RESOLUTION (Parcel No. 75)

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 BOWEN AND BOWEN HOMEBUILDERS, 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 BOWEN AND BOWEN HOMEBUILDERS, 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 75"); and

WHEREAS, the property described on <u>Attachment 1</u> is designated as tax map number 10097 000121 by the taxing authorities of Hall County; and

WHEREAS, the property is located within the municipal limits of the City of Gainesville, Georgia (the "City"), and the Project and acquisition of the property in furtherance of the Project is expected to be authorized by the City at an upcoming City Council meeting; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 75 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Ledan Road in connection with the widening of Ledan Road, said right of way consisting of 0.333 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 permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.043 acre, more or less. A metes and bounds description of said 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 <u>Attachment 4</u> is a copy of the section of the Project Plans showing the right of way and easement proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 75 (the "Parcel 75 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 75 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 \$192,100.00, which amount is the fair market value of the Parcel 75 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 SECTION INTENTIONALLY LEFT BLANK]

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
	Richard Higgins, Chairman
	Commissioner, District 1 Kathy Cooper
	Commissioner, District 2 Billy Powell
	Commissioner, District 3 Shelly Echols
	Commissioner, District 4 Jeff Stowe
ATTEST: Jennifer Rivera, County Clerk	
(SEAL)	

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

STATE OF GEORGIA PROJECT #: STP00-0003-00(626)
COUNTY OF HALL P.I. #: 0003626, PARCEL 75

TAX ID #: 10097 000121

OWNER:

BOWEN AND BOWEN 3857 NW LEDAN ROAD

HOMEBUILDERS, LLC

All that tract or parcel of land lying and being in Land Lot 97 of the 10th District, located in the City of Gainesville, Hall County, Georgia, and being shown and designated as Lot 4, Windsor Forest Subdivision, as shown on a plat prepared for Carter & Carter, Inc. by Jordan, Jones and Goulding, GRLS, dated May 25, 2006, recorded in Plat Book 849, pages 240-246, Hall County Records. Said plat being incorporated herein and made a part hereof by reference.

Attachment 2 (Legal Description of Right of Way)

 STATE OF GEORGIA
 PROJECT #: STP00-0003-00(626)

 COUNTY OF HALL
 P.I. #: 0003626, PARCEL 75

TAX ID #: 10097 000121

OWNER:

BOWEN AND BOWEN 3857 NW LEDAN ROAD

HOMEBUILDERS, LLC

GRANTED IS AN ADDITIONAL, REQUIRED RIGHT OF WAY, IN FEE SIMPLE, IN THE PROPERTY DESCRIBED BELOW, 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 75 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 75 (Sheet 35 of the Project Plans). Sheet 9 and Sheet 35 are both dated October 18, 2019. Sheet 9 was last revised March 12, 2021. There have been no revisions to Sheet 35.

All that tract or parcel of land lying and being in Land Lot 97 of the 10th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point on the existing South right of way of Ledan Road, said right of way being 60 feet in width, said point also lying 7.38 feet right of station 117+35.20 per the Project Plans;

Thence along the South right of way of Ledan Road the following courses and distances North 64°42'44" East, 132.51 feet to a point lying 7.17 feet right of station 118+67.71;

Thence North 65°15'19" East, 92.46 feet to a point lying 7.90 feet right of station 119+60.17;

Thence 39.31 feet along a curve to the right, said curve having a chord of South 69°09'33" East 35.38 feet and a radius of 25.00 feet to a point on the South right of way of Windsor Trail being a 50 foot right of way, said point also lying 33.37 feet right of station 119+84.73;

Thence along the South right of way of Windsor Trail South 24°07'00" East, 66.15 feet to a point lying 99.51 feet right of station 119+83.48;

Thence leaving the South right of way of Windsor Trail and proceeding thru property of Bowen & Bowen Homebuilders, LLC the following courses and distances North 50°49'56" West, 38.28 feet to a point lying 65.00 feet right of station 119+66.92;

Thence South 64°48'06" West, 231.73 feet to a point lying 65.00 feet right of station 117+35.19;

Thence along other property now or formerly of property of Bowen & Bowen Homebuilders, LLC North 25°11'09" West, 57.62 feet to the POINT OF BEGINNING.

Said tract contains 14,518.84 square feet or 0.333 acre per the aforementioned Project Plans.

The above described land being an additional permanent right of way easement for the purpose of widening Ledan Road. Said easement is necessary for the acquisition, construction, and maintenance of the Sardis Road Connector Project, as described in the above-referenced Project Plans.

