HALL COUNTY BOARD OF COMMISSIONERS
VOTING MEETING AGENDA

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Thursday, July 14, 2022 - 06:00 PM

Call to Order

Approve Agenda

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Kathy Cooper

Public Comments - Agenda Items Only (2 minutes per speaker/20 minutes maximum)

Consent Agenda

3 Approve the July 11, 2022 Work Session Minutes.

4 Approve the June 22, 2022 Meeting Minutes.

5 Approve the June 22, 2022 Executive Session Minutes.

6 Approve the June 22, 2022 Meeting Minutes.

7 Approve the resolution to authorize submission and execution of a Certificate of Distribution of the Local Option Sales Tax (LOST) and authorize the Chairman to sign all documents necessary to effectuate the resolution, subject to the review and approval by County Attorney.

8 Approve the renewal of annual contract for IFB #017-42 Plumbing Repair Services for Building Maintenance to Bill Worley Plumbing, Inc. of Gainesville, GA. The estimated annual cost is $182,000.00.

9 Approval and authorization for the Chairman to execute a resolution to amend the Code of Ordinances of Hall County, Georgia relating to Solid Waste at the Sanitary Landfill, subject to review and approval by County Attorney.

10 Approval and authorization for the Chairman to execute a Right-of-Way Deed which identifies that portion of Hall County Tax Parcel number 10083 000049, Parcel 38, presently owned by Hall County, which shall be conveyed and dedicated to the Sardis Road Connector Project, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the transaction with regard to such parcel, subject to review and approval by the County Attorney.

11 Approve the updated application of the Georgia Public Library Service Construction Grant for the Hall County Library to construct the East Hall Library in the amount of $2,000,000.00, and if awarded, appoint the Grants Manager as the Program Designee, and authorize the Chairman to execute all related application and award documents. A cash match of $3,000,000.00 will be required.

12 Approve the FY 2023 Gainesville-Hall County Economic Development Council Service Contract between Hall County and the Greater Hall Chamber of Commerce in the amount of $165,000.00.

13 Approve the Employment Agreement for the Communications and Strategic Engagement Manager.

14 Approve the acceptance of a $297,169.00 Irrevocable Letter of Credit for streets and stormwater management facilities in Magnolia Station Phase II Subdivision. Commission District 3.

15 Approve the replacement and installation of ten (10) commander computers and one (1) Informer/Gatekeeper Server for the Hall County Jail to Stanley Convergent Security Solutions, Inc. of Fishers, IN, in the amount of $379,680.00.

16 Approve the FY 2023 School Resource Officer annual agreement between Hall County and the Hall County Board of Education.

17 Approve the denial of a Real Property refund in the amount of $101.89 for overpayment of taxes regarding property located at 5531 Mallard Walk, Gainesville, GA to Gerald & Rochelle Shawl.

Other Business - County Attorney

18 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 22, Hall County Tax Parcel Number 10072 003084, 2745 Fran Mar Drive, presently owned by M & R Income Properties, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by County Attorney.

19 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 31, Hall County tax parcel number 10072 003075, 2781 Fran Mar Drive, presently owned by Noah Ltd 2, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

20 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 72, Hall County tax parcel number 10097 000118, 3893 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

21 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 73, Hall County tax parcel number 10097 000119, 3879 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

22 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 74, Hall County tax parcel number 10097 000120, 3869 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

23 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 75, Hall County tax parcel number 10097 000121, 3857 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

24 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 89, Hall County tax parcel number 10097 000205, 3803 NW Windsor Trail, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

25 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 90, Hall County tax parcel number 10097 000002, 3845 NW Ledan Road, presently owned by Windsor Forest Homeowners Association, Inc., for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

26 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 91, Hall County tax parcel number 10097 000206, 3805 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

27 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 92, Hall County tax parcel number 10097 000207, 3791 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

28 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 104, Hall County tax parcel number 10098 000076, 3744 Ledan Road, presently owned by Brian F. Young and Lisa R. Young, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

29 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 144, Hall County tax parcel number 10104 000012, 3618 Mount Vernon Road, presently owned by Corinth Baptist Church, Inc., for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

30 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 162, Hall County tax parcel number 10084 006001, 2745 Sardis Road, presently owned by Nurbanu S. Hamid, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Public Hearing to amend Hall County's Zoning Map as follows:

31 Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1. NOTE: Tabled at the May 11, 2022 Meeting until the June 9, 2022 Voting Meeting. NOTE: Tabled at the June 9, 2022 Voting Meeting until the July 14, 2022 Voting Meeting.

32 Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. Commission District 2.

33 Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

34 Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

35 Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

36 Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

37 Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

38 Public Hearing to consider variance for Glen Motes from Hall County common access driveway requirements on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

County Administrator

Commission Time

Adjourn

Hall County Government welcomes people with disabilities and their trained service animals. For questions about accessibility or to request reasonable accommodations please contact Maria Tuck, Compliance Specialist at 770-531-6712 48 hours prior to the event or as soon as possible.

AGENDA ITEM

Invocation

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 687/2021

SUBJECT: Chairman Richard Higgins

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: N

Recommendation:
N/A

Purpose of Request:

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Approve	Clerk
GK	JR

Attachments:

AGENDA ITEM

Pledge

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 722/2021

SUBJECT: Commissioner Kathy Cooper

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: N

Recommendation:
N/A

Purpose of Request:

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Approve	Clerk
GK	JR

Attachments:

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 382/2022

SUBJECT: Approve the July 11, 2022 Work Session Minutes.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CA
Recommendation:
Approve

Purpose of Request:
Approve the July 11, 2022 Work Session Minutes.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Approve	Attorney	Administration	Clerk
AO	WLI	JR	JR

Attachments:

July 11, 2022 Work Session Minutes

HALL COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Monday, July 11, 2022 - 03:00 PM

Call to Order

Chairman Higgins at 3:00 p.m.

Present:

Chairman Richard Higgins, Vice-Chairman Kathy Cooper and Commissioners Billy Powell, Shelly Echols, and Jeff Stowe

Also present were County Administrator Jock Connell, Assistant County Administrator Zach Propes, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Abril Olivas, County Attorney Van Stephens, and Deputy County Attorney Bill Linkous

Administration

Mr. Propes addressed the Board.

1 Approve the resolution to authorize submission and execution of a Certificate of Distribution of the Local Option Sales Tax (LOST) and authorize the Chairman to sign all documents necessary to effectuate the resolution, subject to the review and approval by County Attorney.

Consent

Corrections and Maintenance

Walt Davis, Director of Corrections and Maintenance, addressed the Board.

2 Approve the renewal of annual contract for IFB #017-42 Plumbing Repair Services for Building Maintenance to Bill Worley Plumbing, Inc. of Gainesville, GA. The estimated annual cost is $182,000.00.

Consent

County Attorney

Mr. Linkous addressed the Board.

3 Approval and authorization for the Chairman to execute a resolution to amend the Code of Ordinances of Hall County, Georgia relating to Solid Waste at the Sanitary Landfill, subject to review and approval by County Attorney.

Consent

Mr. Stephens addressed the Board.

4 Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 22, Hall County Tax Parcel Number 10072 003084, 2745 Fran Mar Drive, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by County Attorney.

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Consent

Financial Services

Wes Geddings, Director of Financial Services, addressed the Board.

18 Approve the updated application of the Georgia Public Library Service Construction Grant for the Hall County Library to construct the East Hall Library in the amount of $2,000,000.00, and if awarded, appoint the Grants Manager as the Program Designee, and authorize the Chairman to execute all related application and award documents. A cash match of $3,000,000.00 will be required.

Consent

19 Approve the FY 2023 Gainesville-Hall County Economic Development Council Service Contract between Hall County and the Greater Hall Chamber of Commerce in the amount of $165,000.00.

Consent

Human Resources

Dr. LisaRae Jones, Director of Human Resources, addressed the Board.

20 Approve the Employment Agreement for the Communications and Strategic Engagement Manager.

Consent

Planning and Development

David Webb, Principal Planner, addressed the Board.

21 Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1. NOTE: Tabled at the May 11, 2022 Meeting until the June 9, 2022 Voting Meeting. NOTE: Tabled at the June 9, 2022 Voting Meeting until the July 14, 2022 Voting Meeting.

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23 Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

24 Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

25 Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

26 Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

27 Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

28 Public Hearing to consider variance for Glen Motes from Hall County common access driveway requirements on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

Public Works and Utilities

Srikanth Yamala, Director of Public Works and Utilities, addressed the Board.

29 Approve the acceptance of a $297,169.00 Irrevocable Letter of Credit for streets and stormwater management facilities in Magnolia Station Phase II Subdivision. Commission District 3.

Consent

Sheriff's Office

1st Lieutenant Bonner Burton, Sheriff's Office, addressed the Board.

30 Approve the replacement and installation of ten (10) commander computers and one (1) Informer/Gatekeeper Server for the Hall County Jail to Stanley Convergent Security Solutions, Inc. of Fishers, IN, in the amount of $379,680.00.

Consent

Captain Jason Smith, Sheriff's Office, addressed the Board.

31 Approve the FY 2023 School Resource Officer annual agreement between Hall County and the Hall County Board of Education.

Consent

Tax Assessors

Steve Watson, Chief Appraiser, addressed the Board.

32 Approve the denial of a Real Property refund in the amount of $101.89 for overpayment of taxes regarding property located at 5531 Mallard Walk, Gainesville, GA to Gerald & Rochelle Shawl.

Consent

County Administrator

Mr. Connell did not have any items to report.

Public Comments

There were no comments from the public.

Commission Time

Commissioner Stowe expressed his appreciation for Marty Nix and wished him well in his retirement.

Adjourn

Chairman Higgins adjourned the meeting at 3:19 p.m.

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 379/2022

SUBJECT: Approve the June 22, 2022 Meeting Minutes.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CA
Recommendation:
Approve.

Purpose of Request:
Approve the June 22, 2022 Meeting Minutes.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Approve	Attorney	Administration	Clerk
JR	WLI	LJ	JR

Attachments:

June 22, 2022 Meeting Minutes

HALL COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Wednesday, June 22, 2022 - 06:00 PM

Call to Order

Chairman Higgins at 6:00 p.m.

Present:

Chairman Richard Higgins, Vice-Chairman Kathy Cooper and Commissioners Jeff Stowe, Billy Powell, and Shelly Echols

Also present were County Administrator Jock Connell, Assistant County Administrator Zach Propes, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Abril Olivas, County Attorney Van Stephens, and Deputy County Attorney William Linkous III

Commissioner Powell was present by phone.

Approve Agenda

Commissioner Echols/Commissioner Cooper — approve — unanimous

Invocation

1 Chairman Richard Higgins

Pledge

2 Commissioner Jeff Stowe

Public Comments

There were no comments from the public.

Proclamation/s

3 Approve the Proclamation recognizing the Johnson High School Boys Soccer Team for their State Championship win.

Commissioner Cooper presented the Proclamation to Head Coach Frank Zamora, Assistant Coach Martin Sanchez, Kristian Hernandez, Isaac Madrigal, Ramon Aguilar, David Arteaga, Andres Galicia, and Edgar Vazquez.

Commissioner Stowe/Commissioner Cooper — approve — unanimous

Consent Agenda

Commissioner Echols/Commissioner Cooper — Vote 4 to 0 to approve — Commissioner Stowe recused himself.

Chairman Higgins - aye

Commissioner Cooper - aye

Commissioner Powell - aye

Commissioner Echols - aye

Commissioner Stowe - recused

4 Approve the June 20, 2022 Work Session Minutes.

5 Approve the June 9, 2022 Voting Meeting Minutes.

6 Approve the June 9, 2022 Executive Session Minutes.

7 Approve the June 9, 2022 Meeting Minutes.

8 Approve the award of IFB #040-42 New 80,000 lb. Tandem Dump Truck for Road Maintenance to Gainesville Truck Center, Inc. of Gainesville, GA. The estimated cost is $150,575.00.

9 Approve the award of IFB #012-43 Elevator Repair Service Annual Contract for Building Maintenance to Premier Elevator of Stockbridge, GA. The estimated annual cost to exceed $50,000.00.

10 Approve the installation and labor services for storm sewer rehabilitation of a pipe liner along Wallis Road for Road Maintenance to Federal EC LLC of Woodstock, GA, in the amount of $185,185.00.

11 Approval and authorization for the Chairman to execute a resolution regarding the purchase of the Georgia Department of Agriculture Building located at 1195 Jesse Jewell Parkway, Gainesville, GA, and authorize the Chairman to execute any necessary documents, subject to the review and approval by the County Attorney.

12 Approve the Fiscal Year 2023 Budget Resolutions: 1) Fiscal Year 2023 Budget Resolution 2) Victim Witness Program

13 Approve the Tax Levy Resolution setting the millage rates for 2022.

14 Approve the Fiscal Year 2022 Budget Adjustment Resolution.

15 Approve the renewal of annual contract for IFB #016-41 Office Supplies for various County departments to Staples Contract & Commercial, LLC, of Atlanta, GA. The estimated annual cost is $150,000.00.

16 Approve the award of IFB #009-43 Prescription and Over-the-Counter (OTC) Sundry Drugs Annual Contract for the Jail and Correctional Institution to Riverside Pharmacy, Inc. of Gainesville, GA. The estimated annual cost is $165,000.00.

17 Approve the award of IFB #023-43 Fire & EMS Uniform Supply for Fire Rescue to NAFECO of Clarkston, GA and S.T.A.R. Apparel & Plastics Inc. of Oakwood, GA. The estimated annual cost is $160,000.00.

18 Approve the award of RFQ/P #42-009 Landscape Maintenance Services for Fire Rescue to ACS Landscape Management, Inc. of Oakwood, GA. The estimated annual cost is $204,157.00.

19 Approve the FY 2023 annual contract renewal for property and casualty insurance brokers (Gallagher Bassett Services, Inc. and Arthur J. Gallagher Company), insurance program coverages, fees, and third party administrator (TPA) services; and authorize the Chairman to execute all related documents.

20 Approve the award of RFQ/P #43-001 Demand Services for Professional Architectural Services for Public Works & Utilities to Precision Planning, Inc. of Lawrenceville, GA, CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C. (P.C.) of Suwanee, GA and Hussey, Gay, Bell & DeYoung International, Inc. of Duluth, GA. The estimated annual cost is $200,000.00.

21 Approve the award of RFP #42-025 Design Build Culvert Replacements for Public Works & Utilities to E.R. Snell Contractors, Inc., of Snellville, GA. The estimated cost is $1,213,789.00.

22 Approve the award of Task Order #2022-027 under RFP #39-018 Demand Services for On-Call Public Works Contractors for construction services to replace a culvert pipe at Cagle Mill Road for Public Works & Utilities to E.R. Snell Contractors, Inc. of Snellville, GA, in the amount of $182,545.00.

23 Approve the renewal of annual contract for RFQ #39-018, Demand Services for On-Call Public Works Contractors for Public Works & Utilities to E.R. Snell Contractor, Inc. of Snellville, GA, Griffin Bros, Inc. of Maysville, GA, Lanier Contracting Co. of Suwanee, GA, and Simpson Trucking & Grading Inc. of Gainesville, GA. The estimated annual cost not to exceed is $350,000.00.

24 Approval and authorization for the Chairman to execute an Agreement for Maintenance of the Roundabout with Flowery Branch Apartments Owner, LLC, which includes full landscaping and planting for the property in the center portion of the roundabout at the intersection of Hog Mountain Road and Cash Road.

25 Approve the award of IFB #022-43 Counseling & Case Management Services Annual Contract for Treatment Services to New Hope Counseling of Gainesville, GA. The estimated annual cost is $50,000.00.

26 Approve the annual contract with the State of Georgia Department of Human Services for Hall County Treatment Services to provide drug screening services and appoint the Treatment Services Director as the Program Designee and authorize the Chairman to execute all related award documents.

Other Business - Planning and Development

Randi Doveton, Director of Planning and Development, addressed the Board.

27 Public Hearing to adopt a minor update to the Hall County Comprehensive Plan.

Mr. Linkous introduced the item. Ms. Doveton discussed the item. Mr. Linkous conducted the Public Hearing.

There were no comments from the public.

Commissioner Cooper/Commissioner Echols — approve — unanimous

28 Public Hearing to adopt Hall County's updated short-term work program and capital improvement element.

Mr. Linkous introduced the item. Ms. Doveton discussed the item. Mr. Linkous conducted the Public Hearing.

There were no comments from the public.

Commissioner Stowe/Commissioner Cooper — approve — unanimous

Public Hearing to amend Hall County's Zoning Map as follows:

29 Application of Efrain Carrillo to rezone from Agricultural Residential-IV (AR-IV) to Residential-I (R-I) on a 27.29± acre tract located on the west side of Coker Road approximately 171 feet from its intersection with Thousand Oaks Drive; a.k.a. 3504 Coker Road; Zoned AR-IV; Tax Parcel 15015 000131. Proposed Use: 18 lot subdivision. Commission District 3. NOTE: Tabled at the May 26, 2022 Voting Meeting until the June 22, 2022 Meeting.

