

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 DANJI, LLC, said Property)
being located in Hall County, Georgia, being)
designated as tax map numbers 15020A000012,)
15020A000012A, and 15020A000010 by the)
taxing authorities of Hall County, said)
Properties being known as 2862 White Sulphur)
Road, 2894 White Sulphur Road, and 3323)
Seymour Road, respectively, and being the)
properties shown as PARCELS 1, 3, and 7 on)
plans prepared by Volkert, Inc., entitled “White)
Sulphur Road Realignment Project,” said plans)
having an approval date of February 14, 2023)
(the “Project Plans”); said rights of way and)
easements consist of the following:)

(PARCEL NOS. 1, 3, and 7)

That certain Right of Way shown on the Project)
Plans for Parcel 1, containing 0.482 acre, more)
or less;)

DECLARATION OF TAKING

That certain Right of Way shown on the Project)
Plans for Parcel 1, containing 0.031 acre, more)
or less;)

That certain Right of Way shown on the Project)
Plans for Parcel 3, containing 3.476 acres, more)
or less;)

That certain Right of Way shown on the Project)
Plans for Parcel 7, containing 1.108 acres, more)
or less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 1, for the purpose)
of drainage, consisting of 0.353 acre, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 1, for the purpose)
of drainage, consisting of 0.090 acre, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 3, for the purpose)
of drainage, consisting of 0.053 acre, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 3, for the purpose)
of drainage, consisting of 0.075 acre, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 3, for the purpose)
of drainage, consisting of 1.148 acres, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 7, for the purpose)
of drainage, consisting of 0.044 acre, more or)
less;)

That certain Permanent Easement, as shown on)
the Project Plans for Parcel 7, for the purpose)
of drainage, consisting of 0.299 acre, more or)
less;)

That certain Temporary Construction)
Easement, as shown on the Project Plans for)
Parcel 1, for the purpose of constructing slopes,)
consisting of 1.261 acres, more or less;)

That certain Temporary Construction)
Easement, as shown on the Project Plans for)
Parcel 3, for the purpose of constructing slopes,)
consisting of 0.006 acre, more or less;)

That certain Temporary Construction)
Easement, as shown on the Project Plans for)
Parcel 3, for the purpose of constructing slopes,)
consisting of 2.136 acres, more or less;)

That certain Temporary Construction Easement, as shown on the Project Plans for Parcel 3, for the purpose of constructing slopes, consisting of 0.063 acre, more or less;

That certain Temporary Construction Easement, as shown on the Project Plans for Parcel 3, for the purpose of constructing slopes, consisting of 2.031 acre, more or less;

That certain Temporary Construction Easement, as shown on the Project Plans for Parcel 7, for the purpose of constructing slopes, consisting of 0.927 acre, more or less;

That certain Temporary Construction Easement, as shown on the Project Plans for Parcel 7, for the purpose of constructing slopes, consisting of 0.906 acre, more or less;

DANJI, LLC;

JIMCO INSURANCE COMPANY OF GEORGIA, LTD;

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 March 14, 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 White Sulphur Road in Hall County, Georgia (the “Project”); and

WHEREAS, Project is located in Land District 19, G.M.D. 403 and 411, and Land Lot 111 of Hall County, Georgia, and consists of the realignment of White Sulphur Road to improve traffic flow in the vicinity as a result of the Blue Ridge Connector (Inland Port); and

WHEREAS, plans for the Project were designed by Volkert, Inc. and are entitled “White Sulphur Road Realignment Project,” Purchase Order Number 1162100, and have an approval date of February 14, 2023 (the “Project Plans”); 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 rights of way and easements are being acquired for public road purposes upon, across, and over property owned by DANJI, 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 2862 White Sulphur Road, Gainesville, Georgia 30501 ("Parcel 1"); 2894 White Sulphur Road, Gainesville, Georgia 30501 ("Parcel 3"); 3323 Seymour Road, Gainesville, Georgia 30501 ("Parcel 7"), 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 DANJI, LLC, whose principal office address is P.O. Box 2935, Gainesville, Georgia 30503; and

WHEREAS, the Acquired Interests are described as follows:

- (1) Parcel 1
 - a. A right of way consisting of 0.482 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Schedule 1: Resolution, Attachment 2**, and by reference made a part hereof; and
 - b. A right of way consisting of 0.031 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Schedule 1: Resolution, Attachment 3**, and by reference made a part hereof; and

- c. A permanent easement for the purpose of drainage, consisting of 0.353 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 4**, and by reference made a part hereof; and
- d. A permanent easement for the purpose of drainage, consisting of 0.090 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 5**, and by reference made a part hereof; and
- e. A temporary easement for the construction of slopes, consisting of 1.261 acres, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 6**, and by reference made a part hereof; and

(2) Parcel 3

- a. A right of way consisting of 3.476 acres, more or less. A metes and bounds description of said right of way is attached hereto as **Schedule 1: Resolution, Attachment 7**, and by reference made a part hereof; and
- b. A permanent easement for the purpose of drainage, consisting of 0.053 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 8**, and by reference made a part hereof; and
- c. A permanent easement for the purpose of drainage, consisting of 0.075 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 9**, and by reference made a part hereof; and
- d. A permanent easement for the purpose of drainage, consisting of 1.148 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 10**, and by reference made a part hereof; and
- e. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.006 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 11**, and by reference made a part hereof; and
- f. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 2.136 acres, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 12**, and by reference made a part hereof; and

- g. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.063 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 13**, and by reference made a part hereof; and
 - h. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 2.031 acres, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 14**, and by reference made a part hereof; and
- (3) Parcel 7
- a. A right of way consisting of 1.108 acres, more or less. A metes and bounds description of said right of way is attached hereto as **Schedule 1: Resolution, Attachment 15**, and by reference made a part hereof; and
 - b. A permanent easement for the purpose of drainage, consisting of .044 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 16**, and by reference made a part hereof; and
 - c. A permanent easement for the purpose of drainage, consisting of 0.299 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 17**, and by reference made a part hereof; and
 - d. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.927 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 18**, and by reference made a part hereof; and
 - e. A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.906 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Schedule 1: Resolution, Attachment 19**, and by reference made a part hereof; 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 2-19**, attached hereto) is **\$1,023,300.00**, 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 2-19**, 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)*