

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,)
)
Petitioner-Condennor,)

VS.)

CIVIL ACTION
FILE NO. _____

That certain right of way and those certain)
easements over, across, and through certain)
property owned by HABERSHAM)
PARTNERS, LLC (the “Property”), said)
Property being located in Land Lot 104 of the)
10th Land District, Bark Camp, in Hall)
County, Georgia, being designated as tax map)
number 10104 000017C by the taxing)
authorities of Hall County, and known as 3585)
THOMPSON BRIDGE ROAD, and being the)
property shown as PARCEL 143 on plans)
prepared by WSP USA, Inc. for the Georgia)
Department of Transportation, 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),” said)
plans having an approval date of January 2,)
2020, and a last revised date of December 8,)
2022 (the “Project Plans”); said right of way)
and easements consist of the following:)

(PARCEL NO. 143)

DECLARATION OF TAKING

That certain Right of Way shown on the Plans)
for Parcel 143, containing 0.143 acre, more or)
less;)

That certain Permanent Easement for)
Construction and Maintenance of Slopes and)
Utility Relocation, consisting of 0.008 acre,)
more or less, as shown on the Project Plans;)

That certain Permanent Easement for)
Construction and Maintenance of Slopes and)
Utility Relocation, consisting of 0.054 acre,)
more or less, as shown on the Project Plans;)

HABERSHAM PARTNERS, LLC;)

JAY’S FOOD MART, INC.;)

AIR VAC, A/K/A FLORIDA COMMERCIAL)
VACUUM AIR/WATER, LLC;)
)
Honorable Patty Walters Laine, Judge of the)
Probate Court of Hall County;)
)
Honorable Darla Eden, Tax Commissioner of)
Hall County, Georgia; and)
)
To any and all persons having or claiming any)
right or interest in and to said Property,)
)
Respondents-Condemnees.)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the “Board of Commissioners”), adopted a Resolution on May 10, 2023 (the “Authorizing Resolution”), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, and (ii) the permanent easements for the purpose of constructing and maintaining slopes and relocating utilities herein described, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the “Project”); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the “Project Plans”) 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),” have a completion date of October 18, 2019, and were last revised on December 8, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by HABERSHAM PARTNERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1**, attached hereto and by reference made a part hereof (the “Property”), which Property is located at 3585 Thompson Bridge Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the “Acquired Interests”), are owned by Habersham Partners, LLC, whose registered agent, Ron Ben-Moshe, may be served at McClure Kornheiser, LLC, 6400 Powers Ferry Road, Ste. 100, Atlanta, GA 30339; and

WHEREAS, the Acquired Interests are described as follows:

- (A) A right of way easement for the purpose of acquiring, constructing, and maintaining a right of way along the portion of the Project consisting of newly constructed roadway, consisting of 0.143 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 2: Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way);
- (B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.008 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 3: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and
- (C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.054 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser’s Statement** and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser’s Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4** attached hereto) is **\$770,300.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the

Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4**, attached hereto and made a part of this Declaration) are being taken for county road purposes.

This _____ day of _____, 2023.

**BOARD OF COMMISSIONERS OF
HALL COUNTY, GEORGIA**

By: _____
Chairman

ATTEST:
Jennifer Rivera, County Clerk
(SEAL)

***Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)***

**SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 143)**

GEORGIA, HALL COUNTY

Personally comes, Jeff A. Lawson, whose business address is 535 Queen City Pkwy, Ste. A, Gainesville, GA 30501 who, after being duly sworn, states:


1. Affiant was employed by the Hall County, Georgia to appraise the property owned by Habersham Partners, located at 3585 Thompson Bridge Road, Gainesville, Georgia 30506 (Parcel No. 143), consisting of 2,701.47 square feet of permanent easement for the construction and maintenance of slopes and utility relocation and 6,237.28 square feet of right of way, required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **\$770,300.00**.



Jeff A. Lawson
GA CERT. R.E. Appraiser No. 892

Sworn to and subscribed before me,
this 25th day of April, 2023.



NOTARY PUBLIC

(NOTARY SEAL)

My commission expires 7/13/26

