RESOLUTION (Parcel No. 104)

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 BRIAN F. YOUNG AND LISA R. YOUNG 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 BRIAN F. YOUNG AND LISA R. YOUNG (hereinafter referred to collectively as "Owner"); and
- WHEREAS, a description of the entirety of the property owned by Owner is attached hereto as <u>Attachment 1</u> and by reference made a part hereof (said property being hereinafter sometimes referred to as "Parcel 104"); and

WHEREAS, the property described on <u>Attachment 1</u> is designated as tax map number 10098 000076 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 104 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A right of way easement for the purpose of acquiring, constructing, and maintaining a right of way along the portion of the Project consisting of newly constructed roadway, said right of way consisting of 0.534 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;
- (2) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.330 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
- (3) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.334 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 104 (the "Parcel 104 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 104 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 \$359,300.00, which amount is the fair market value of the Parcel 104 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:		
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 104

TAX MAP #: 10098 000076

OWNER:

BRIAN F. YOUNG AND LISA R. YOUNG 3744 LEDAN ROAD

All that tract or parcel of land lying and being in Land Lot 98 of the 10th Land District of Hall County, Georgia, Bark Camp G.M.D. 569, containing 1.694 acres, and being more particularly shown and described on a plat of survey prepared by Henry Bailey, Georgia Registered Land Surveyor No. 1586, entitled "Survey for Brian F. Young and Lisa R. Young," dated September 5, 1991, and recorded in Plat Slide 80, page 146A, of the Hall County, Georgia Plat Records. Said plat is hereby incorporated herein by reference thereto for a more complete and accurate description.

Said property is subject to a Joint Driveway Easement from Glenn Waldrip and Virginia Waldrip to Lisa R. Young and Brian F. Young, dated September 13, 1991, recorded in Deed Book 1649, pages 211-212, Hall County, Georgia Deed Records.

Attachment 2 (Legal Description of Right of Way)

STATE OF GEORGIA

COUNTY OF HALL

PROJECT #: STP00-0003-00(626)

P.I. #: 0003626, PARCEL 104

TAX MAP#: 10098 000076

OWNER:

BRIAN F. YOUNG AND LISA R. YOUNG 3744 LEDAN ROAD

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 104 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 104 (Sheet 45 of the Project Plans). Both Sheet 10 and Sheet 45 are dated October 18, 2019. Sheet 10 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 104. Sheet 45 was last revised March 12, 2021.

All that tract or parcel of land lying and being in Land Lot 98 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 49.00 feet left of station 140+57.14 per the Project Plans;

Thence proceeding thru the property now or formerly of Lisa R. Young 227.08 feet along a curve to the left, said curve having a chord of North 20°08'00" East 226.95 feet and a radius of 1951.00 feet to a point lying 49.00 feet left of station 142+89.92;

Thence along the property now or formerly of Glenn Waldrip the following courses and distances North 76°35'22" East, 8.32 feet to a point lying 41.81 feet left of station 142+94.19;

Thence South 60°55'07" East, 96.97 feet to a point lying 53.00 feet right of station 142+73.90;

Thence proceeding thru the property now or formerly of Lisa R. Young 223.45 feet along a curve to the right, said curve having a chord of South 20°22'33" West 223.34 feet and a radius of 2053.00 feet to a point lying 53.00 right of station 140+56.22;

Thence North 66°00'02" West, 29.11 feet to a point; thence North 66°00'09" West, 72.89 feet to the POINT OF BEGINNING.

Said tract contains 23,248.91 square feet or 0.534 acre per the aforementioned Project Plans.

The above described land being a permanent right of way easement which 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

COUNTY OF HALL

PROJECT #: STP00-0003-00(626)

P.I. #: 0003626, PARCEL 104

TAX MAP# 10098 000076

OWNER:

BRIAN F. YOUNG AND LISA R. YOUNG 3744 LEDAN ROAD

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 3 is attached, is a copy of the section of the Project Plans depicting Parcel 104 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 104 (Sheet 45 of the Project Plans). Both Sheet 10 and Sheet 45 are dated October 18, 2019. Sheet 10 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 104. Sheet 45 was last revised March 12, 2021.

All that tract or parcel of land lying and being in Land Lot 98 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 122.24 feet left of station 140+57.87 per the Project Plans;

Thence along the property now or formerly of Glenn Waldrip the following courses and distances North 66°02'04" West, 5.89 feet to a point lying 128.13 feet left of station 140+57.93;

Thence North 26°36'07" East, 17.43 feet to a point lying 127.09 feet left of station 140+76.51;

Thence North 26°36'50" East, 166.72 feet to a point 108.99 feet left of station 142+52.70;

Thence North 76°32'31" East, 69.83 feet to a point lying 49.00 feet left of station 142+89.92;

Thence proceeding thru the property now or formerly of Lisa R. Young 227.08 feet along a curve to the right, said curve having a chord of South 20°08'00" West 226.95 feet and a radius of 1951.00 feet to a point lying 49.00 feet left of station 140+57.14;

Thence along the property now or formerly of Tiffany M. Gaines North 65°59'47" West, 73.24 feet to the POINT OF BEGINNING.

