

**RESOLUTION
(Parcel No. 28)**

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 PROGRAM MGT CONSULTING 3, 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 PROGRAM MGT CONSULTING 3, 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 28”); and

WHEREAS, the property described on **Attachment 1**, and by reference made a part hereof; is designated as tax map number 10072 003078 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 28 necessary to be acquired in connection with the construction of the Project are as follows:

- (1) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.011 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 2**, 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 **Attachment 3**, and by reference made a part hereof, is a copy of the section of the Project Plans showing the easement proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 28 (the “Parcel 28 Property Rights”).

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 28 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 \$2,400.00, which amount is the fair market value of the Parcel 28 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 11th day of August, 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)

Approved as to form:

County Attorney
Van Stephens

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 28
	TAX MAP #: 10072 003078
OWNER:	
PROGRAM MGT CONSULTING 3, LLC	2767 FRAN MAR DRIVE

All that tract or parcel of land lying and being in Land Lot 72 of the 10th Land District of Hall County, Georgia, and being all of Lot 78 and a portion of Lot 77, Section 3 of the Fran Mar Heights Subdivision, according to a plat prepared by Patton-Patton & Associates, Georgia Registered Land Surveyors, dated April 17, 1977, and recorded in Plat Book 66, page 48, Hall County, Georgia Plat Records. Reference to said plat and the record thereof is hereby made for a more complete description of said property.

Attachment 2
(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 28
	TAX MAP #: 10072 003078
OWNER:	
PROGRAM MGT CONSULTING 3, LLC	2767 FRAN MAR DRIVE

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 3 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 28 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 28 (Sheet 22 of the Project Plans). Both Sheet 3 and Sheet 22 are dated October 18, 2019 and both were last revised on May 19, 2022.

All that tract or parcel of land lying and being in Land Lot 72 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point 120.04 feet left of station 50+54.33 per the Project Plans;

Thence North 89°51'11" East, 13.51 feet to a point 107.57 feet left of station 50+58.77;

Thence South 1°21'24" West, 36.10 feet to a point 95.16 feet left of station 50+29.48;

Thence North 88°38'36" West, 14.30 feet to a point 108.71 feet left of station 50+25.54;

Thence North 2°37'19" East, 35.76 feet to the POINT OF BEGINNING.

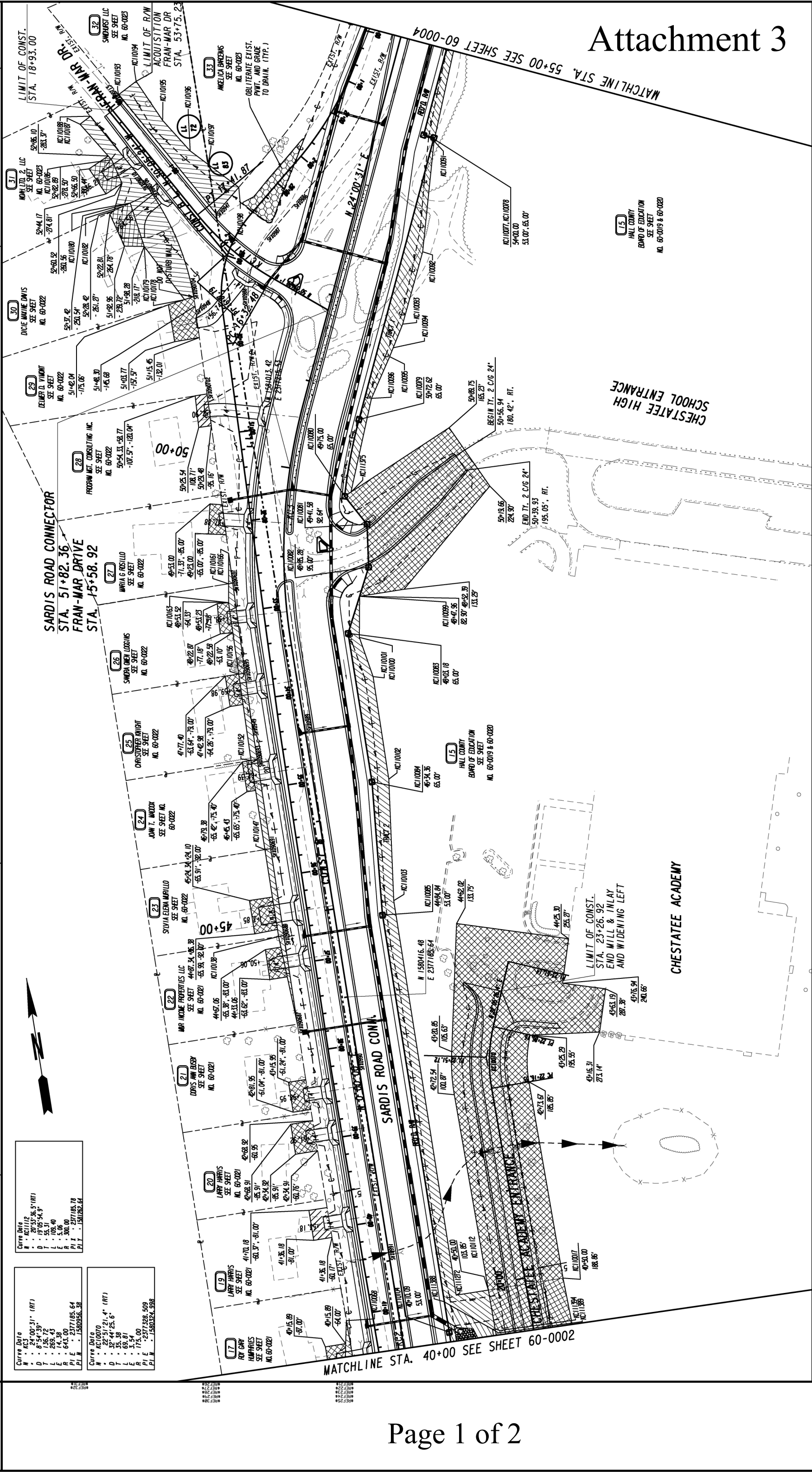
Said tract contains 499.44 square feet or 0.011 acre per the aforementioned Project Plans.