Attachment 3 (Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA PROJECT #: STP00-0003-00(626)
COUNTY OF HALL P.I. #: 0003626, PARCEL 75

TAX ID #: 10097 000121

OWNER:

BOWEN AND BOWEN 3857 NW LEDAN ROAD

HOMEBUILDERS, LLC

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 3 is attached, is a copy of the section of the Project Plans depicting Parcel 75 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 75 (Sheet 35 of the Project Plans). Sheet 9 and Sheet 35 are both dated October 18, 2019. Sheet 9 was last revised March 12, 2021. There have been no revisions to Sheet 35.

All that tract or parcel of land lying and being in Land Lot 97 of the 10th District, City of Gainesville, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point lying 65.00 feet right of station 117+35.19 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances North 64°48'06" East, 231.73 feet to a point lying 65.00 feet right of station 119+66.92:

Thence South 50°52'38" East, 4.92 feet to a point lying 69.43 feet right of station 119+69.05;

Thence South 61°53'59" West, 169.27 feet to a point lying 78.00 feet right of station 118+00.00;

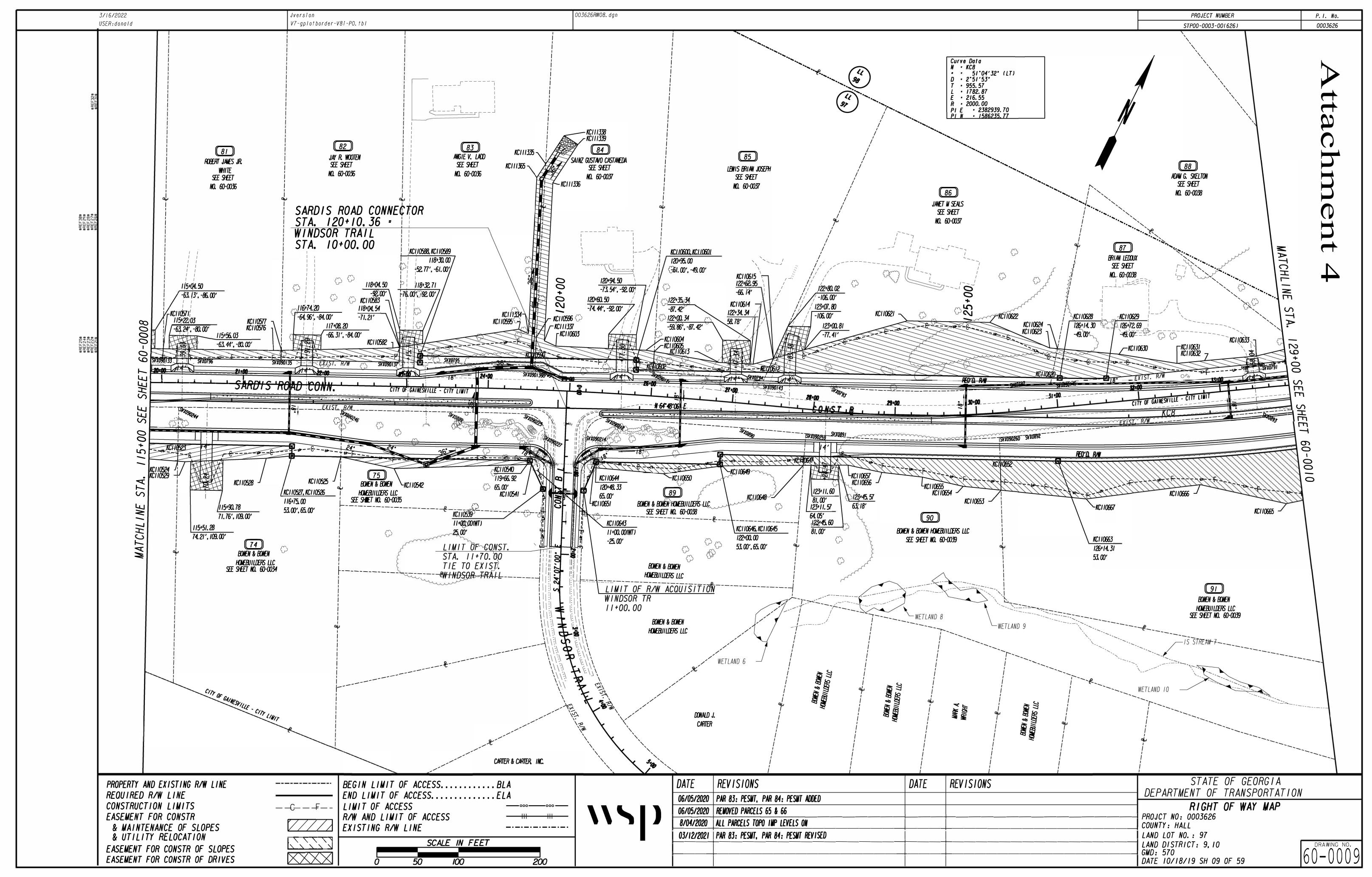
Thence South 76°08'38" West, 66.10 feet to the POINT OF BEGINNING.