Said tract contains 14,379.79 square feet or 0.330 acre per the aforementioned Project Plans.

(Attachment 3 continued on next page)

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(s) 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

(Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA	PROJECT #: STP00-0003-00(626)
COUNTY OF HALL	P.I. #: 0003626, PARCEL 104
	TAX MAP# 10098 000076
OWNER:	
BRIAN F. YOUNG AND LISA R. YOUNG	3744 LEDAN ROAD

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 104 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 104 (Sheet 45 of the Project Plans). Both Sheet 10 and Sheet 45 are dated October 18, 2019. Sheet 10 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 104. Sheet 45 was last revised March 12, 2021.

All that tract or parcel of land lying and being in Land Lot 98 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at point lying 53.00 feet right of station 140+56.22 per the Project Plans;

Thence proceeding thru the property now or formerly of Lisa R. Young 223.45 feet along a curve to the left, said curve having a chord of North 20°22'33" East 223.34 feet and a radius of 2053.00 feet to a point lying 53.00 feet right of station 142+73.90;

Thence along the property now or formerly of Glenn Waldrip South 60°55'15" East, 73.97 feet to a point lying 125.46 feet right of station 142+59.64;

Thence proceeding thru the property now or formerly of Lisa R. Young South 21°45'35" West, 154.41 feet to a point lying 120.04 feet right of station 141+14.22;

Thence along the property nor or formerly of Glenn Waldrip South 37°03'30" West, 63.70 feet to a point lying 104.21 feet right of station 140+55.79;

Thence along the property now or formerly of Tiffany M. Gaines North 66°00'03" West, 51.21 feet to the POINT OF BEGINNING.

Said tract contains 14,550.06 square feet or 0.334 acre per the aforementioned Project Plans.

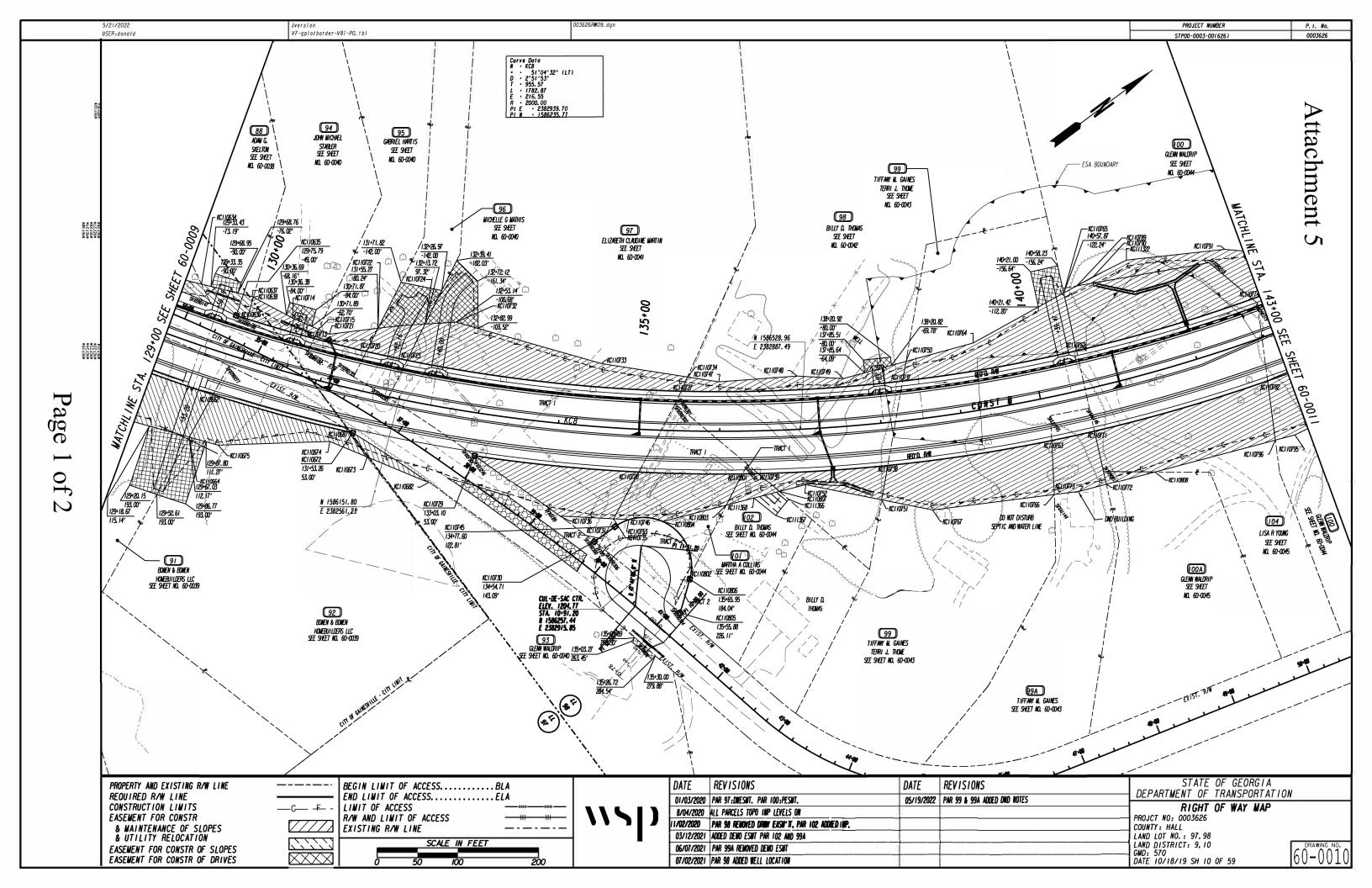
(Attachment 4 continued on next page)