Commissioner Echols/Commissioner Stowe — approve removing item 29 from the table — unanimous

Mr. Linkous introduced the item. Ms. Doveton discussed the item.

Commissioner Echols/Commissioner Stowe — approve tabling item 29 until the August 25, 2022 Voting Meeting — unanimous

30 Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: 100 unit single family detached subdivision. Commission District 1. NOTE: Tabled at the June 9, 2022 Voting Meeting until the June 22, 2022 Meeting.

Commissioner Stowe/Commissioner Echols — approve removing item 30 from the table — unanimous

Ms. Doveton discussed the item.

Commissioner Stowe/Commissioner Powell — Vote 4 to 0 to approve with five (5) conditions — Commissioner Cooper recused herself.

Chairman Higgins - aye

Commissioner Cooper - recused

Commissioner Powell - aye

Commissioner Echols - aye

Commissioner Stowe - aye

Conditions:

1. The development shall generally occur as depicted on the site plan and described in the project narrative. Minimum lot standards shall be as follows:

a. Minimum lot width: 50 feet

b. Minimum lot depth: 125 feet

c. Minimum lot area: 6,250 square feet

d. Minimum average lot area: 8,000 square feet

e. Front setback: 20 feet from right of way with minimum of 25 feet from rear of sidewalk to face of garage

f. Side setback: 5 feet, subject to Fire Department approval

g. Rear setback: 20 feet

2. There shall be no more than 125 total units in the development, equaling a density of 2.5 units per acre.

3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

4. A 6 foot tall wooden privacy fence will be constructed along the northern property line adjacent to parcel #15043 000203 within 60 days of issuance of the land disturbance permit (LDP).

5. The northern entrance depicted on the site plan nearest to Steeple Chase Lane shall be removed. The southern entry shall be the only entrance provided and shall include a deceleration lane.

31 Application of Bark Camp Farm for a Use Subject to County Commission approval on a 30.62± acre tract located on the south side of Hunter Road approximately 1,252 feet from its intersection with Cleveland Highway; a.k.a. 4294 Hunter Road; Zoned AR-IV; Tax Parcel 12023 000010. Proposed Use: farm-style dog daycare, boarding facility and family/community events. Commission District 3.

Mr. Linkous introduced the item. Ms. Doveton discussed the item. Mr. Linkous conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *Megan Partrick, 143 Woodlake Drive, Gainesville*

Commissioner Echols/Commissioner Stowe — approve with the thirteen (13) conditions listed below — unanimous

Conditions:

1. Development shall be as generally depicted on the proposed plan and narrative as submitted.

2. A variance to the 200 foot setback requirement shall be approved for the existing barn so that it may be utilized as shelter for the dogs in inclement weather.

3. All outdoor runs utilized for the business shall meet the 200 foot setback requirement or a variance shall be obtained.

4. As stated in the applicant's narrative, the following dog breeds are not permitted at their facility: German Shepherds, Pit Bulls, Doberman Pinschers, Rottweilers, and Presa Canaros.

5. The proposed use shall be limited to the submitted narrative and site plan, and shall exclude any and all breeding activities.

6. There shall be a maximum of 50 dogs for the daycare facility and 20 for overnight boarding.

7. Unsupervised outdoor dog activity shall be limited to proposed business hours only, 8:00 am — 6:00 pm daily. Office operation for boarding shall be from 8:00 am — 6:00 pm, Monday — Sunday and Doggy day care shall operate from 8:00 am — 6:00 pm, Monday — Friday.

8. Any change of ownership of the property or substantial change to the proposed conditional use will require a new use permit application to be submitted as this approval is for this applicant only.

9. Any site improvements shall be subject to the Hall County Development Review process and any applicable regulations.

10. All conditions of zoning shall be made a part of any plat created for property.

11. There shall be a right turn only sign placed at the exit of the property.

12. There shall only be one event per quarter, for a total of four per year.

13. The shuttle service shall not operate on Hunter Road 45 minutes before school starts and 45 minutes after school ends.

32 Application of Jay Wilhoite for a Use Subject to County Commission approval on a 4.75± acre tract located on the west side of Candler Road approximately 175 feet from its intersection with Roy Parks Road; a.k.a. 2654 Candler Road; Zoned H-B; Tax Parcel 15030 000008. Proposed Use: retail units and self-storage warehouses. Commission District 3.

Mr. Linkous introduced the item. Ms. Doveton discussed the item. Mr. Linkous conducted the Public Hearing.

The following people addressed the Board:

Favor:

- *James Irvin, 164 Professional Drive, Baldwin*

Commissioner Echols/Commissioner Stowe — approve with the six (6) conditions listed below — unanimous

Conditions:

1. The development shall conform substantially with the proposed site plan and narrative with approved variances as follows:

a. RV and boat storage shall be allowed to be gravel surface (§17.420.050.E.3).

b. There shall be a 30 foot front setback variance (§17.240.040).

c. Buildings 1-3 closest to Candler Road shall be non-metal three sided and buildings 4-6 shall have non-metal sides only (§17.420.050.H.2).

2. All development of the property shall conform with §17.420, Gateway Corridors Overlay District (GCOD) standards with the exception of variances granted.

3. All conditions of zoning shall be made a part of any plat of the property.

4. All exterior colors and materials shall be approved by the Director of Planning and Development.

5. This conditional use approval shall be granted for this applicant only and shall be applicant specific.

6. All external lighting shall meet Hall County standards specified in code.

County Administrator

Mr. Connell addressed the Board. He stated the following:

Hall County Offices will be closed on Monday, July 4, 2022 in observance of the Independence Day holiday.

Commission Time

The Commissioners did not have any items to report.

Adjourn

Commissioner Stowe/Commissioner Echols — adjourn at 6:22 p.m. — unanimous

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 380/2022

SUBJECT: Approve the June 22, 2022 Executive Session Minutes.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CA

Recommendation:
Approve

Purpose of Request:
Approve the June 22, 2022 Executive Session Minutes.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Approve	Attorney	Administration	Clerk
AO	WLI	JR	JR

Attachments:

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 381/2022

SUBJECT: Approve the June 22, 2022 Meeting Minutes.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CA
Recommendation:
Approve

Purpose of Request:
Approve the June 22, 2022 Meeting Minutes.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Approve	Attorney	Administration	Clerk
AO	WLI	JR	JR

Attachments:

June 22, 2022 Meeting Minutes

HALL COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES

Hall County Government Center 2nd Floor
2875 Browns Bridge Road
Gainesville, GA 30504
Streamed Live on Hall County Government's Website - www.hallcounty.org
Wednesday, June 22, 2022 - 05:30 PM

Call to Order

Chairman Higgins at 5:30 p.m.

Present:

Chairman Richard Higgins, Vice-Chairman Kathy Cooper and Commissioners Jeff Stowe, Billy Powell, and Shelly Echols

Also present were County Administrator Jock Connell, Assistant County Administrator Zach Propes, Commission Clerk Jennifer Rivera, Deputy Commission Clerk Abril Olivas, County Attorney Van Stephens, and Deputy County Attorney William Linkous III

Commissioner Powell was present by phone.

Commissioner Stowe/Commissioner Cooper - to go into Executive Session at 5:30 p.m. - unanimous

Executive Session

1 Discussion regarding land acquisition, land disposition, personnel matters, potential litigation and/or litigation. Executive Session is not open to the public. Executive Session is a lawfully closed meeting [§ 50-14-1 (a)(2)].

Commissioner Stowe/Commissioner Echols — to adjourn the Executive Session at 5:53 p.m. - unanimous

Adjourn

Commissioner Stowe/Commissioner Echols - adjourn the Meeting at 5:53 p.m. — unanimous

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 316/2022

SUBJECT: Approve the resolution to authorize submission and execution of a Certificate of Distribution of the Local Option Sales Tax (LOST) and authorize the Chairman to sign all documents necessary to effectuate the resolution, subject to the review and approval by County Attorney.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: ZP

Recommendation:
Approve.

Purpose of Request:
Approve the Resolution to Authorize Submission and Execution of Certificate of Distribution of the Local Option Sales Tax and authorize the Chairman to sign all documents necessary to effectuate the resolution subject to the review and approval of the county attorney.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-12-30

Approvals:

Approve	Attorney	Administration	Clerk

Approve	Attorney	Administration	Clerk
JR	WLI	LJ	JR

Attachments:

LOST 2022 Hall County Adoption Resolution
Exhibit A - 2022 Hall County LOST Certificate of Distribution

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

RESOLUTION TO AUTHORIZE SUBMISSION AND EXECUTION OF CERTIFICATE OF DISTRIBUTION OF THE LOCAL OPTION SALES TAX

WHEREAS, the Georgia General Assembly through O.C.G.A. § 48-8-80 et. seq., authorizes the imposition of a Local Option Sales Tax (LOST) within special tax districts established through the statute; and

WHEREAS, the statute requires that the proceeds of the tax be distributed in accordance with a Certificate of Distribution which shall be executed on behalf of each respective governing authority, and shall be filed with the Commissioner of the Georgia Department of Revenue; and

WHEREAS, the Certificate of Distribution is to be renegotiated every ten years based on criteria outlined in the LOST statute; and

WHEREAS, the statue requires that the County, at a minimum, renegotiate and execute the LOST Certificate of Distribution with qualified municipalities whose combined populations represent at least one-half of the total qualified municipal population of the County; and

WHEREAS, the Board of Commissioners of Hall County deems it necessary to allocate the LOST proceeds using the percentages on the Certificate of Distribution attached hereto as Exhibit “A”; and

WHEREAS, the Board of Commissioners of Hall County deems it in the best interest for the residents of Hall County by maintaining an appropriate level of public safety and quality of life services to approve the Certificate of Distribution attached hereto as Exhibit “A”;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of Hall County hereby approves the Hall County distribution on the Certificate of Distribution to the Commissioner of the Georgia Department of Revenue, which is as attached hereto as Exhibit "A", and authorizes the Chairman of the Hall County Board of Commissioners to execute same on behalf of Hall County, Georgia and any and all other documents necessary to effectuate this purpose.

Adopted this 14th day of July, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

_____

Richard P. Higgins, Chairman

_____

Kathy L. Cooper, District 1

_____

Billy Powell, District 2

_____

Shelly Echols, District 3

_____

Jeff Stowe, District 4

Exhibit A

CERTIFICATE OF DISTRIBUTION

TO: State Revenue Commissioner

Pursuant to an Act of the Georgia General Assembly, effective January 1, 1980, relating to Local Sales & Use Taxes, the governing authorities for the qualifying municipalities and the county located within the special district coterminous with the boundaries of Hall County hereby certify that the proceeds of the combination city/county local sales and use tax generated in such district shall be distributed by the State Revenue Commissioner as follows:

City of	**Braselton**	**shall receive**	**1.60**	**%**
City of	**Buford**	**shall receive**	**1.31**	**%**
City of	**Clermont**	**shall receive**	**0.50**	**%**
City of	**Flowery Branch**	**shall receive**	**4.62**	**%**
City of	**Gainesville**	**shall receive**	**20.82**	**%**
City of	**Gillsville**	**shall receive**	**0.11**	**%**
City of	**Lula**	**shall receive**	**1.24**	**%**
City of	**Oakwood**	**shall receive**	**2.38**	**%**
City of	**Rest Haven**	**shall receive**	**0.01**	**%**
County of	**Hall**	**shall receive**	**67.41**	**%**

This certificate shall continue in effect until such time as a new certificate shall be executed as provided in said Act.

By executing this schedule, the county and cities, acting through their respective officers, represent that all municipalities lying wholly or partly in the tax jurisdiction have been given an opportunity to show that they are 'qualified municipalities,' as that term is used in the Act, and that all municipalities listed herein as recipients are 'qualified' and so may receive distribution from the proceeds of the tax.

Executed on behalf of the governing authorities of the qualifying municipalities representing not less than a majority of the aggregate population of all qualifying municipalities located within the special district and the governing authority of the county, this _____ day of _____ 2022.

_____

MAYOR OF THE CITY OF BRASELTON

MAYOR OF THE CITY OF BUFORD

MAYOR OF THE CITY OF CLERMONT

MAYOR OF THE CITY OF FLOWERY BRANCH

MAYOR OF THE CITY OF GAINESVILLE

MAYOR OF THE CITY OF GILLSVILLE

MAYOR OF THE CITY OF LULA

MAYOR OF THE CITY OF OAKWOOD

MAYOR OF THE CITY OF REST HAVEN

CHAIRMAN BOARD OF COMMISSIONERS OF HALL COUNTY

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 331/2022

SUBJECT: Approve the renewal of annual contract for IFB #017-42 Plumbing Repair Services for Building Maintenance to Bill Worley Plumbing, Inc. of Gainesville, GA. The estimated annual cost is $182,000.00.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: WD

Recommendation:
Approve the award to Bill Worley Plumbing

Purpose of Request:

To extend the annual contract for plumbing repair services through the end of FY23

History:
Bill Worley Plumbing has provided plumbing repair services to the County for many years and is in good standing.

Facts and Issues:
Planned FY23 repairs include the installation services of bunker gear washer/extractors and tankless water heaters in multiple fire stations

Options:

Funding Requested	$ 182,000.00
Are funds within current budget?	Yes
Source of Funds	Various
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Buyer	Submit	Purchasing	Budget

Buyer	Submit	Purchasing	Budget
CP	WD	AP	TS
Finance	**Attorney**	**Administration**	**Clerk**
NB	WLI	LJ	JR

Attachments:

Financial Supplement
017-42 Contract Renewal Doc

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 331/2022

Funds Requested: $ 182,000.00

Request Budgeted: Yes

Proposed Source of Funding:

Various

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	TBD	TBD	4483 - BUILDING MAINTENANCE	$182,000.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: BJ

Phone: 770-531-6823

State of Georgia
County of Hall

Contract #017-42-1

Supplement Agreement #1

Plumbing Repair Services Annual Contract

March 8, 2022

Whereas, the County desires to extend the contract period for a one year period through June 30, 2023, in accordance with the terms and conditions of Bid #017-42, Plumbing Services Annual Contract, dated July 1, 2021 and

Whereas the Contractor has agreed to this extension and agrees to provide services and/or materials previously supplied in accordance with the original agreement; and

Whereas, with both parties agreeing to the extension as stated and therefore, the above numbered contract is hereby changed as follows:

1. By extending the contract coverage for a one year period through June 30, 2023,

2. Allow for price adjustments as agreed to and recorded in Attachment A,

3. Change Orders: Any and all change orders requested by the successful bidder on this project must be approved per the County's Purchasing Policies through the Contract Administrator prior to any work being performed. Any work performed outside the contract agreement for which compensation over and above the contract is requested must have an approved Change Order. If work is done before approval of a Change Order, the subsequent Change Order will be rejected.

With the above change to the original contract set forth herein, the parties hereto agree that all terms and conditions of the original agreement will remain in full force and effect and legally binding on both parties.

In witness whereof, the parties hereto have set their hands and affixed their seals the day and year first above written.

Subscribed and sworn to in our presence this _____ day of _____, 2022

_____
Notary Public
Commission expires: _____

Hall County, Georgia

By: _____
Richard Higgins, Chairman
Board of Commissioners

Subscribed and sworn to in our presence this 13th day of June, 2022

SBriseno
Notary Public
Commission expires: Feb 3, 2026

STEPHANIE ATALIE BRISENO
NOTARY PUBLIC
Hall County
State of Georgia
My Comm. Expires Feb. 3, 2026

Bill Worley Plumbing, Inc.

By: David Medders
David Medders
Vice President

State of Georgia
County of Hall

Contract #017-42-1

Attachment A

Plumbing Repair Services Annual Contract

March 8, 2022

Whereas, the Contractor and the County have agreed to a change in the contract prices and have recorded them below, and have both agreed to their rates, the prices associated with this contract are hereby changed upon approval of the County:

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 330/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution to amend the Code of Ordinances of Hall County, Georgia relating to Solid Waste at the Sanitary Landfill, subject to review and approval by County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: WJLIDCA

Recommendation:
Approval.

Purpose of Request:

To approve the Resolution to Amend the Code of Ordinances of Hall County with Regard to Solid Waste at the Sanitary Landfill.

History:
The Department of Public Works and Utilities requested that the Code be amended so as to restrict the deposit of boats, roofing materials, bulk Styrofoam, pressurized tanks, and mobile homes into the County's landfill because that restriction will increase the useful life of the landfill.

Facts and Issues:
The County's Department of Public Works and Utilities wishes to increase the useful life of the County's sanitary landfill by prohibiting the regular deposit of boats, roofing materials, bulk Styrofoam, pressurized tanks, and mobile homes into the landfill. This resolution would accomplish that purpose but would also give the Board of Commissioners the power to allow non-profit corporations or charitable entities to deposit some or all of those materials by obtaining an exception from the Board for a special event that serves community or civic purposes.

Options:

Approve or deny the Resolution.

