RESOLUTION (Parcel No. 91)

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 91"); and

WHEREAS, the property described on <u>Attachment 1</u> is designated as tax map number 10097 000206 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 91 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 0.442 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 temporary construction easement for the purpose of constructing A driveway, consisting of 0.078 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
- (3) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.472 acre, more or less. A metes and bounds description of said easement is attached hereto as **Attachment 4**, 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 5</u> 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 91 (the "Parcel 91 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 91 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 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 the Board hereby authorizes and directs that the Owner shall be paid just compensation for the above described acquisition in the amount of \$19,600.00, which amount is the fair market value of the Parcel 91 Property Rights as determined by independent appraisal.

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:		
ennifer 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 91

TAX ID #: 10097 000206

OWNER:

BOWEN AND BOWEN 3805 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 89, 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 91

TAX ID #: 10097 000206

OWNER:

BOWEN AND BOWEN 3805 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 5 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 91 (Sheets 9 and 10 of the Project Plans), and a copy of the call sheet for Parcel 91 (Sheet 39 of the Project Plans). Sheet 9, Sheet 10 and Sheet 39 are all dated October 18, 2019. Sheet 9 was last revised March 12, 2021. Sheet 10 was last revised July 2, 2021. Neither of said revisions affected Parcel 91. There have been no revisions to Sheet 39.

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 25.27 right of station 125+41.80 per the Project Plans;

Thence along the existing South right of way of Ledan Road the following courses and distances 29.80 feet along a curve to the left, said curve having a chord of North 58°50'20" East 29.80 feet and a radius of 1277.00 feet to a point lying 22.18 right of station 125+71.44;

Thence North 58°10'13" East, 295.73 feet to a point lying 3.79 right of station 128+65.38;

thence 121.83 feet along a curve to the right, said curve having a chord of North 60°10'18" East 121.80 feet and a radius of 1743.89 feet to a point lying 12.92 feet right of station 129+86.35;

Thence leaving the existing South right of way of Ledan Road and along the property now or formerly of Bowen & Bowen Homebuilders LLC South 24°30'34" East, 40.86 feet to a point lying 53.00 feet right of station 129+78.52;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC the following courses and distances 373.86 feet along a curve to the right, said curve having a chord of South 59°35'05" West 373.34 feet and a radius of 2053.00 feet to a point lying 53.00 feet right of station 126+14.31;

Thence South 64°48'06" West, 71.18 feet to a point 53.00 feet right of station 125+43.13;

Thence along the property now or formerly of Windsor Forest Homeowners Association North 27°56'30" West, 27.76 feet to the POINT OF BEGINNING.

(Attachment 2 continued on next page)

Said tract contains 19,269.90 square feet or 0.442 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 Temporary Easement for the Construction of a Driveway)

STATE OF GEORGIA PROJECT #: STP00-0003-00(626)
COUNTY OF HALL P.I. #: 0003626, PARCEL 91

TAX ID #: 10097 000206

OWNER:

BOWEN AND BOWEN 3805 NW LEDAN ROAD

HOMEBUILDERS, LLC

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 5 to the Resolution, to which this Attachment 3 is attached, is a copy of the section of the Project Plans depicting Parcel 91 (Sheets 9 and 10 of the Project Plans), and a copy of the call sheet for Parcel 91 (Sheet 39 of the Project Plans). Sheet 9, Sheet 10 and Sheet 39 are all dated October 18, 2019. Sheet 9 was last revised March 12, 2021. Sheet 10 was last revised July 2, 2021. Neither of said revisions affected Parcel 91. There have been no revisions to Sheet 39.

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 112.17 feet right of station 129+67.03 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC the following courses and distances South 24°13'41" East, 82.31 feet to a point lying 193.00 feet right of station 129+52.61;

Thence South 55°34'30" West, 35.60 feet to a point 193.00 feet right of station 129+20.15;

Thence North 35°06'20" West, 77.88 feet to a point lying 115.14 right of station 129+18.67;

Thence North 52°03'30" East, 51.19 feet to the POINT OF BEGINNING.

Said tract contains 3,432.80 square feet or 0.078 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 road and 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 (Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA PROJECT #: STP00-0003-00(626)
COUNTY OF HALL P.I. #: 0003626, PARCEL 91

TAX ID #: 10097 000206

OWNER:

BOWEN AND BOWEN 3805 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 5 to the Resolution, to which this Attachment 4 is attached, is a copy of the section of the Project Plans depicting Parcel 91 (Sheets 9 and 10 of the Project Plans), and a copy of the call sheet for Parcel 91 (Sheet 39 of the Project Plans). Sheet 9, Sheet 10 and Sheet 39 are all dated October 18, 2019. Sheet 9 was last revised March 12, 2021. Sheet 10 was last revised July 2, 2021. Neither of said revisions affected Parcel 91. There have been no revisions to Sheet 39.