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

The property owner(s) 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 104 and Call Sheet for Parcel 104)



PROJECT NUMBER 4/26/2022 03626RW44, dan P. I. No. V7-gplotborder-V8i-P0.tbl USER:donald STP00-0003-00(626) 0003626 PARCEL 102 REQ'D R/W KC3253 TRACT I PARCEL LOA REQ'D R/W KC3258 PARCEL 100A REQ'D PERM, EASM'T. KC3257 PNT OFFSET/ STATION/ ALIGNMENT PNT OFFSET/ STATION/ ALIGNMENT STATION/ A L I G N M E N T DIST BEARING BEARING 136+33.77 N 77°29'19.5" E KC110762 49.00 L ARC LENGTH = 227.077 SVX090303 41.18 R SARDIS RD CONNECTOR 140+57.14 140+55.79 SARDIS RD CONNECTOR SVX090913 104.21 R SARDIS RD CONNECTOR N 37'03'29.6' E 141+14.22 17.64 63.70 KC110808 120.04 R KC110739 53.00 R ARC LENGTH = 19.452 SARDIS RD CONNECTOR CHORD BEAR = N 20'07'59.6" E 136+46.56 SARDIS RD CONNECTOR LNTH CHORD = 226.949 S 21'44'55.7' W 62.11 CHORD BEAR = \$ 35'30'04.5' W RADIUS = 1950.998 KC110772 121.04 R 140+55.65 SARDIS RD CONNECTOR LNTH CHORD = 19.452 DEGREE = 2° 56' 12' 16.83 N 65'59'08.9' W RADIUS = 2053.000 DEGREE = 2° 47′ 26′′ CIIO80I 53.00 R I3.40 SVX090913 104.21 R REOD EASMT = 522.28 SF REOD EASMT = 0.012 ACRES KC110774 49.00 142+89.92 SARDIS RD CONNECTOR SARDIS RD CONNECTOR 140+55.79 N 76'35'21.8' E 142+94.19 S 60'55'06.9' E 136+27.61 SVX090319 41.81 L 96.97 KC110782 53.00 R KC110801 SARDIS RD CONNECTOR SARDIS RD CONNECTOR N 26*14'17.8" W 136+33.77 S 41.18 R SARDIS RD CONNECTOR 142+73.90 SARDIS RD CONNECTOR REQD R/W = 115.05 SF ARC LENGTH = 223.449 REQD R/W = 0.003 ACRES CHORD BEAR = \$ 20.22.33.2" W REMAINDER = +/- 0.463 ACRES LNTH CHORD : 223.338 RADIUS = 2053.000 DEGREE = 2°47′26′ KCI10771 53.00 R BREF. 53.00 R 29.11 140+56.22 N 66°00'02.1° W 140+56.47 SARDIS RD CONNECTOR PARCEL 102 REQ'D R/W KC3255 TRACT 2 SVXA1146 23.89 R SARDIS RD CONNECTOR PNT OFFSET/ STATION/ ALIGNMENT N 66°00′09.1° W 72.89 DIST BEARING KC110762 49.00 L 140+57.14 SARDIS RD CONNECTOR REQD R/W = 23248.91 KC110802 177.98 R 135+67.13 SARDIS RD CONNECTOR REQD R/W = 0.534 ACRES ARC LENGTH = 6.198 REMAINDER = +/- 1.160 ACRES CHORD BEAR = S 40'29'22.3' E LNTH CHORD = 6.195 RADIUS = 59.854 DEGREE = 95°43′32′′ KCI10806 184.04 R PARCEL 104 REQ'D PERM. EASM'T. KC3259 135+65.95 \$ 37°31′58.6" E SARDIS RD CONNECTOR \$8.6F 43.51 PNT OFFSET/ ALIGNMENT KC110805 226.11 R 135+55.88 SARDIS RD CONNECTOR DIST BEARING S 77°55′40.9" W 140+57.87 SARDIS RD CONN 135+48.74 N 26°14'38.2" W SVX090304 219.45 R SARDIS RD CONNECTOR KC110765 122.24 L SARDIS RD CONNECTOR N 