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Submit	Budget	Finance	Attorney
WLI	EW	NB	WLI
Administration		**Clerk**	
LJ		JR	

Attachments:

Resolution to Amend the Code Regarding Solid Waste at Sanitary Landfill

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 330/2022

Funds Requested: $ 0.00

Request Budgeted: No

Proposed Source of Funding:

Budget Transfer Requested: No

Funding Source Items:

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: WJLIDCA

Phone: (770) 297-2686

STATE OF GEORGIA

COUNTY OF HALL

A RESOLUTION TO AMEND THE CODE OF ORDINANCES OF HALL COUNTY WITH REGARD TO SOLID WASTE AT THE SANITARY LANDFILL

WHEREAS, Hall County has developed certain regulations governing solid waste and the County's sanitary landfill and solid waste compactor sites found in Chapter 8.60 of the Official Code of Hall County, Georgia; and

WHEREAS, the useful life of Hall County's sanitary landfill will be prolonged by the prohibition on the acceptance of certain materials at the landfill and at solid waste compactor sites; and

WHEREAS, prolonging the useful life of the County's sanitary landfill and solid waste compactor sites is in the best interest of the County's citizens and taxpayers; and

WHEREAS, the County's Board of Commissioners wishes to alter its current ordinance relating to solid waste and the County's sanitary landfill and solid waste compactor sites in order to prohibit the depositing of those certain materials at the landfill and compactor sites so as to prolong the useful life of the landfill; and

WHEREAS, the County's Board of Commissioners believes that changes to its solid waste ordinance as described herein are in the best interests of residents and businesses of Hall County, Georgia, and would promote the public health, safety, and general welfare of such residents and businesses.

NOW, THEREFORE, the Board of Commissioners does hereby amend The Official Code of Hall County, Georgia as follows:

1.

Section 8.60.300 (Forbidden deposits and prohibited actions at county disposal sites; deposit or storage of junk) is hereby amended by adding new subsections (A) 8 through (A) 16 which provide as follows:

8.60.300 – Forbidden deposits and prohibited actions at county disposal sites; deposit or storage of junk.

A. ....

"8. Boats of any size, including kayaks, canoes, flat bottom boats, and motorized boats;

9. Roofing shingles, tiles, and similar roofing materials;

10. Bulk Styrofoam, including Styrofoam used for floatation;

11. Pressurized tanks of any type, including air tanks, gasoline tanks, and propane tanks; and

12. Mobile homes.

The County's Board of Commissioners may, at their election, allow non-profit corporations or other charitable entities to deposit some or all of the above-referenced materials in exceptions for special events that serve community or civic purposes."

2.

The remaining provisions of Section 8.60.300 of the Hall County Code of Ordinances shall remain as they were, unchanged by this amendment.

SO RESOLVED, this the _____ day of _____, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

ATTEST:

_____ (SEAL)
Jennifer Rivera, County Clerk

APPROVED AS TO FORM:

_____
Van Stephens, County Attorney

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 365/2022

SUBJECT: Approval and authorization for the Chairman to execute a Right-of-Way Deed which identifies that portion of Hall County Tax Parcel number 10083 000049, Parcel 38, presently owned by Hall County, which shall be conveyed and dedicated to the Sardis Road Connector Project, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the transaction with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Right-of-Way Deed which identifies that portion of Hall County Tax Parcel number 10083 000049, being parcel number 38, presently owned by Hall County, which shall be conveyed and dedicated to the Sardis Road Connector Project, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the transaction with regard to such parcel, subject to review and approval by the County Attorney.

History:

As a part of the Sardis Road Connector Project, a portion of the property upon which the Hall County Compactor Site is located is necessary for right-of-way improvements. This agenda item will authorize conveyance of the portion necessary for right-of-way by Right-of-Way Deed.

Facts and Issues:
The separate identification of the portion of the property needed for right-of-way will assist in identifying the boundaries of the Sardis Road Connector Project.

Options:

N/A

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:

Right-of-Way Deed

Return to: **Scott A. Ball**
Stewart, Melvin & Frost LLP
PO Box 3280
Gainesville, GA 30503

RIGHT-OF-WAY DEED
BOARD OF COMMISSIONERS
HALL COUNTY, GEORGIA

STATE OF GEORGIA, HALL COUNTY

THIS CONVEYANCE made and executed this 14th day of JULY, 2022, between HALL COUNTY GEORGIA, (hereinafter collectively called "GRANTOR"), and HALL COUNTY, GEORGIA (herein called "GRANTEE"),

WHEREAS, GRANTEE desires to make certain improvements to its infrastructure located in Land Lot 83 of the 10TH Land District of Hall County, Georgia and improvements have been laid out by the County Engineer or other parties acting for the Board of Commissioners, Hall County, Georgia, and/or Georgia Department of Transportation, as shown and depicted on a Plat entitled Sardis Road Connector, for Federal Aid Project STP00-0003-00(626) and on file with HALL COUNTY PUBLIC WORKS & UTILITIES ENGINEERING DIVISION as **Parcel No. 038** to which reference is hereby made in EXHIBIT "A" and EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF;

WITNESSETH: That the said GRANTOR, for and in consideration of ONE DOLLAR ($1.00) and other good and valuable consideration, in hand paid at and before sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the GRANTEE an easement or right-of-way as same is more particularly described on the attached Exhibits to that land lying and being in Land Lot 83 of the 10TH Land District of Hall County, Georgia the following described property, to-wit as shown and depicted on Exhibit "A" and plats attached as Exhibit "B".

TO HAVE AND TO HOLD the said tract or parcel of land with all and singular the rights members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, forever in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto the said GRANTEE against the claims of all persons whomsoever.

WHEREVER there is a reference herein to the GRANTOR or the GRANTEE, the singular includes the plural and the masculine includes the feminine and the neuter, and said terms include and bind the heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set their hands and seals, the day and year above written.

Signed, sealed and delivered in the presence of:

HALL COUNTY, GEORGIA

_____ _____(SEAL)
Witness BY: RICHARD HIGGINS
TITLE: CHAIRMAN

_____
Notary Public

My Commission Expires: _____

EXHIBIT "A" -1

STATE OF GEORGIA
COUNTY OF HALL
OWNER: HALL COUNTY
3166 BRACKETT DRIVE

PROJECT #:STP00-0003-00(626)
P.I. #: 0003626, PARCEL 38
TAX ID # 10083 000049

Granted is permanent easement for the construction & maintenance of slopes and utility relocation, based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lot 83 of the 10th District, Hall County, Georgia and being more particularly described as follows:

Beginning at a point 53.00 feet right of station 63+35.85 per right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020 and having a latest revision date of 11/02/2020;

Thence proceeding thru the property of Hall County North 00 degrees 00 minutes 00 seconds West a distance of 207.77 feet to a point 53.00 feet right of station 65+43.62;

Thence along a curve to the right having a radius of 747.00 feet and an arc length of 265.72 feet being subtended by a chord of North 10 degrees 11 minutes 27 seconds East for a distance of 264.32 feet to a point 53.00 feet right of station 68+28.19;

Thence proceeding along the property now or formerly of Hall County Board of Education South 42 degrees 18 minutes 16 seconds East a distance of 18.06 feet to a point 69.00 feet right of station 68+19.12;

Thence proceeding thru the property of Hall County South 13 degrees 17 minutes 27 seconds West a distance of 180.25 feet to a point 67.00 feet right of station 66+21.64;

Thence South 00 degrees 13 minutes 30 seconds East a distance of 279.14 feet to a point 71.58 feet right of station 63+35.85;

Thence proceeding along the property now or formerly of Hall County Board of Education North 90 degrees 00 minutes 00 seconds West a distance of 18.58 feet to the POINT OF BEGINNING.

Said tract contains 8,437.49 square feet or 0.194 acre per the aforementioned right of way plans, also attached hereto as "EXHIBIT B".

EXHIBIT "A" – 2

STATE OF GEORGIA
COUNTY OF HALL
OWNER: HALL COUNTY
3166 BRACKETT DRIVE

PROJECT #:STP00-0003-00(626)
P.I. #: 0003626, PARCEL 38
TAX ID # 10083 000049

Granted is additional, required right of way, in Fee Simple, based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lot 83 of the 10th District, Hall County, Georgia and being more particularly described as follows:

Beginning at a point on the existing eastern right of way of Brackett Drive, said right of way being 60 feet in width, said point also lying 27.20 feet left of station 63+35.85 per right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020 and having a latest revision date of 11/02/2020;

Thence proceeding along said right of way along a curve to the right having a radius of 435.14 feet and an arc length of 155.42 feet being subtended by a chord of North 02 degrees 01 minutes 18 seconds West for a distance of 154.60 feet to a point 32.65 feet left of station 64+90.35;

Thence North 06 degrees 52 minutes 05 seconds East a distance of 292.18 feet to a point 32.12 feet left of station 67+74.48;

Thence North 10 degrees 45 minutes 36 seconds East a distance of 109.86 feet to a point 50.23 feet left of station 68+77.626;

Thence leaving said right of way and proceeding along the property now or formerly of Hall County Board of Education South 42 degrees 17 minutes 48 seconds East a distance of 114.37 feet to a point 53.00 feet right of station 68+28.19;

Thence proceeding thru the property of Hall County along a curve to the left having a radius of 747.00 feet and an arc length of 265.72 feet being subtended by a chord of South 10 degrees 11 minutes 27 seconds West for a distance of 264.32 feet to a point 53.00 feet right of station 65+43.62;

Thence South 00 degrees 00 minutes 00 seconds East a distance of 207.77 feet to a point 53.00 feet right of station 63+35.85;

Thence proceeding along the property now or formerly of Hall County Board of Education North 90 degrees 00 minutes 00 seconds West a distance of 80.20 feet to the POINT OF BEGINNING.

Said tract contains 42,376.35 square feet or 0.973 acre per the aforementioned right of way plans, also attached hereto as "EXHIBIT B".

EXHIBIT "A" -3

STATE OF GEORGIA
COUNTY OF HALL
OWNER: HALL COUNTY
3166 BRACKETT DRIVE

PROJECT #:STP00-0003-00(626)
P.I. #: 0003626, PARCEL 38
TAX ID # 10083 000049

Granted is temporary construction easement for the construction of driveways, based on the plans mentioned herein and more particularly described below.

All that tract or parcel of land lying and being in Land Lot 83 of the 10th District, Hall County, Georgia and being more particularly described as follows:

Beginning at a point 68.81 feet right of station of station 66+37.48 per right of way plans prepared by WSP USA, Inc. for Georgia Department of Transportation, Sardis Road Connector, approved January 2, 2020 and having a latest revision date of 11/02/2020;

Thence South 83 degrees 22 minutes 00 seconds East a distance of 29.99 feet to a point 98.81 feet right of station 66+37.53;

Thence South 06 degrees 29 minutes 27 seconds West a distance of 52.40 feet to a point 97.07 feet right of station 65+77.84;

Thence North 83 degrees 22 minutes 00 seconds West a distance of 27.26 feet to a point 69.88 feet right of station 65+80.00;

Thence North 00 degrees 13 minutes 54 seconds West a distance of 38.16 feet to a point 67.00 feet right of station 66+21.64;

Thence North 13 degrees 17 minutes 54 seconds East a distance of 14.61 feet to the POINT OF BEGINNING.

Said tract contains 1,565 square feet or 0.036 acre per the aforementioned right of way plans, also attached hereto as "EXHIBIT B".

EXHIBIT "B"

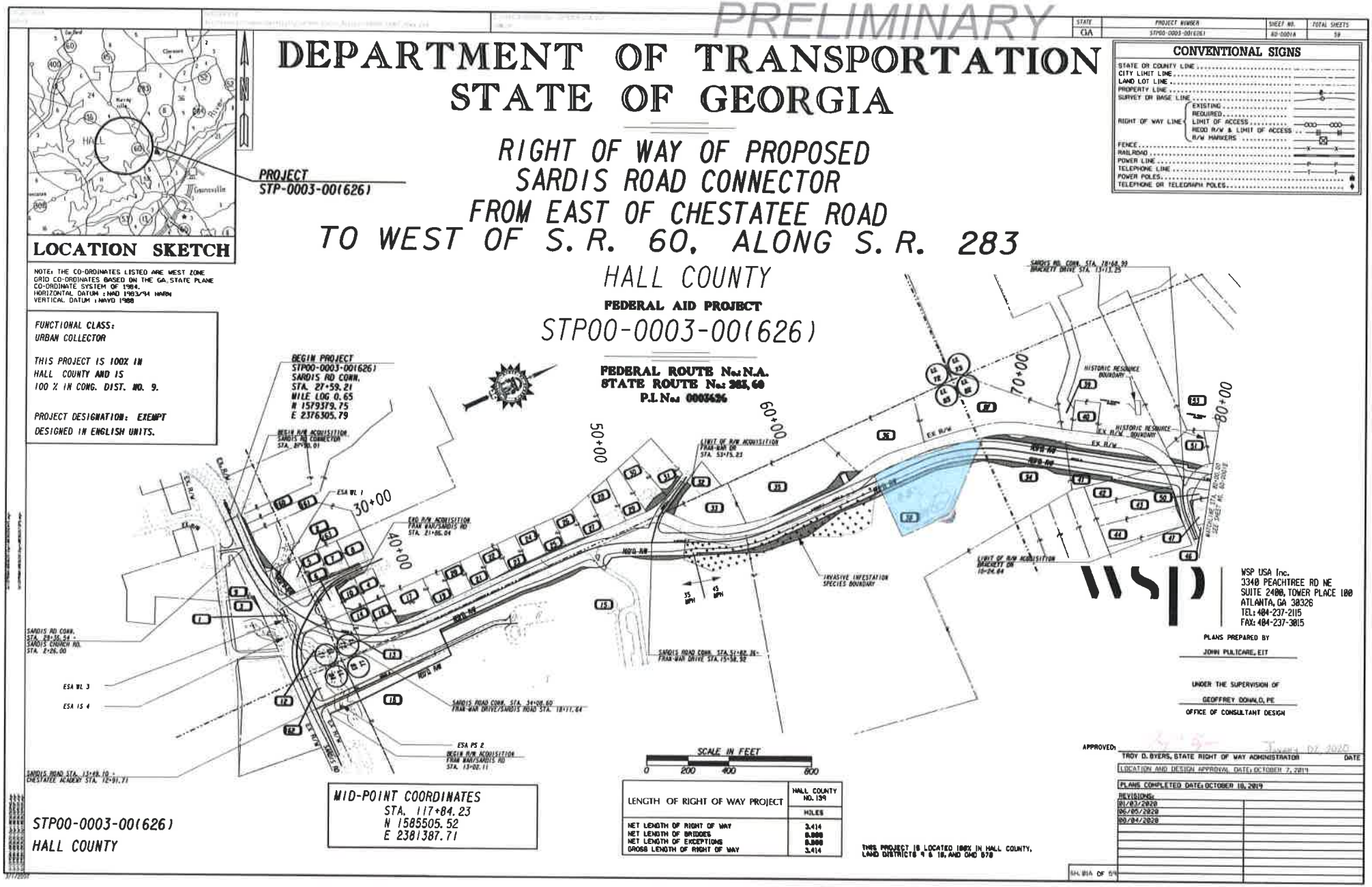

PRELIMINARY
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
RIGHT OF WAY OF PROPOSED
SARDIS ROAD CONNECTOR
FROM EAST OF CHESTATEE ROAD
TO WEST OF S.R. 60, ALONG S.R. 283
HALL COUNTY
FEDERAL AID PROJECT
STP00-0003-00(626)
FEDERAL ROUTE No.: N.A.
STATE ROUTE No.: 283, 60
P.I. No.: 0003626
PROJECT
STP-0003-00(626)
LOCATION SKETCH
NOTE: THE CO-ORDINATES LISTED ARE WEST ZONE GRID CO-ORDINATES BASED ON THE GA. STATE PLANE CO-ORDINATE SYSTEM OF 1984.
HORIZONTAL DATUM : NAD 1983/94 HARN
VERTICAL DATUM : NAVD 1988
FUNCTIONAL CLASS:
URBAN COLLECTOR
THIS PROJECT IS 100% IN HALL COUNTY AND IS 100 % IN CONG. DIST. NO. 9.
PROJECT DESIGNATION: EXEMPT
DESIGNED IN ENGLISH UNITS.
CONVENTIONAL SIGNS
STATE OR COUNTY LINE
CITY LIMIT LINE
LAND LOT LINE
PROPERTY LINE
SURVEY OR BASE LINE
RIGHT OF WAY LINE
EXISTING
REQUIRED
LIMIT OF ACCESS
RECD R/W & LIMIT OF ACCESS
R/W MARKERS
FENCE
RAILROAD
POWER LINE
TELEPHONE LINE
POWER POLES
TELEPHONE OR TELEGRAPH POLES
BEGIN PROJECT STP00-0003-00(626) SARDIS RD CONN. STA. 27+59.21 MILE LOG 0.65 N 1579379.75 E 2376305.79
30+00
40+00
50+00
60+00
70+00
80+00
SCALE IN FEET
0 200 400 800
MID-POINT COORDINATES
STA. 117+84.23
N 1585505.52
E 2381387.71
LENGTH OF RIGHT OF WAY PROJECT
HALL COUNTY NO. 139
MILES
NET LENGTH OF RIGHT OF WAY 3.414
NET LENGTH OF BRIDGES 0.000
NET LENGTH OF EXCEPTIONS 0.000
GROSS LENGTH OF RIGHT OF WAY 3.414
THIS PROJECT IS LOCATED 100% IN HALL COUNTY, LAND DISTRICTS 4 & 18, AND GMD 970
WSP USA Inc.
3340 PEACHTREE RD NE
SUITE 2400, TOWER PLACE 100
ATLANTA, GA 30326
TEL: 404-237-2115
FAX: 404-237-3815
PLANS PREPARED BY
JOHN PULTCARE, EIT
UNDER THE SUPERVISION OF
GEOFFREY DOWALO, PE
OFFICE OF CONSULTANT DESIGN
APPROVED:
TROY D. BYERS, STATE RIGHT OF WAY ADMINISTRATOR DATE
LOCATION AND DESIGN APPROVAL DATE: OCTOBER 7, 2019
PLANS COMPLETED DATE: OCTOBER 18, 2019
REVISIONS:
01/03/2020
05/05/2020
09/04/2020
STP00-0003-00(626)
HALL COUNTY

