

RESOLUTION

(Parcel No. 29)

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 AEROSPACE SCIENCE FOUNDATION, INC. 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, said Cagle Road Improvements Project (the “Project”) is located in Hall County, Georgia, and consists of roadway improvements and some realignment to increase the safety and resurfacing of the existing gravel portion of the road, west of the existing railroad, with 12’ wide lanes in both directions along with sight distance improvements and upgrades to the guardrail placement; and

WHEREAS, the Project will begin at the Eli Jackson Road and Cagle Road intersection and will extend northeast approximately 1.25 miles to the Cornelia Highway and Cagle Road intersection; 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 AEROSPACE SCIENCE FOUNDATION, INC. (hereinafter referred to 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 29”); and

WHEREAS, the property described on **Attachment 1**, and by reference made a part hereof; is designated as tax map number 09094 000001 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 29 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way, in fee simple, along the portion of the Project, consisting of 0.282 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 right of way, in fee simple, along the portion of the Project, consisting of .053 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 temporary construction easement for the purpose of constructing slopes, consisting of 0.243 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 4**, and by reference made a part hereof; and
- (4) A temporary construction easement for the purpose of constructing slopes, consisting of 0.608 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 5**, and by reference made a part hereof; and

WHEREAS, plans for the Project were designed by Hussey Gay Bell, are entitled “Cagle Road Improvements,” Purchase Order Number 424203, and have an approval date of August 3, 2023 (the “Project Plans”), which Project Plans are on file in the Board of Commissioner’s Office; and

WHEREAS, attached hereto as **Attachment 8**, and by reference made a part hereof, is a copy of the section of the Project Plans showing the easement proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 29 (the “Parcel 29 Property Rights”).

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 29 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 \$10,100.00, which amount is the fair market value of the Parcel 29 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 Resolution is adopted in regular session of the Board of Commissioners, this 11th day of January, 2024, to become effective immediately upon its execution, the public health, safety, and general welfare demanding it.

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**HALL COUNTY BOARD OF
COMMISSIONERS**

Richard Higgins, Chairman

ATTEST:

Jennifer Rivera, County Clerk

(SEAL)

Approved as to form:

County Attorney

William J. Linkous, III

Attachment 1

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

STATE OF GEORGIA	PROJECT: CAGLE ROAD IMPROVEMENTS, PARCEL 29
COUNTY OF HALL	TAX MAP #: 09094 000001
OWNER: AEROSPACE SCIENCE FOUNDATION, INC.	4401 CAGLE ROAD

All that tract or parcel of land lying and being in Land Lots 94, 95, and 98 of the 9th district, Hall County, Georgia and more particularly described as follows:

To arrive at the point of beginning of the property hereinafter described beginning at an iron pin located in the northwest corner of Land Lot 94, which corner is the common corner of Land Lots 94, 95, 97, and 98; thence south 89 degrees 17 minutes east 821.9 feet to an angle iron of the U.S. Government; thence south 29 degrees 36 minutes east a distance of 199.1 feet to an angle iron of the U.S. Government; thence north 60 degrees 18 minutes east a distance of 297.7 feet to an angle iron of the U.S. Government located on the northwesterly right-of-way of a 100 foot Georgia Power Company easement; thence south 62 degrees 06 minutes east 166.8 feet to an angle iron of the U.S. Government and the point of beginning of the property herein described; thence from the said point of beginning thus established south 86 degrees 53 minutes east a distance of 245.9 feet to an iron pin; thence south 17 degrees 18 minutes east a distance of 171.5 feet to an iron pin; thence south 57 degrees 18 minutes east a distance of 236.2 feet to an iron pin; thence south 30 degrees 27 minutes east a distance of 158.3 feet to an iron pin; thence south 2 degrees 45 minutes west a distance of 159.4 feet to an iron pin; thence south 54 degrees 32 minutes east a distance of 456 feet to an iron pin; thence south 56 degrees 45 minutes east a distance of 246.4 feet to an iron pin; thence south 60 degrees 46 minutes east a distance of 530.4 feet to an iron pin; thence south 47 degree 50 minutes east a distance of 138.1 feet to an iron pin located at the center line of the old Southern Railroad right-of-way bed; thence southwest along the center line of the Southern Railroad right-of-way bed following courses and distances: south 70 degrees 52 minutes west 236.1 feet; south 64 degrees 13 minutes west 300 feet; south 57 degrees 02 minutes west 446.8 feet; south 63 degrees 31 minutes west 264.2 feet; south 75 degrees 53 minutes west 367.3 feet; south 87 degrees 54 minutes west 298.2 feet; thence north 75 degrees 48 minutes west for a distance of 464.4 feet to a concrete monument located on the northerly side of the right-of-way of the old Southern Railroad right-of-way; thence north 61 degrees 20 minutes west a distance of 462.4 feet to an iron pin; thence south 41 degrees 59 minutes west a distance of 218.9 feet to an iron pin; thence south 54 degrees 18 minutes west 249.9 feet to an iron pin located in the right-of-way of the old Southern Railroad right-of-way; thence north 12 degrees 32 minutes west a distance of 843.3 feet to a concrete monument; thence north 59 degrees 25 minutes east a distance of 128.9 feet to a concrete monument; thence north 2 degrees 11 minutes east a distance of 237.8 feet to a