66'02'03.6' W 140+57.93 S N 26'36'06.5' E 140+76.51 46.14 5.89 KCI10802 177.98 R REQD R/W = 238.94 SF REQD R/W = 0.005 ACRES SARDIS RD CONNECTOR 135+67.13 SVX090313 128.13 L 17.43 SARDIS RD CONNECTOR Pa KC110789 127.09 L SARDIS RD CONNECTOR REMAINDER = +/- 0.463 ACRES N 26 36 50.2 E 142+52.70 N 76 32 30.7 E 166.72 98 SVX090318 108.99 L SARDIS RD CONNECTOR 69.83 KCIIO774 49.00 L ARC LENGTH : 227.077 CHORD BEAR : \$ 20.07'59.6' W SARDIS RD CONNECTOR 142+89.92 PARCEL 102 REQ'D PERM. EASM'T. KC3256 N STATION/ PNT OFFSET/ ALIGNMENT LNTH CHORD = 226.949 BEARING RADIUS = 1950.998 DEGREE = 2 56' 12'' KC110801 53.00 R 136+27.61 SARDIS RD CONNECTOR 49.00 L 73.24 140+57.14 ARC LENGTH = 19.452 CHORD BEAR = N 35.30'04.5' E KC110762 SARDIS RD CONNECTOR N 65°59′46.6° W KC110765 122.24 L REQD EASMT = 14379.79 SARDIS RD CONNECTOR 140+57.87 LNTH CHORD = 19.452 RADIUS = 2053.000 REQD EASMT = 0.330 ACRES DEGREE = 2° 47' 26' KC110739 53.00 R 136+46.56 SARDIS RD CONNECTOR N 77°30'20.1' E 136+71.34 SARDIS RD CONNECTOR 34.77 76.55 R 68.13 KC110807 PARCEL 104 REQ'D PERM. EASM'T. KC3260 \$ 22°06′01.9" W KC110803 92.26 R SARDIS RD CONNECTOR PNT OFFSET/ STATION/ ALIGNMENT N 26°15′13.8" W 44.34 DIST BEARING KC110801 53.00 R REOD EASMT : 1355.19 SF 136+27.61 SARDIS RD CONNECTOR KC110771 53.00 R 140+56.22 SARDIS RD CONNECTOR REQD EASMT = 0.031 ACRES ARC LENGTH = 223,449 CHORD BEAR : N 20°22′33.2° E LNTH CHORD : 223.338 RADIUS : 2053.000 PARCEL LO2 REO'D TEMP. EASM'T. KC3091 DEGREE : 2° 47′ 26′ 142+73.90 53.00 R 73.97 KC110782 SARDIS RD CONNECTOR PNT OFFSET STATION ALIGNMENT S 60°55′15.3° E 142+59.64 KC110796 125.46 R SARDIS RD CONNECTOR SARDIS RD CONNECTOR KC111368 136+40.56 S 21'45'34.7' W 154.41 KC110807 76.55 R 86.67 R 106.07 R 83.91 R 136+71.34 136+81.75 SARDIS RD CONNECTOR SARDIS RD CONNECTOR 141+14.22 S 37'03'29.6' W KC110808 120.04 R SARDIS RD CONNECTOR KC111366 136+65.81 KC111367 SARDIS RD CONNECTOR 104.21 R 140+55.79 N 66°00'02.7° W SVX090913 SARDIS RD CONNECTOR 136+40.56 KC111368 SARDIS RD CONNECTOR 51.21 53.00 R REQD EASMT AREA = 642.17 KC110771 SARDIS RD CONNECTOR 140+56.22 REQD EASMT = 14550.06 REQD EASMT = 0.334 ACRES

wsp

DATE	REVISIONS	DATE	REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION
03/12/2021	ADDED DENO ESNT PAR 102			
				RIGHT OF WAY TABLES
 				PROJCT NO: 0003626
				COUNTY: HALL
l				LAND LOT NO.:
				LAND DISTRICT: DRAWING NO.
				GMD: 570 6
1				DATE 10/18/19 SH 45 OF 59 UU─UUstJ

GEORGIA, HALL COUNTY.

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