EXHIBIT "B"

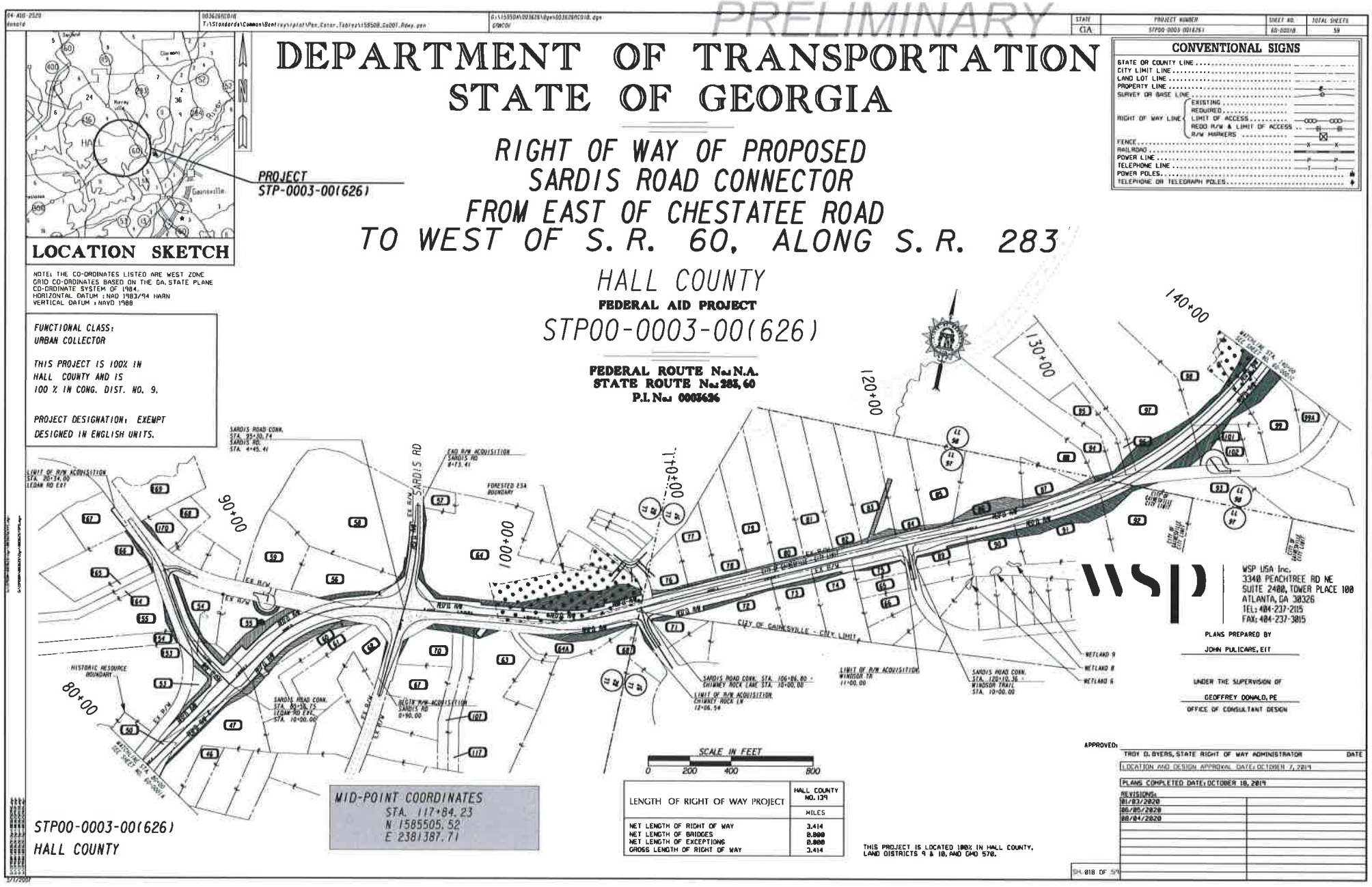

PRELIMINARY
DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA
RIGHT OF WAY OF PROPOSED
SARDIS ROAD CONNECTOR
FROM EAST OF CHESTATEE ROAD
TO WEST OF S.R. 60, ALONG S.R. 283
HALL COUNTY
FEDERAL AID PROJECT
STP00-0003-00(626)
FEDERAL ROUTE No.: N.A.
STATE ROUTE No.: 283, 60
P.I. No.: 0003626
PROJECT
STP-0003-00(626)
LOCATION SKETCH
CONVENTIONAL SIGNS
STATE OR COUNTY LINE
CITY LIMIT LINE
LAND LOT LINE
PROPERTY LINE
SURVEY OR BASE LINE
RIGHT OF WAY LINE
EXISTING
REQUIRED
LIMIT OF ACCESS
RECD R/W & LIMIT OF ACCESS
R/W MARKERS
FENCE
RAILROAD
POWER LINE
TELEPHONE LINE
POWER POLES
TELEPHONE OR TELEGRAPH POLES
NOTE: THE CO-ORDINATES LISTED ARE WEST ZONE GRID CO-ORDINATES BASED ON THE GA. STATE PLANE CO-ORDINATE SYSTEM OF 1984.
HORIZONTAL DATUM : NAD 1983/94 HARN
VERTICAL DATUM : NAVD 1988
FUNCTIONAL CLASS:
URBAN COLLECTOR
THIS PROJECT IS 100% IN HALL COUNTY AND IS 100 % IN CONG. DIST. NO. 9.
PROJECT DESIGNATION: EXEMPT
DESIGNED IN ENGLISH UNITS.
SARDIS ROAD CONN.
SARDIS RD.
END R/W ACQUISITION
SARDIS RD
FORESTED EIA BOUNDARY
LIMIT OF R/W ACQUISITION
LEDAN RD EXT
HISTORIC RESOURCE BOUNDARY
BEGIN R/W ACQUISITION
SARDIS RD
CITY OF GAINESVILLE - CITY LIMIT
WETLAND 9
WETLAND 8
WETLAND 6
80+00
90+00
100+00
110+00
120+00
130+00
140+00
SCALE IN FEET
0 200 400 800
MID-POINT COORDINATES
STA. 117+84.23
N 1585505.52
E 2381387.71
LENGTH OF RIGHT OF WAY PROJECT
HALL COUNTY NO. 139
MILES
NET LENGTH OF RIGHT OF WAY 3.414
NET LENGTH OF BRIDGES 0.000
NET LENGTH OF EXCEPTIONS 0.000
GROSS LENGTH OF RIGHT OF WAY 3.414
THIS PROJECT IS LOCATED 100% IN HALL COUNTY, LAND DISTRICTS 9 & 10, AND GMD 570.
WSP
WSP USA Inc.
3340 PEACHTREE RD NE
SUITE 2400, TOWER PLACE 100
ATLANTA, GA 30326
TEL: 404-237-2115
FAX: 404-237-3815
PLANS PREPARED BY
JOHN PULICARE, EIT
UNDER THE SUPERVISION OF
GEOFFREY DONALD, PE
OFFICE OF CONSULTANT DESIGN
APPROVED:
TROY D. BYERS, STATE RIGHT OF WAY ADMINISTRATOR DATE
LOCATION AND DESIGN APPROVAL DATE: OCTOBER 7, 2019
PLANS COMPLETED DATE: OCTOBER 18, 2019
REVISIONS:
01/03/2020
06/05/2020
08/04/2020
STP00-0003-00(626)
HALL COUNTY

EXHIBIT "B"

PRELIMINARY

DEPARTMENT OF TRANSPORTATION
STATE OF GEORGIA

RIGHT OF WAY OF PROPOSED
SARDIS ROAD CONNECTOR
FROM EAST OF CHESTATEE ROAD
TO WEST OF S.R. 60, ALONG S.R. 283

HALL COUNTY

FEDERAL AID PROJECT

STP00-0003-00(626)

FEDERAL ROUTE No.: N.A.
STATE ROUTE No.: 283, 60
P.I. No.: 0003626

PROJECT
STP-0003-00(626)

LOCATION SKETCH

NOTE: THE CO-ORDINATES LISTED ARE WEST ZONE GRID CO-ORDINATES BASED ON THE GA. STATE PLANE CO-ORDINATE SYSTEM OF 1984.
HORIZONTAL DATUM : NAD 1983/94 HARN
VERTICAL DATUM : NAVD 1988

FUNCTIONAL CLASS:
URBAN COLLECTOR

THIS PROJECT IS 100% IN HALL COUNTY AND IS 100 % IN CONG. DIST. NO. 9.

PROJECT DESIGNATION: EXEMPT
DESIGNED IN ENGLISH UNITS.

STATE	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
GA	STP00-0003-00(626)	00-001C	59

CONVENTIONAL SIGNS

STATE OR COUNTY LINE
CITY LIMIT LINE
LAND LOT LINE
PROPERTY LINE
SURVEY OR BASE LINE
RIGHT OF WAY LINE: EXISTING; REQUIRED; LIMIT OF ACCESS; REQD R/W & LIMIT OF ACCESS; R/W MARKERS
FENCE
RAILROAD
POWER LINE
TELEPHONE LINE
POWER POLES
TELEPHONE OR TELEGRAPH POLES

WSP USA Inc.
3340 PEACHTREE RD NE
SUITE 2400, TOWER PLACE 100
ATLANTA, GA 30326
TEL: 404-237-2115
FAX: 404-237-3815

SCALE IN FEET
0 600 1200 2400

MID-POINT COORDINATES
STA. 117+84.23
N 1585505.52
E 2381387.71

LENGTH OF RIGHT OF WAY PROJECT	HALL COUNTY NO. 139
	MILES
NET LENGTH OF RIGHT OF WAY	3.414
NET LENGTH OF BRIDGES	0.000
NET LENGTH OF EXCEPTIONS	0.000
GROSS LENGTH OF RIGHT OF WAY	3.414

THIS PROJECT IS LOCATED 100% IN HALL COUNTY, LAND DISTRICTS 9 & 10, AND GMD 570.

PLANS PREPARED BY
JOHN PULICARE, EIT

UNDER THE SUPERVISION OF
GEOFFREY DONALD, PE
OFFICE OF CONSULTANT DESIGN

APPROVED:
TROY D. BYERS, STATE RIGHT OF WAY ADMINISTRATOR DATE
LOCATION AND DESIGN APPROVAL DATE: OCTOBER 7, 2019
PLANS COMPLETED DATE: OCTOBER 18 2019

REVISIONS:
01/03/2020
06/05/2020
08/04/2020

SH. 01C OF 59

STP00-0003-00(626)
HALL COUNTY

EXHIBIT "B"

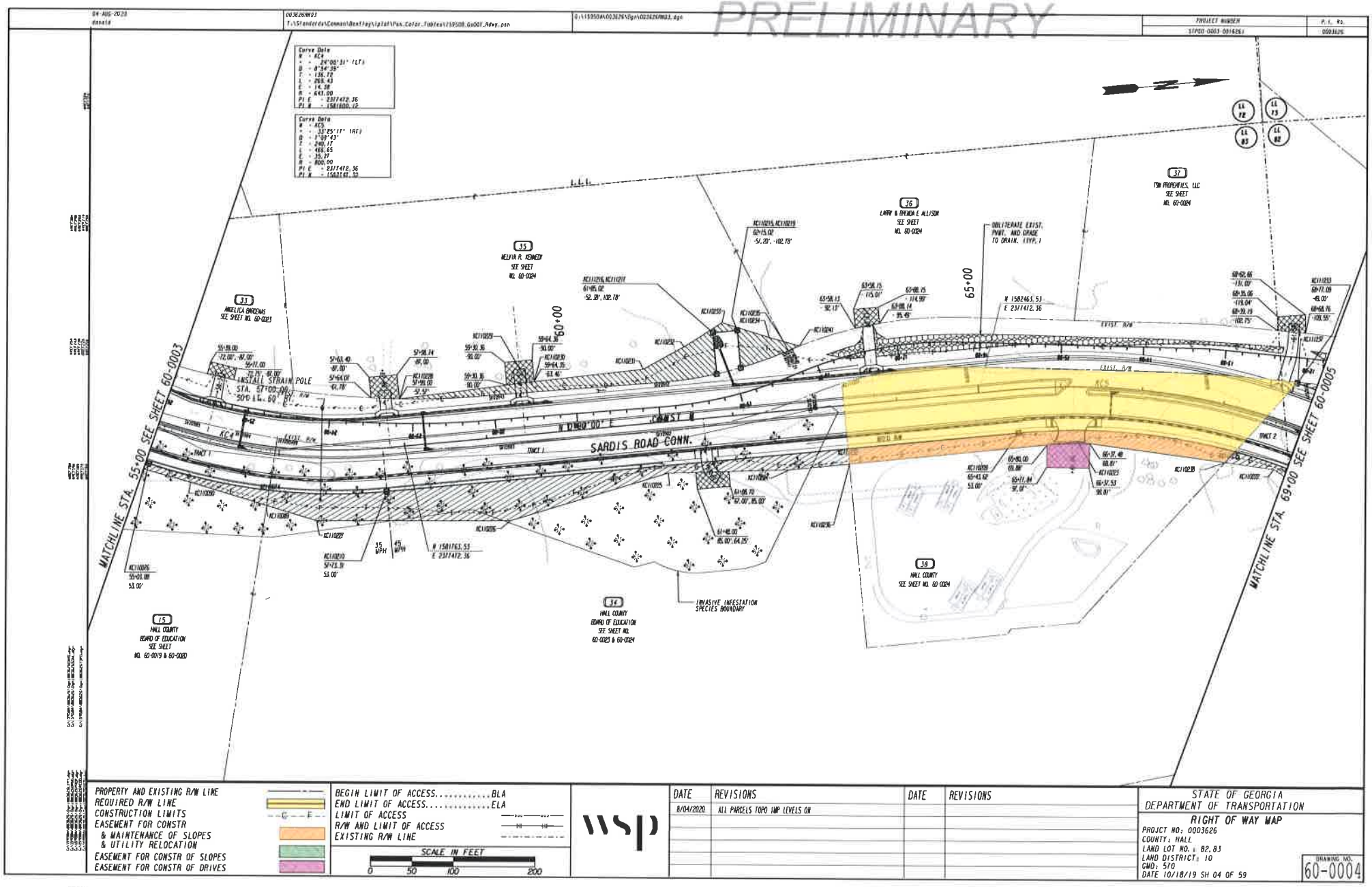

PRELIMINARY
SARDIS ROAD CONN.
MATCHLINE STA. 55+00 SEE SHEET 60-0003
MATCHLINE STA. 69+00 SEE SHEET 60-0005
INSTALL STRAIN POLE
OBLITERATE EXIST. PVMT. AND GRADE TO DRAIN. (TYP.)
INVASIVE INFESTATION SPECIES BOUNDARY
PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION
EASEMENT FOR CONSTR OF SLOPES
EASEMENT FOR CONSTR OF DRIVES
BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE
SCALE IN FEET
0 50 100 200
DATE
REVISIONS
8/04/2020
ALL PARCELS TOPO IMP LEVELS ON
STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY MAP
PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 82, 83
LAND DISTRICT: 10
GMD: 570
DATE 10/18/19 SH 04 OF 59
DRAWING NO.
60-0004

EXHIBIT "B"

PRELIMINARY

04-AUG-2020 | 0003626RW23 | D:\175959\R\0036260\dgn\0036260RW23.dgn | PROJECT NUMBER STP00-0003-00(626) | P.I. No. 0003626