Said described land being a temporary easement for the right to construct a driveway to connect the newly constructed or widened road 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 3

(Section of Project Plans Depicting Parcel 28 and Call Sheet for Parcel 28)



PROPERTY AND EXISTING R/W LINE REQUIRED R/W LINE CONSTRUCTION LIMITS EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES	----	BEGIN LIMIT OF ACCESS.....BLA	11531	DATE	REVISIONS	DATE	REVISIONS
	=====	END LIMIT OF ACCESS.....ELA		8/04/2020	ALL PARCELS TOPO IMP LEVELS ON	05/19/2022	PAR 19 & 28 CHANGED DWT ESMT TO TESTIT
	-C- F- --	LIMIT OF ACCESS		03/26/2021	PAR 23 REV INT. PAR 29/30 DO NOT DIB WALL NOTE		
		R/W AND LIMIT OF ACCESS		06/23/2021	PAR 15 REVISED ROAD, PESMT, DRESMT, ADDED PERM DRAIN ESMT		
		EXISTING R/W LINE		10/05/2021	PAR 30 REVISED DRESMT		
				01/13/2022	PAR 22 REVISED DWT ESMT		
			SCALE IN FEET		0 50 100 200		
					05/19/2022	PAR 24 WIDENED DWT	
							STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP PROJECT NO: 0003626 COUNTY: HALL LAND LOT NO.: 72, 83 LAND DISTRICT: 10 GMD: 570 DATE 10/18/19 SH 03 OF 59
							DRAWING NO. 60-0003

.....

PARCEL 23 REQ'D PERM. EASW'T. KC3043

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110147	65.80 L	45+78.11	SARDIS RD CONNECTOR
SVX090691	6.65	N 89°57'48.5" E	
	59.15 L	45+78.11	SARDIS RD CONNECTOR
SVX090689	59.97 L	S 0°28'36.3" W	
	6.04	44+79.34	SARDIS RD CONNECTOR
KC110138	66.01 L	S 89°59'00.6" W	
	98.77	44+79.34	SARDIS RD CONNECTOR
KC110147	65.80 L	N 0°07'18.6" E	
	626.61 SF	45+78.11	SARDIS RD CONNECTOR
REOD EASMT	0.014		ACRES

.....

PARCEL 23 REQ'D DRWY. EASW'T. KC3044

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110148	92.80 L	45+45.66	SARDIS RD CONNECTOR
KC110149	65.87 L	45+45.64	SARDIS RD CONNECTOR
KC110150	65.94 L	45+11.64	SARDIS RD CONNECTOR
KC110151	92.80 L	45+11.66	SARDIS RD CONNECTOR
KC110148	92.80 L	45+45.66	SARDIS RD CONNECTOR

.....

