

**RESOLUTION
(Parcel No. 58)**

A RESOLUTION TO AUTHORIZE STEWART, MELVIN & FROST, LLP, AS SPECIAL COUNSEL TO HALL COUNTY, TO PROCEED WITH THE ACQUISITION BY DEED OR BY CONDEMNATION OF THAT CERTAIN PROPERTY OWNED BY ANGELA CHRISTINA HIERS, A/K/A ANGELA HIERS, AS EXECUTOR OF THE ESTATE OF DOROTHY L. ALLISON FOR PUBLIC ROAD PURPOSES; TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF COMMISSIONERS TO EXECUTE ANY DOCUMENTS NECESSARY AND PROPER FOR THE ACQUISITION OF SAID PROPERTY, SUBJECT TO THE REVIEW OF THE COUNTY ATTORNEY; AND FOR SUCH OTHER PURPOSES.

WHEREAS, Article IX, Section II, Paragraph V of the Georgia Constitution of 1983 authorizes counties to exercise the right of eminent domain; and

WHEREAS, O.C.G.A. § 32-3-1 *et seq.* provides for acquisition of property for public road purposes; and

WHEREAS, on January 2, 2020, the location and design of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)) were approved by the Georgia Department of Transportation; and

WHEREAS, said Sardis Road Connector Project (the “Project”) is located in Land Districts 9 and 10 and G.M.D. 570 of Hall County, Georgia, and consists of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways to provide a connector roadway between Georgia State Route 53 to the South and Georgia State Route 60 to the North; and

WHEREAS, the Project will begin at the Sardis Road and Chestatee Road intersection and will extend northward approximately 3.55 miles to Georgia State Route 60 ending near the intersection of State Route 60 and Mount Vernon Road; and

WHEREAS, the proposed roadway will consist of a four-lane curb and gutter divided roadway, having 2 lanes in each direction that will be separated by a 20-foot wide, 6 inch high curb and gutter median and sidewalks will be provided on both sides of the road having a design speed limit of 45 mph; and

WHEREAS, the Hall County Board of Commissioners (the “Board of Commissioners”) has determined that the Project is a public road purpose permitted by law; and

WHEREAS, the Board of Commissioners has further determined that in order to construct the Project it must acquire, by deed or by condemnation proceedings, certain rights of way and easements along certain properties along the proposed Sardis Road Connector; and

WHEREAS, a portion of the property necessary to be acquired is owned by ANGELA CHRISTINA HIERS, A/K/A ANGELA HIERS, AS EXECUTOR OF THE ESTATE OF DOROTHY L. ALLISON (hereinafter referred to collectively as “Owner”); and

WHEREAS, a description of the entirety of the property owned by Owner is attached hereto as Attachment 1 and by reference made a part hereof (said property being hereinafter sometimes referred to as “Parcel 58”); and

WHEREAS, the property described on Attachment 1 is designated as tax map number 10082 000015 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 58 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.027 acre, more or less. A metes and bounds description of said easement is attached hereto as Attachment 2, and by reference made a part hereof; and
- (2) A temporary easement for the purpose of constructing slopes, consisting of 0.020 acre, more or less. A metes and bounds description of said easement is attached hereto as Attachment 3, and by reference made a part hereof; and

WHEREAS, plans for the Project were prepared by WSP USA, Inc. for the Georgia Department of Transportation, are entitled “Right of Way of Proposed Sardis Road Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283, STP00-0003-00(626),” and have an approval date of January 2, 2020 and a last revised date of December 8, 2022 (the “Project Plans”), which Project Plans are on file in the Board of Commissioner’s Office; and

WHEREAS, attached hereto as Attachment 4 is a copy of the section of the Project Plans showing the right of way and easements proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 58 (the “Parcel 58 Property Rights”); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, in regular session, that authority is hereby delegated to the Chairman of the Board of Commissioners, through his duly constituted nominees, and the law firm of Stewart, Melvin & Frost, LLP, to proceed with the acquisition of the Parcel 58 Property Rights in such manner as in the discretion of said Chairman of the Board may be necessary or proper for the construction of the Project, including by purchase, contract, or condemnation, and said Chairman of the Board is hereby authorized and directed to initiate such proceedings, perform such acts, and execute such papers as they may deem reasonably proper and necessary to carry out the intent of this Resolution.

RESOLVED FURTHER that the Board hereby authorizes and directs that the Owner shall be paid just compensation for the above described acquisition in the amount of \$900.00, which amount is the fair market value of the Parcel 58 Property Rights as determined by independent appraisal.

RESOLVED FURTHER that the Board hereby ratifies and approves the acquisition of any interests in property necessary and proper for the construction of the Project which may have been acquired prior to the effective date of this resolution.

RESOLVED FURTHER that if any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

[THIS SECTION INTENTIONALLY LEFT BLANK]

This Resolution is adopted in regular session of the Board of Commissioners, this 10th day of May, 2023, to become effective immediately upon its execution, the public health, safety, and general welfare demanding it.

