

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 BENJI BRONSON )  
MILLER (the "Property"), said Property being )  
located in Hall County, Georgia, being )  
designated as tax map numbers 15020A000020, )  
15020A000011, and 15020A000031 by the )  
taxing authorities of Hall County, said )  
Properties being known as 3340 Seymour Road, )  
3331 Seymour Road, 3337 Seymour Road, )  
respectively, and being the properties shown as )  
PARCELS 4, 5, and 6 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 )  
easement consists of the following: )

(PARCEL NOS. 4, 5, and 6)

That certain Right of Way shown on the Project )  
Plans for Parcel 4, containing 0.027 acre, more )  
or less; )

DECLARATION OF TAKING

That certain Right of Way shown on the Project )  
Plans for Parcel 5, containing 0.349 acre, more )  
or less; )

That certain Right of Way shown on the Project )  
Plans for Parcel 5, containing 0.127 acre, more )  
or less;

That certain Right of Way shown on the Project )  
Plans for Parcel 6, containing 0.446 acre, more )  
or less;

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )

Parcel 4, for the purpose of constructing slopes, )  
consisting of 0.233 acre, more or less; )  
)

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )  
Parcel 5, for the purpose of constructing slopes, )  
consisting of 0.046 acre, more or less; )  
)

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )  
Parcel 5, for the purpose of constructing slopes, )  
consisting of 0.127 acre, more or less )  
)

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )  
Parcel 5, for the purpose of constructing slopes, )  
consisting of 0.071 acre, more or less )  
)

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )  
Parcel 6, for the purpose of constructing slopes, )  
consisting of 0.632 acre, more or less; )  
)

That certain Temporary Construction )  
Easement , as shown on the Project Plans for )  
Parcel 6, for the purpose of constructing slopes, )  
consisting of 0.003 acre, more or less; )  
)

BENJI BRONSON MILLER; )  
)

MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., as )  
nominee for Advanced Lending Network; )  
)

MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, as nominee for )  
Quicken Loans, Inc. )  
)

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 BENJI BRONSON MILLER, 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 3340 Seymour Road, Gainesville, Georgia 30501 ("Parcel 4"); 3331 Seymour Road, Gainesville, Georgia 30501 ("Parcel 5"); 3337 Seymour Road, Gainesville, Georgia 30501 ("Parcel 6"), 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 BENJI BRONSON MILLER, whose address is 3337 Seymour Road, Gainesville, Georgia 30501; and

**WHEREAS**, the Acquired Interests are described as follows:

- (1) Parcel 4
  - a. 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 **Schedule 1: Resolution, Attachment 2**, and by reference made a part hereof; and
  - b. 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 **Schedule 1: Resolution, Attachment 3**, and by reference made a part hereof; and
- (2) Parcel 5
  - a. 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 **Schedule 1: Resolution, Attachment 4**, and by reference made a part hereof; and
  - b. 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 **Schedule 1: Resolution, Attachment 5**, and by reference made a part hereof; and
  - c. 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 **Schedule 1: Resolution, Attachment 6**, and by reference made a part hereof; and
  - d. 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 **Schedule 1: Resolution, Attachment 7**, and by reference made a part hereof; and
  - e. 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 **Schedule 1: Resolution, Attachment 8**, and by reference made a part hereof; and
- (3) Parcel 6:
  - a. 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 **Schedule 1: Resolution, Attachment 9**, and by reference made a part hereof; and

- b. 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 **Schedule 1: Resolution, Attachment 10**, and by reference made a part hereof; and
- c. 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 **Schedule 1: Resolution, Attachment 11**, 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 2-12** (Schedule 1: Attachment 12 being a plat showing the lands taken) attached hereto) is **\$421,900.00** 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 2-12**, 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)*