RESOLUTION

(Parcel No. 143)

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 HABERSHAM PARTNERS, LLC 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 Habersham Partners, LLC (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 143"); and

WHEREAS, the property described on <u>Attachment 1</u> is designated as tax map number 10104 000017C by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 143 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) 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, said right of way consisting of 0.143 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Attachment 2**, and by reference made a part hereof;
- (2) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.008 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
- (3) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.054 acre, more or less. A metes and bounds description of said easement is attached hereto as **Attachment 4**, 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 <u>Attachment 5</u> 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 143 (the "Parcel 143 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 143 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 \$770,300.00, provided however that specific sums included within the just compensation calculation may be due to certain tenants upon determination of the tenants' ownership rights, which amount is the fair market value of the Parcel 143 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	
	Hall County Attorney William Linkous, III
(SEAL)	

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 143

TAX MAP#: 10104 000017C

OWNER:

HABERSHAM PARTNERS, LLC 3585 THOMPSON BRIDGE ROAD

Tract 1:

All that tract or parcel of land lying and being in the Bark Camp District of Hall County, and being on the West side of State Route 60 at its intersection with Mt. Vernon Road, and being more particularly described as follows:

BEGINNING at an iron pin corner on the West right-of-way of Ga. Route 60, thence S 02-27 E 100.75 feet to an iron pin corner; thence S 88-27 E 64.90 feet to an iron pin corner on the West right-of-way of Ga. Route 60; thence N 34-00 W 123.50 feet along the right-of-way of Ga. Route 60 to the point of beginning. This property is bounded by other lands of Grantee and lands now or formerly owned by Glen Gaines.

Tract 2:

All that tract or parcel of land lying and being in Land Lot 104 of the 10th Land District of Hall County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin and running thence N53-35E along the property of Mrs. B.L. Gibson for a distance of 461.1 feet to an iron pin at Pinecrest Road; thence S34-10E along Georgia Highway 60 for a distance of 107.5 feet to an iron pin; thence S2° 42′E for a distance of 102.5 feet to an iron pin; thence along the property of Glenn Gaines S79-18W for a distance of 444 feet to an iron pin at the beginning corner. For a more detailed description reference is made to a plat of the property of H.G. Murphy as drawn by Patton-Pless and Associates on March 23, 1971 and shown of record in Plat Book 45 at page 246 on the records of the Clerk of Superior Court of Hall County, Georgia. This being a portion of the same property as conveyed by deed from the Board of Education of Hall County, Georgia to Mrs. Bertha Gibson on January 22, 1957, and shown of record in Deed Book 172 at page 347 of the records of the Clerk of Superior Court of Hall County, Georgia. This also being the same property which the Bank of Dahlonega executed a Quit Claim deed to Mrs. Bertha Gibson on March 25, 1971, and shown of record in Deed Book 446 at page 360-61 of the records of the Clerk of Superior Court of Hall County, Georgia.

[This Attachment Continues on Next Page]

Tract 3:

All that lot, tract or parcel of land lying, situate and being in Land Lot 104 of the 10th Land District of Hall County, Georgia and being 0.09 acres, as shown by a plat entitled "Survey for M.G. Murphy", dated August 17, 1973, prepared by Owen Patton, Georgia Registered Land Surveyor, and recorded in Plat Book ____, Page ____, Hall County, Georgia Plat Records, and more particularly described as follows:

BEGINNING at an iron pin corner on the western right of way of S.R. 60 which iron pin is common to the property herein conveyed and property of which Glenn Gaines, and running thence south 86° 38′ west 312.33 feet to an iron pin; then north 80° 29′ east 235 feet to an iron pin: thence south 88° 31′ east 11.9 feet to an iron pin; thence south 00° 54′ east 13.1 feet to an iron pin; thence south 87° 45′ east 65 feet to an iron pin on the western right of way of S.R. 60; thence along the western right of way of S.R. 60 south 33° 24′ east 5.40 feet to the beginning iron pin corner.

LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Right of Way Deed from Carolyn Murphy to the Department of Transportation, dated October 24, 2013, filed of record October 29, 2013 at 8:39 a.m., recorded in Deed Book <u>7278</u>, <u>Page 100</u>, Records of Hall County, Georgia.

