported local communities in which they operate. As a new business in Hancock County, we anticipate supporting all schools in Hancock County and other local initiatives. We will support the local Chamber of Commerce and the Pine Tree Festival. Additionally, the increases in sales and property taxes will support the schools, city and county government. As the spur begins operations, we will continue to evaluate opportunities to support a variety of causes in Hancock County.

Rail Operations

- How many trips a day will the train take on this spur?
  - The train will operate one round trip daily between the CSX Line and the Hanson Aggregates Quarry during normal business hours. The train will travel at a maximum of 20 miles per hour.

- What hours will the train operate?
    - In order to maintain the highest standard of safety, the train will primarily operate within daylight hours.
- What is the train speed and how long will it take to make the 4.5-mile trip?
    - It will take approximately 20 minutes to make the trip. The train will not exceed 20 miles per hour.
- What will happen if there is an emergency vehicle that needs to cross Shoals Road while the train is across the road?
    - Any time the train is crossing Shoals Road, Sandersville Railroad will have an employee present who can disconnect the train cars and allow an emergency vehicle to pass. This process takes 45-90 seconds. Also, on every Crossbuck at a railroad crossing there will be a posted emergency contact phone number.

Route

- Why was this route chosen?
    - The route was selected to conform with railroad design standards, minimize impacts to wetlands and streams, avoid sensitive environmental areas near the upper Ogeechee River northeast of the planned route, and to stay away from occupied residences. After surveying the land, this proposed route is the most efficient and least impactful route from the CSX rail line to Hanson.
- Is the route finalized?
    - We are making any final adjustments based on community input and final surveys, but the general route is set by topography and environmental conditions.
- How will you minimize noise on the route?
    - The train will only travel the spur one round trip per day. It will travel at less than 20 miles per hour, which will further reduce noise. In addition, the line is more than 1,000 feet away from the nearest homes on Clayton Road. Hanson has agreed to install 130-foot-wide, 20-foot-tall berms that will further minimize noise. The berms will be part of its EPD Mining Permit and will be built in conjunction with building a new plant. Given the wooded nature of the area, no visual impact is expected to residents along the spur aside from those closest to the new railroad grade crossing on Shoals Road, which will be in the vicinity of the Hanson Aggregates Quarry entrance now.
    - The closest home to the spur line off Maggie Reynolds Road will be more than 200 feet from the line. Even without planned sound mitigation, the sound of the train at 20 mph will only be that of a normal conversation, or approximately 70 decibels.
    - The noise of the train whistle is vital to protect the public at road crossings and the locomotives are subject to Federal regulations governing the noise level they may emit. Noise monitoring tests are conducted on all SAN locomotives to ensure compliance with those regulations. The train whistle when measured at 25 feet from the tracks, was roughly 100 decibels, or roughly the same noise level as a hand drill. Ear pain caused by noise is felt at 125 dBA or higher. Brief exposure to the train whistle does not represent any risk to noise induced hearing loss to the public.
- How will you minimize impacts on Maggie Reynolds Road?
    - First, we do not anticipate normal train traffic on this section of track; it will be used only for train car storage. But we are looking at a potential berm or lowering the elevation adjacent to Maggie Reynolds Road to minimize visual and noise impacts on residents.

Even without those measures, noise levels at the closest home at 200 feet from the tracks will only be that of a normal conversation, or approximately 70 decibels.

- Can property owners whose land is split by rail reach the other part of their property?
    - Sandersville Railroad will install a crossing on each parcel to allow property owners to access all of their property.
- Why can't you move the route further north or northeast?
    - Building a railroad isn't like building a road. Railroads have to be designed to include relatively flat grades and large curves to allow locomotives to operate. The route we selected avoids the headwaters of the Little Ogeechee River, is more than 1,000 feet from almost every home, and travels primarily through pasture and timberland. Topographical changes and the Little Ogeechee prevent us from pushing further east; this includes a significant elevation drop near Two Mile Creek. Moving the line farther north or east would increase the construction footprint and have a greater environmental impact.

Quarry Plans This quarry (Hanson) is killing our community too.

- What is this new quarry proposal? When will the proposed berms be built?
    - The spur project will allow Hanson to expand its quarry starting in 2025, eventually moving the processing plant from its current location to a site further away from existing neighbors. The potential new plant location will also be protected by several tree berms that will significantly reduce noise and provide a visual buffer.
- Will there be increased blasting?
    - The quarry's expansion plans have it expanding into areas further from residential areas, minimizing the impact of blasting increases that occur to accommodate sales volumes increase over the next several years. The current pit is being developed to the north and away from most of the homes in the area. Future pit development will happen after the potential new processing plant is constructed, moving operations further away from the majority of homes.
- Will vibrations from the quarry or train create cracks in my foundation or damage my home?
    - Sandersville Railroad trains will operate slowly and will be far enough from all homes that no vibrations will be significant enough to cause damage. All blasting in the State of Georgia falls under the State Fire Marshal Office that utilizes the US Bureau of Mines RI 8485 standards for vibration and air blast limits.
    - Hanson utilizes a third-party blasting engineering company that uses the most up-to-date technology to control both ground vibration and air blasts. Upper management reviews the third party's plans to ensure blasting remains under Hanson's internal limits which are well under the US Bureau of Mines standards. All blasting records are provided to the State Fire Marshal monthly and can be requested through that office.
- How will trains help reduce truck traffic?
    - Freight railroads are, on average, 3-4 times more fuel efficient than trucks, and even more efficient in terms of volume carried. Using rail to serve the planned expansion will remove nearly 150 truck loads per day off Hancock County roads.