concrete monument; thence north 59 degrees 25 minutes east a distance of 400 feet to an angle iron of the U.S. Government; thence south 30 degrees 25 minutes east a distance of 257.2 feet to an angle iron of the U.S. Government; thence north 60 degrees 34 minutes east a distance of 198.4 feet to an angle iron of the U.S. Government; thence north 29 degrees 27 minutes west a distance of 148.9 feet to an angle iron of the U.S. Government; thence north 60 degrees 32 minutes east a distance of 126.2 feet to an angle iron of the U.S. Government; thence south 79 degrees 25 minutes east a distance of 221.4 feet to an angle iron of the U.S. Government; thence north 59 degrees 36 minutes east a distance of 476.7 feet to an angle iron of the U.S. Government; thence north 0 degrees 37 minutes east a distance of 396.6 feet to an angle iron of the U.S. Government and the point of beginning. Containing 73.8 acres.

Attachment 2

(Legal Description of Right of Way)

STATE OF GEORGIA	PROJECT: CAGLE ROAD IMPROVEMENTS, PARCEL 29
COUNTY OF HALL	TAX MAP #: 09094 000001
OWNER: AEROSPACE SCIENCE FOUNDATION, INC.	4401 CAGLE ROAD

Granted is additional, required right of way, in Fee Simple, based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lot 94 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 35.00 feet right of station 160+53.50 per right of way plans prepared by Hussey, Gay, Bell for Department of Public Works, Hall County, Cagle Road Improvements, having a completed date of 1-4-2023, said point also being on the existing northwestern right of way of Cagle Road, said right of way varies in width;

THENCE proceeding along said right of way North 42°10'50" East, 95.64 feet to a point 9.47 feet right of station 161+45.67;

THENCE along a curve to the right having a radius of 320.00 feet and an arc length of 204.51 feet, being subtended by a chord bearing and distance of North 60°29'21" East, 201.05 feet to a point 5.82 feet right of station 163+48.18;

THENCE North 78°47'53" East, 204.97 feet to a point 27.07 feet right of station 165+54.79;

THENCE along a curve to the left having a radius of 5029.99 feet and an arc length of 169.75 feet, being subtended by a chord bearing and distance of North 77°49'53" East, 169.74 feet to a point 30.18 feet right of station 167+24.50;

THENCE North 76°51'52" East, 25.50 feet to a point 30.22 feet right of station 167+50.00;

THENCE leaving said right of way and proceeding thru the property now or formerly of Aerospace Science Foundation, Inc. South 71°19'06" West, 50.23 feet to a point 35.00 feet right of station 167+00.00;

THENCE South 76°46'50" West, 183.58 feet to a point 35.00 feet right of station 165+16.42;

THENCE along a curve to the left having a radius of 365.00 feet and an arc length of 322.02 feet, being subtended by a chord bearing and distance of South $67^{\circ}13'15''$ West, 320.53 feet to a point 35.00 feet right of station 161+82.72;

THENCE South $57^{\circ}39'40''$ West, 129.23 feet to the POINT OF BEGINNING.

Said tract contains 12,274.66 square feet or 0.282 acre per the aforementioned right of way plans.

Attachment 3

(Legal Description of Right of Way)

STATE OF GEORGIA	PROJECT: CAGLE ROAD
COUNTY OF HALL	IMPROVEMENTS, PARCEL 29
OWNER:	TAX MAP #: 09094 000001
AEROSPACE SCIENCE	4401 CAGLE ROAD
FOUNDATION, INC.	

Granted is additional, required right of way, in Fee Simple, based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lots 94 & 98 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 68.00 feet right of station 150+38.78 per right of way plans prepared by Hussey, Gay, Bell for Department of Public Works, Hall County, Cagle Road Improvements, having a completed date of 1-4-2023, said point also being on the existing northwestern right of way of Cagle Road, said right of way varies in width;

THENCE proceeding along said right of way North 89°19'42" East, 64.16 feet to a point 52.65 feet right of station 151+01.08;

THENCE along a curve to the right having a radius of 170.00 feet and an arc length of 65.54 feet, being subtended by a chord bearing and distance of South 79°46'47" East, 65.14 feet to a point 51.25 feet right of station 151+63.04;

THENCE South 68°44'03" East, 60.76 feet to a point 65.13 feet right of station 152+18.96;

THENCE leaving said right of way and proceeding thru the property now or formerly of Aerospace Science Foundation, Inc. along a curve to the left having a radius of 305.00 feet and an arc length of 11.88 feet, being subtended by a chord bearing and distance of South 69°51'01" West, 11.88 feet to a point 68.00 feet right of station 152+29.77;

THENCE along a curve to the right having a radius of 1068.00 feet and an arc length of 136.50 feet, being subtended by a chord bearing and distance of North 80°29'18" West, 136.40 feet to a point 68.00 feet right of station 151+01.96;

THENCE North 76°49'37" West, 63.18 feet to the POINT OF BEGINNING.