Attachment 2 (Legal Description of Right of Way)

 STATE OF GEORGIA
 PROJECT #: STP00-0003-00(626)

 COUNTY OF HALL
 P.I. #: 0003626, PARCEL 143

TAX MAP#: 10104 000017C

OWNER:

HABERSHAM PARTNERS, LLC 3585 THOMPSON BRIDGE ROAD

GRANTED IS AN ADDITIONAL, REQUIRED RIGHT OF WAY, IN FEE SIMPLE, 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 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 49.00 feet left of station 190+74.86 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 03/16/2022;

thence proceeding thru the property now or formerly of Carolyn Murphy the following courses and distances North 31°16'00" East, 41.14 feet to a point lying 49.00 feet left of station 191+16.00;

thence North 01°10'41" East, 62.61 feet to a point lying 80.39 feet left of station 191+70.17;

thence North 55°42'52" East, 26.46 feet to a point lying 69.43 feet left of station 191+94.26;

thence along the existing right of way of Thompson Bridge Road (right of way varies) the following courses and distances South 34°16'52" East, 119.67 feet to a point lying 39.50 feet right of station 191+44.72;

thence South 83°13'18" West, 14.06 feet to a point lying 28.43 feet right of station 191+36.06;

thence along the property now or formerly of Judy Gaines the following courses and distances South 83°11'48" West, 11.31 feet to a point 19.53 feet right of station 191+29.09;

thence South 83°11'49" West, 39.56 feet to a point 11.62 feet left of station 191+04.69;

thence South 82°40'29" West, 47.83 feet to the POINT OF BEGINNING.

Said tract contains 6,237.28 square feet or 0.143 acre per the aforementioned right of way plans 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.

Attachment 3 (Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA PROJECT #: STP00-0003-00(626)
COUNTY OF HALL P.I. #: 0003626, PARCEL 143

TAX MAP #: 10104 000017C

OWNER:

HABERSHAM PARTNERS, LLC 3585 THOMPSON BRIDGE ROAD

GRANTED IS A PERMANENT EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES AND UTILITY RELOCATION, 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 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 74.91 feet left of station 191+82.21 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 03/16/2022;

thence proceeding thru the property now or formerly of Carolyn Murphy the following courses and distances North 27°11'10" West, 29.70 feet to a point lying 100.22 feet left of station 191+97.75;

thence North 55°32'56" East, 9.12 feet to a point lying 96.47 feet left of station 192+06.06;

thence along the exiting right of way of Thompson Bridge Road (right of way varies) South 35°09'11" East, 29.50 feet to a point lying 69.43 feet left of station 191+94.26;

thence proceeding thru the property now or formerly of Carolyn Murphy South 55°42'11" West, 13.24 feet to the POINT OF BEGINNING.

Said tract contains 329.59 square feet or 0.008 acre per the aforementioned right of way plans, attached hereto.

Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as depicted in the Project Plans referenced above.

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 4 (Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 143
	TAX MAP #: 10104 000017C
OWNER:	
HABERSHAM PARTNERS, LLC	3585 THOMPSON BRIDGE ROAD

GRANTED IS A PERMANENT EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES AND UTILITY RELOCATION, 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 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 87.12 feet left of station 190+44.55 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 03/16/2022;

thence proceeding thru the property now or formerly of Carolyn Murphy the following courses and distances North 14°06'05" East, 4.71 feet to a point lying 88.51 feet left of station 190+49.05;

thence North 38°15'43" East, 53.70 feet to a point lying 81.97 feet left of station 191+02.35;

thence North 50°38'38" East, 46.54 feet to a point lying 66.53 feet left of station 191+46.25;

thence South 01°10'27" West, 34.96 feet to a point lying 49.00 feet left of station 191+16.00;

thence South 31°16'00" West, 41.14 feet to a point lying 49.00 feet left of station 190+74.86;

thence along the property now or formerly of Judy Gaines South 82°46'40" West, 48.70 feet to the POINT OF BEGINNING.

Said tract contains 2,371.88 square feet or 0.054 acre per the aforementioned right of way plans, attached hereto.