Property Acquisition

- Will my property be taken through eminent domain?
    - Sandersville Railroad has actively engaged the landowners along the proposed spur route to discuss property purchases. While railroads qualify for eminent domain, we prefer to

make every effort to directly negotiate property deals with landowners. Even in extreme cases where the power of eminent domain is used, all landowners are protected by law to receive just and adequate compensation for their land.

- Are you planning to buy the property or use easements?
  - Sandersville Railroad plans to purchase the property outright.
- Who should I contact if I want to sell property to Sandersville Railroad?
  - Cheryl Brewer with CHB Acquisition Services, LLC. She can be contacted by calling (706)832-1412 or emailing at cherylbrewer@bellsouth.net.

Environmental Questions

- How do you plan to protect the environment during this project?
  - We are required to meet Georgia EPD guidelines for land disturbing activities and waterways and floodplain crossings prior to commencing construction. We do not anticipate any environmental issues or contamination. The route was selected to avoid sensitive environmental areas near the upper Ogeechee River northeast of the planned route, as well as minimizing grade changes. Our engineering firm has engaged Corblu Ecology Group as a partner in the environmental considerations of this project.
- Are there wetlands along the route?
  - There are some wetlands along the northern end of the route. We will follow local, state and federal laws to ensure that water quality is not harmed during construction or during operations of the line. There are strict standards for construction in wetland areas that we are required to follow.
- Will this affect the groundwater near my home?
  - Given the nature of the Georgia Piedmont and the granite in the soil, we do not expect the rail expansion or quarry expansion to impact groundwater. Hanson is considering installation of monitoring wells between the quarry and homes along the border of the quarry as it expands to ensure there are no impacts.
- Do trains cause pollution or are they harmful to your health?
  - Just like cars and trucks on the road the Sandersville Railroad is subject to and compliant with EPA exhaust standards that govern locomotive emissions. These EPA regulations have specific limits for oxides of nitrogen, hydrocarbons, carbon monoxide, particulate matter, and smoke.
- I heard there was an endangered type of crayfish along the route.
  - There are no known endangered species on the selected route, including no endangered crayfish identified by either the US Fish and Wildlife Service or the Georgia Department of Natural Resources.

EXHIBIT G

CHB
Acquisition Services, LLC

Cell: 843-409-3828

November 30, 2022

R. Donald Garrett

RE: Sparta Railroad Spur – Parcel 13 (Garrett)

Hello Mr. Garrett,

I appreciated your time to speak with on the phone. Attached you will find the offer packet for the Sparta Railroad Spur project for your review. Please feel free to contact me at your convenience for questions. Again, Thank you!

The packet includes the following:

Offer Letter
Summary Statement for Adequate Compensation
Market Data Information
Agreement to Purchase Real Estate
Availability of Incidental Payments: Claim Form
W-9
Plan Sheets

Sincerely,
Laura N. Northcraft

CHB
Acquisition Services, LLC

Phone: (843) 409.3828 cell/office
Address: 29 West Gibson Street
P.O. Box 632
Warrenton, Ga. 30828
E-mail: lnorthcraft-chb@att.net
Website: chbacquisitionservices.com

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

DATE: 11/29/2022

R. Donald Garrett, SR
1335 Shoals Road
Sparta, GA 31087

RE: PROJECT: Hanson Railroad Spur COUNTY: Hancock
PARCEL: 13

Dear Mr. Garrett, SR:

The Sandersville Railroad Company is in the process of purchasing property to improve the railroad designated above. In order to make this project possible, 2.11 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 $ 7,400.00 . 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:

EXHIBIT H

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

Tuesday, January 17, 2023

VIA FEDEX

R. Donald Garrett, Sr.
1335 Shoals Road
Sparta, Georgia 31087

Re: Hancock County Tax Parcel Number 186 013
Hanson Industrial Spur (the "Project");
Project Parcel Number 13 (the "Property").

Dear Mr. Garrett:

As you know, Sandersville Railroad Company's ("SRR") is constructing an industrial rail spur to serve industry southeast of Sparta, Georgia. SRR must acquire a portion of your property for the construction of that industrial rail spur which is named after the end user at the terminus of that spur—Hanson Aggregates Quarry.

The property rights required for the Project have been explained to you by our negotiator and are shown in color on the plat attached to the option agreement previously furnished to you and which is enclosed with this letter for your convenience. Based on an appraisal prepared by an expert real estate appraiser, we believe that the Fair Market Value/just and adequate compensation for the portion of your property that is required for the Project is $7,400.00.

SRR prefers to purchase the property needed for the Project; however, if it is not able to do so, SRR is authorized by law to acquire property by condemnation. As litigation is costly to both SRR and the landowner, it is our sincere desire that upon reconsideration of our offer, a settlement agreement can be reached, hopefully avoiding litigation. Since negotiations for the required property rights have concluded, SRR (just like the State of Georgia does when it acquires property for transportation projects) provides an administrative review process as a final opportunity toward reaching an amicable settlement.

Should you elect to submit an administrative review, your request must be made, by mail or email, directly to me, Ben J. Tarbutton, III, within ten (10) days of this letter. Ideally, this review should be summitted by email to bjtiii@sandersvillerailroad.com. If needed, you may

WASHINGTON COUNTY, GEORGIA, CONTAINS SOME OF THE FINEST WHITE CLAY IN THE WORLD

TELEPHONE (478) 552-3141 FAX (478) 552-8655

1335

mail the attached form to me at the following address "Sandersville Railroad, Attn: Ben J. Tarbutton, III, P.O. Box 269, Sandersville, Georgia 31082". It must include the lowest monetary amount acceptable to you for sale of the portion of your property required for the Project along with any documentation you believe supports that monetary amount.