Said tract contains 1,889.82 square feet or 0.043 acre per the aforementioned Project Plans.

Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as laid out 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 4 (Section of Project Plans Depicting Parcel 75 and Call Sheet for Parcel 75)



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PNT OFFSET/	STATION/ REARING	PNT OFFSET/ STATION/ ALIGNMENT	PNT OFFSET STATION ALIGNMENT
ტო L. II	DETITIO 	UIDI DEATING 	KC110556 72.50 L 109+47.29 SARDIS RD CONNECTOR
場場 SVX090246 7.38 R 1	17+35.20 SARDIS RD CONNECTOR 1 64°42′44.2″ E	KCI10545 74.98 L 107+56.03 SARDIS RD CONNECTOR 47.50 N 83°02'45.4" E	KCI10557 72.50 L 109+81.29 SARDIS RD CONNECTOR KCI10558 60.04 L 109+81.35 SARDIS RD CONNECTOR
SVX0889 7.17 R	18+67.71 SARDIS RD CONNECTOR	KCI10546 60.11 L 108+01.14 SARDIS RD CONNECTOR	KCI10559 59.84 L 109+47.35 SARDIS RD CONNECTOR
92.46 SVX090225 7.90 R	V 65°15'18.7" E 19+60.17	49.55 N 70°36'57.1" E KC110547 55.09 L 108+50.44 SARDIS RD CONNECTOR	KCI10556 72.50 L 109+47.29 SARDIS RD CONNECTOR
ARC LENGTH = 39.307 CHORD REAR = 5 69°09'33 2" F		73.98 N 61°13′45.3″ E KC110548 59.70 L 109+24.28 SARDIS RD CONNECTOR	*******
LNTH CHORD = 35.382		10.37 N 64°28′12.8" E	PARCEL 78 REQ'D R/W KC3167
RADIUS = 25.000 DEGREE = 229° 10′ 59′′		KCI10549 59.76 L 109+34.65 SARDIS RD CONNECTOR 10.76 S 25°59'49.0" E	PNT OFFSET/ STATION/ ALIGNMENT
SVX090227 33.37 R 1	19+84.73	KCI10544 49.00 L 109+34.80 SARDIS RD CONNECTOR 180.77 S 64°48′06.2″ W	DISI BEARING
KC110539 99.51 R	19+83.48 SARDIS RD CONNECTOR	KCI10543 49.00 L 107+54.03 SARDIS RD CONNECTOR	KCI10554 49.00 L 110+79.81 SARDIS RD CONNECTOR
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231.73 KC110525 65.00 R	6 64°48'06.2" W 17+35.19	REQD EASMT = 2018.49 SF REQD EASMT = 0.046 ACRES	0.08 S 25°25′40.9″ E SVX090128 48.92 L 112+24.91 SARDIS RD CONNECTOR
57.62	V 25°11′09.3" W	REGIDERSINI U. UIU MURES	145.08 S 64°12′55.6" W
SVXO90246 7.38 R I REQD R/W = 14518.84 SF	17+35.20 SARDIS RD CONNECTOR	*******	SVX090126 47.43 L 110+79.84 SARDIS RD CONNECTOR 1.57 N 26°07'11.4" W
REQD R/W = 0.333 ACRES	ς	PARCEL 76 REQ'D DRWY. EASM'T. KC3163	KCIIO554 49.00 L IIO+79.8I SARDIS RD CONNECTOR REOD R/W = 119.80 SE
REMAINDER = +/- 0.345 ACRE		PNT OFFSET STATION ALIGNMENT	REQD R/W = 0.003 ACRES
**************************************	xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx	KCI10550 88.00 L 107+91.23 SARDIS RD CONNECTOR	REMAINDER = +/- 1.538 ACRES
**********	* * * * * * * * * * * * * * * * * * * *	KCI10551 88.00 L 108+25.23 SARDIS RD CONNECTOR	
PNT OFFSET/ DIST	STATION/ ALIGNMENT BEARING	KCI10552 57.64 L 108+25.38 SARDIS RD CONNECTOR KCI10546 60.11 L 108+01.14 SARDIS RD CONNECTOR	PARCEL 78 REQ'D PERM. EASM'T. KC3168
	 17+35	KCI10553 63.34 L 107+91.35 SARDIS RD CONNECTOR KCI10550 88.00 L 107+91.23 SARDIS RD CONNECTOR	PNT OFFSET/ STATION/ ALIGNMENT
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KC110540 65.00 R 4.92	19+66.92 SARDIS RD CONNECTOR S 50°52′37.6″ E	******	KC110555 60.62 L 110+79.65 SARDIS RD CONNECTOR
