

**RESOLUTION**  
**(Parcel No. 22)**

**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 M & R INCOME PROPERTIES, LLC 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 January 2, 2020, the location and design of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)) were approved by the Georgia Department of Transportation; and

**WHEREAS**, said Sardis Road Connector Project (the “Project”) is located in Land Districts 9 and 10 and G.M.D. 570 of Hall County, Georgia, and consists of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways to provide a connector roadway between Georgia State Route 53 to the South and Georgia State Route 60 to the North; and

**WHEREAS**, the Project will begin at the Sardis Road and Chestatee Road intersection and will extend northward approximately 3.55 miles to Georgia State Route 60 ending near the intersection of State Route 60 and Mount Vernon Road; and

**WHEREAS**, the proposed roadway will consist of a four-lane curb and gutter divided roadway, having 2 lanes in each direction that will be separated by a 20-foot wide, 6 inch high curb and gutter median and sidewalks will be provided on both sides of the road having a design speed limit of 45 mph; 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 Sardis Road Connector; and

**WHEREAS**, a portion of the property necessary to be acquired is owned by M & R INCOME PROPERTIES, LLC (hereinafter referred to as “Owner”); and

**WHEREAS**, a description of the entirety of the property owned by Owner is attached hereto as **Attachment 1**, and by reference made a part hereof (said property being hereinafter sometimes referred to as “Parcel 22”); and

**WHEREAS**, the property described on **Attachment 1** is designated as tax map number 10072 003084 by the taxing authorities of Hall County; and

**WHEREAS**, Board of Commissioners has further determined that the portions of Parcel 22 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.007 acre, more or less. A metes and bounds description of said easement is attached hereto as **Attachment 2**, and by reference made a part hereof; and
- (2) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.014 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 3**, and by reference made a part hereof; and

**WHEREAS**, plans for the Project were prepared by WSP USA, Inc. for the Georgia Department of Transportation, are entitled “Right of Way of Proposed Sardis Road Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283, STP00-0003-00(626),” and have an approval date of January 2, 2020 and a last revised date of May 19, 2022 (the “Project Plans”), which Project Plans are on file in the Board of Commissioner’s Office; and

**WHEREAS**, attached hereto as **Attachment 4** is a copy of the section of the Project Plans showing the easements proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 22 (the “Parcel 22 Property Rights”); and

**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 22 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 \$2,600.00, which amount is the fair market value of the Parcel 22 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 July, 2022, 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  
Shelly Echols

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Commissioner, District 4  
Jeff Stowe

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ATTEST:  
Jennifer Rivera, County Clerk

(SEAL)

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

<b>STATE OF GEORGIA</b>	<b>PROJECT #: STP00-0003-00(626)</b>
<b>COUNTY OF HALL</b>	<b>P.I. #: 0003626, PARCEL 22</b>
	<b>TAX MAP #: 10072 003084</b>
<b>OWNER:</b>	
<b>M &amp; R INCOME PROPERTIES, LLC</b>	<b>2745 FRAN MAR DRIVE</b>

All that tract or parcel of land lying and being in Land Lot 72 of the 10th Land District, Hall County, Georgia, being known as Lot 4 of Section III of Fran-Mar Heights, as shown on plat made by Farley-Collins & Associates, Georgia Registered Land Surveyors, dated October 6, 1967, said plat being recorded in the Clerk's Office of the Superior Court of Hall County, Georgia, in Plat Book 38, pages 216-217, and being more particularly described by a plat of survey of the property of Clarence W. McClure, prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated July 26, 1972, recorded in the Clerk's Office of the Superior Court of Hall County, Georgia, in Plat Book 50, page 146. Said plats and the records thereof are incorporated herein for a full and complete description.

**Attachment 2**  
**(Legal Description of Permanent Slopes/Utility Relocation Easement)**

<b>STATE OF GEORGIA</b>	<b>PROJECT #: STP00-0003-00(626)</b>
<b>COUNTY OF HALL</b>	<b>P.I. #: 0003626, PARCEL 22</b>
	<b>TAX MAP #: 10072 003084</b>
<b>OWNER:</b>	
<b>M &amp; R INCOME PROPERTIES, LLC</b>	<b>2745 FRAN MAR DRIVE</b>

GRANTED IS A PERMANENT EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION AND MAINTENANCE OF SLOPES AND UTILITY RELOCATION, based on right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020, and last revised May 19, 2022 (the "Project Plans"). Attachment 4 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 22 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 22 (Sheet 21 of the Project Plans). Both Sheet 3 and Sheet 22 are dated October 18, 2019. Both Sheet 3 and Sheet 21 were last revised May 19, 2022.