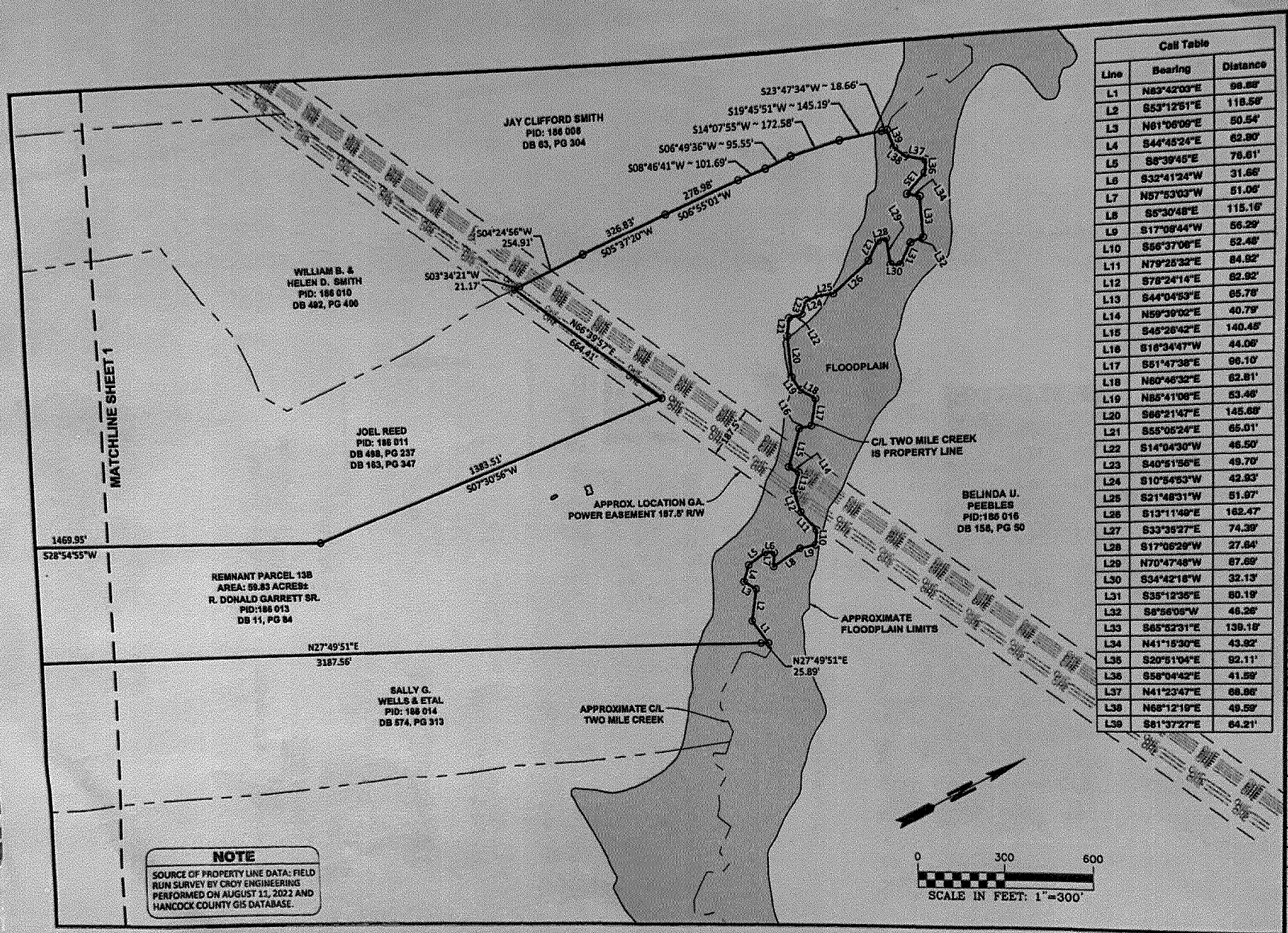
Upon receipt of your request for an administrative review, an authorized representative of the SRR will contact you to arrange a meeting to discuss your views and your supporting documentation of the value of your property. With this being the final effort for settlement, please be prepared to furnish any supporting documentation in your response to this letter, if you chose to appeal, and in your meeting with the SRR representative. You are not required to be represented by an attorney; however, anyone you deem necessary may accompany you in your meeting with the SRR representative. Should this final review fail to produce an agreement, SRR will pursue condemnation of the portion of your property required for the Project.

If we have not received an executed option, a request for an administrative review, or some other form of satisfactory reply from you by **Monday, January 30, 2023**, SRR will pursue condemnation of the portion of your property required for the Project. We regret that such action may become necessary, but we must proceed with acquisition of the property required for the Project in order to complete the Project, drive economic development in Hancock County, and meet the Project milestone dates.

