

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

HALL COUNTY, GEORGIA,)

Petitioner-Condempnor,)

VS.)

CIVIL ACTION
FILE NO. _____

That certain rights of way and certain)
easements over, across, and through certain)
property owned by AEROSPACE SCIENCE)
FOUNDATION, INC. (the "Property"), said)
Property being located in Hall County,)
Georgia, being designated as tax map number)
09094 000001 by the taxing authorities of Hall)
County, said Property being known as 4401)
Cagle Road, and being the property shown as)
PARCEL 29 on plans prepared by Hussey Gay)
Bell, entitled "Cagle Road Improvements)
Project," said plans having an approval date of)
August 3, 2023 (the "Project Plans"); said)
rights of way and easement consists of the)
following:)

(PARCEL NO. 29)

That certain Right of Way shown on the)
Project Plans for Parcel 29, containing 0.053)
acre, more or less;)

DECLARATION OF TAKING

That certain Right of Way shown on the)
Project Plans for Parcel 29, containing .282)
acre, more or less;)

That certain Temporary Construction)
Easement for the purpose of constructing)
slopes, consisting of 0.243 acre, more or less, as)
shown on the Project Plans;)

That certain Temporary Construction)
Easement for the purpose of constructing)
slopes, consisting of 0.608 acre, more or less, as)
shown on the Project Plans;)

AEROSPACE SCIENCE FOUNDATION,)
INC.;)
JAMES C. WU;)
LANIER COVE ASSOCIATES;)
BANK OF AMERICA f/k/a NATIONSBANK,)
N.A. (SOUTH), f/k/a BANK SOUTH, f/k/a)
BANK OF CUMMING;)
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 January 11, 2024 (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, certain rights of way and temporary easements for the purpose of constructing slopes in connection with roadway improvements for and the realignment of Cagle Road in Hall County, Georgia (the “Project”); 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, 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”); and

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

WHEREAS, said rights of way and easements are being acquired for public road purposes upon, across, and over property owned by AEROSPACE SCIENCE FOUNDATION, INC., 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 4401 Cagle Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; 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 believed to be owned by AEROSPACE SCIENCE FOUNDATION, INC., whose registered agent is located at 3639 Residential Parkway, Atlanta, Georgia, 30340; and

WHEREAS, the Acquired Interests are described as follows:

- (1) A right of way, in fee simple, along the portion of the Project, consisting of 0.282 acre, more or less (see **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 easement); and
- (2) A right of way, in fee simple, along the portion of the Project, consisting of .053 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said easement); and
- (3) A temporary construction easement for the purpose of constructing slopes, consisting of 0.243 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Description of Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said easement); and
- (4) A temporary construction easement for the purpose of constructing slopes, consisting of 0.608 acre, more or less (see **Schedule 1: Resolution, Attachment 5: Description of Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said easement);

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 2-7**, attached hereto) is **\$10,100.00** 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 2-7**, attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____ day of _____, 2024.

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

By: _____
Chairman

ATTEST:
Jennifer Rivera, County Clerk
(SEAL)

Approved as to form:

County Attorney
William J. Linkous, III

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

Schedule 2 to Declaration of Taking
(Copy of Appraiser's Statement)