$1 \cap 0 = 0.7$	19+69.05 SARDIS RD CONNECTOR	PARCEL 77 REQ'D R/W KC3164	145.08 N 64°27′43.5″ E KCI1056I 61.48 L 112+24.73 SARDIS RD CONNECTOR
KC110542 78.00 R	18+00.00 SARDIS RD CONNECTOR	PNT OFFSET/ STATION/ ALIGNMENT	12.48 S 26°01′28.6" E
66.10 KC110525 65.00 R	S 76°08'38.2" W 17+35.19	DIST BEARING	KCI10560 49.00 L 112+24.91 SARDIS RD CONNECTOR 145.10 S 64°48'06.2" W
REQD EASMT = 1889.82 SF	THE SOLITS SHIP OF THE OTTOR	KCI10544 49.00 L 109+34.80 SARDIS RD CONNECTOR	KCI10554 49.00 L 110+79.81 SARDIS RD CONNECTOR
REQD EASMT = 0.043 ACRES		145.01 N 64°48'06.2" E KC110554 49.00 L 110+79.81 SARDIS RD CONNECTOR	KCI10555 60.62 L 110+79.65 SARDIS RD CONNECTOR
************	* * * * * * * * * * * * * * * * * * * *	1.57 S 26°07'II.4" E SVX090126 47.43 L 110+79.84 SARDIS RD CONNECTOR	REQD EASMT = 1748.41 SF REQD EASMT = 0.040 ACRES
PARCEL 76 REQ'D R/W	KC3161 ******	56.26 S 64°12′55.6" W	
	STATION/ ALIGNMENT	SVX0797 46.86 L 110+23.58 SARDIS RD CONNECTOR 88.75 S 63°13′34.8″ W	
DISI	BEARING 	SVX090123	PARCEL 78 REQ'D DRWY. EASM'T. KC3169
KC110543 49.00 L	07+54.03 SARDIS RD CONNECTOR I 64°48'06.2" E	KCI10544 49.00 L 109+34.80 SARDIS RD CONNECTOR	PNT OFFSET STATION ALIGNMENT
KC110544 49.00 L	09+34.80 SARDIS RD CONNECTOR	REQD R/W = 402.93 SF REQD R/W = 0.009 ACRES	KC110562 80.87 L 110+79.37 SARDIS RD CONNECTOR
SVX090123 44.42 L 1	S 25 57729.1" E 09+34.86	REMAINDER = +/- 1.057 ACRES	KCI10563 80.87 L III+16.69 SARDIS RD CONNECTOR KCI10564 60.84 L III+16.69 SARDIS RD CONNECTOR
CVVOZOO 13 07 1	S 63°13′35.2″ W '08+93.30 SARDIS RD CONNECTOR		KCI10555 60.62 L 110+79.65 SARDIS RD CONNECTOR KCI10562 80.87 L 110+79.37 SARDIS RD CONNECTOR
140.65	61°16′28.8″ W	PARCEL 77 REQ'D PERM. EASM'T. KC3165	KOTTOJOZ OO.OT E TTO TJ.JT JAKOTJ KO CONNECTOR
SVX090117 34.62 L 1 14.42	07+52.92	PNT OFFSET/ STATION/ ALIGNMENT	
KC110543 49.00 L REOD R/W = 1617 35 SE	07+54.03 SARDIS RD CONNECTOR	DIST BEARING	
REQD R/W = 0.037 ACRES		KC110549 59.76 L 109+34.65 SARDIS RD CONNECTOR	
REMAINDER = +/- 0.836 ACRE		145.00 N 64°27′42.9″ E KC110555 60.62 L 110+79.65 SARDIS RD CONNECTOR	
		11.62 S 25°59′13.7" E	
		KCI10554 49.00 L 110+79.81 SARDIS RD CONNECTOR 145.01 S 64°48′06.2″ W	
		KCI10544 49.00 L 109+34.80 SARDIS RD CONNECTOR 10.76 N 25°59'49.0" W	
		KCI10549 59.76 L 109+34.65 SARDIS RD CONNECTOR	
		REQD EASMT = 1622.67 SF REQD EASMT = 0.037 ACRES	

DATE DEVICEOUS

CTATE OF CEODELA

GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby co of Hall County, Georgia.	ertify that I am the Clerk of the Board of Commissioners
Resolution passed by the Board of Commiss	pages constitute a true, correct, and exact copy of a ioners on, 2022, and that the original ounty Commission Office, Hall County Government ville, Georgia 30504.
Given under my hand and seal of Hal 2022.	ll County, Georgia this day of,
	JENNIFER RIVERA Clerk of the Board of Commissioners of Hall County, Georgia.
	(SEAL OF HALL COUNTY)