Sincerely,

Ben J. Tarbutton III

Benjamin ("Ben") J. Tarbutton, III



Call Table		
Line	Bearing	Distance
L1	N83°42'00"E	66.85'
L2	S53°12'51"E	118.58'
L3	N61°06'09"E	50.54'
L4	S44°45'24"E	62.80'
L5	S8°39'45"E	76.61'
L6	S32°41'24"W	31.66'
L7	N57°53'03"W	51.06'
L8	S6°30'48"E	115.16'
L9	S17°09'44"W	56.29'
L10	S56°37'08"E	52.46'
L11	N79°25'32"E	84.92'
L12	S78°24'14"E	62.92'
L13	S44°04'53"E	65.76'
L14	N59°39'02"E	40.79'
L15	S45°26'42"E	140.45'
L16	S16°34'47"W	44.06'
L17	S81°47'38"E	66.10'
L18	N80°46'32"E	62.81'
L19	N85°41'06"E	53.46'
L20	S86°21'47"E	145.68'
L21	S55°05'24"E	65.01'
L22	S14°04'30"W	46.50'
L23	S40°51'56"E	49.70'
L24	S10°54'53"W	42.93'
L25	S21°48'31"W	51.97'
L26	S13°11'49"E	162.47'
L27	S33°35'27"E	74.39'
L28	S17°06'29"W	27.84'
L29	N70°47'48"W	67.69'
L30	S34°42'16"W	32.13'
L31	S35°12'36"E	80.19'
L32	S8°56'06"W	46.26'
L33	S65°52'31"E	139.18'
L34	N41°15'30"E	43.92'
L35	S20°51'04"E	92.11'
L36	S58°04'42"E	41.59'
L37	N41°23'47"E	68.86'
L38	N68°12'19"E	49.59'
L39	S81°37'27"E	64.21'

NOTE

SOURCE OF PROPERTY LINE DATA: FIELD RUN SURVEY BY CROY ENGINEERING PERFORMED ON AUGUST 11, 2022 AND HANCOCK COUNTY GIS DATABASE.