PARCEL 34 REQ'D PERM. EASM'T. KCJ401

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111235	53.00 R	68+28.19	SARDIS RD CONNECTOR
ARC LENGTH = 170.017			
CHORD BEAR = N 26°54'05.1" E			
LNTH CHORD = 169.651			
RADIUS = 747.001			
DEGREE = 7° 40' 12''			
KC110207	53.00 R	70+10.27	SARDIS RD CONNECTOR
	303.14	N 33°25'17.3" E	
KC111234	53.00 R	73+13.41	SARDIS RD CONNECTOR
	25.07	S 73°19'32.1" E	
KC110217	77.01 R	73+20.63	SARDIS RD CONNECTOR
	73.61	S 32°43'11.9" W	
KC110218	77.91 R	72+47.03	SARDIS RD CONNECTOR
	45.53	S 53°08'12.3" W	
KC110219	61.20 R	72+09.40	SARDIS RD CONNECTOR
	97.88	S 30°55'58.6" W	
KC110220	65.45 R	71+02.61	SARDIS RD CONNECTOR
	65.84	S 21°48'09.4" W	
KC110221	78.71 R	70+38.12	SARDIS RD CONNECTOR
	145.05	S 37°19'53.1" W	
KC110222	59.91 R	68+83.39	SARDIS RD CONNECTOR
	59.77	S 13°17'33.1" W	
KC111238	69.00 R	68+19.12	SARDIS RD CONNECTOR
	18.06	N 42°18'16.4" W	
KC111235	53.00 R	68+28.19	SARDIS RD CONNECTOR
REQD EASM'T = 8643.30 SF			
REQD EASM'T = 0.185 ACRES			

PARCEL 35 REQ'D R/W XCJ396

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111215	57.20 L	62+15.02	SARDIS RD CONNECTOR
ARC LENGTH = 30.390			
CHORD BEAR = S 9°07'39.1" E			
LNTH CHORD = 30.385			
RADIUS = 484.488			
DEGREE = 11° 49' 33''			
KC111216	52.38 L	61+85.02	SARDIS RD CONNECTOR
	50.40	N 90°00'00.0" W	
KC111217	102.78 L	61+85.02	SARDIS RD CONNECTOR
	30.00	N 0°00'00.0" E	
KC111218	102.78 L	62+15.02	SARDIS RD CONNECTOR
	45.58	S 90°00'00.0" E	
KC111215	57.20 L	62+15.02	SARDIS RD CONNECTOR
REQD R/W = 1444.53 SF			
REQD R/W = 0.033 ACRES			
REMAINDER = +/- 3.029 ACRES			

PARCEL 35 REQ'D PERM. EASM'T. XCJ065

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110228	57.57 L	57+99.00	SARDIS RD CONNECTOR
	131.46	N 2°04'46.1" W	
KC110229	62.34 L	59+30.37	SARDIS RD CONNECTOR
	34.00	N 1°53'16.2" W	
KC110230	63.46 L	59+64.35	SARDIS RD CONNECTOR
	132.43	N 1°11'39.2" W	
KC110231	66.22 L	60+96.75	SARDIS RD CONNECTOR
	57.20	N 23°20'50.0" W	
KC110232	88.69 L	61+49.27	SARDIS RD CONNECTOR
	54.09	N 7°27'34.3" W	
KC110233	113.76 L	61+97.31	SARDIS RD CONNECTOR
	60.49	N 22°42'01.4" E	
KC110234	90.42 L	62+53.71	SARDIS RD CONNECTOR
	17.58	N 29°52'07.1" E	
KC110235	84.16 L	62+69.54	SARDIS RD CONNECTOR
	12.50	N 67°38'29.2" E	
SVX090724	72.59 L	62+74.29	SARDIS RD CONNECTOR
	2.68	S 17°51'54.1" E	
SVX0941	71.77 L	62+71.75	SARDIS RD CONNECTOR
ARC LENGTH = 58.606			
CHORD BEAR = S 14°24'09.4" E			
LNTH CHORD = 58.571			
RADIUS = 484.488			
DEGREE = 11° 49' 33''			

CONTINUED IN NEXT COLUMN

KC111215	57.20 L	62+15.02	SARDIS RD CONNECTOR
	45.58	N 90°00'00.0" W	
KC111218	102.78 L	62+15.02	SARDIS RD CONNECTOR
	30.00	S 0°00'00.0" W	
KC111217	102.78 L	61+85.02	SARDIS RD CONNECTOR
	50.40	S 90°00'00.0" E	
KC111216	52.38 L	61+85.02	SARDIS RD CONNECTOR
ARC LENGTH = 69.947			
CHORD BEAR = S 3°12'19.3" E			
LNTH CHORD = 69.886			
RADIUS = 484.488			
DEGREE = 11° 49' 33''			
SVX0942	48.48 L	61+15.24	SARDIS RD CONNECTOR
	196.64	S 0°55'55.2" W	
SVX0943	51.67 L	59+18.62	SARDIS RD CONNECTOR
ARC LENGTH = 119.834			
CHORD BEAR = S 2°49'16.9" W			
LNTH CHORD = 119.765			
RADIUS = 1020.604			
DEGREE = 5° 36' 50''			
KC110228	57.57 L	57+99.00	SARDIS RD CONNECTOR
REQD EASM'T = 8452.18 SF			
REQD EASM'T = 0.194 ACRES			

PARCEL 35 REQ'D DRWY. EASM'T. XCJ066

PNT	OFFSET	STATION	ALIGNMENT
KC110238	87.00 L	57+98.74	SARDIS RD CONNECTOR
KC110228	57.57 L	57+99.00	SARDIS RD CONNECTOR
ARC LENGTH = 34.310			
CHORD BEAR = S 7°08'58.2" W			
LNTH CHORD = 34.309			
RADIUS = 1020.604			
DEGREE = 5° 36' 50''			
KC110236	61.78 L	57+64.07	SARDIS RD CONNECTOR
KC110237	87.00 L	57+63.40	SARDIS RD CONNECTOR
KC110238	87.00 L	57+98.74	SARDIS RD CONNECTOR

PARCEL 35 REQ'D DRWY. EASM'T. XCJ067

PNT	OFFSET	STATION	ALIGNMENT
KC110240	90.00 L	59+64.36	SARDIS RD CONNECTOR
KC110230	63.46 L	59+64.35	SARDIS RD CONNECTOR
KC110229	62.34 L	59+30.37	SARDIS RD CONNECTOR
KC110239	90.00 L	59+30.36	SARDIS RD CONNECTOR
KC110240	90.00 L	59+64.36	SARDIS RD CONNECTOR

PARCEL 36 REQ'D PERM. EASM'T. XCJ068

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110235	84.16 L	62+69.54	SARDIS RD CONNECTOR
	20.18	N 20°52'07.1" E	
KC110241	76.97 L	62+88.39	SARDIS RD CONNECTOR
ARC LENGTH = 12.084			
CHORD BEAR = S 12°06'36.1" E			
LNTH CHORD = 12.084			
RADIUS = 495.144			
DEGREE = 11° 34' 17''			
SVX0940	73.41 L	62+76.84	SARDIS RD CONNECTOR
	2.68	S 17°51'54.1" E	
SVX090724	72.59 L	62+74.29	SARDIS RD CONNECTOR
	12.50	S 67°38'29.2" W	
KC110235	84.16 L	62+69.54	SARDIS RD CONNECTOR
REQD EASM'T = 92.00 SF			
REQD EASM'T = 0.002 ACRES			

PARCEL 36 REQ'D DRWY. EASM'T. XCJ408

PNT	OFFSET	STATION	ALIGNMENT
KC111258	115.00 L	63+58.15	SARDIS RD CONNECTOR
KC111259	114.93 L	63+88.15	SARDIS RD CONNECTOR
KC111260	95.49 L	63+88.14	SARDIS RD CONNECTOR
ARC LENGTH = 30.197			
CHORD BEAR = S 6°23'25.8" E			
LNTH CHORD = 30.188			
RADIUS = 495.142			
DEGREE = 11° 34' 17''			
KC111261	92.13 L	63+58.14	SARDIS RD CONNECTOR
KC111258	115.00 L	63+58.15	SARDIS RD CONNECTOR

PARCEL 37 REQ'D DRWY. EASM'T. XCJ063

PNT	OFFSET	STATION	ALIGNMENT
KC110242	131.00 L	68+62.66	SARDIS RD CONNECTOR
KC110243	109.55 L	68+68.76	SARDIS RD CONNECTOR
KC110244	102.75 L	68+39.19	SARDIS RD CONNECTOR
KC110245	119.04 L	68+35.06	SARDIS RD CONNECTOR
KC110242	131.00 L	68+62.66	SARDIS RD CONNECTOR

[redacted]

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111231	27.20 L	63+35.85	SARDIS RD CONNECTOR
ARC LENGTH = 155.424			
CHORD BEAR = N 2°01'18.0" W			
LNTH CHORD = 154.599			
RADIUS = 435.144			
DEGREE = 13° 10' 1''			
SVX0979	32.65 L	64+90.35	SARDIS RD CONNECTOR
	292.18	N 6°52'04.7" E	
SVX0978	32.12 L	67+74.48	SARDIS RD CONNECTOR
	109.86	N 10°45'35.6" E	
KC111237	50.23 L	68+77.62	SARDIS RD CONNECTOR
	114.31	S 42°17'48.2" E	
KC111235	53.00 R	68+28.19	SARDIS RD CONNECTOR
ARC LENGTH = 265.717			
CHORD BEAR = S 10°11'26.7" W			
LNTH CHORD = 264.319			
RADIUS = 747.001			
DEGREE = 7° 40' 12''			
KC110209	53.00 R	65+43.62	SARDIS RD CONNECTOR
	207.77	S 0°00'00.0" E	
KC111232	53.00 R	63+35.85	SARDIS RD CONNECTOR
	80.20	S 89°59'60.0" W	
KC111231	27.20 L	63+35.85	SARDIS RD CONNECTOR

[redacted]

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111232	53.00 R	63+35.85	SARDIS RD CONNECTOR
	207.77	N 0°00'00.0" E	
KC110209	53.00 R	65+43.62	SARDIS RD CONNECTOR
ARC LENGTH = 265.717			
CHORD BEAR = N 10°11'26.7" E			
LNTH CHORD = 264.319			
RADIUS = 747.001			
DEGREE = 7° 40' 12''			
KC111235	53.00 R	68+28.19	SARDIS RD CONNECTOR
	18.06	S 42°18'16.4" E	
KC111238	69.00 R	68+19.12	SARDIS RD CONNECTOR
	180.25	S 13°17'26.7" W	
KC110223	67.00 R	66+21.64	SARDIS RD CONNECTOR
	219.14	S 0°13'30.2" E	
KC111236	71.58 R	63+35.85	SARDIS RD CONNECTOR
	18.58	S 89°59'60.0" W	
KC111232	53.00 R	63+35.85	SARDIS RD CONNECTOR

[redacted]

PNT	OFFSET	STATION	ALIGNMENT
KC110410	68.81 R	66+37.48	SARDIS RD CONNECTOR
KC110411	98.81 R	66+37.53	SARDIS RD CONNECTOR
KC110412	97.07 R	65+77.84	SARDIS RD CONNECTOR
KC110413	69.88 R	65+80.00	SARDIS RD CONNECTOR
KC110223	67.00 R	66+21.64	SARDIS RD CONNECTOR
KC110410	68.81 R	66+37.48	SARDIS RD CONNECTOR

wsp

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY TABLES
PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 24 OF 59

DRAWING NO. 60-0024

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 324/2022

SUBJECT: Approve the updated application of the Georgia Public Library Service Construction Grant for the Hall County Library to construct the East Hall Library in the amount of $2,000,000.00, and if awarded, appoint the Grants Manager as the Program Designee, and authorize the Chairman to execute all related application and award documents. A cash match of $3,000,000.00 will be required.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: WG

Recommendation:
Approval

Purpose of Request:
Approve the updated application of the Georgia Public Library Service Construction Grant for the Hall County Library to construct the East Hall Library in the amount of $2,000,000.00 and, if awarded, appoint the Grants Manager as the Program Designee and authorize the Chairman to execute all related application and award documents. A cash match of $3,000,000.00 match will be required.

History:

The Hall County Board of Commissioners approved the original grant application agenda item 19/2020 on February 13, 2020,

Facts and Issues:

Options:

In order to be competitive, Hall County needs to submit their project to the Board of Regents of the University System of Georgia Public Library Service so that the project can be placed on the potential project list for funding. Matching funding from Hall County does not have to be in place until the project is approved by the Library System for construction. However, if the project is not on the list it will not be considered for funding. Hall County is not required to accept the funds if the County decides to build or not build the library at the time the funds are awarded. Policy confirming this information is included in the grant information. Hall County's estimated cost of the building is $5,000,000 but does not include the land costs. Costs of the construction could also increase, which is why the maximum amount of funding, $2M is being sought for the grant amount.

Funding Requested	$ 3,000,000.00
Are funds within current budget?	Yes
Source of Funds	Grants / SPLOST VIII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Grants Staff	Submit	Grants	Budget
JW	TS	NS	EW
Finance	**Attorney**	**Administration**	**Clerk**
NB	WLI	LJ	JR

Attachments:

Financial Supplement
East Hall Library Application Updated
Capital Outlay Grant Funds

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 324/2022

Funds Requested: $ 3,000,000.00

Request Budgeted: Yes

Proposed Source of Funding:

Grants / SPLOST VIII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2024	017 - GRANTS	776 - DCA/LIBRARY GRANT	5002 - BUILDING/CONSTRUCTION	$2,000,000.00
2024	017 - GRANTS	776 - DCA/LIBRARY GRANT	3738 - OFFICE OF PLANNING/BUDGE	$2,000,000.00
2025	028 - SPLOST VIII	1806 - SP-VIII EAST HALL LIBRARY	5002 - BUILDING/CONSTRUCTION	$1,500,000.00
2026	028 - SPLOST VIII	1806 - SP-VIII EAST HALL LIBRARY	5002 - BUILDING/CONSTRUCTION	$1,500,000.00

Budget Transfer Items:

Additional Information/Comments:

The current CIP has the East Hall Library Construction in FY 2027 and FY 2028 for the SPLOST VIII portion. If the grant is awarded, we can look to move funding around for the SPLOST VIII portion of the project once the land is purchased, and construction commences.

Contact for Questions: LM

Phone: 535-3377 Ext. 134

GEORGIA PUBLIC LIBRARY SERVICE

BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA
PUBLIC LIBRARY CAPITAL OUTLAY GRANTS PROGRAM

Construction Grant Application

Date 5/10/2022
Official Name of Library Project East Hall Library
City Gainesville County Hall
Library System Hall County Library System

Project Priority (Select One)

- ☐ Central
- ☑ Branch

Project Type (Select One)

- ☑ New Library Facility
- ☐ Addition / Renovation
- ☐ Multipurpose

If multipurpose, please list the agencies proposing to share the facility.

Unsure at this time if it will be multipurpose or standalone

Project Cost Estimate (Complete either new building or addition/renovation section)

New Building

$/Sq. Ft. of Construction*	Total Square Feet	% For Equip. Fees Etc.**	Total Project Cost
$400.00	8,500	0.7	$4,857,142.86

Addition

$/Sq.Ft. of Construction*	Total Square Feet	% For Equip. Fees. Etc.**	Addition Cost
		0.7	$0.00

Renovation

$/Sq. Ft. of Construction*	Total Sq. Feet	% For Equip. Fees. Etc.**	Renovation Cost
		0.7	$0.00

Total Square Ft. 8,500 **Total Project Cost $** $4,857,142.86

*Source of construction cost estimate: Nathan Rall, Georgia Public Library Service

** Conversion Factor (0.7) may vary depending upon local conditions - show modification on form.

Anticipated Sources of Project Funds

A. **State**

BOR $ $2,000,000.00 Other $ State $ $2,000,000.00

Specify(other)

B. **Local**

County $ $3,000,000.00 City $

Private $ Other $ Total Local $ $3,000,000.00

Specify(other)

Total Project $ $5,000,000.00

Please detail below those monies already in hand.

Hall County collects impact fees for library growth which would supplement $3 million already allocated in SPLOST funds.

Please detail below any funding that is dependent upon **future** SPLOST or bond vote and when that election will be held.

Please detail below any funding that is dependent upon **future** official action by one of the funding agencies.

State grant funding is dependant on the future state budget.

Do you have a completed library-building program for this project that was prepared by an Architect, Interior Designer, or ALA-MLS librarian? *Select One* Yes ☑ No ☐ In Progress ☐

Have you selected an architect for this project? *Select One* Yes ☐ No ☑

Does library board, city or county presently own the site? *Select One* Yes ☐ No ☑

If **No**, is the proposed site available for purchase? *Select One* Yes ☐ No ☐

Acquisition time: Site can be purchased by: Date

Option to buy: Option can be obtained by Date

Name in which title is currently recorded: Location to be determined

Name to which title will be transferred:

Projected date by which the title will be transferred: Date

Can clear title in fee simple be obtained for this property? *Select One* Yes ☐ No ☐

Are there any legal complications to obtaining a clear title? *Select One* Yes ☐ No ☐

If so, please explain below:

Easements: Note any recorded easements below.

Estimates Site Value:

Fair Market Value of Site $:
Assessed Tax Value of Site $:
Estimated Purchase Price $:
Describe how the site will be purchased and the financing handled below:

.

What is the projected construction start date for this project? Date Nov-23

Project description: Describe why this project is needed. Also, briefly describe the scope of your proposed project and the community it will serve.