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 53.00 feet right of station 125+43.13 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, 71.18 feet to a point lying 53.00 feet right of station 126+14.31;

Thence 373.86 feet along a curve to the left, said curve having a chord of North 59°35'05" East 373.34 feet and a radius of 2053.00 feet to a point lying 53.00 feet right of station 129+78.52;

Thence along other property of Bowen & Bowen Homebuilders LLC South 24°02'11" East, 60.37 feet to a point lying 112.17 feet right of station 129+67.03;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC the following courses and distances South 52°03'40" West, 91.94 feet to a point lying 118.39 feet right of station 128+80.29;

Thence South 76°07'12" West, 108.51 feet to a point lying 85.70 feet right of station 127+81.83;

Thence South 56°35'25" West, 140.47 feet to a point lying 98.75 feet right of station 126+48.11;

Thence South 69°27'04" West, 105.11 feet to a point lying 89.93 feet right of station 125+45.01;

Thence along the property now or formerly of Windsor Forest Homeowners Association North 28°06'45" West, 36.98 feet to the POINT OF BEGINNING.

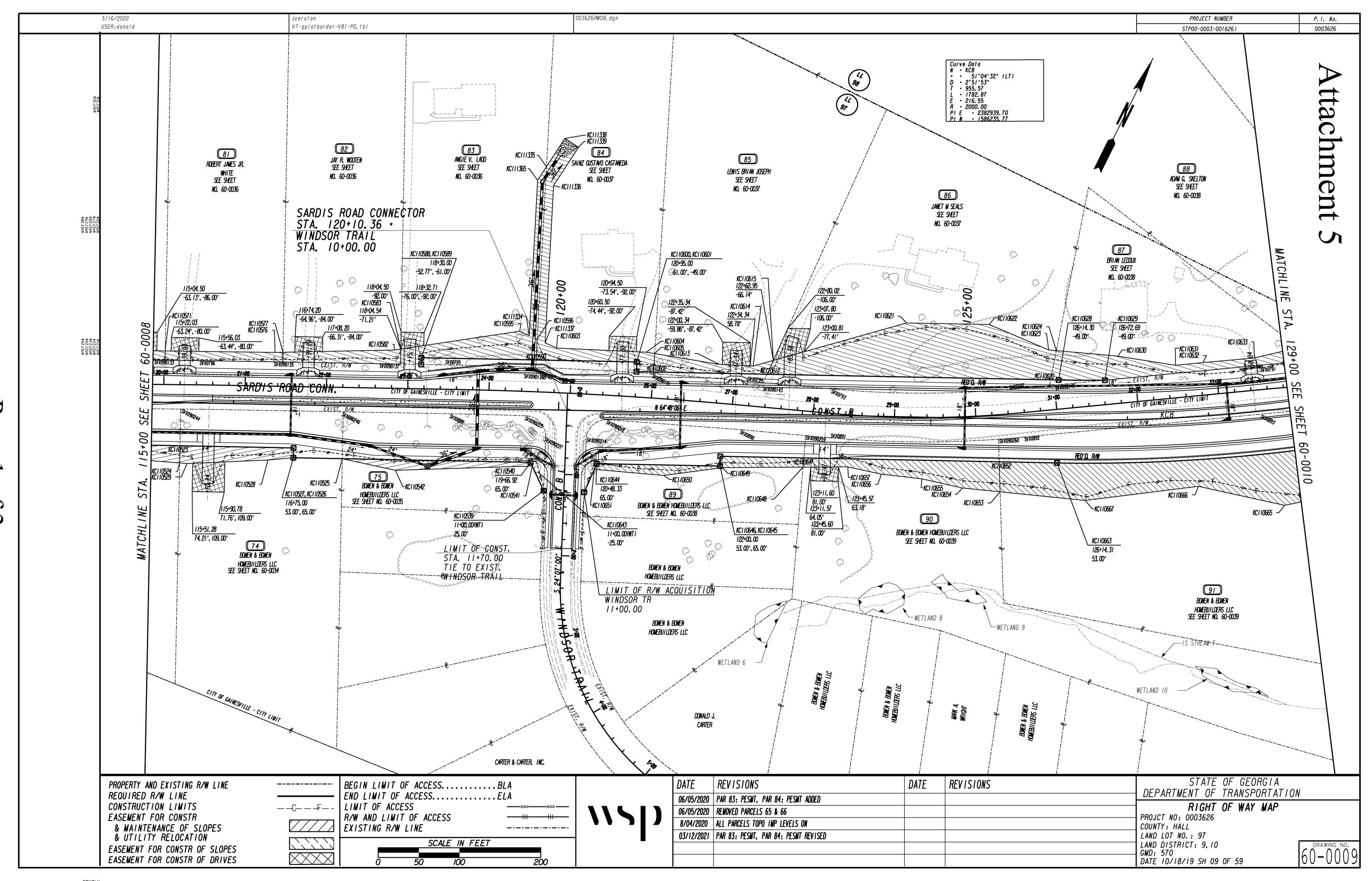
Said tract contains 20,574.53 square feet or 0.472 acre per the aforementioned Project Plans.