Said tract contains 2,307.44 square feet or 0.053 acre per the aforementioned right of way plans.

Attachment 4

(Legal Description of Temporary Easement for the Construction)

STATE OF GEORGIA	PROJECT: CAGLE ROAD IMPROVEMENTS, PARCEL 29
COUNTY OF HALL	TAX MAP #: 09094 000001
OWNER: AEROSPACE SCIENCE FOUNDATION, INC.	4401 CAGLE ROAD

Granted is temporary easement for the construction of slopes based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lots 94 & 98 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 78.63 feet right of station 149+95.64 per right of way plans prepared by Hussey, Gay, Bell for Department of Public Works, Hall County, Cagle Road Improvements, having a completed date of 1-4-2023;

THENCE North 89°19'43" East, 44.43 feet to a point 68.00 feet right of station 150+38.78;

THENCE South 76°49'37" East, 63.18 feet to a point 68.00 feet right of station 151+01.96;

THENCE along a curve to the left having a radius of 1068.00 feet and an arc length of 136.50 feet, being subtended by a chord bearing and distance of South 80°29'18" East, 136.40 feet to a point 68.00 feet right of station 152+29.77;

THENCE along a curve to the left having a radius of 305.00 feet and an arc length of 170.86 feet, being subtended by a chord bearing and distance of South 87°00'55" East, 168.64 feet to a point 72.87 feet right of station 153+87.41;

THENCE North 76°56'09" East, 274.41 feet to a point 60.80 feet right of station 156+45.09;

THENCE South 62°32'42" West, 144.93 feet to a point 94.12 feet right of station 155+14.07;

THENCE South 87°49'01" West, 246.20 feet to a point 86.44 feet right of station 152+87.88;

THENCE South 11°52'57" West, 12.56 feet to a point 98.83 feet right of station 152+86.02;

THENCE North 76°34'02" West, 71.37 feet to a point 87.71 feet right of station 152+21.52;

THENCE North $77^{\circ}12'52''$ West, 59.79 feet to a point 82.62 feet right of station 151+66.62;

THENCE North $76^{\circ}18'21''$ West, 176.74 feet to the POINT OF BEGINNING.

Said tract contains 10,586.83 square feet or 0.243 acre per the aforementioned right of way plans.

Attachment 5

(Legal Description of Temporary Easement for the Construction)

STATE OF GEORGIA	PROJECT: CAGLE ROAD IMPROVEMENTS, PARCEL 29
COUNTY OF HALL	TAX MAP #: 09094 000001
OWNER: AEROSPACE SCIENCE FOUNDATION, INC.	4401 CAGLE ROAD

Granted is temporary easement for the construction of slopes based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lot 94 of the 9th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 51.45 feet right of station 159+93.59 per right of way plans prepared by Hussey, Gay, Bell for Department of Public Works, Hall County, Cagle Road Improvements, having a completed date of 1-4-2023;

THENCE along a curve to the left having a radius of 580.00 feet and an arc length of 12.33 feet, being subtended by a chord bearing and distance of North 42°47'22" East, 12.33 feet to a point 48.29 feet right of station 160+05.51;

THENCE North 42°10'50" East, 49.79 feet to a point 35.00 feet right of station 160+53.50;

THENCE North 57°39'40" East, 129.23 feet to a point 35.00 feet right of station 161+82.72;

THENCE along a curve to the right having a radius of 965.00 feet and an arc length of 322.02 feet, being subtended by a chord bearing and distance of North 67°13'15" East, 320.53 feet to a point 35.00 feet right of station 165+16.42;

THENCE North 76°46'50" East, 183.58 feet to a point 35.00 feet right of station 167+00.00;

THENCE North 71°19'06" East, 50.23 feet to a point 30.22 feet right of station 167+50.00;

THENCE North 76°51'52" East, 154.21 feet to a point 30.44 feet right of station 169+04.21;

THENCE South 63°32'01" West, 242.43 feet to a point 86.00 feet right of station 166+68.24;

THENCE South 70°03'08" West, 54.11 feet to a point 92.34 feet right of station 166+14.50;

THENCE North 82°42'30" West, 78.44 feet to a point 64.85 feet right of station 165+41.03;

THENCE South 74°22'40" West, 210.72 feet to a point 55.21 feet right of station 163+18.34;

THENCE South 57°28'15" West, 229.29 feet to a point 64.65 feet right of station 160+81.17;

THENCE South 66°13'46" West, 88.57 feet to the POINT OF BEGINNING.

Said tract contains 26,473.39 square feet or 0.608 acre per the aforementioned right of way plans.

Attachment 6

(Section of Project Plans Depicting Parcel 29 and Call Sheet for Parcel 29)

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 January 11, 2024, 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)