CROY

170 MERCER STREET
SUITE 400
ATLANTA, GA 30303
PHONE: (404) 724-9090

RIGHT-OF-WAY EXHIBIT PARCEL #13

113th G.M.D.
HANCOCK COUNTY, GEORGIA

NO	REVISION REFERENCE	DATE

SEAL

SHEET TITLE
RIGHT-OF-WAY EXHIBIT #13

DRAWN BY	CHECKED BY
TBA	RDH
SCALE	ISSUE DATE
1"=300'	9/30/2022

PROJECT NUMBER
1992.000

DRAWING NUMBER
EXH.13
SHEET 2 of 2

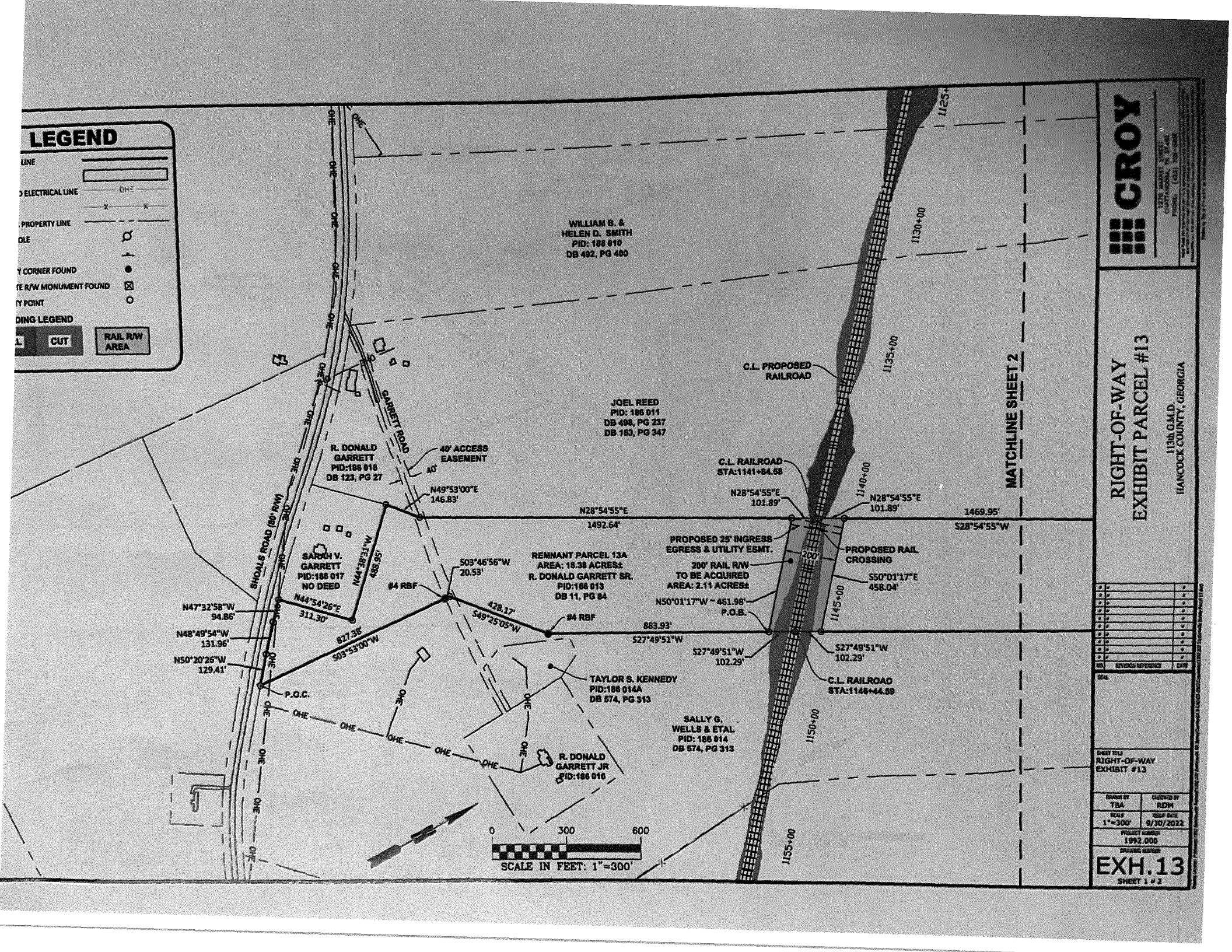

LEGEND
ELECTRICAL LINE
PROPERTY LINE
POLE
CORNER FOUND
R/W MONUMENT FOUND
POINT
DING LEGEND
CUT
RAIL R/W AREA
WILLIAM B. & HELEN D. SMITH PID: 186 010 DB 492, PG 490
JOEL REED PID: 186 011 DB 498, PG 237 DB 163, PG 347
R. DONALD GARRETT PID:186 018 DB 123, PG 27
40' ACCESS EASEMENT
GARRETT ROAD
SHOALS ROAD (80' R/W)
SARAH V. GARRETT PID:186 017 NO DEED
REMNANT PARCEL 13A AREA: 18.36 ACRES± R. DONALD GARRETT SR. PID:186 013 DB 11, PG 84
PROPOSED 25' INGRESS EGRESS & UTILITY ESMT.
200' RAIL R/W TO BE ACQUIRED AREA: 2.11 ACRES±
PROPOSED RAIL CROSSING
C.L. PROPOSED RAILROAD
C.L. RAILROAD STA:1141+84.58
C.L. RAILROAD STA:1148+44.59
MATCHLINE SHEET 2
TAYLOR S. KENNEDY PID:186 014A DB 574, PG 313
SALLY G. WELLS & ETAL PID: 186 014 DB 574, PG 313
R. DONALD GARRETT JR PID:186 018
P.O.B.
P.O.C.
#4 RBF
N49°53'00"E 146.83'
N28°54'55"E 1492.64'
N28°54'55"E 101.89'
N28°54'55"E 101.89'
1469.95' S28°54'55"W
S03°46'56"W 20.53'
N44°38'31"W 488.95'
N44°54'26"E 311.30'
N47°32'58"W 94.86'
N48°49'54"W 131.96'
N50°20'26"W 129.41'
428.17' S49°25'05"W
827.38' S03°53'00"W
883.93' S27°49'51"W
S27°49'51"W 102.29'
S27°49'51"W 102.29'
N50°01'17"W ~ 461.98'
S50°01'17"E 458.04'
1125+00
1130+00
1135+00
1140+00
1145+00
1150+00
1155+00
0 300 600
SCALE IN FEET: 1"=300'
CROY
RIGHT-OF-WAY EXHIBIT PARCEL #13
113th G.M.D.
HANCOCK COUNTY, GEORGIA
REVISION REFERENCE
DATE
SHEET TITLE
RIGHT-OF-WAY EXHIBIT #13
DRAWN BY TBA
CHECKED BY RDM
SCALE 1"=300'
ISSUE DATE 9/30/2022
PROJECT NUMBER 1992.000
DRAWING NUMBER
EXH.13
SHEET 1 of 2

EXHIBIT I

SANDERSVILLE RAILROAD COMPANY

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BENJ. TARBUTTON, III
PRESIDENT

Monday, February 13, 2023

VIA FEDEX

R. Donald Garrett, Sr.
1335 Shoals Road
Sparta, Georgia 31087

Re: Hancock County Tax Parcel Number 186 013;
Hanson Industrial Spur (the "Project");
Project Parcel Number 13 (the "Property").

Mr. Garrett:

This is to confirm that you did not appeal to me Sandersville Railroad Company's ("SRR") determination of just and adequate compensation, based on an appraisal by a qualified, independent appraiser, for the portion of the Property required for the Project. Since we were not able to reach a settlement with you regarding SRR's acquisition of the portion of the Property required for the Project, by copy of this letter I am requesting our attorneys proceed with the filing of a proceeding to acquire that portion of the Property by condemnation. All offers of settlement SRR previously made to you to acquire such property remain open but will automatically be revoked when the condemnation proceeding is commenced.

I regret that we were unable to reach an agreement with you for SRR's acquisition of that portion of the Property; however, when a property owner will not negotiate at all, we have no other alternative but to acquire the necessary property through condemnation.

Sincerely,

Ben J. Tarbutton III

Benjamin ("Ben") J. Tarbutton, III

cc: SRR Project Attorneys

EXHIBIT J

L. Craig Dowdy
Direct (404) 640-5958
cdowdy@taylorenglish.com

March 10, 2023

Via CERTIFIED MAIL AND FEDERAL EXPRESS

Mr. R. Donald Garrett, Sr.
1335 Shoals Road
Sparta, Ga 31087

Re: ***In re: Sandersville Railroad Company; Hancock County, Georgia Acquisition***

Dear Mr. Garrett:

Enclosed please find a service copy of the *Petition for Approval to Acquire Real Estate by Condemnation* which has been filed with the Georgia Public Service Commission on behalf of Sandersville Railroad Company.

