RESOLUTION (Parcel No. 162)

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 NURBANU S. HAMID 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 NURBANU S. HAMID (hereinafter referred to 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 162"); and

WHEREAS, the property described on <u>Attachment 1</u> is designated as tax map number 10084 006001 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 162 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 Sardis Road in connection with the widening of Sardis Road, said right of way consisting of 0.820 acre, more or less. A metes and bounds description of said right of way is attached hereto as <u>Attachment 2</u>, 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 3</u> is a copy of the section of the Project Plans showing the right of way proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 162 (the "Parcel 162 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 162 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 \$240,600.00, which amount is the fair market value of the Parcel 162 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

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 162
	TAX MAP #: 10084 006001
OWNER:	
NURBANU S. HAMID	2745 SARDIS ROAD

All that certain tract or parcel of land situate, lying and being in the 10th Land District, and in Fork Militia District of Hall County, Georgia, and being part of Lot No. 84, and described as follows:

BEGINNING at an iron pin corner on the North side of the Gainesville-Dawsonville Highway, and running thence East along said highway 225 feet to an iron stake; thence North to a stake on the original line; thence West along the original line 210 feet to Mrs. Johnson's corner on the original line; thence South to the beginning corner of said highway. Containing one (1) acre, more or less.

This being the same property conveyed to Nurbanu S. Hamid by Courtney Wilkes and Kelly Haynes, as Administrators of the Estate of Ernest J. Haynes, Jr., a/k/a Ernest Jackson Haynes, Jr., deceased, by Administrator's Deed, dated June 19, 2019, recorded in Deed Book 8291, page 572, 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 162 TAX MAP #: 10084 006001

OWNER: NURBANU S. HAMID

2745 SARDIS 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 3 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 162 (Sheet 2 of the Project Plans), and a copy of the call sheet for Parcel 162 (Sheet 58 of the Project Plans). Both Sheet 2 and Sheet 58 are dated October 18, 2019. Sheet 2 was last revised February 15, 2022. None of the February 15, 2022 revisions affected Parcel 162. Sheet 58 was last revised October 5, 2021.

All that tract or parcel of land lying and being in Land Lot 84 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point on the existing East right of way of Fran Mar Drive, said point also lying 133.06 feet right of station 36+12.37 per the Project Plans;

thence along the of Hall County Board of Education South 89°35'56" East, 215.00 feet to a point lying 211.07 feet right of station 13+02.61;

thence South 00°51'29" West, 161.67 feet to a point lying 49.41 feet right of station 13+02.11;

thence along the existing North right of way of Sardis Road North 89°08'32" West, 229.32 feet to a point lying 48.15 feet right of station 15+34.64;

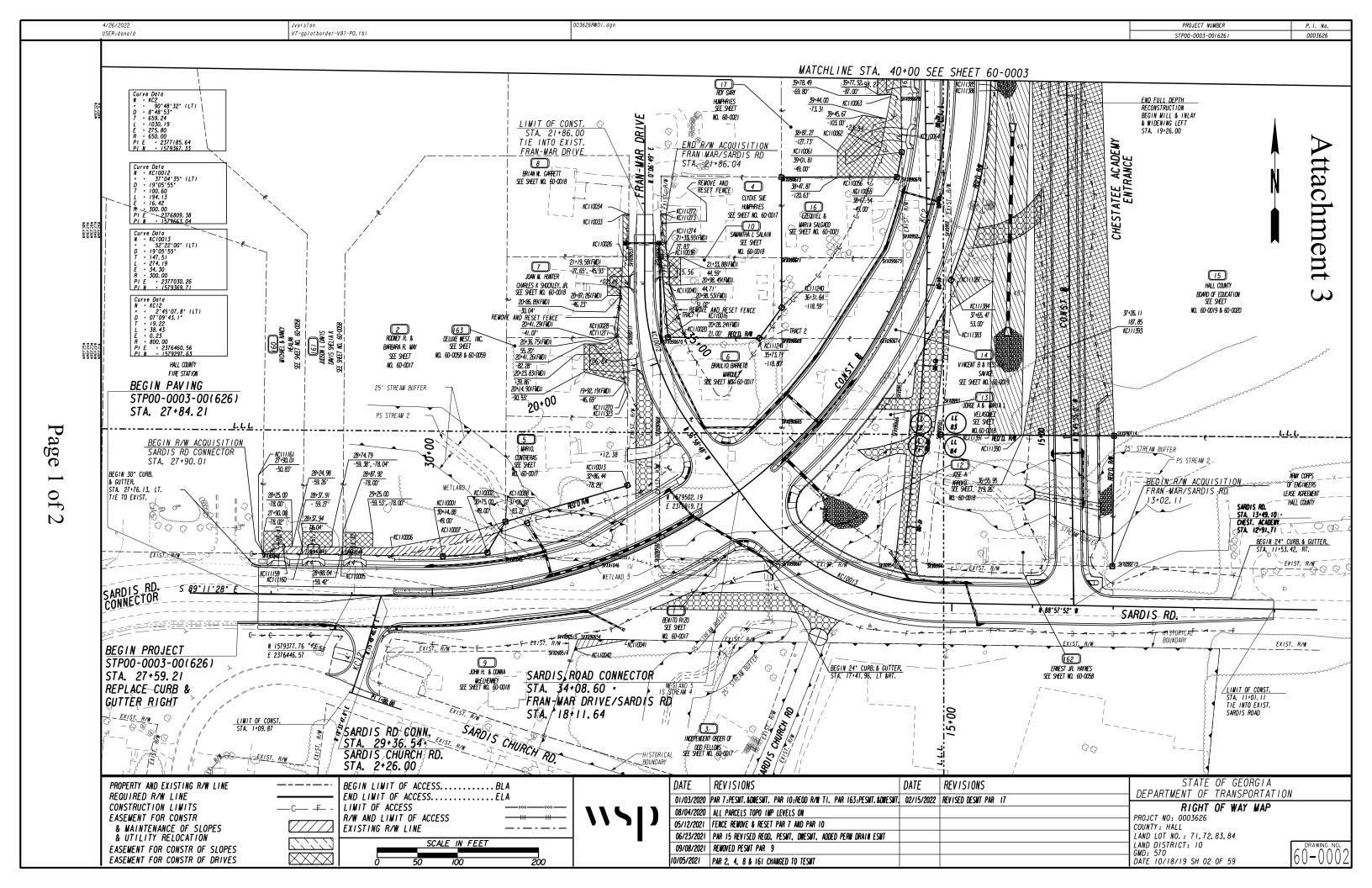
thence along the existing East right of way of Fran Mar Drive North 05°58'32" East, 160.59 feet to the POINT OF BEGINNING.