**HALL COUNTY BOARD OF
COMMISSIONERS**

Richard Higgins, Chairman

Commissioner, District 1
Kathy Cooper

Commissioner, District 2
Billy Powell

Commissioner, District 3
Gregg Poole

Commissioner, District 4
Jeff Stowe

ATTEST:

Jennifer Rivera, County Clerk

(SEAL)

Hall County Attorney
William Linkous, III

Attachment 1
(Legal Description of the Entirety of Owner's Property)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 58
	TAX MAP #: 10082 000015
OWNER:	
ANGELA CHRISTINA HIERS, A/K/A ANGELA HIERS, AS EXECUTOR OF THE ESTATE OF DOROTHY L. ALLISON	4023 SARDIS ROAD

All that tract or parcel of land lying and being in Land Lot 82, 10th Land District, of Hall County, Georgia containing 6.738 acres, more or less, and being more particularly described by a plat prepared by Henry Grady Jarrard, dated 2/14/63 entitled property of W.V. Allison containing 9.336 acres as recorded in Plat Book 29, page 143 of the Hall County, Georgia, Plat Records, said plat description being specifically incorporated herein by reference;

Less and Except: 2 acres conveyed out of the aforesaid tract by Warranty Deed recorded in Deed Book 3281, page 109 of the Hall County, Georgia Deed Records, as set forth in Plat Slide 710, page 186B of the Hall County, Georgia Plat Records; and

Less and Except: .598 acres previously conveyed to trustees of Bethel Tabernacle in Deed Book 4818, page 423-424 of the Hall County, Georgia Deed Records as more particularly described in said deed description which is incorporated herein by reference.

Less and Except: Right of Way Deed, dated February 4, 2022 from Angela Christina Hiers, Executor of the Estate of Dorothy L. Allison to Hall County, Georgia, recorded in Deed Book 9055, Pages 523-535, Hall County, Georgia Deed Records.

Attachment 2
(Legal Description of Permanent Easement)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 58
	TAX MAP #: 10082 000015
OWNER:	
ANGELA CHRISTINA HIERS, A/K/A	4023 SARDIS ROAD
ANGELA HIERS, AS EXECUTOR OF THE	
ESTATE OF DOROTHY L. ALLISON	

GRANTED IS A PERMANENT EASEMENT IN THE PROPERTY DESCRIBED BELOW, based on right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020, and last revised December 8, 2022 (the "Project Plans").

All that tract or parcel of land lying and being in Land Lot 82 of the 10th District, Hall County, Georgia and being more particularly described as follows:

Beginning at point 49.75 feet left of station 6+31.72 per right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020 and having a latest revision date of 12/08/2022;

Thence proceeding thru the property now or formerly of Dorothy A. Allison North 02°57'05.3" West a distance of 60.40 feet to a point 50.00 feet left of station 6+94.35;

Thence North 89°54'38.8" East, 5.02 feet to a point 45.00 feet left of station 6+94.00;

Thence along a curve to the left having a radius of 1355.014 and an arc length of 173.64, being subtended by a chord bearing and distance of North 7°39'08" West, 173.524 feet to a point 45.00 feet left of station 8+73.41;

Thence North 78°40'35.2" East a distance of 6.50 feet to a point 38.50 feet left of station 8+73.41;

Thence along a curve to the right having a radius of 1361.500 and an arc length of 65.05, being subtended by a chord bearing and distance of South 9°57'16" East, 65.044 feet to a point 38.50 feet left of station 8+06.52;

Thence South 3°55'16.3" East a distance of 151.99 feet to a point 42.38 feet left of station 6+49.97;

Thence South 20°51'01.7" West a distance of 19.13 feet to the POINT OF BEGINNING.

Said tract contains 1,186.87 square feet or 0.027 acre per the aforementioned right of way plans, also attached hereto.

The above described land being a permanent right of way easement which is necessary for the acquisition, construction, and maintenance of the Sardis Road Connector Project, as described in the above-referenced Project Plans.

The property owner(s) may place various items at its discretion (e.g., fences, signs, and landscaping, etc.) on the permanent easement so long as the functionality of the easement and/or utility is not compromised and such items are not in violation of federal or state laws, or county or city

ordinances. In the event any improvement blocks required accessibility within the permanent easement, the same may be removed without any compensation to the property owner.

Attachment 3
(Legal Description of Temporary Construction Easement)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 58
	TAX MAP #: 10082 000015
OWNER:	
ANGELA CHRISTINA HIERS, A/K/A	4023 SARDIS ROAD
ANGELA HIERS, AS EXECUTOR OF THE	
ESTATE OF DOROTHY L. ALLISON	

GRANTED IS A TEMPORARY EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION OF SLOPES, based on right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020, and last revised December 8, 2022 (the "Project Plans").