There is currently no library serving the eastern area of Hall County despite the heavy growth in that area jumpstarted by the relocation of Lanier Technical College. The East Hall area is one of the poorest areas of the county with limited access to high speed internet for many households. As of 2017, 65% of East Hall High School students were classifed as economically disadvantaged. In addtion, 19% have limited English proficiency. White Sulpher Elementary, which serves younger children in this area, sees 83% of their students considered economically disadvantaged.

New, expansion, retrofit?
What the existing facility is like? Please explain below:

How much new square footage will be acquired if the facility is built? 8,500
Any special features planned? Multipurpose room, storytime room, portable computer lab, study rooms
How many public computers? 21
How many books it will hold? 25,000
How many seats for the public? 75

The parties signed below agree that:

The submission of this form is intent to participate in the Georgia Public Library Capital Outlay Grants Program. Every effort will be made to pursue final monetary commitments and to submit other required program applications and documentation according.

Signatures
(Type name of signatory beneath each signature.)

Name Lisa MacKinney Date

Library System Director

Library System Director Signature

Name Date

Mayor If city is funding

Mayor Signature

Name Date

Commission Chair If county is funding

Commission Chair Signature

Name Date

Superintendent If BOE is funding

Superintendent Signature

Other names may be added as necessary.

Policies for Public Library Capital Construction Program
Georgia Public Library Service – September 15, 2009

Requirements for Capital Outlay Grant Funds

DEFINITIONS

Allowable Capital Outlay Expenditures – items listed on the Grant Application Agreement form

Annual Operating Funds – Funding provided to the library system for the general operation of a library system or appropriated and expended for library system services by a local governmental agency

- Funding by way of a direct appropriation (cash)
- Payment of expenses (including payroll and all other budgetary line items) by a local governmental authority acting as the library system's fiscal agent. (on-behalf)
- Auditable expenditures for library services included in a local governmental authority's line items that include expenses other than those exclusively for library services (on-behalf)

Board of Regents of the University System of Georgia (BOR) – The state agency within which the Georgia Public Library Service is located

Branch Library – A branch library is open 30 or more regularly scheduled hours weekly. It has a paid library staff with an organized collection of library materials accessible through an on-site catalog. A branch library is in separate quarters from other governmental agencies with defined space used solely for library purposes, with a minimum of 1,000 gross square feet. A telephone must be on-site and not shared. A branch library must have a separate line for computer use and a computer dedicated to patron use. Branch libraries do not include administrative office buildings, service outlets, bookmobiles, separate meeting or classroom buildings, processing centers or warehouses.

Budget – An itemized summary of estimated or intended expenditures for a given period that includes proposals for financing them

Capital Outlay Grant – A grant for the purposes of building a new central library or member library, for the addition and/or renovation of a central or member library, or for major repair and renovation (MR&R) of such a facility

Capital Outlay Grant Schedule – Schedule distributed by GPLS for each fiscal year

Central Library or Headquarters Library – The single library or a library which houses the operational center of a multiple-facility library or a separate facility that is the administrative office and/or operational center of a multiple-facility library system. Single-outlet headquarters libraries must meet or exceed branch requirements.

Certificate of Substantial Completion – Document signed by all parties who signed the contract for construction and that:

- Indicates the date of substantial completion
- Indicates the date by which remaining items are to be completed
- Transfers responsibility for utilities and insurance from the construction contractor to the owner and allows the owner to occupy the building
- Releases the retainage withheld from the construction contractor on all items that have been completed (This is contract specific, may not apply to all contracts.)

Certified Bid Tabulation – Summary of each bid as read at a public bid opening and certified by the person responsible for opening the bids as being an accurate record

Contract Documents – Final set of construction working drawings, which includes the written specification manual for construction, the written specifications for furnishings and equipment and final floor plan for furnishings and equipment. These documents are the basis of subsequent contracts or purchase orders.

Construction Grant Approval and State Funding Expenditure Schedule – Record of GPLS approval of the grant

Design Development Plans – Expansion of the schematic plans, which include furnishings and equipment layouts and lighting overlays

Eligible Construction Project – A project that meets one or more of the following criteria: (1) a new library facility; (2) an addition to an existing public library, with or without the renovation of the existing facility, provided all space and program requirements are met; (3) a renovation or functional retrofit of an existing library facility; (4) a new multipurpose facility of which the public library will be a part, provided that prior approval of the Georgia Public Library Service (GPLS) is obtained and provided that the total project funds to be applied toward the construction of a multiple-purpose facility do not exceed the amount required to construct that portion of the building designated as the library facility

Eligible Library System – A library system that meets all requirements for state grants

Expansion – The addition of square feet to an existing library facility

Final Grant Application Agreement – Official control document regarding financial information and local commitments. It is the basis for the preparation of the construction grant approval and payment schedule by GPLS.

Final Inspection – Physical inspection of the building using a previously prepared punch list to determine whether the building is substantially complete

Fiscal Year – The fiscal year for which the state government operates its budget (July 1 through June 30)

Furnishings and Equipment Specifications Manual – Document that includes the invitation to bid, bid forms, instructions to bidders and individual product specifications

Georgia Public Library Service (GPLS) – The state library agency that is responsible for the distribution of state and federal library grant funds to library systems in Georgia. GPLS is a unit of the Board of Regents of the University System of Georgia.

Georgia State Financing and Investment Commission - The Georgia State Financing and Investment Commission is responsible for the proper application of proceeds from general obligation debt and the issuance of all public debt by the state. The commission consists of the Financing and Investment Division and the Construction Division.

In-Kind – Unquantifiable support from a local governmental authority provided to a library

Kiosk – A kiosk is a library facility that is maintained within another established business or agency that provides access either virtually or in person to library services and resources. A kiosk may be classified as a branch library or as a service outlet if it meets the definition.

Library Material – Collection of items to include books, audiovisual materials, periodicals, microfilm, etc.

Library Materials – Informational resources in a variety of formats such as books, periodicals, serials, pamphlets, video, audio and digital recordings, computer software, databases, electronic resources, microforms and maps for use by the general public or by the library system staff

Library System – A single library or a group of libraries from one or more counties that have been established by the governing authorities of any county or municipality by resolution or act, by approval of the voters or by contractual agreement among governing authorities to provide public library services to the constituents in the jurisdictions of the governing authorities

Library System Board of Trustees – The board that has governing authority for a county or multi-county library system (OCGA 20-5-41, 20-5-43, 20-5-47)

Library System Director – The individual hired by the library system board of trustees to administer the total library program as defined in OCGA § 20-5-45

Local Funding Agency – Governmental agencies that provide capital outlay matching funds and /or maintenance and operating funds for a public library

Local Governmental Authority – The governing body of any county, municipality or board of education

Local Governmental Support – The funding provided to library system boards of trustees by a local governmental authority

Local Matching Funds – The funding available from local public or private funds that are dedicated to the construction project

Major Repair and Renovation (MRR) – The remediation of a substandard condition in a library facility due to catastrophic damage, structural failures or normal wear and tear

Member Library – A library (branch library, service outlet, bookmobile, kiosk, or book deposit) that is a member of a library system.

New Construction – Construction of a new library facility, either in an area previously inadequately served by a library facility or to replace an existing facility

On-Behalf – Auditable funds, to which an object of expenditure can be assigned, spent by a local governmental authority in support of public library activities and services but not given in cash to the library system board or any member library or library board.

Other Grants – Grants that are administered by GPLS with the funding source being private or public funding, e.g. Bill and Melinda Gates Foundation, National Endowment for the Humanities

Plan for the Distribution of Services – A comprehensive description of services offered by the library system

Policy on the Use of Library Facilities – A comprehensive policy for the use of all library facilities (central and all member libraries)

Punch List – Listing of all items remaining to be completed on the library building based on the contract documents and any subsequently executed change orders

Renovation – The refurbishing of a library, which may include such things as new furnishings, carpet, wall coverings or construction to bring the facility up to a designated standard (e.g., building code, accessibility)

Revised Project Budget – Form that is used to update the information submitted on the final grant application agreement. It may be obtained from GPLS.

Schematic Plans – Architect's design interpretation that addresses requirements of the written building program

Service Area – The geographical area within the county or counties of the library system

Service Outlet – A service outlet is open at least 18 hours weekly with a paid library staff. It has an organized collection of library materials accessible through an on-site catalog. The service outlet is in separate quarters with defined space used solely for library purposes. A telephone must be on-site and not shared. The service outlet must have a separate line for computer use and a computer dedicated to patron use.

Site Application Form – Form available from GPLS that contains criteria for site approval

Special Funds – Funding that may be temporary and/or conditional, including but not limited to grants and matching funds, SPLOST and impact fees

State Grants – Grants awarded by GPLS to library system boards of trustees from state funds appropriated through the Georgia General Assembly

State Space Standards for Public Library Facilities – Minimum of 0.6 square feet per capita for the total of all public library facilities in a county

Subregional Library for the Blind and Physically Handicapped (SLBPH) – A contract service between a library system and GPLS to provide specified library services in an assigned geographic area to persons certified to receive library services under the requirements of the Library of Congress' National Library Service for the Blind and Physically Handicapped program

Substantial Completion – Completion of all major construction and the installation of all major building systems, including heating, ventilating and air conditioning; plumbing; electrical; fire detection and security systems. (This is contract specific, may not apply to all contracts.)

Sustainable Design - The main objectives of sustainable design are to avoid resource depletion of energy, water and raw materials; prevent environmental degradation caused by facilities and infrastructure throughout their life cycle; and create built environments that are livable, comfortable, safe and productive.

Virtual Library – A library that exists solely in electronic form or on paper, with no physical facility

Working Drawings – Complete drawings accompanied by detailed written specifications from which the construction contractor builds the building

Written Building Program – The control document used in preparing and reviewing the architectural plans and the furnishing and equipment specifications

Written Verification – Copy of official minutes or a letter on letterhead, signed by an authorized official, verifying that an action has taken place

POLICIES

Types of Grants

The following capital outlay grants may be provided to eligible library systems for the purpose of new construction, renovation, or expansion (addition) of public library facilities:

New Construction

Renovation and/or Expansion (Addition)

Requirements

In order to receive any state, federal or private grant funds administered by GPLS and/or the benefits of any state-administered program or service, a library system shall meet all of the requirements for state grants.

The library system board of trustees shall have the sole authority to apply for and receive any grants administered by GPLS.

Library system boards of trustees shall use GPLS-administered grants only for stated purposes.

Funding Formulae

To be eligible for a capital outlay grant, a new library facility must have a minimum of 6,000 square feet.

For all projects that do not exceed the state space standards for public library facilities (0.6 square feet per capita): (1) the local matching funds shall be 10 percent of the first $1,000,000 of the project cost; (2) the local matching funds shall be 50 percent of the remaining project costs not to exceed the remaining grant amount; and (3) zero percent of the remaining project cost.

For all projects that exceed the state space standards for public library facilities (0.6 square feet per capita): The local matching funds shall be 50 percent of the total project costs not to exceed the maximum grant amount.

The state grant will not exceed $2,000,000.

Renovation of a building not previously used for a library may be considered if there is local commitment that said named facility be continuously used as a library space for not less than 20 years.

Ranking Process

Central libraries will have priority over member libraries.

Those projects in counties that are farthest below the minimum state space standards for public library facilities (0.6 square feet per capita) will receive the highest ranking.

Special consideration will be given to projects in which the local matching funds must be used or forfeited within a specific time frame.

Library projects that were included as part of the Board of Regents budget request in any given year, but were not funded, will remain at the top of the priority list for the next year unless withdrawn by the library system.

GENERAL ADMINISTRATION

For all eligible construction projects that do not exceed the minimum standard of 6,000 sq. ft. or the state space standards for public library buildings (whichever is greater), the local matching funding formula shall be 10 percent of the first $1,000,000 of the total project cost.

For all projects that do not exceed the minimum standard of the state space standards for public library buildings, the local matching funding formula beyond the first $1,000,000 of the project cost shall be 50 percent of the total project cost.

For all projects that are above the minimum state space standards for public library buildings, the local matching funding formula shall be 50 percent of the total project cost.

Projects that are less than the 0.6 sq. ft. per capita standard must build to the minimum 6,000 sq. ft. requirement.

A library system may apply for a maximum amount of $2,000,000, per library, of public library capital outlay grant funds during a single fiscal year.

Matching funds for a state capital outlay grant are local funds required by the funding formulae for public library capital outlay grant projects. Federal assistance grants from regional commissions may be considered local matching funds.

Minimum state space standard for public library buildings applied to the county level is 0.6 sq. ft. per capita. A 10 percent allowance for central library system buildings and additional space as needed by a sub regional Library for the Blind and Physically Handicapped or other special services may be approved by GPLS.

No grant shall be awarded for a project that does not meet 0.6 sq. ft. per capita standard, except as provided for in a master facility plan for the library system which sets a goal for the 0.6 sq. ft. per capita and which has been approved by the library system board.

It is the intent of GPLS to recommend only one library project per county per year unless extenuating circumstances dictate otherwise.

REQUIREMENTS

A library system board of trustees of an eligible library system that has matching funds shall submit applications for eligible projects for capital outlay grants according to the annual capital outlay grant schedule adopted by GPLS. All necessary forms and schedules will be made available on the GPLS Web site.

An applicant library system board of trustees shall ensure that the proposed project or:

Meets at least the minimum state space standards for public library buildings using the Office of Planning and Budget (OPB) 10-year population projection for the service area, if available. [If OPB 10-year population projections are not available, use of an approved GPLS source is acceptable.]
The minimum square footage for any library facility receiving state funding shall be 6,000 sq. ft.

When applying for a public library capital outlay grant, a library system board of trustees shall indicate the project's priority as follows:

- First priority shall be new construction or expansion/renovation of a library system headquarters/administration building in a single- or multiple-county library system.
- Second priority shall be new construction or expansion/renovation of a branch library building in single- or multiple-county library systems.
- Third priority shall be renovation or functional retrofit of existing libraries in single- or multiple-county library a system that does not add square footage to the existing library facility.

The library system board of trustees shall be the contracting party (solely or in conjunction with a governmental funding body) for all contracts that will be a part of the capital outlay project except that the library system board may contract with the Georgia State Financing and Investment Commission for construction management services as provided by Georgia law.

The library system board of trustees shall submit correspondence (to GPLS) and all departmental forms bearing original signatures (to GPLS).

The library system board of trustees shall submit copies of the following to GPLS within three days of their receipt or preparation:

- Signed contracts and related purchase orders
- Certified bid tabulation forms
- Fully executed change orders

BIDDING

REQUIREMENTS

Library system boards of trustees shall follow Georgia statutes and GSFIC regulations when letting contracts for the construction and/or renovation of public libraries under this grant program.

Selection of design professionals, consultants, testing, surveyors and other professional services must be in accordance with Georgia statutes and GSFIC regulations, unless subcontracted by a selected design professional or consultant.

Selection of furniture and equipment from vendors on Georgia's state contract allows library system boards to forgo the formal bidding process for each item. All other items must be purchased in accordance with Georgia statutes and GSFIC regulations or local library board policies.

FINANCIAL REPORTING

REQUIREMENTS

The library system board of trustees shall submit to GPLS written verification of the capital outlay project bank account to include the following:

- The name and number of the account and
- The name of the bank where the account is located and
- The amount of funds deposited from the inception of the account or

- A statement from the library system board of trustees indicating its control of the account or a memorandum of agreement that exists between the library system board of trustees and the local governmental agency which allows the local government to serve as a fiscal agent in which case the library system board must approve all expenditures from the controlled account.

The library system board of trustees shall submit for GPLS approval a revised project budget form:

- With the construction contract
- With the furnishings and equipment bidding documents
- When significant changes in the project budget are anticipated
- Upon request of GPLS

FINANCIAL COMMITMENTS

REQUIREMENTS

The library system board of trustees shall obtain the signature of the head of each local funding agency on the final grant application agreement.

The library system board of trustees shall submit the draft and final grant agreement application according to the capital outlay grant schedule adopted by GPLS. The final grant application agreement shall be accompanied by letters of financial commitment from each of the agencies providing funding for the capital outlay project to include the following:

- The official name of the construction project as listed on the final grant application agreement.

- The source of local funds, e.g., tax revenue, bonds and the specific amount that will be made available for the project by the agency. If the source of funding is to be a referendum, the letter shall state that the referendum will occur no later than the end of the calendar year prior to the opening session of the Georgia General Assembly that will consider appropriation for the project.

- A statement that local funds shall be available to the library system board of trustees for deposit to the capital outlay project account prior to the date when the library system board of trustees shall be ready to sign a construction contract.

- The date when the funding agency voted to commit the funds for the project to the library system board of trustees.

If the majority of the composition of a funding agency changes due to elections prior to January 1, the library system board of trustees shall obtain:

- A reaffirmation of the local funding commitment.
- A new letter of financial commitment, which shall be submitted to GPLS prior to the opening session of the Georgia General Assembly.

The library system board of trustees shall secure funds for the purchase of the site and the demolition of existing structures on the site from sources outside the capital outlay grant program. Additionally, all site preparation activities shall be completed from sources outside of the capital outlay grant program.