Said tract contains 35,718.70 square feet or 0.820 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

(Section of Project Plans Depicting Parcel 162 and Call Sheet for Parcel 162)



4/26/2022	
USER:donald	

PNT

KC111152

KCIIII48 KCIIII50 KCIIII51

KC111152

SREF 385 \$REF 385 \$REF 295 \$REF 285 \$REF 265

\$REF 25\$ \$REF 24\$ \$REF 23\$ \$REF 23\$ \$REF 22\$

OFFSET

64.83 66.17 L 100.08 L 87.50 L 64.83 L

PARCEL 154 REQ'D DRWY. EASM'T. KC3374

STATION

| 3 + 38.56 | 3 + 05.49 | 3 + 18.79 | 3 + 46.43

13+38.56

PARCEL 155 REQ'D PERM. EASM'T. KC3375

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ALIGNMENT

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LEDAN RD EXT

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KCIII323 KCIII270 KCIII165 KCIII166 KCIII271 SVX090717 KCIII323 READ EASM READ EASM	3 48.91 L 8.54 8.54 9 48.63 L 7.80 5 6.69 L 35 39.86 L 19.86 L 19.86 19.86 L 14.23 27.11 L 71.42 71.42 48.91 L 71.42 48.91 L	19+78.32 N 20'33'21.8' W 19+85.67 N 6'46'11.6' W 19+92.19 N 6'48'58.3' W 20+23.83 N 16'17'24.8' W 20+34.8' W 20+38.81 S 0'17'42.9' W 19+78.32	FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD FRAN MAR/SARDIS RD	
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PNT	OFFSET/ DIST	STATION/ ALIGNMENT BEARING
KC111154	47.04 L	15+13.78 LEDAN RD EXT
SV X A I O 5 4	49.35 L	5 51 08 55.4 E 13+58.62 LEDAN RD EXT
KC111149	16.66 65.06 L	5 73 09 22.9° W 13+63.72 LEDAN RD EXT
KC111153	55.38 68.83 L	N 37°45′30.9" W 14+13.77 LEDAN RD EXT
KC111154	103.46 47.04 L	N 18°34′07.6″W 15+13.78 LEDAN RD EXT
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PARCEL 155	REQ'D DRWY.	EASM'T. KC3376
		STATION ALIGNMENT
KC111155	114.00 L	14+29.83 LEDAN RD EXT
KC111157	53.72 L	14+62.66 LEDAN RD EXT
KCIIII58 KCIIII55	64.96 L 114.00 L	14+29.83 LEDAN RD EXT 14+82.16 LEDAN RD EXT 14+82.66 LEDAN RD EXT 14+30.24 LEDAN RD EXT 14+29.83 LEDAN RD EXT
		FASW'T. KC3377
PNT	OFFSET/ DIST	EASN'T. KC3377 STATION/ ALIGNMENT BEARING
SVXA1042	50.05 L	27+87.90 SARDIS RD CONNECTOR
KC111159	27.14 59.19 1	N 71°08′18.0″ E 28+13.45 SARDIS RD CONNECTOR
KC111160	24.45 59.26 I	\$ 89°21′18.4″ E 28+37.90
SVXA1043	9. 24 50 02 1	S 0'49'28.5" W 28+37.90 SARDIS RD CONNECTOR
57741042	50.00 50.05	N 89°08′59.9″ W 27+87.90 SARDIS RD CONNECTOR
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		EASM'T. KC3378
PNT	OFFSET	STATION ALIGNMENT
KC111161	50.83 L	27+90.01 SARDIS RD CONNECTOR
KC111163	78.00 L	28+25.00 SARDIS RD CONNECTOR
KC111164 KC111159	59.26 L 59.19 L	20+24.98 SARDIS RD CONNECTOR 28+13.45 SARDIS RD CONNECTOR
NCIII161	50.83 L	ZI†90.01 SARDIS RD CONNECTOR
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STATION/ ALIGNMENT
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RIGHT OF WAY TABLES PROJCT NO: 0003626 COUNTY: HALL LAND LOT NO.: LAND DISTRICT: GMD: 570	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION	I
DATE 10/18/19 SH 58 0F 59 $UU = UU = 0$	PROJCT NO: 0003626 COUNTY: HALL LAND LOT NO.: LAND DISTRICT: GMD: 570	$6 \cap - 0 \cap 5 \otimes$

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)

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