All that tract or parcel of land lying and being in Land Lot 72 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 66.01 feet left of station 44+79.34 per the Project Plans;

Thence proceeding along the property now or formerly of Syliva Murillo North 89°59'01" East, 6.04 feet to a point on the existing western right of way of Fran Mar Drive, said right of way being 60 feet in width, said point also lying 59.97 feet left of station 44+79.34;

Thence proceeding along said right of way South 00°28'36" West, 100.60 feet to a point 60.81 feet left of station 43+78.74;

Thence proceeding thru the property now or formerly of M & R Income Properties, LLC North 2°57'34" West, 100.73 feet to the POINT OF BEGINNING.

Said tract contains 303.72 square feet or 0.007 acre per the aforementioned Project Plans.

Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as depicted in the Project Plans referenced above.

The property owner may place various items at its discretion (e.g., fences, signs, and landscaping, etc.) on the permanent easement so long as the functionality of the easement and/or utility is not compromised and such items are not in violation of federal or state laws, or county or city ordinances. In the event any improvement blocks required accessibility within the permanent easement, the same may be removed without any compensation to the property owner.

**Attachment 3**

**(Legal Description of Temporary Easement for the Construction of a Driveway)**

<b>STATE OF GEORGIA</b>	<b>PROJECT #: STP00-0003-00(626)</b>
<b>COUNTY OF HALL</b>	<b>P.I. #: 0003626, PARCEL 22</b>
	<b>TAX MAP #: 10072 003084</b>
<b>OWNER:</b>	
<b>M &amp; R INCOME PROPERTIES, LLC</b>	<b>2745 FRAN MAR DRIVE</b>

GRANTED IS A TEMPORARY CONSTRUCTION EASEMENT IN THE PROPERTY DESCRIBED BELOW FOR THE CONSTRUCTION OF A DRIVEWAY based on right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020, and last revised May 19, 2022 (the "Project Plans"). Attachment 4 to the Resolution, to which this Attachment 3 is attached, is a copy of the section of the Project Plans depicting Parcel 22 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 22 (Sheet 21 of the Project Plans). Both Sheet 3 and Sheet 22 are dated October 18, 2019. Both Sheet 3 and Sheet 21 were last revised May 19, 2022.

All that tract or parcel of land lying and being in Land Lot 72 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 63.62 feet left of station 44+33.06 per the Project Plans;

Thence North 90°00'00" West, 19.38 feet to a point 83.00 feet left of station 44+33.06;

Thence North 00°00'06" East, 34.00 feet to a point 83.00 feet left of station 44+67.06;

Thence North 90°00'00" East, 17.62 feet to a point 65.38 feet left of station 44+67.06;

Thence South 2°57'42" East, 34.05 feet to the POINT OF BEGINNING.

Said tract contains 629.00 square feet or 0.014 acre per the aforementioned Project Plans.

Said described land being a temporary easement for the right to construct a driveway to connect the newly constructed or widened road right of way to the property owner's remaining lands for driveway purposes. Said temporary easement is depicted in the Project Plans referenced above. Said temporary easement shall be for a duration beginning on the date construction of the Project begins and shall terminate on the date which is five (5) years after the date on which construction of the Project began.

Upon completion of the Project, the driveway will remain in place for use by the property owner.

