

**IN THE SUPERIOR COURT FOR THE COUNTY OF HALL  
STATE OF GEORGIA**

HALL COUNTY, GEORGIA, )  
)  
Petitioner-Condennor, )

VS. )

**CIVIL ACTION  
FILE NO. \_\_\_\_\_**

Those certain easements over, across, and )  
through certain property owned by NOAH )  
LTD 2, LLC (the “Property”), said Property )  
being located in Land Lot 72 of the 10th Land )  
District, Hall County, Georgia, being )  
designated as tax map number 10072 003075 )  
by the taxing authorities of Hall County, and )  
known as 2781 Fran Mar Drive, and being the )  
property shown as PARCEL 31 on plans )  
prepared by WSP USA, Inc. for the Georgia )  
Department of Transportation, 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),” said )  
plans having an approval date of January 2, )  
2020, and a last revised date of May 19, 2022 )  
(the “Project Plans”); said easements consist of )  
the following: )

**(PARCEL NO. 31)**

**DECLARATION OF TAKING**

That certain Temporary Construction )  
Easement for the construction of a driveway, )  
consisting of 0.019 acre, more or less, as shown )  
on the Project Plans; )

That certain Permanent Easement for )  
Construction and Maintenance of Slopes and )  
Utility Relocation, consisting of 0.047 acre, )  
more or less, as shown on the Project Plans; )

NOAH LTD 2, LLC; )

Mortgage Electronic Registrations Systems, )  
 Inc. (MERS) as nominee for Regions Bank, )  
 d/b/a Regions Mortgage; )  
 )  
 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 July 14, 2022 (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, (i) a temporary construction easement for the purpose of constructing a driveway and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the “Project”); and

**WHEREAS**, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

**WHEREAS**, the plans for the Project (the “Project Plans”) 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),” have a completion date of October 18, 2019, and were last revised on May 19, 2022; 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 easements are being acquired for public road purposes upon, across, and over property owned by NOAH LTD 2, 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 2781 Fran Mar Drive, Gainesville, Hall County, Georgia, 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 owned by Condemnee NOAH LTD 2, LLC, whose registered office is located at 2161 Elysian Circle, Gainesville, Hall County, Georgia 30501, and whose registered agent, WILLIAM DEWAYNE LOGGINS, may be served at said address; and

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

- (A) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.019 acre, more or less (see **Schedule 1: Resolution, Attachment 2**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and
- (B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.047 acre, more or less (see **Schedule 1: Resolution, Attachment 3**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); 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 and 3** attached hereto) is **\$2,400.00**, 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 and 3**, attached hereto and made a part of this Declaration) are being taken for county road purposes.

This \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**BOARD OF COMMISSIONERS OF  
HALL COUNTY, GEORGIA**

By: \_\_\_\_\_  
Chairman

\_\_\_\_\_  
ATTEST:  
Jennifer Rivera, County Clerk

(SEAL)

***Schedule 1 to Declaration of Taking  
(Certified copy of Authoring Resolution adopted by the County)***

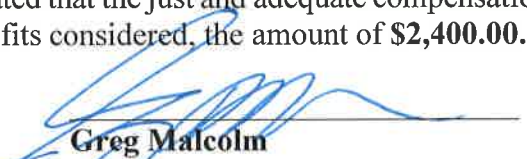
**SCHEDULE 2: DECLARATION OF TAKING  
(Parcel No. 31)**

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by NOAH LTD 2, LLC, located at 2781 Fran Mar Dr., Gainesville, Georgia 30506 (Parcel No. 31), consisting of 0.047 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.019 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **\$2,400.00**.

  
**Greg Malcolm**  
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,  
this 28<sup>th</sup> day of June, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC

(NOTARY SEAL)

My commission expires \_\_\_\_\_