Sincerely,

L. Craig Dowdy
For TAYLOR ENGLISH DUMA LLP

Enclosure

EXHIBIT K

Ernest M. Smith (1911-1992)
A. J. Welch, Jr. (1944-2018)
John P. Webb, PC
William A. White, PC
Andrew J. Welch, III, PC (NY & GA)
J. Byrd Garland
L. Scott Mayfield
Marc A. Avidano (FL & GA)
David M. Waldroup
Andrew J. Gebhardt
R. Brian Strickland
Elizabeth P. O'Neal
Megan Murren Rittle (GA & AL)
Lajuana C. Ransaw
Warren M. Tillery
Orion G. Webb

SMITH WELCH
WEBB & WHITE, LLC
ATTORNEYS AT LAW

Grant E. McBride
Bianca K. Davis
Miranda N. Hanley
Casey C. Crumbley (SC & GA)
Brandon F. Palmer

ASSOCIATES
M. Chase Collum
Brooke A. White
Amy M. Fletcher
Averiel D. Jackson
Jeremy A. Trimble (FL & GA)

OF COUNSEL
Tim N. Shepherd

2200 KEYS FERRY COURT • P.O. BOX 10 • MCDONOUGH, GA 30253
Telephone: 770-957-3937 • Facsimile: 770-957-9165
www.smithwelchlaw.com

1st - original letter from our attorney to Tarbutton

May 10, 2022

Mr. Ben Tarbutton, III
Sandersville Railroad Company
PO Box 269
Sandersville, GA 31082

RE: Potential Railroad Condemnation

Mr. Tarbutton,

Please be advised that I have been retained by several residents who have received your April 19, 2022, letter regarding a potential condemnation of land for a rail track to serve the Hanson Aggregate Quarry near Sparta. Those residents include Robert Garrett Sr., Sally Wells, and Tonya Garrett. Please direct all communication regarding this project to me.

At this time, you are directed to take no action to enter upon my clients' properties. You are not given permission to survey, inspect, appraise, or otherwise enter upon or make use of the properties. You are not given permission to fly aerial drones over or upon the properties. Any such action will be treated as a trespass. If you intend to seek a declaration of your purported rights under *Bearden v. Georgia Power Co.*, 262 Ga. App. 550, 553, 586 S.E.2d 10, 13 (2003), be advised that service of such action should be directed toward me.

However, I think that we may be able to avoid unnecessary litigation if you can provide sufficient documentation to me to support your claim of eminent domain authority. Please provide a copy of your railroad's charter, as well as all amendments thereto. Additionally, please provide all documents authorizing the exercise of eminent domain authority for this particular project and documents giving your railroad such authority in general, as well as any documents from the Public Service Commission regarding this project. Also, provide any documentation showing any and all plans for the proposed railroad project, including right of way plans, construction plans, cross sections, public notices regarding the project, and any and all other related plans, specifications, or documentation.

Upon receipt of these documents, I will be in a better position to evaluate your claim and advise my clients on the applicability of *Bearden*. I appreciate your respect for my clients' property in the meantime. I can be reached at gmcbride@smithwelchlaw.com or 678.583.4853.

Regards,

Grant McBride

{Doc: 03036766.DOCX}

EXHIBIT L

POST OFFICE BOX 269
SANDERSVILLE, GEORGIA 31082

BEN J. TARBUTTON, III
PRESIDENT

Received
8-29-22

August 26, 2022

Mr. Don Garrett, Sr.
1335 Shoals Road
Sparta, Georgia 31087

Dear Mr. Garrett,

I have received your two most recent letters and am taking this opportunity to respond. First of all, your letters and phone calls have impacted the route. I understand your concerns, and we have pushed the Hanson Spur north on your family's property and further away from homes. This route was shared at the public meeting on August 11th and is posted on our webpage. As you know, many factors go into laying out a railroad track i.e., environmental, track geometry, etc. and in this case is further complicated by crossing two Georgia Power lines and their offset towers.

As for your worries about three tracks, a container yard, etc., Mr. Garrett, the Sandersville Railroad is a small company. The Hanson Spur, measuring 4.5 miles, is an enormous project for us and is ambitious enough. To reiterate once again this effort is a multi-million project for both the Sandersville Railroad and Hanson Aggregates, and both companies will provide much needed jobs and tax base for Hancock County.

I shared with Mrs. Garrett at the public meeting on August 11th that I was hoping to meet you that night. Mr. Garrett, I want you to know we are making a genuine effort to work with you and your family members. As we get into next steps on property acquisition, please know that I stand ready to meet with you and work with you to a resolution. We are good people and will be good neighbors that I can promise you. The bottom line is we are using our reasonable best efforts to try to address your concerns.

Sincerely,

Ben J. Tarbutton III

EXHIBIT M

EFILED IN OFFICE
CLERK OF SUPERIOR COURT
HANCOCK COUNTY, GEORGIA
SUCV2022000054
AUG 12, 2022 02:24 PM
Lashauna Jackson, Clerk
Hancock County, Georgia

IN THE SUPERIOR COURT OF HANCOCK COUNTY
STATE OF GEORGIA

Sandersville Railroad Company,	*	
	*	
Plaintiff,	*	
	*	
v.	*	CASE NO.: SUCV2022000054
	*	
R. Donald Garrett, Sr.,	*	
	*	
Defendant.	*	

CONSENT JUDGMENT AND INJUNCTION

NOW COME the parties to this action, through their respective undersigned counsel of record, and stipulate that they have agreed that Plaintiff Sandersville Railroad Company ("Plaintiff" or the "Railroad") is entitled to a judgment and injunction (this "Consent Judgment") against Defendant R. Donald Garrett, Sr. ("Defendant") on the following terms:

