

**RESOLUTION
(Parcel No. 10)**

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 SHIRLEY COLLINS, 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 Shirley Collins, (hereinafter referred to as "Owner"); and

WHEREAS, Owner is the owner of property upon which a certain right of way shall be acquired for the Project, to wit: 3255 White Sulphur Road, Gainesville, Georgia 30501 (Parcel ID 09108000066); and

WHEREAS, a description of the entirety of the property affected, which is owned by Owner, is attached hereto as **Attachment 1**, and by reference made a part hereof (said property being hereinafter sometimes referred to according to the Department of Transportation Plans for the Project as Parcel 10); and

WHEREAS, Board of Commissioners has further determined that the portion of Parcel 10 necessary to be acquired in connection with the construction of the Project is as follows:

- (1) A right of way consisting of 0.105 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

WHEREAS, attached hereto as **Attachment 3**, 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 Parcel 10 (the “Parcel 10 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 10 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 **\$36,400.00**, which amount is the fair market value of the Parcel 10 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**

Richard Higgins, Chairman

Commissioner, District 1
Kathy Cooper

Commissioner, District 2
Billy Powell

Commissioner, District 3
Gregg Poole

Commissioner, District 4
Jeff Stowe

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
COUNTY OF HALL**

OWNER: SHIRLEY COLLINS

**PROJECT #: 04-0107651
P.I. #: 1162100, PARCEL 10
TAX MAP #: 09108000066**

3255 White Sulphur Road

Attachment 2

(Legal Description of Right of Way)

**STATE OF GEORGIA
COUNTY OF HALL**

OWNER: SHIRLEY COLLINS

**PROJECT #: 04-0107651
P.I. #: 1162100, PARCEL 10
TAX MAP #: 09108000066**

3255 White Sulphur Road

Attachment 3
(Section of Project Plans Depicting Parcel 10
and Call Sheets for Parcel 10)

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.

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

(SEAL OF HALL COUNTY)