(Attachment 4 continued on next page)

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 5 (Section of Project Plans Depicting Parcel 91 and Call Sheet for Parcel 91)



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### PARCEL 90 REO'D R/W PNT OFFSET/ DIST SVX090259 25.43 R 27.94 SVX0891 27.43 R ARC LENGTH = 209.630 CHORD BEAR = N 64'12'37.4' E LNTH CHORD = 209.394 RADIUS = 1277.003 DEGREE = 4' 29' 12'' SVX090260 25.27 R 27.76 KC110652 53.00 R 240.37 KC110647 53.00 R 27.63 SVX090259 25.43 R REQD R/W = 5762.67 SF REQD R/W = 0.132 ACRES REMAINDER = +/- 3.240 AC. PARCEL 90 REQ'D PERM. PNT OFFSET/ DIST	STATION/ BEARING 123+04.55	PARCEL 91	FARCEL 92 REG D RAW M.C.3205 PNI OFFICE DEARING SYMBORD TO 12.92 R 125+86.35 SARDIS RD CONNECTOR ARC LEMBIN : 164.548 CHORD SEAR : 164.52*33.6* E LUTH CHORD : 164.488 RADIUS : 1743.765 CEGREE : 3':77' 8'' SYMBORD E : 49.93 R 131+44.19 SARDIS RD CONNECTOR 4.75 W 89*41*02.3* E KC115681 SO. 00 R 131+44.14 SARDIS RD CONNECTOR ARC LEMBIN : 173.704 CHORD SEAR : 5:5156*37.8* N TUTH CHORD : 173.504 RADIUS : 2053.001 CEGREE : 2':47' 26'' KC115662 53.00 R 125+78.52 SARDIS RD CONNECTOR 40.65 W 24*30*33.5* N SYMBORD : 40.93 R 125+78.52 SYMBORD : 40.93 R 125+78.52 SYMBORD : 40.93 R 125+78.52 REGD RAW : 40.93 ACRES PEMAINDER : 4'- 2.756 ACRES
KC 0647 53.00 R 240.37 KC 0652 53.00 R 36.98 KC 0653 89.93 R 46.62 KC 0654 86.15 R 51.08 KC 0655 75.86 R 50.15 KC 0656 71.06 R 42.38 KC 0657 62.89 R 55.00 KC 0648 64.30 R 11.32 KC 0647 53.00 R REQD EASMT = 5175.60 SF REQD EASMT = 0.119 ACRES	123+02.76	NC110852 53.00	PNT DEST DEARING
		36.98 N 28°06'45.1' W KCI10652 53.00 R 125'43.13 SARDIS RD CONNECTOR REOD EASMT = 20574.53 SF REOD EASMT = 0.472 ACRES PARCEL 91 REO'D DRWY. EASM'T. KC3204 PNT OFFSET STATION ALIGNMENT KC110664 112.17 R 129+67.03 SARDIS RD CONNECTOR KC110669 193.00 R 129+52.61 SARDIS RD CONNECTOR KC110670 193.00 R 129+20.15 SARDIS RD CONNECTOR KC110671 115.14 R 129+18.67 SARDIS RD CONNECTOR KC110664 112.17 R 129+67.03 SARDIS RD CONNECTOR KC110664 112.17 R 129+67.03 SARDIS RD CONNECTOR KC110664 112.17 R 129+67.03 SARDIS RD CONNECTOR	KC110669 193.00 R 129+52.61 SARDIS RD CONNECTOR KC110664 112.17 R 129+67.03 SAHDIS RD CONNECTOR

GEORGIA, HALL COUNTY.

I, JENNIFER RIVERA, do hereby certi of Hall County, Georgia.	fy that I am the Clerk of the Board of Commissioners
Resolution passed by the Board of Commission	ges constitute a true, correct, and exact copy of a ners on, 2022, and that the original nty Commission Office, Hall County Government e, Georgia 30504.
Given under my hand and seal of Hall C 2022.	County, Georgia this day of,
	JENNIFER RIVERA
	Clerk of the Board of Commissioners of
	Hall County, Georgia.
	(SEAL OF HALL COUNTY)