All that tract or parcel of land lying and being in Land Lot 82 of the 10th District, Hall County, Georgia and being more particularly described as follows:

Beginning at point 24.31 feet left of station 8+73.41 per right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020 and having a latest revision date of 12/08/2022;

Thence proceeding thru the property now or formerly of Dorothy A. Allison South 78°48'27" West a distance of 10.69 feet to a point 35.00 feet left of station 8+73.41;

Thence North 11°11'33" West a distance of 81.59 feet to a point 35.00 feet left of station 9+55.00;

Thence North 78°48'27" East a distance of 10.21 feet to a point 24.79 feet left of station 9+55.00;

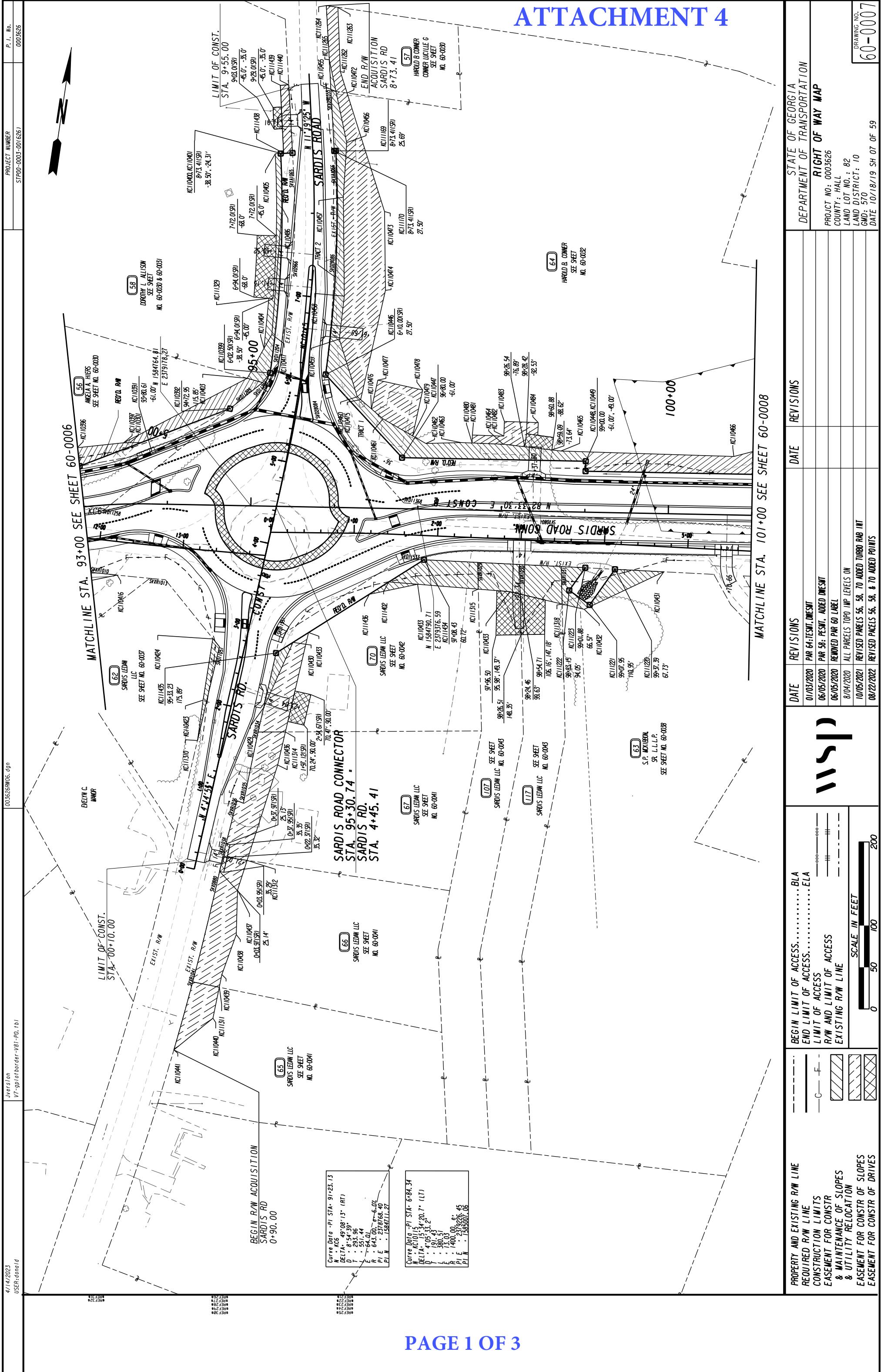
Thence South 11°31'46" East a distance of 81.59 feet to the POINT OF BEGINNING.

Said tract contains 852.51 square feet or 0.020 acre per the aforementioned right of way plans, also attached hereto.

Said temporary easement shall be for a duration beginning on the date construction of the Project begins and shall terminate on the date which is five (5) years after the date on which construction of the Project began.

Attachment 4
(Section of Project Plans Depicting Parcel 58 and Call Sheet for Parcel 58)

ATTACHMENT 4



GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby certify that I am the Clerk of the Board of Commissioners of Hall County, Georgia.

I further certify that the foregoing pages constitute a true, correct, and exact copy of a Resolution passed by the Board of Commissioners on _____, 2023, and that the original of said Resolution is on file in the Hall County Commission Office, Hall County Government Center, 2875 Browns Bridge Road, Gainesville, Georgia 30504.

Given under my hand and seal of Hall County, Georgia this _____ day of _____, 2023.

JENNIFER RIVERA
Clerk of the Board of Commissioners of
Hall County, Georgia.

(SEAL OF HALL COUNTY)