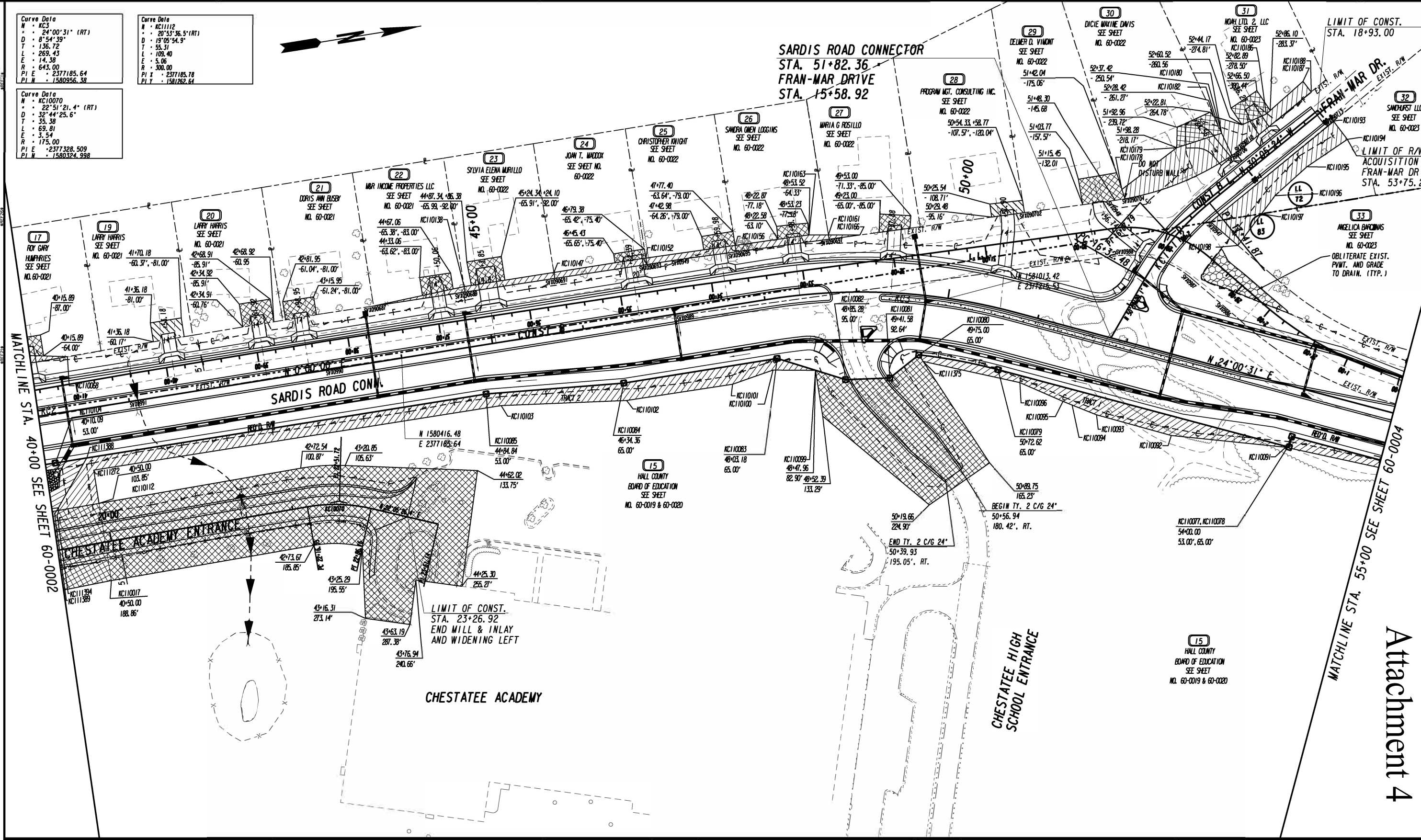
**Attachment 4**

**(Section of Project Plans Depicting Parcel 22 and Call Sheet for Parcel 22)**

Curve Data M = KC3 D = 24'00"31" (RT) T = 136.72 L = 269.43 E = 14.38 R = 643.00 PI E = 2377185.64 PI N = 1580256.38	Curve Data M = KC11112 D = 20'53"36.5" (RT) T = 19'05"54.9" L = 105.40 E = 3.06 R = 300.00 PI X = 2377185.78 PI Y = 1581262.64
Curve Data M = KC10070 D = 32'44"25.6" T = 35.38 L = 69.81 E = 3.54 R = 175.00 PI E = 2377328.509 PI N = 1580324.998	



**SARDIS ROAD CONNECTOR**  
STA. 51+82.36  
**FRAN-MAR DRIVE**  
STA. 15+58.92



PROPERTY AND EXISTING R/W LINE	---
REQUIRED R/W LINE	---
CONSTRUCTION LIMITS	---
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	---G---F---
EASEMENT FOR CONSTR OF SLOPES	---/---/---
EASEMENT FOR CONSTR OF DRIVES	---X---X---

BEGIN LIMIT OF ACCESS.....BLA	---
END LIMIT OF ACCESS.....ELA	---
LIMIT OF ACCESS	---o---o---
R/W AND LIMIT OF ACCESS	---  ---  ---
EXISTING R/W LINE	---