PARCEL 24 REQ'D PERM. EASW'T. KC3045

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110152	65.42 L	46+79.38	SARDIS RD CONNECTOR
SVX090693	58.31 L	N 89°58'05.8" E	
	101.27	46+79.38	SARDIS RD CONNECTOR
SVX090691	59.15 L	S 0°28'36.4" W	
	6.65	45+78.11	SARDIS RD CONNECTOR
KC110147	65.80 L	S 89°57'48.5" W	
	101.27	45+78.11	SARDIS RD CONNECTOR
KC110152	65.42 L	N 0°12'54.0" E	
	696.87 SF	46+79.38	SARDIS RD CONNECTOR
REOD EASMT	0.016		ACRES

.....

PARCEL 24 REQ'D DRWY. EASW'T. KC3046

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110153	75.40 L	46+79.38	SARDIS RD CONNECTOR
KC110152	65.42 L	46+79.38	SARDIS RD CONNECTOR
KC110154	65.65 L	46+45.43	SARDIS RD CONNECTOR
KC110155	75.40 L	46+45.43	SARDIS RD CONNECTOR
KC110153	75.40 L	46+79.38	SARDIS RD CONNECTOR

.....

PARCEL 25 REQ'D PERM. EASW'T. KC3047

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110156	63.64 L	47+77.40	SARDIS RD CONNECTOR
	7.09	S 89°57'38.6" E	
SVX090695	56.55 L	47+77.40	SARDIS RD CONNECTOR
	61.43	S 1°21'24.5" W	
SVX0949	58.00 L	47+15.99	SARDIS RD CONNECTOR
	36.60	S 0°28'35.9" W	
SVX090693	58.31 L	46+79.38	SARDIS RD CONNECTOR
	7.11	S 89°58'05.8" W	
KC110152	65.42 L	46+79.38	SARDIS RD CONNECTOR
KC110156	63.64 L	N 1°02'25.3" E	
	678.86 SF	47+77.40	SARDIS RD CONNECTOR
REOD EASMT	0.016		ACRES

.....

PARCEL 25 REQ'D DRWY. EASW'T. KC3048

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110157	79.00 L	47+77.40	SARDIS RD CONNECTOR
KC110156	63.64 L	47+77.40	SARDIS RD CONNECTOR
KC110158	64.26 L	47+42.98	SARDIS RD CONNECTOR
KC110159	79.00 L	47+42.98	SARDIS RD CONNECTOR
KC110157	79.00 L	47+77.40	SARDIS RD CONNECTOR

.....

PARCEL 26 REQ'D PERM. EASW'T. KC3049

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110156	63.64 L	47+77.40	SARDIS RD CONNECTOR
	81.11	N 1°02'34.4" E	
KC110163	64.33 L	48+53.52	SARDIS RD CONNECTOR
	21.10	N 9°07'31.5" E	
KC110161	62.94 L	48+72.68	SARDIS RD CONNECTOR
	4.68	N 89°55'39.7" E	
SVX090697	58.28 L	48+73.15	SARDIS RD CONNECTOR
	101.97	S 1°21'24.3" W	
SVX090695	56.55 L	47+77.40	SARDIS RD CONNECTOR
	7.09	N 89°57'38.6" W	
KC110156	63.64 L	47+77.40	SARDIS RD CONNECTOR
	720.49 SF		
REOD EASMT	0.017		ACRES

.....

PARCEL 26 REQ'D DRWY. EASW'T. KC3050

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110162	77.18 L	48+53.23	SARDIS RD CONNECTOR
KC110163	64.33 L	48+53.52	SARDIS RD CONNECTOR
KC110164	63.10 L	48+22.58	SARDIS RD CONNECTOR
KC110165	77.18 L	48+22.87	SARDIS RD CONNECTOR
KC110162	77.18 L	48+53.23	SARDIS RD CONNECTOR

.....

PARCEL 27 REQ'D PERM. EASW'T. KC3051

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110161	62.94 L	48+72.68	SARDIS RD CONNECTOR
	34.32	N 9°11'56.5" E	
KC110166	61.97 L	49+03.95	SARDIS RD CONNECTOR
	33.88	S 1°21'28.3" W	
SVX090697	58.28 L	48+73.15	SARDIS RD CONNECTOR
	4.68	S 89°55'39.7" W	
KC110161	62.94 L	48+72.68	SARDIS RD CONNECTOR
	79.31 SF		
REOD EASMT	0.002		ACRES

.....