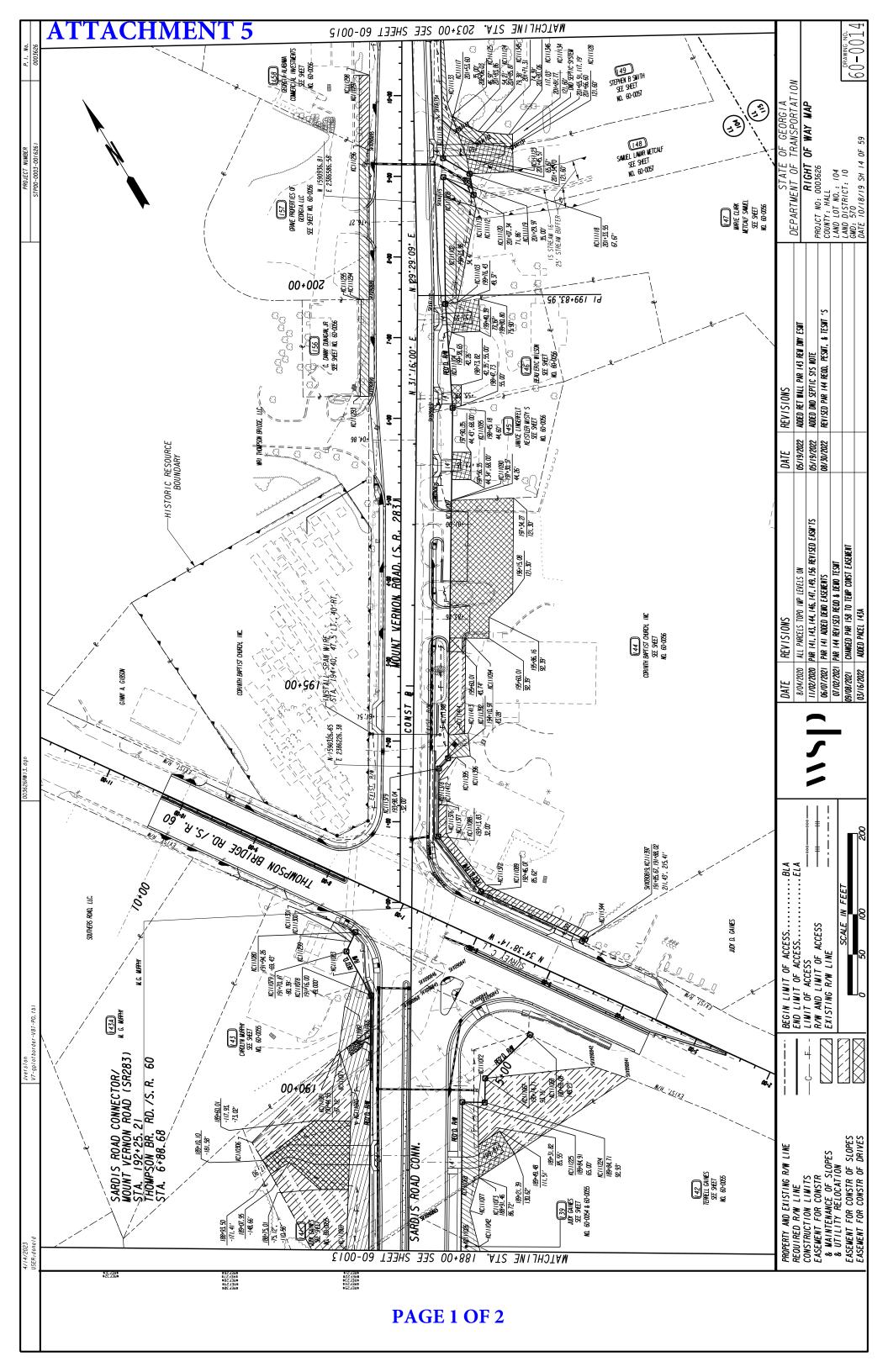
Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as depicted in the Project Plans referenced above.

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 5

(Section of Project Plans Depicting Parcel 143 and Call Sheet for Parcel 143)



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GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby cer of Hall County, Georgia.	tify that I am the Clerk of the Board of Commissioners
Resolution passed by the Board of Commission	ages constitute a true, correct, and exact copy of a oners on, 2023, and that the original unty Commission Office, Hall County Government lle, Georgia 30504.
Given under my hand and seal of Hall 2023.	County, Georgia this day of,
	JENNIFER RIVERA
	Clerk of the Board of Commissioners of
	Hall County, Georgia.
	(SEAL OF HALL COUNTY)