SCALE IN FEET



DATE	REVISIONS
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON
03/26/2021	PAR 23 REV DMY, PAR 29/30 DO NOT DTB WALL NOTE
06/25/2021	PAR 15 REVISED REOD, PESMT, DRESMT, ADDED PERM DRAIN ESMT
10/05/2021	PAR 30 REVISED DRESMT
01/13/2022	PAR 22 REVISED DMY ESMT
05/19/2022	PAR 24 WIDENED DMY

DATE	REVISIONS
05/19/2022	PAR 19 & 28 CHANGED DMY ESMT TO TESMT

STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION	
<b>RIGHT OF WAY MAP</b>	
PROJECT NO:	0003626
COUNTY:	HALL
LAND LOT NO.:	72.83
LAND DISTRICT:	10
GWD:	570
DATE:	10/18/19 SH 03 OF 59



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PARCEL 16 REQ'D R/W KC3025  
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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090671	149.89 L	36+98.38 N 0°08'49.1" W	SARDIS RD CONNECTOR
SVX090673	187.69 L	38+23.73 S 89°59'51.2" E	SARDIS RD CONNECTOR
SVX090676	42.65 L	38+69.06 S 0°47'06.9" E	SARDIS RD CONNECTOR
SVX0952	22.80 L	37+97.88	SARDIS RD CONNECTOR
ARC LENGTH = 29.602 CHORD BEAR = S 0°07'18.3" E LNTH CHORD = 29.601 RADIUS = 1959.385 DEGREE = 2°55'27"			
SVX090675	12.63 L	37+69.30 N 89°59'51.2" W	SARDIS RD CONNECTOR
SVX090671	149.89 L	36+98.38	SARDIS RD CONNECTOR
REQD R/W = 15018.30 SF REQD R/W = 0.345 ACRES REMAINDER = +/- 0.000 ACRES			

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PARCEL 17 REQ'D R/W KC3028  
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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110055	49.00 L	38+67.54	SARDIS RD CONNECTOR
ARC LENGTH = 31.683 CHORD BEAR = N 11°03'18.7" E LNTH CHORD = 31.679 RADIUS = 601.000 DEGREE = 9°32'0"			
KC110061	49.00 L	39+01.81 S 0°46'59.6" E	SARDIS RD CONNECTOR
SVX090676	42.65 L	38+69.06 N 89°59'51.2" W	SARDIS RD CONNECTOR
KC110055	49.00 L	38+67.54	SARDIS RD CONNECTOR
REQD R/W = 96.63 SF REQD R/W = 0.002 ACRES REMAINDER = +/- 0.340 ACRES			

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PARCEL 17 REQ'D PERM. EASMT. KC3029  
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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110056	83.20 L	38+58.79 N 23°04'49.7" E	SARDIS RD CONNECTOR
KC110062	75.36 L	39+02.09 N 10°49'43.8" E	SARDIS RD CONNECTOR
KC110063	70.16 L	39+75.61 N 10°49'42.3" E	SARDIS RD CONNECTOR
KC110068	59.12 L	40+41.33 S 0°47'21.7" E	SARDIS RD CONNECTOR
SVX090678	57.47 L	39+76.35 S 0°47'06.9" E	SARDIS RD CONNECTOR
KC110064	53.09 L	39+29.50 S 0°47'15.7" E	SARDIS RD CONNECTOR
KC110061	49.00 L	39+01.81	SARDIS RD CONNECTOR
ARC LENGTH = 31.683 CHORD BEAR = S 11°03'18.7" W LNTH CHORD = 31.679 RADIUS = 601.000 DEGREE = 9°32'0"			
KC110055	49.00 L	38+67.54 N 89°59'51.2" W	SARDIS RD CONNECTOR
KC110056	83.20 L	38+58.79	SARDIS RD CONNECTOR
REQD EASMT = 2742.99 SF REQD EASMT = 0.063 ACRES			

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PARCEL 17 REQ'D DRWY. EASMT. KC3030  
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PNT	OFFSET	STATION	ALIGNMENT
KC110056	83.20 L	38+58.79	SARDIS ROAD CONNECTOR
KC110057	120.63 L	38+47.87	SARDIS ROAD CONNECTOR
KC110065	127.73 L	38+87.27	SARDIS ROAD CONNECTOR
KC110066	103.00 L	39+45.67	SARDIS ROAD CONNECTOR
KC110067	73.31 L	39+44.00	SARDIS ROAD CONNECTOR
KC110062	75.36 L	39+02.09	SARDIS ROAD CONNECTOR
KC110056	83.20 L	38+58.79	SARDIS ROAD CONNECTOR