If any part of the matching funds is to be obtained from private sources, the library system board of trustees shall submit written verification that the private funds have been deposited in the capital outlay project account or otherwise committed to the library board, in writing, for the purpose of the project prior to the deadline for submission of the financial application agreement.

The library system board of trustees shall submit written verification that all matching funds have been deposited in the capital outlay project account or otherwise committed to the library board, in writing, for the purpose of the project prior to signing a construction contract.

A library system board of trustees shall return to the original funding agencies on a pro rata basis capital outlay funds that have not been expended at the end of two years following substantial completion as documented by the Certificate of Substantial Completion.

LIBRARY SYSTEM REQUESTS FOR GRANT PAYMENTS

REQUIREMENTS

A library system board of trustees shall submit to GPLS grant payment requests per GSFIC, "Request for Payments from General Obligation Bond Funds" (to be posted on GPLS Web site.)

SITE APPROVAL

REQUIREMENTS

The library system board of trustees shall submit to GPLS:

A site application form for a capital outlay project, including an Attorney's Certificate of Clear Title in Fee Simple form, for approval according to the public library capital outlay grant schedule. The site application is not required if there is no change in the property lines.

The Site Application form shall show that the site is owned by the city, county or library board or include an option to purchase that indicates the date by which the title will be transferred.

The Attorney's Certificate of Clear Title in Fee Simple form shall:

- Be submitted on the attorney's letterhead
- Indicate that no title restrictions exist that would interfere with the use of the project site for library purposes
- Include a topographical survey and/or a soil engineering study in conjunction with the final site application, if requested by GPLS
- Include a satisfactory agreement to GPLS indicating how site development will be implemented to correct the problem if a determination from the Georgia Department of Natural Resources finds that the proposed site is in the 100-year flood plain
- Include evidence of the title transfer to the city, county or library board in time for GPLS to submit the project for grant award at the final Board of Regents meeting of the fiscal year from which the funds were appropriated.

The site application form, the Attorney's Certificate of Clear Title in Fee Simple form and the public library capital outlay grant application schedule are available from GPLS. The library

system board shall certify in writing that the project site shall be used for the purpose of a public library for not less than 20 years.

BUILDING PROGRAM APPROVAL

REQUIREMENTS

The library system board of trustees shall:

Submit to GPLS for approval the draft written building program according to the capital outlay grant schedule adopted by GPLS, which is available from GPLS, and

Submit to GPLS for approval the final written building program according to the capital outlay grant schedule adopted by GPLS, which is available from GPLS.

The building program shall be written by an experienced librarian who holds a Master of Library Science degree from a library school accredited by the American Library Association. Additionally, an experienced librarian may work in close association with a licensed architect who has built public libraries. The selection of a building program authoring team must have prior approval of GPLS.

The building designed must mirror the building program document, except for variances approved by the library system and GPLS.

The written building program shall include:

- Table of contents
- Overview and Introduction that describes the project to also include:
    - A brief summary of the project
    - A statement of need for the project
    - Proposed project schedule
    - The building team members and the specific roles and responsibilities of each
- Community analysis that describes and analyzes factors that will potentially have an effect upon the library's plan of service and/or its ability to fund, maintain and operate the proposed facility. This section shall include written explanations and/or charts of all relevant factors including:
    - A listing of other individuals who will be involved in planning and funding the new facility, including their affiliations and term expiration dates, if appropriate.
    - Project location giving general information regarding the location of the project within the library system, the county and the community. Library system, city and county maps showing the desired location of the project site shall be included.
    - Population, growth rate and demographic characteristics of the library service area including socioeconomic levels, age groups, ethnic diversity, education levels and other relevant demographic characteristics.
    - Types of business, industry and trade.
- Interpretation of data that discusses the implications and conclusions of all data collected, including its impact on the overall size of the facility, projected expansion of the facility, types and sizes of collections and types and quantities of seating.

- Site analysis discussing the general site requirements including size, parking, setbacks, expansion and the implications of elements listed in the site application if the site for the project has been selected and approved by GPLS.

- Institutional analysis giving a description of the library and the library administration's plans to provide service for access to information of all kinds in all forms for the library service area. It shall include:

    - A brief history of the library.

    - The philosophy of service including roles, goals and objectives for providing library services to the community.

    - The strategic plan of the library system including how the construction of the facility and the building service plan or service responses relate to the overall strategic plan of the system as a whole.

    - Materials collections describing the following:

        - The present collections.
        - The types and sizes of collections in the new and/or renovated facility.
        - A table showing for each type of collection the types of shelving, the required number of sections and the conversion factors used.
        - If replacing an existing facility or adding to and renovating an existing facility, the table must show the current collection size, the projected size of collection upon opening day of the facility and a projection of the collection 10 years from opening day.

    - A listing of all proposed staff positions during the first year of operation.

    - Proposed public service hours during the first year of operation.

    - The projected operating budget for the first year.

    - Space and cost estimate analysis including:

        - An estimate of the overall amount of square footage needed based upon the library service area and state space standards.

        - A capital improvement budget for the project showing anticipated disbursements and sources of funds in the following categories:

            - Disbursements
            - Construction contract
            - Architectural and site engineering fees
            - Furnishings and equipment
            - Consultants' fees
            - Site engineering
            - Advertising bids
            - Miscellaneous
            - Legal and audit fees
            - Site development
            - Contingency

        - Sources of funds
            - State of Georgia – Board of Regents
            - State of Georgia and federal funds
            - County
            - General appropriation
            - SPLOST
            - Bonds
            - Impact fees
            - City
            - Other local governmental agencies
            - Private

- Facility space requirements including:

    - A spatial diagram and/or an interaction matrix showing spatial relationships of the areas of the library

    - A chart summarizing facility space requirements including each area in the proposed library showing square footage, size and type of materials collections and type and number of seats for staff and public

    - A space description with architectural requirements, including a general narrative and a description of each individual space, which addresses:

        - Square footage
        - Occupancy by staff and public
        - Types and sizes of material collections
        - Functional activity
        - Important spatial relationships to other areas
        - Flexibility/expandability
        - Energy efficiency
        - Environmental conditions
        - Fenestration
        - Building materials and finishes
        - Handicapped accessibility
        - Acoustics
        - Vertical transportation
        - Electrical needs
        - Lighting needs
        - Computer/data communication needs
        - Security
        - Visual supervision
        - Signage and display
        - Audiovisual requirements
        - Listing of furnishings and equipment
        - Sustainable design solution considerations

- Furniture and equipment master list including all furniture and equipment required in all areas of the facility.

ARCHITECTURAL PLANS APPROVAL

REQUIREMENTS

The library system board of trustees shall obtain GPLS approval of architectural plans at the schematic, design development and working drawings phases before the architect is authorized to proceed to the next phase.

In order to obtain schematic design approval, the library system board of trustees shall submit to GPLS for approval the following, according to the capital outlay grant schedule adopted by GPLS:

- Architectural plans that include:
    - A site plan showing building location, parking plan and a 10-year expansion plan
    - A floor plan showing the spatial arrangement with the complete furnishings and equipment layout including Americans with Disabilities Act (ADA) requirements
    - Building elevations from all four directions showing the locations of openings, roof lines, etc.
    - A tabulation of the square footage for each area called for in the written building program compared to the square footage shown in the architectural plans, identifying decreases and increases
    - A tabulation of the number of each type of library material called for in the building program compared to the number that can be housed in the square footage shown on the architectural plans
    - Verification or modification of the master list of furnishings and equipment from the written building program, including a cost estimate
    - The architect's preliminary construction cost estimate
    - For addition/renovation projects, copies of the following studies as performed by a state-licensed or certified firm/individual under the direction of the project architect:
        - A structural engineering study that verifies the structural integrity of the existing facility and the feasibility of the proposed project
        - An asbestos survey to determine the presence of all asbestos-containing building materials (ACBM) in the existing building and the total bonded estimated cost for their removal
        - Environmental air quality survey to determine the quality of the indoor air and suggested remediation if required
        - Analysis of the needed changes for full Southern Building Code (or applicable building code at the time of design development) compliance

In order to obtain design development approval, the library system board of trustees shall submit to GPLS for approval the following, according to the capital outlay grant schedule adopted by GPLS.

- Architectural plans that include:
    - A site plan describing:
        - Any soil contamination below ground structure
        - Topology
        - Soil Engineering Study
        - Area Plans
        - Square Foot Tabulation
        - Existing buildings
        - Access roads
        - Sidewalks
        - Parking
        - Survey control points
        - Bench marks
        - Drainage
        - Routing of sewer, water, gas and other utilities
    - Floor plans showing:
        - Complete functional layout
        - Room designations
        - Major dimensions and critical dimensions
        - Structural columns
        - Furnishings and equipment layout
        - Lighting and electrical distribution systems using separate overlay prints on the approved schematic furnishings and equipment plan that show:
            - All sources of artificial illumination, with a legend that indicates the type of light fixtures
            - All electrical outlets, telephone jacks, computer/data communications outlets and audiovisual outlets

- Building elevations from all four directions showing all openings, roof lines, type and extent of building finishes and finish grade at building

- Building cross sections showing the relationship of various levels, floor-to-ceiling heights, construction systems and materials

- Preliminary finish schedule listing types of materials to be used on floors, ceilings and walls for all interior spaces

- A tabulation of the square footage for each area called for in the building program compared to the square footage shown on the architectural plans, identifying and justifying any changes since approved schematic plans

- A topographical survey including:

    - The date, seal, signature and state registration number of the surveyor
    - The drawing scale
    - Directional orientation
    - Establishment of local bench mark
    - Ground elevations of site
    - Water systems
    - Sanitary sewer systems
    - Storm drainage system
    - Gas distribution
    - Overhead and underground power and telephone lines
    - Adjacent roads, streets and driveways
    - Location of all billboards, trees, steps, fire hydrants, signs, fences and meters lying between the edge of paving and the right-of-way
    - Ground cover and structures within the boundaries
    - Railroads
    - Easements

- A soil engineering study performed by a state licensed firm/individual under the direction of the project architect including:

    - General conditions
    - Bearing strength of the soil
    - The amount of required cut and fill
    - Subsurface conditions such as underground water, bedrock, building foundations and abandoned utilities
    - Recommendations

- A lump sum construction cost estimate by building system as submitted by the architect, including a listing of alternates

- A preliminary furnishings and equipment cost estimate reflecting any changes that have taken place as a result of architectural modifications

In order to obtain working drawing design approval, the library system board of trustees shall submit to GPLS for approval the following according to the capital outlay grant schedule adopted by GPLS:

- A complete set of working drawings and specifications that are stamped and signed by the architect, all consulting engineers and the local fire marshal. Where a local jurisdiction does not have a local fire marshal, drawings and specifications must be stamped by the state fire marshal.

- Verification of the approval of the local fire/building official.

- A copy of the invitation to bid, giving the bid date, time and location of the bid opening that includes a listing of the additive or deductive alternates in the order that they will be accepted as determined by the library board of trustees.

- A detailed construction cost estimate including individual line items for all quantities of materials with unit cost, labor costs, total quantity costs and a listing of additive or deductive alternates.

- This budget shall use the same categories as the cost estimate required in design development phase.

In the event that furnishing, fixtures, and equipment (FF&E) are not included in the architectural package, the following requirements must be met:

- The final itemized furnishings and equipment cost estimate, including itemized additive or deductive alternates, reflecting all changes that have taken place as a result of architectural plans modifications

- A draft of the furnishings and equipment contract documents including:

    - The invitation to bid, instructions to bidders, and bid forms

    - Itemized specifications and related drawings

    - Dimensioned floor plan as approved by GPLS at the design development phase

The library system board of trustees shall obtain GPLS approval of all addenda to the contract documents prior to their release to potential bidders.

COMMENCEMENT OF CONSTRUCTION

REQUIREMENTS

The library system board of trustees shall ensure that the project begins within 180 days following grant award by the board.

At least 5 percent of the total cost of the state grant must be expended within six months of the sale of the state bonds for the project, in accordance with GSFIC and IRS regulations.

Full expenditure of the state funds for the project must be completed within three years of the sale of the state bonds for the project, in accordance with GSFIC and IRS regulations.

In the event of unusual or extenuating circumstances preventing the start of the project within 180 days, the library system board shall submit to GPLS a written request for an extension of up to 360 days.

FURNISHINGS AND EQUIPMENT

REQUIREMENTS

The library system board of trustees shall submit the final furnishings and equipment specifications manual and related floor plans and drawings to GPLS for approval prior to releasing the project for bids.

The library system board of trustees shall obtain GPLS approval of all addenda to the contract documents prior to their release to potential bidders.

Library system boards of trustees shall be authorized to purchase items contained on state contracts, GSA contracts or other local contracts in effect at that time without further bidding.

Library system boards of trustees shall notify the state library of any furnishings or equipment that must be purchased as a sole source item because of demonstrable lack of vendors or compatibility issues with already owned system equipment specifications.

ACCEPTANCE OF THE BUILDING

REQUIREMENTS

The library system board shall contact GPLS, in advance, to advise of the final inspection date and time when the project architect has determined that the building is ready to be examined for substantial completion and an occupancy permit has been obtained, where required by local codes.

The library system board of trustees shall forward a copy of the certificate of substantial completion and the final punch list to GPLS and retain the original for the project files.

At final completion, the library system shall be provided a copy of final record (as-built) drawings, operation and maintenance manuals, warranties, a schedule for training on equipment provided in the contract and contact information of all contractors and sub contractors on the project.

The library system board of trustees shall forward a copy of the written final acceptance to GPLS within seven calendar days of preparation or receipt, as appropriate.

At one year of occupancy in new or renovated facility, the library system shall provide to GPLS a post-occupancy report. Post-occupancy reporting guideline will be provided by GPLS.

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 364/2022

SUBJECT: Approve the FY 2023 Gainesville-Hall County Economic Development Council Service Contract between Hall County and the Greater Hall Chamber of Commerce in the amount of $165,000.00.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: WG

Recommendation:
Department recommends approval. Board of Commissioners approved allocation as part of the FY 2023 budget process.

Purpose of Request:

Approve the Fiscal Year 2023 Gainesville-Hall County Economic Development Council Service Contract between Hall County and the Greater Hall Chamber of Commerce.

History:
The Gainesville-Hall County Economic Development Council is a committee of the Greater Hall Chamber of Commerce and exists to develop and promote programs that will assist existing business and industry with their future expansion needs, as well as solicit quality new business and industry to our community.

Facts and Issues:
Each year, the Gainesville-Hall County Economic Development Council submits a budget request to the budget committee as part of the annual budget process. The amount outlined in the agreement has been approved as part of the FY 2023 budget, which was approved on June 22, 2022. This agreement outlines the terms and services associated the the FY 2023 approved appropriations.

Options:

Funding Requested $ 165,000.00

Are funds within current budget?	Yes
Source of Funds	General Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	No
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
JR	EW	NB	WLI
Administration		**Clerk**	
ZP		JR	

Attachments:

Financial Supplement
FY 2023 EDC Agreement

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 364/2022

Funds Requested: $ 165,000.00

Request Budgeted: Yes

Proposed Source of Funding:

General Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2022	001 - GENERAL	171 - AGENCIES	4553 - ECONOMIC DEVELOP COUNCIL	$165,000.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: WG

Phone:

GAINESVILLE-HALL COUNTY
ECONOMIC DEVELOPMENT COUNCIL
SERVICE CONTRACT

HALL COUNTY, GEORGIA

THIS AGREEMENT, made and entered into this 14th day of July, 2022 by and between **Hall County, Georgia (**hereinafter referred to as the "County"), party of the first part and the **Greater Hall Chamber of Commerce,** (hereinafter referred to as the "Chamber") party of the second part,

WHEREAS, O.C.G.A. Section 36-60-14 grants the authority to the governing body of each municipal corporation of the State of Georgia to enter into contracts with private, non-profit organizations to identify, attract and locate new business and industry into the municipality for the purpose of increasing trade, industry and commerce; and

WHEREAS, the County has agreed to contract with the Chamber for economic development services through the Gainesville-Hall County Economic Development Council, a committee of the Chamber, (hereinafter referred to as the "EDC"); and

WHEREAS, the Chamber and the County have agreed to form an equal partnership for the purposes of marketing and promoting quality economic development for the Greater Hall County community; and

WHEREAS, the parties hereto are committed to a strong and viable economic development program; and

NOW THEREFORE, for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed as follows:

1. The County shall provide a partner funding fee in the sum of **$165,000.00** to the Chamber as appropriated by the County Commission, for the purposes set forth in this contract.

2. The Chamber (by and through the EDC) shall:

   A. Provide economic development services for the County, including marketing and promoting quality economic development in the name of all funding partners and advertising in Chamber publications such as the chamber magazine, Atlanta Business Chronicle and Georgia Trend as part of the funding partner fee. These efforts shall include, but not be limited to, retail marketing on a macro level for all funding partners in Hall County, with an emphasis on developers and shopping center/corridor development, negotiation and proposal writing on competitive projects and coordination of state and local resources to close remaining gaps in the decision.