PARCEL 27 REQ'D DRWY. EASW'T. KC3052

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110167	85.00 L	49+53.00	SARDIS RD CONNECTOR
KC110168	71.33 L	49+53.00	SARDIS RD CONNECTOR
KC110169	65.00 L	49+23.00	SARDIS RD CONNECTOR
KC110170	85.00 L	49+23.00	SARDIS RD CONNECTOR
KC110167	85.00 L	49+53.00	SARDIS RD CONNECTOR

.....

PARCEL 28 REQ'D TEMP. EASW'T. KC3053

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110171	120.04 L	50+54.33	SARDIS RD CONNECTOR
SVX090702	107.57 L	50+58.77	SARDIS RD CONNECTOR
KC110172	95.16 L	50+29.48	SARDIS RD CONNECTOR
KC110173	108.71 L	50+25.54	SARDIS RD CONNECTOR
KC110171	120.04 L	50+54.33	SARDIS RD CONNECTOR
REOD EASMT AREA	499.44	SF	

.....

PARCEL 29 REQ'D DRWY. EASW'T. KC3054

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110174	175.06 L	51+42.04	SARDIS RD CONNECTOR
SVX090704	149.98 L	51+58.03	SARDIS RD CONNECTOR
KC110175	145.68 L	51+48.30	SARDIS RD CONNECTOR
ARC LENGTH	5.250		
CHORD BEAR	S 1°40'15.7" W		
LNTH CHORD	5.250		
RADIUS	300.000		
DEGREE	19° 5' 54"		
SVX0948	143.68 L	51+43.44	SARDIS RD CONNECTOR
KC110176	132.01 L	51+15.45	SARDIS RD CONNECTOR
KC110177	157.57 L	51+03.77	SARDIS RD CONNECTOR
KC110174	175.06 L	51+42.04	SARDIS RD CONNECTOR

.....

PARCEL 30 REQ'D PERM. EASW'T. KC3055

.....

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110178	158.94 L	51+52.32	SARDIS RD CONNECTOR
	74.97	N 28°10'53.6" W	
KC110179	218.17 L	51+98.28	SARDIS RD CONNECTOR
	51.20	N 8°45'23.7" W	
KC110180	245.88 L	52+41.34	SARDIS RD CONNECTOR
SVX090706	225.52 L	N 74°00'15.3" E	
ARC LENGTH	126.570		
CHORD BEAR	S 12°57'00.2" E		
LNTH CHORD	125.633		
RADIUS	300.000		
DEGREE	19° 5' 54"		
SVX090704	149.98 L	51+58.03	SARDIS RD CONNECTOR
	10.62	S 81°28'32.1" W	
KC110178	158.94 L	51+52.32	SARDIS RD CONNECTOR
	3510.85 SF		
REOD EASMT	0.081		ACRES

.....

PARCEL 30 REQ'D DRWY. EASW'T. KC3056

.....

PNT	OFFSET	STATION	ALIGNMENT
KC110181	264.78 L	52+22.81	SARDIS RD CONNECTOR
KC111230	261.27 L	52+28.42	SARDIS RD CONNECTOR
KC110182	250.54 L	52+37.42	SARDIS RD CONNECTOR
KC110180	245.88 L	52+41.34	SARDIS RD CONNECTOR
KC110183	218.17 L	51+98.28	SARDIS RD CONNECTOR
KC110184	239.72 L	51+92.96	SARDIS RD CONNECTOR
KC110181	264.78 L	52+22.81	SARDIS RD CONNECTOR

STATE OF GEORGIA			
DEPARTMENT OF TRANSPORTATION			
RIGHT OF WAY TABLES			
PROJECT NO.: 0003626			
COUNTY : HALL			
LAND LOT NO. :			
LAND DISTRICT :			
GND: 570			
DATE 10/18/19 SH 22 OF 59			

DATE

REVISIONS

DATE

REVISIONS

03/26/2021

PAR 23 REVISE DRESMT

10/31/2021

PAR 30 REVISED DRESMT

06/19/2022

PAR 28 CHANGED DRY ESMT TO TESMT

DATE

REVISIONS

DATE

REVISIONS

03/26/2021

PAR 23 REVISE DRESMT

10/31/2021

PAR 30 REVISED DRESMT

06/19/2022

PAR 28 CHANGED DRY ESMT TO TESMT

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 August 11, 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)