1. In furtherance of the Railroad's intent to build a new railroad route (the "Project"), the Railroad, including through its agents, assigns, appraisers, surveyors, engineers, attorneys, consultants, and/or the like, has the right, without having to commence condemnation proceedings or pay any damages to Defendant before exercising that right, (a) to enter Defendant's real property (the "Property") identified as Hancock County Tax Parcel Identification Number 186 013, more particularly described in that certain Limited Warranty Deed, dated July 23, 1988, recorded in Deed Book 11 Page 84 of the Real Estate Records of the Clerk of this Court (the "Records"), and attached hereto as **Exhibit "A"**, and more particularly shown and labeled as "TRACT 2A 4.45 AC." and "TRACT 2B 75.95 AC." on that certain "BOUNDARY SURVEY FOR RUSSELL GARRETT DONALD GARRETT & WALTER GARRETT" by James E. Smith, Jr., L.S., dated July 1, 1988, recorded in Plat Book 7, Page 315 of the Records, and attached hereto as **Exhibit**

"B"; and (b) to conduct on the Property any and all field surveys, appraisals, examinations, studies, and/or inspections, in person and/or by the use of ariel drones, relevant to the Project (collectively, the "Field Survey"); provided, however, that, consistent with O.C.G.A. § 46-8-100(1), the Railroad shall be responsible for any damage done to the Property as the result of the Field Survey.

2. Defendant is prohibited from denying or interfering with the Railroad's rights set forth in Paragraph 1 of this Consent Judgment. Specifically, Defendant is enjoined from denying or interfering with the Railroad's rights to enter the Property, conduct the Field Survey, and remain on the Property for such time as may be necessary to conduct the Field Survey. Nothing herein is intended to allow Railroad to remain on the Property for any period of time of years that would constitute a taking or adverse possession of Defendant's Property.

3. The Field Survey shall commence on Monday, August 1, 2022, and run through Tuesday, August 9, 2022 (the "Field Survey Period"); provided, however, that (a) Defendant understands and agrees that the Railroad shall have the right to change, reschedule, shorten, and/or extend the Field Survey Period as may be necessary, reasonable, and/or prudent for the purposes of the Project; (b) the Railroad shall provide such advance notice as is practicable to Defendant of any change in the Field Survey Period and, in no event, less than forty-eight (48) hours' notice of any proposed change in date or time; (c) Defendant or his individual representative, currently selected as R. Donald Garrett, Jr., shall be entitled to be present during all aspects of the Field Survey, subject to the conditions and restrictions set forth in Paragraph 2 of this Consent Judgment; and (d) this Consent Judgment shall have full force and effect with respect to the Field Survey Period, as set forth herein or otherwise changed by the Railroad in accordance with the terms hereof.

4. In the event that Defendant fails to comply in any respect with this Consent

Judgment, the Railroad shall be entitled to ask the Court to hold Defendant in contempt as well as seek all other available remedies due or arising from Defendant's breach(es) of the terms and conditions set forth herein. Defendant shall be entitled to ask for a hearing on any such request for relief by the Railroad.

5. Defendant agrees that he has been properly served with process in this action, that the jurisdiction and venue of this Court will be proper for purposes of any enforcement proceedings related to or arising out of this Consent Judgment, and that in the event any such enforcement proceedings are brought, he will submit, and waive any objection, to this jurisdiction and venue. Defendant waives no further defenses in this proceeding or any future proceedings. It is expressly the intent of the parties that this Consent Judgment shall have no bearing on any future action to condemn the Property. Defendant reserves and does not waive the right to assert that Plaintiff's proposed taking of the Property is illegal, unconstitutional, and not done for a public purpose. Defendant does not waive any right he may have to seek full just and adequate compensation for any of the Property taken by the Railroad.

6. The Court shall retain jurisdiction of this action for purposes of enforcing this Consent Judgment. Subject to this retention of jurisdiction, the Verified Complaint for Declaratory Judgment and Injunctive Relief (the "Verified Complaint"), and all claims by the Railroad against Defendant therein, are hereby dismissed without prejudice, each party to bear its or his own attorneys' fees, costs, and expenses.

7. Defendant acknowledges that he has reviewed, or has been afforded a reasonable opportunity to review, this Consent Judgment with counsel of his choice and that he fully understands and agrees to its terms and conditions.

8. For the purpose of providing notice and information regarding the Field Survey,

the Railroad may communicate with Defendant's designated agent, R. Donald Garrett, Jr., at dongarrett77@gmail.com or 850.530.8649.

BY AGREEMENT OF THE PARTIES, AS ACKNOWLEDGED BY THE SIGNATURES OF THEIR RESPECTIVE COUNSEL OF RECORD BELOW, IT IS THEREFORE:

ORDERED, ADJUDGED, AND DECREED that, the Railroad, including through its agents, assigns, appraisers, surveyors, engineers, attorneys, consultants, and/or the like, has the right, without having to commence condemnation proceedings or pay any damages to Defendant before exercising that right, to enter the Property, conduct the Field Survey, and remain on the Property for such time as may be necessary to conduct the Field Survey; provided, however, that the Railroad shall be responsible for any damage done to the Property as the result of the Field Survey. These rights terminate once the Field Survey is complete and this Consent Judgment has no bearing or impact on any future litigation between the parties, including any future condemnation proceedings filed against Defendant by Plaintiff. It is further,

ORDERED, ADJUDGED, AND DECREED that Defendant is enjoined from denying or interfering with the Railroad's above stated rights. It is further,

ORDERED, ADJUDGED, AND DECREED that Defendant has been properly served with process in this action, that the jurisdiction and venue of this Court will be proper for purposes of any enforcement proceedings related to or arising out of this Consent Judgment, and that in the event any such enforcement proceedings are brought, Defendant will submit, and waive any objection, to this jurisdiction and venue. Defendant waives no other defenses in this matter and waives no defenses or rights in any other litigation between the parties. It is further,

ORDERED, ADJUDGED, and DECREED that the Court shall retain jurisdiction of this

action for purposes of enforcing this Consent Judgment. Subject to this retention of jurisdiction, the Verified Complaint, and all claims alleged by the Railroad against Defendant therein, are hereby dismissed without prejudice, each party to bear its or his own attorneys' fees, costs, and expenses.

