

**RESOLUTION**  
**(Parcel Nos. 4, 5, and 6)**

**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 BENJI BRONSON MILLER 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 February 14, 2023, the location and design of the White Sulphur Road Realignment Project (Federal Award ID Number 04-0107651 and Purchase Order Number 1162100) were approved, a plat or map showing the location and design of said Project ("Project Plans") is on file with Hall County Public Works and Hall County Board of Commissioners Office; and

**WHEREAS**, said White Sulphur Road Realignment Project (the "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**, 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 White Sulphur Road Realignment Project; and

**WHEREAS**, portions of the property necessary to be acquired for the Project are owned by Benji Bronson Miller (hereinafter referred to as "Owner"); and

**WHEREAS**, Benji Bronson Miller is the owner of three properties upon which certain rights of way and easements shall be acquired for the Project, to wit: 1) 3340 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000020); 2) 3331 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000011); and 3) 3337 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000031); and

**WHEREAS**, a description of the entirety of the properties affected, which are owned by Owner is attached hereto as **Attachment 1**, and by reference made a part hereof (said properties being hereinafter sometimes referred to according to the Department of Transportation Plans for the

Project as follows: 1) 3340 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000020) is referred to as Parcel 4; 2) 3331 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000011) is referred to as Parcel 5; 3) 3337 Seymour Road, Gainesville, Georgia 30501 (Parcel ID 15020A000031) is referred to as Parcel 6; and

**WHEREAS**, Board of Commissioners has further determined that the portions of Parcel 4 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way consisting of 0.027 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; and
- (2) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.233 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 3**, and by reference made a part hereof; and

**WHEREAS**, Board of Commissioners has further determined that the portions of Parcel 5 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way consisting of 0.349 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Attachment 4**, and by reference made a part hereof; and
- (2) A right of way consisting of 0.127 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Attachment 5**, and by reference made a part hereof; and
- (3) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.046 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 6**, and by reference made a part hereof; and
- (4) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.127 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 7**, and by reference made a part hereof; and
- (5) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.071 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 8**, and by reference made a part hereof; and

**WHEREAS**, Board of Commissioners has further determined that the portions of Parcel 6 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way consisting of 0.446 acre, more or less. A metes and bounds description of said right of way is attached hereto as **Attachment 9**, and by reference made a part hereof; and
- (2) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.632 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 10**, and by reference made a part hereof; and
- (3) A temporary easement for the purpose of constructing and maintaining slopes, consisting of 0.003 acre, more or less. A metes and bounds description of said temporary easement is attached hereto as **Attachment 11**, and by reference made a part hereof; and

**WHEREAS**, attached hereto as **Attachment 12**, and by reference made a part hereof, 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 Parcels 4, 5, and 6 (the “Parcels 4, 5, and 6 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 Parcels 4, 5, and 6 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 **\$421,900.00**, which amount is the fair market value of the Parcels 4, 5, and 6 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 14th day of March, 2024, to become effective immediately upon its execution, the public health, safety, and general welfare demanding it.

**HALL COUNTY BOARD OF  
COMMISSIONERS**

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Richard Higgins, Chairman

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Commissioner, District 1  
Kathy Cooper

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Commissioner, District 2  
Billy Powell

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Commissioner, District 3  
Gregg Poole

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Commissioner, District 4  
Jeff Stowe

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ATTEST:  
Jennifer Rivera, County Clerk

(SEAL)

Approved as to form:

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County Attorney  
William J. Linkous, III

**Attachment 1**  
**(Legal Description of the Entirety of Owner's Property)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 4**  
**TAX MAP #: 15020A000020**

**OWNER: BENJI BRONSON MILLER**

**3340 Seymour Road**

**STATE OF GEORGIA  
COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651  
P.I. #: 1162100, PARCEL 5  
TAX MAP #: 15020A000011**

**3331 Seymour Road**

**STATE OF GEORGIA  
COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651  
P.I. #: 1162100, PARCEL 6  
TAX MAP #: 15020A000031**

**3337 Seymour Road**

**Attachment 2  
(Parcel 4)  
(Legal Description of Right of Way)**

**STATE OF GEORGIA  
COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651  
P.I. #: 1162100, PARCEL 4  
TAX MAP #: 15020A000020**

**3340 Seymour Road**



**Attachment 3**  
**(Parcel 4)**  
**(Legal Description of Temporary Slopes Easement)**

<b>STATE OF GEORGIA</b>	<b>PROJECT #: 04-0107651</b>
<b>COUNTY OF HALL</b>	<b>P.I. #: 1162100, PARCEL 4</b>
<b>OWNER: BENJI BRONSON MILLER</b>	<b>TAX MAP #: 15020A000020</b>
	<b>3340 Seymour Road</b>

**Attachment 4**  
**(Parcel 5)**  
**(Legal Description of Right of Way)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 5**  
**TAX MAP #: 15020A000011**

**3331 Seymour Road**

**Attachment 5**  
**(Parcel 5)**  
**(Legal Description of Right of Way)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 5**  
**TAX MAP #: 15020A000011**

**3331 Seymour Road**

**Attachment 6**

**(Parcel 5)**  
**(Legal Description of Temporary Easement for Slopes)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 5**  
**TAX MAP #: 15020A000011**

**OWNER: BENJI BRONSON MILLER**

**3331 Seymour Road**

**(Parcel 5)**  
**(Legal Description of Temporary Easement for Slopes)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 5**  
**TAX MAP #: 15020A000011**

**3331 Seymour Road**

**Attachment 8**  
**(Parcel 5)**  
**(Legal Description of Temporary Easement for Slopes)**

**STATE OF GEORGIA**

**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**

**P.I. #: 1162100, PARCEL 5**

**TAX MAP #: 15020A000011**

**3331 Seymour Road**

**Attachment 9**  
**(Parcel 6)**  
**(Legal Description of Right of Way)**

**STATE OF GEORGIA**  
**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**  
**P.I. #: 1162100, PARCEL 6**  
**TAX MAP #: 15020A000031**

**3337 Seymour Road**

**Attachment 10**  
**(Parcel 6)**  
**(Legal Description of Temporary Easement for Slopes)**

**STATE OF GEORGIA**

**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**

**P.I. #: 1162100, PARCEL 6**

**TAX MAP #: 15020A000031**

**3337 Seymour Road**



**Attachment 11**  
**(Parcel 6)**  
**(Legal Description of Temporary Easement for Slopes)**

**STATE OF GEORGIA**

**COUNTY OF HALL**

**OWNER: BENJI BRONSON MILLER**

**PROJECT #: 04-0107651**

**P.I. #: 1162100, PARCEL 6**

**TAX MAP #: 15020A000031**

**3337 Seymour Road**

**Attachment 12**

**(Plat of Project Plans Depicting Parcels 4, 5, and 6  
and Call Sheets for Parcels 4, 5, and 6)**

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 March 14, 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 \_\_\_\_\_, 2024.

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JENNIFER RIVERA  
Clerk of the Board of Commissioners of  
Hall County, Georgia.

(SEAL OF HALL COUNTY)