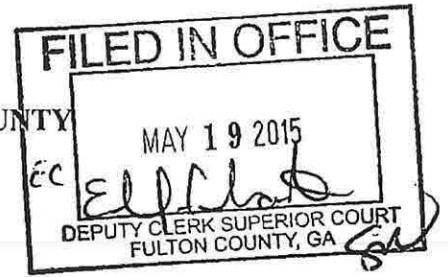


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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



CITY OF SANDY SPRINGS, GEORGIA,

Condemnor,

vs.

CERTAIN REAL PROPERTY LOCATED IN LAND
LOT 89, 17TH DISTRICT, FULTON COUNTY,
GEORGIA, FLAMBEAU REALTY, INC., IRMA
STRAUS REALTY CORP., THE GREAT
ATLANTIC & PACIFIC TEA COMPANY, INC.,
THE KROGER CO., GOODWILL INDUSTRIES
OF NORTH GEORGIA, INC., HONORABLE PINKY
TOOMER, AND ARTHUR E. FERDINAND,
Tax Commissioner,

Condemnees

CA NO. 2015CV255755

AWARD

The Special Master appointed and chosen by the Court to hear evidence and give full consideration to all matters touching upon the value of the property or interest sought to be condemned, as shown by the description of the property or interest in the case of *City of Sandy Springs, Georgia, Condemnor, vs. 2.97 Acres, more or less, being commonly known as 237 Johnson Ferry Road, Sandy Springs, Georgia and Flambeau Realty, Inc. et al, Condemnees*, Civil Action File no. 2015CV255755 in the Superior Court of Fulton County, Georgia, having first taken the oath as required by law of the Special Master, the same having been filed with the Clerk of the Superior Court of Fulton County, and the Special Master Panel having heard evidence under oath and given consideration to the value of the property interest of Goodwill Industries of North Georgia, Inc., as sub-lessee, on the 22nd day of April, 2015 at 10:00 a.m., as provided for in the Order of the Court, do decide and recommend to the Court as follows:

(1) We find and Award to Goodwill Industries of North Georgia, Inc., Condemnee, for relocation costs the sum of \$135,117.00 dollars;

(2) We find and Award to Goodwill Industries of North Georgia, Inc. as actual taking damages for remaining value of FF&E in place the sum of \$58,871.00 dollars; and

(3) We find and Award to Goodwill Industries of North Georgia, Inc. as business loss damages the sum of \$0 dollars.

At the hearing conducted on April 22, 2015 the attorneys for Condemnor City of Sandy Springs, Georgia and the attorneys for the owners of the fee, Flambeau Realty, Inc. and Irma Straus Realty Corp. , announced that they have entered into a Settlement Agreement and upon complying with all of the terms of the Settlement Agreement said fee owners will deed the property in the condemnation petition to the City of Sandy Springs, Georgia by limited Warranty Deed. Additionally, it was announced at the aforesaid hearing that the City of Sandy Springs, Georgia and The Kroger Co. had entered into a Settlement Agreement whereby then City would pay to The Kroger Co. the sum of Thirty Thousand Dollars for its leasehold interest and any and all other claims and interest of The Kroger Co. in the property described in the condemnation petition. The Panel has received evidence (1) that these settlements transpired on April 29, 2015, (2) that by letter dated April 29, 2015 The Kroger Company notified Goodwill Industries of North Georgia, Inc. that Goodwill's obligations, duties and rights under the sub-lease from Kroger will terminate as of the date that possession and title to the property leased to Goodwill by the sub-lease to the City of Sandy Springs, the same being by the end of April, 2015, and (3) that Flambeau Realty, Inc. and Irma Strauss Realty Corp. conveyed all the property which is subject to the condemnation action, which includes all of the property sub-leased to Goodwill, to the City of Sandy Springs by Limited Warranty Deed dated April 29, 2015. Therefore, the

Special Master does hereby find as a matter of law that all of Goodwill's obligations and duties, including its obligation to pay rents and maintain utilities for the sub-leased property, terminated by April 30, 2015.

The Special Master has considered all of the evidence submitted by Goodwill in this Special Master Panel proceeding, and applying that evidence to the Georgia test for uniqueness when considering business losses as a separate item of damages (see *Department of Transportation v. 2.734 acres of land*, 168 Ga. App. 541 (1983)), the Special Master finds as a matter of law and fact that Goodwill failed to carry its evidentiary burden of presenting enough admissible evidence to support its contention that market value does not afford it just and adequate compensation.

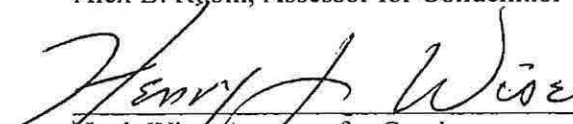
Further, after considering all of the evidence submitted by Goodwill, the Special Master finds as a matter of law and fact that the evidence submitted on business loss is speculative; therefore, Goodwill is not legally entitled to business losses in this case.

The hearing in this case was not completed until receipt of briefs and reply briefs from the City and Goodwill and consideration of these briefs by the Panel at a meeting of the Panel conducted on May 13, 2015, such procedural matters having been announced by the Special Master at the evidentiary hearing conducted on April 22, 2015, with no objections to the same being made by either the attorneys for Goodwill or the attorneys for the City.

This Award entered this 13th day of May, 2015.


Hon. Norman S. Fletcher (Ret.)
Special Master


Alex B. Rubin, Assessor for Condemnor


Hank Wise, Assessor for Condemnees

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing **AWARD** upon all parties by depositing a copy of the same in the United States Mail with proper postage affixed thereto to ensure proper delivery of same to the following:

Wendell K. Williard
Law Office of Wendell K. Willard
7840 Roswell Road, Suite 330
Sandy Springs, GA 30305

Jason P. Wright
Morris, Manning & Martin, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, GA 30326-1044

The Great Atlantic & Pacific Tea Company, Inc.
c/o Blumberg Excelsior Corporate Services Inc.
2000 Riveredge Parkway #885
Atlanta, GA 30328

Pinkie Toomer, Judge
Fulton County Probate Court
136 Prior Street SW, Suite C-230
Atlanta, GA 30303

Anthony D. Lehman
Cohan Law Group, LLC
3340 Peachtree Rd., NE, Suite 2570
Atlanta, GA 30326

Arthur E. Ferdinand
Fulton County Tax Commissioner
c/o Sharon Feltner, Admin. Coordinator
141 Pryor Street, Suite 1085
Atlanta, GA 30303

Charles L. Ruffin
Baker, Donelson, Berman,
Caldwell & Berkowitz, PC
Monarch Plaza, Suite 1600
3414 Peachtree Road
Atlanta, GA 30326

This 15th day of May, 2015.


NORMAN S. FLETCHER
Georgia Bar No. 264100