SO ORDERED this 10th day of August, 2022.

Stephen A. Bradley

HON. Stephen A. Bradley
JUDGE, SUPERIOR COURT OF HANCOCK COUNTY, GEORGIA

Consented to and presented by:

TAYLOR ENGLISH DUMA LLP

/s/ Steven L. Jones
Michael Eric Ross
Georgia Bar No. 615190
Steven L. Jones
Georgia Bar No. 639038
Daniel H. Weigel
Georgia Bar No. 956419

1600 Parkwood Circle, Suite 200
Atlanta, GA 30339
(770) 434-6868 (phone)
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sjones@taylorenglish.com
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Attorneys for Plaintiff

SMITH, WELCH, WEBB & WHITE, LLC

/s/ Grant E. McBride (w/ express permission)
Grant E. McBride
Georgia Bar No. 109812
2200 Keys Ferry Court
P.O. Box 10
McDonough, GA 30253
Tel. (770) 957-3937
Fax. (770) 957-9165
gmcbride@smithwelchlaw.com

Attorney for Defendant

EXHIBIT A

BOOK 0011 PAGE 0084

WARRANTY DEED

GEORGIA, HANCOCK COUNTY.

THIS INDENTURE, Made this 23rd day of July, 1988, between WALTER L. GARRETT, JR., of Hancock County, Georgia, of the first part, and R. DONALD GARRETT, SR., of Hancock County, Georgia, of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the SUM of --- TEN DOLLARS ($10.00) AND OTHER VALUABLES --- in hand paid at and before the sealing and delivery of these presents, the receipt is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all the following described property, to-wit:

All that certain tract or parcel of land situate, lying and being in the 113th District, G.M. of Hancock County, Georgia, containing 78.95 acres, more or less, and being more fully shown and designated as Tract #2B on a plat by James A. Smith, Jr., L.S., dated July 1, 1988, a copy of which is now of record in Plat Book 7, page 77, Hancock County records, to which plat reference is specifically made as an aid to this description. Said lands are bounded generally on the North by the centerline of a creek across which lie lands of Eddie M. Folds; East by lands of Walter L. Garrett, Jr. designated as Tract #3 on the aforesaid plat; South by the centerline of a dirt drive; and West by lands of Walter L. Garrett, Jr. designated as Tract #1 on the aforesaid plat, and by lands of James A. Smith.

All that certain tract or parcel of land situate, lying and being in the 113th District, G.M. of Hancock County, Georgia, containing 6.45 acres, more or less, and being more fully shown and designated as Tract #2A on a plat by James A. Smith, Jr., L.S., dated July 1, 1988. A copy of which is now of record in Plat Book 7, page 77, Hancock County records, to which plat reference is specifically made as an aid to this description. Said lands are bounded generally on the North by the centerline of a county dirt road; East by lands of Walter L. Garrett, Jr. designated as Tract #3 on the aforesaid plat; South by the Sparta-Shoals paved road and by lands of R. Donald Garrett; and West by lands of R. Donald Garrett and lands of Russell B. Garrett.

Said conveyance is expressly subject to that certain 30-ft. easement in favor of R. Donald Garrett, Sr., Walter L. Garrett, III, and Russell B. Garrett as shown on the aforesaid plat, as well as any and all other easements and restrictions of record.

This conveyance is expressly subject to that certain deed to secure debt from Walter L. Garrett, Jr. to the Bank of Hancock County now of record in Deed Book 4-R, page 361, Hancock County records. Grantee herein expressly assumes and agrees to pay 1/3 of the outstanding principal and interest balance.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of R. DONALD GARRETT, SR., the said party of the second part, his heirs and assigns, forever in fee simple.

BOOK 0011 PAGE 0055

And the said party of the first part, for himself, his heirs and assigns, will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written.

Walter L. Garrett Jr. (SEAL)
WALTER L. GARRETT, JR.

Signed, sealed and delivered
in the presence of:

Witness

Notary Public, Hancock County, GA.

My commission expires 5/10/87
(Notary Seal)

Hayrock

Recorded 7-24-87

J.H. Peterson, Clerk Sup

Filed July 24 10:20 AM 1987
Recorded July 27 1987
Lucy T. Ellis, Clk

EXHIBIT B

BOUNDARY SURVEY
RUSSELL BARRETT DONALD
GARRETT & WALTER GARRETT
113TH. G. M. DISTRICT
HANCOCK COUNTY, GEORGIA
SCALE: 1" = 400.0'
DATE: JULY 1, 1993
OGLETREE, SMITH & ASSOCIATES
SPARTA, GEORGIA

CERTIFICATE OF SERVICE

I, Molly Bonner, Secretary to Judge Stephen A. Bradley, do hereby certify that I have this day served the within Consent Judgment and Injunction upon the individuals listed below by electronic transmission or by mailing a copy to them by U.S. Mail in envelopes having sufficient postage thereon to ensure delivery and addressed as follows:

Steven L. Jones
sjones@taylorenglish.com

Grant E. McBride
gmcbride@smithwelchlaw.com

Original e-filed with Clerk of Court

This 12th day of August, 2022.

Molly L. Bonner
Post Office Box 111
Monticello, Georgia 31064
Tel: (706) 468-4906