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PARCEL 17 REQ'D DRWY. EASMT. KC3032  
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PNT	OFFSET	STATION	ALIGNMENT
KC110069	87.00 L	39+77.52	SARDIS RD CONNECTOR
KC110070	87.00 L	40+15.89	SARDIS RD CONNECTOR
KC110071	64.00 L	40+15.89	SARDIS RD CONNECTOR
KC110072	69.80 L	39+78.49	SARDIS RD CONNECTOR
KC110069	87.00 L	39+77.52	SARDIS RD CONNECTOR

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PARCEL 19 REQ'D TEMP. EASMT. KC3038  
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PNT	OFFSET	STATION	ALIGNMENT
KC110126	81.00 L	41+70.18	SARDIS RD CONNECTOR
KC110127	60.37 L	41+70.18	SARDIS RD CONNECTOR
KC110128	60.17 L	41+36.18	SARDIS RD CONNECTOR
KC110129	81.00 L	41+36.18	SARDIS RD CONNECTOR
KC110126	81.00 L	41+70.18	SARDIS RD CONNECTOR
REQD EASMT AREA = 704.77 SF			

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PARCEL 20 REQ'D DRWY. EASMT. KC3039  
.....

PNT	OFFSET	STATION	ALIGNMENT
KC110130	85.91 L	42+68.91	SARDIS RD CONNECTOR
KC110131	60.95 L	42+68.92	SARDIS RD CONNECTOR
KC110132	60.76 L	42+34.91	SARDIS RD CONNECTOR
KC110133	85.91 L	42+34.92	SARDIS RD CONNECTOR
KC110130	85.91 L	42+68.91	SARDIS RD CONNECTOR

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PARCEL 21 REQ'D DRWY. EASMT. KC3040  
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PNT	OFFSET	STATION	ALIGNMENT
KC110134	81.00 L	43+15.95	SARDIS RD CONNECTOR
KC110135	61.24 L	43+15.95	SARDIS RD CONNECTOR
KC110136	61.04 L	42+81.95	SARDIS RD CONNECTOR
KC110137	81.00 L	42+81.95	SARDIS RD CONNECTOR
KC110134	81.00 L	43+15.95	SARDIS RD CONNECTOR

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PARCEL 22 REQ'D PERM. EASMT. KC3041  
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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110138	66.01 L	44+79.34 N 89°59'00.6" E	SARDIS RD CONNECTOR
SVX090689	59.97 L	44+79.34 S 0°28'36.3" W	SARDIS RD CONNECTOR
SVX090687	60.81 L	43+78.74 N 2°57'34.5" W	SARDIS RD CONNECTOR
KC110138	66.01 L	44+79.34	SARDIS RD CONNECTOR
REQD EASMT = 303.72 SF REQD EASMT = 0.007 ACRES			

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PARCEL 22 REQ'D DRWY. EASMT. KC3042  
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PNT	OFFSET	STATION	ALIGNMENT
KC110141	63.62 L	44+33.06	SARDIS RD CONNECTOR
KC110142	83.00 L	44+33.06	SARDIS RD CONNECTOR
KC110143	83.00 L	44+67.06	SARDIS RD CONNECTOR
KC110144	65.38 L	44+67.06	SARDIS RD CONNECTOR
KC110141	63.62 L	44+33.06	SARDIS RD CONNECTOR



DATE	REVISIONS	DATE	REVISIONS
01/13/2022	PAR 22 REVISED DRY ESMT		
02/15/2022	PAR 17 REVISED DRESMT		
05/19/2022	PAR 19 CHANGED DRY ESMT TO TESMT		

STATE OF GEORGIA  
DEPARTMENT OF TRANSPORTATION  
**RIGHT OF WAY TABLES**  
PROJECT NO: 0003626  
COUNTY: HALL  
LAND LOT NO.:  
LAND DISTRICT:  
GWD: 570  
DATE 10/18/19 SH 21 OF 59

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 \_\_\_\_\_, 2022, 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 \_\_\_\_\_, 2022.

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

(SEAL OF HALL COUNTY)