   B. Provide support to attract and recruit new business and industry to the County by marketing the existing office, industrial, retail building and site inventory of Hall County through the Greater Hall Chamber of Commerce website, and facilitating industrial, office and retail development site/community visits and responses to RFI's in the initial stages of the information gathering process;

   C. Provide support to existing business and industry for both expansion and growth opportunities through routine staff calls and the existing industry programs including, but not limited to, the Industry Roundtable, HR Council, Safety Council, the Existing Industry

Awards, the Industry Directory and the Wage & Benefit Survey; and South Hall Business Coalition.

D. Market the community through the distribution of information concerning Greater Hall County including, but not limited to, coordinating commercial broker meetings with Hall County real estate professionals, maintaining a unified point of contact with statewide developers, site location consultants, developers and commercial brokers and by coordinating Small Business Workshops in South Hall County, and Small Business Council meetings.

E. Encourage broad-based support from the community toward quality economic growth and development.

F. Include tourism in the Economic Development Strategy by coordinating with and working jointly with the Gainesville Communication and Tourism Department and the Lake Lanier Convention & Visitors Bureau.

G. Attend Hall County Commission meetings to report accomplishments via the provision of detailed, written activity/performance reports.

H. Advise the EDC Executive Committee in the hiring of the Economic Development Vice President.

I. Advocate for State and local economic development legislative and referendum initiatives that are endorsed by the EDC Executive Committee.

J. Work with funding partners to develop a comprehensive county-wide economic development plan and implementation strategy.

3. Financial Provisions

A. Funding shall be provided by the County to the Chamber on a fiscal year basis with the year beginning on July 1 and ending on the following June 30. (County will be credited for any previous payments.)

B. The Chamber shall prepare an annual budget of all estimated revenue (including any fund balance carryovers in excess of 30 days working capital) and all proposed expenditures. Included with, and as a part of the budget proposal shall be appropriate information regarding mission statement, goals and objectives, performance indicators and/or such other information as shall be reasonably requested by the County. The budget shall be inclusive of all funding sources and shall be balanced with respect to revenues and expenditures. The budget shall provide a break down of each revenue source and expenditure and shall be subject to the review and approval of the County. Once approved, any adjustments to the annual budget shall likewise be subject to the review and approval of the County. Each budget and any adjustments thereto shall provide for an accounting for all funds contributed by the funding partners and verify the use of funding partner contributions exclusively for the EDC and its functions.

C. The budget shall include requests for major equipment, furniture, fixtures, or improvements purchased with funds provided by the County. The Chamber shall maintain fixed assets records which shall include at a minimum a listing of fixed assets, date acquired, vendor and cost. If the EDC ceases to exist, then such fixed assets shall become the property of the City

of Oakwood, the City of Flowery Branch, the City of Lula, the City of Gainesville, Hall County and the Chamber proportionate to their total payments to the EDC as of the date of its or its successor's cessation of existence.

D. The Chamber shall submit a financial and performance report to the County at each EDC meeting. This report shall include a balance sheet, all fiscal year revenues, and expenditures to date and a comparison of actual revenue and expenditures to the budget.

E. At the conclusion of each fiscal year, the Chamber shall have prepared, at its own expense, an audit by a reputable Certified Public Accounting firm. Such audit shall be prepared in compliance with generally accepted accounting principles. Such audit shall be completed within 90 days after the end of the fiscal year, and one copy of the audit and management letter shall be immediately sent to all the funding partners.

F. The County shall make quarterly payments to the Chamber in advance but not before the first day of the calendar quarter for which requested. Remittance shall be made upon request of the Chamber, submitted to the County. Forms will be provided by the County to be used by the Chamber to request quarterly allocations. Copies of the Chamber's most recent financial reports as stated in Section D under the Financial Provisions must be provided for payment to be processed.

G. The County pledges to cooperate to the fullest extent possible with the Chamber in its efforts to market and promote quality economic development.

4. If the Chamber fails to make a reasonable effort to fulfill its obligations under this agreement or fails to retain competent staff to carry out its responsibilities hereunder, then the County at its option may terminate payment pursuant to this agreement after giving 30 days written notice to the Chamber.

5. Notice under this agreement may be given by delivering it in person or by depositing it in the United States mail, postage prepaid, addressed to:

County Administrator
Hall County
P.O. Box 1435
Gainesville, GA 30503

And, in case of the Chamber to:

Greater Hall Chamber of Commerce
P.O. Box 374
Gainesville, Georgia 30503-0374

6. The waiver by any party to this contract of a breach of any provision of this contract shall not be deemed a continuing waiver or a waiver of a subsequent breach whether of the same or another provision of this contract.

7. This agreement is for a period of one year and shall expire on the 30th day of June 2023 provided, however, it may be extended in writing by agreement of the parties provided the County Commission appropriates funding for the following fiscal year. There shall be no renewal or extension by law without express agreement as provided herein.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, this day and year first above written.

HALL COUNTY, GEORGIA

By:_____(Seal)

Attest:_____(Seal)

GREATER HALL CHAMBER OF COMMERCE

By:_____(Seal)

City Attest:_____(Seal)

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 367/2022

SUBJECT: Approve the Employment Agreement for the Communications and Strategic Engagement Manager.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: DLJ

Recommendation:
Department recommends approval of the Employment Agreement for the Communications and Strategic Engagement Manager.

Purpose of Request:
The purpose of this request is to approve the Employment Agreement for the new Communications and Strategic Engagement Manager.

History:

Facts and Issues:
The Communications and Strategic Engagement Manager position is a new position created by combining two previously vacant part-time positions in Administration. This new full-time position will implement organizational efforts around strategic engagement, brand identity, public awareness, communications planning, analytics, performance measures. Additionally, this position will plan, develop and coordinate organizational efforts to successfully execute the Hall County Strategic Plan, various departmental master plans and the annual work plan under the purview of County Administration.

Options:

Funding Requested $ 159,868.00

Are funds within current budget?	Yes
Source of Funds	General Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	No
Is there a deadline for this item?	2022-07-14

Approvals:

Approve	Budget	Finance	Attorney
AO	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:

Financial Supplement
Employment Contract - Communications and Strategic Engagement Manager

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 367/2022

Funds Requested: $ 159,868.00

Request Budgeted: Yes

Proposed Source of Funding:

General Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	001 - GENERAL	101 - ADMINISTRATION	4104 - SALARIES	$105,000.00
2023	001 - GENERAL	101 - ADMINISTRATION	4433 - CAR USE ALLOWANCE	$5,400.00
2023	001 - GENERAL	101 - ADMINISTRATION	4110 - F.I.C.A.	$8,446.00
2023	001 - GENERAL	101 - ADMINISTRATION	4131 - RETIREMENT	$15,456.00
2023	001 - GENERAL	101 - ADMINISTRATION	4121 - HEALTH INSURANCE	$25,171.00
2023	001 - GENERAL	101 - ADMINISTRATION	4122 - LIFE INSURANCE	$347.00
2023	001 - GENERAL	101 - ADMINISTRATION	4123 - OTHER CNTY-PD INSURANCE	$48.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

EMPLOYMENT AGREEMENT

Communications and Strategic Engagement Manager

THIS AGREEMENT made and entered into this 14th day of July 2022, by and between **HALL COUNTY, STATE OF GEORGIA,** hereinafter called "the County", as party of the first part, and **Katie Crumley**, herein called "Employee", as part of the second part, both of whom agree as follows:

WITNESSETH

WHEREAS, the County desires to employ the services of said **Katie Crumley** as the **Communications and Strategic Engagement Manager** of Hall County; and

WHEREAS, it is the desire of the governing board, hereafter called "Commission" to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of Hall County to secure and retain the services of said Employee and provide inducement for him or her to remain in such employment, and to make possible full work productivity by assuring said Employee's morale and peace of mind with respect to future security, and to provide a just means of terminating the Employee's services at such a time as desired by the County Administrator, or his or her designee; and

WHEREAS, the Employee desires to accept employment as **Communications and Strategic Engagement Manager** for Hall County**;**

NOW THEREFORE; in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. **Duties**

The County hereby agrees to employ **Katie Crumley** as **Communications and Strategic Engagement Manager**, to perform legally permissible functions and duties specified and assigned by the County Administrator or his or her designee.

_____Initials

SECTION 2. Term

A. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the County Administrator to terminate the services of this Employee at any time, subject only to the provisions set forth in SECTION 3 of this agreement. The Employee understands that he or she serves at the pleasure of the County Administrator.

B. Nothing in the agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from his or her position with the County, subject to the provisions set forth in SECTION 3, Paragraphs B and C of this agreement.

SECTION 3. Termination and Severance Pay

A. In the event the Employee is terminated pursuant to Paragraph B hereof and the Employee is willing and able to perform the duties of the position under this agreement, upon execution of a Separation Agreement and General Release, the Employer agrees to pay the Employee a lump sum cash payment equal to three (3) months aggregate annual salary, exclusive of other forms of compensation, less standard withholdings, in addition to the continuation of medical, dental and vision insurance benefits during the three (3) month period immediately following the date of termination. However, in the event the Employee is terminated because the Employee has been convicted of a misdemeanor or a felony, or if the County determines that the Employee has engaged in unprofessional and improper practice, other than negligence, and breach of public trust, including but not limited to illegal acts involving personal gain, or moral turpitude, the County shall be entitled to terminate the Employee immediately without any severance pay, or medical, dental and vision insurance continuation aside from COBRA.

B. In the event the Employer at any point during the term of this agreement reduces the salary or other financial benefits of the Employee in a greater percentage than reductions to all other employees of Employer, or if Employer refuses, following a written request to comply with any provision benefiting Employee herein; or the Employee resigns following a suggestion, whether formal or informal, by the County Administrator that he or she resign, then, in that event, Employee may, at his or her option, be deemed to be terminated at the date of such reduction or refusal to comply within the meaning and context of the herein severance pay provision.

_____Initials

C. In the event the Employee voluntarily resigns his or her position with the County as **Communications and Strategic Engagement Manager** then the Employee shall give the County **thirty (30)** days written notice in advance, unless the parties otherwise agree. The provision for severance pay and continuation of employment benefits detailed in SECTION 3, Paragraph A shall not apply to a voluntary resignation.

SECTION 4. Termination Due to Disability

If the Employee is unable to perform his or her duties because of sickness, accident, injury, or mental incapacity, and no reasonable accommodations are available, the County shall have the option to terminate employment, subject to the severance pay requirements of SECTION 3, Paragraph A. However, the Employee shall be compensated for any accrued benefits, in accordance with current policies.

SECTION 5. Salary

The County agrees to pay the Employee for his or her services rendered, pursuant hereto, an annual base salary of **$105,000.00,** payable in installments at the same time as other employees of the County are paid, except that the county may put in place cost reduction measures at any time and for any duration as required by a lack of financial resources. The base annual salary and benefits may be reviewed annually by the County Administrator and consideration for increases may be determined based upon the performance of the employee or consideration of providing a Cost of Living Adjustment (COLA).

SECTION 6. Performance Evaluation

The County Administrator, or his or her designee, shall review and evaluate the performance of Employee at least annually on the anniversary day of this agreement. Said review and evaluation shall be in accordance with criteria developed by the County Administrator, or his or her designee, and Employee. Performance criteria may be added to or deleted from, as the County Administrator, or his or her designee may from time to time determine. Further, the County Administrator, or his or her designee, shall provide the Employee with a written summary statement of the findings of the evaluation.

SECTION 7. Hours of Work

It is generally recognized that the position of **Communications and Strategic Engagement Manager** involves the devotion of a great deal of time beyond typically recognized business hours.

SECTION 8. Outside Activities

The Employee shall devote his or her full time to the position described in this agreement. With the approval of the County Administrator, or his or her designee, the Employee may engage in teaching, consulting or other non-employer related activities as long as he or she does not interfere with the execution of the duties of this position, or present a conflict of interest. Such consent must be obtained by advance approval, in writing, detailing the specifics of such activity.

SECTION 9. Political Activity

If the Employee announces as a candidate for any elective office during the duration, of this contract, he or she will resign from Hall County employment immediately upon declaring candidacy as defined by state law. During the term of this contract, the Employee may not:

A. Be involved in any political activity that would constitute a conflict of interest; including participation in any aspect of any local political campaign on behalf of one's self if intending to seek elected office, or other individual or in opposition to any candidate for office within Hall County; including municipal and/or county government office. This restriction includes but is not limited to displaying or distributing information, materials, or paraphernalia in support of any political candidate, party or organization.
B. Knowingly solicit, accept, or receive political contributions from any person, to be used in support of or in opposition to any political candidate for election within Hall County, including municipal and/or county government office.
C. Use, or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person a job or other advantage for the purpose of influencing the vote or political action of any person.

_____Initials

SECTION 10. Vehicle and Phone

Employee's duties require the substantial use of their personal automobile during the term of employment. The County shall pay to the Employee in addition to salary a monthly vehicle allowance of $450.00. A cellular phone dedicated solely for business usage may be provided by the Employer. In such case, the Employer shall be responsible for paying for and maintaining regular monthly service. Should the Employee desire to use their personal cellular phone for business purposes, Employer shall reimburse the Employee the amount of $50 per month.

SECTION 11. Insurance Benefits

The County agrees to put in force and make premium payments for Medical, Dental, Vision, Short-Term Disability and Life Insurance policies on behalf of the Employee and if so elected, eligible dependents, at a level of coverage available to other County employees. The Employee may choose not to cover his/her dependents.

SECTION 12. Retirement Benefits

Provided that contributions are being made by the County, if the Employee elects, Hall County agrees to contribute (8 %) of annual compensation as defined by the retirement plan in addition to Employer matching contributions made on contributions by the Employee as received by other County employees, into a defined contribution plan, except that the County may reduce or suspend this contribution at any time and for any duration as required due to a lack of financial resources. Retirement contributions shall not be made on any severance pay provided by the Employer, paid in accordance with Section 3.

SECTION 13. Paid Time Off (PTO) or Vacation and Sick Leave

As applicable, the County will provide for Paid Time Off (PTO) or vacation and sick leave in the same manner as the accruals currently received by other County Employees. In the event that the County changes or adopts a new program for all employees, such changes shall also apply to the **Communications and Strategic Engagement Manager.** Accrued PTO or vacation leave, whichever is applicable, shall be paid to Employee upon termination of employment.

_____Initials

SECTION 14. Dues, Subscriptions and Professional Development

A. The County agrees to pay the Employee's annual membership dues, subscriptions and conference expenses incurred by the Employee in conjunction with the Employee's duties, not to exceed the budget and subject to prior approval by the County Administrator or his or her designee.

B. The County agrees to pay the travel and subsistence expenses of the Employee for expenses related to maintenance of professional certifications, professional and official travel, meetings and occasions adequate to continue the professional development of the Employee and to adequately pursue necessary official and other functions for the department, not to exceed the budget and subject to prior approval by the County Administrator or his or her designee.

SECTION 15. Indemnification

The County shall defend, save harmless and indemnify the Employee against any claim or demand or legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as **Communications and Strategic Engagement Manager.** The County or its insurance carrier will pay the amount of any settlement or judgment agreed to or rendered against the Employee and the County may agree to such settlement or the payment of a judgment with or without the express consent of the Employee.

SECTION 16. General Provisions

A. The text herein shall constitute the entire agreement between the parties. Any amendment hereto shall be in writing and be executed by both parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Employee.

C. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

_____Initials

D. This agreement will become effective on the 1st day of July 2022, and shall continue thereafter unless or until the agreement is terminated by either party set forth herein.

E. This agreement shall be executed in duplicate, each of which shall be deemed to be complete of itself and may be introduced into evidence or used for any purpose without the production of the other copy.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS_____DAY OF_____2022.

HALL COUNTY, GEORGIA

_____

County Administrator

ATTEST:

_____

County Commission Clerk

(Seal)

_____

Employee

APPROVAL AS TO FORM

_____

County Attorney

_____Initials

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 345/2022

SUBJECT: Approve the acceptance of a $297,169.00 Irrevocable Letter of Credit for streets and stormwater management facilities in Magnolia Station Phase II Subdivision. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: SY

Recommendation:
Approval

Purpose of Request:
Approve the Acceptance of a $297,169.00 Irrevocable Letter of Credit for the streets, stormwater management facilities, in Magnolia Station Phase II Subdivision. Commission District 3.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
WM	SY	TS	NB

Attorney	Administration	Clerk

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Irrevocable Letter of Credit
Final Plat Information

PEACH STATE
BANK & TRUST

IRREVOCABLE LETTER OF CREDIT

Hall County Board of Commissioners
P.O. Drawer 1435
Gainesville, GA 30503

RE: **Magnolia Station Phase II**
Lula Capital, LLC
4705 Hamilton Mill Rd Ste 300
Buford, GA 30518

To Whom It May Concern:

The purpose of this Irrevocable Letter of Credit is one of the following:

- Public subdivisions/developments – To induce the Hall County Board of Commissioners to approve the street system as shown on the final plat, to induce the Hall County Board of Commissioners to accept the streets as shown on the final plat for public maintenance, and to ensure the completion of the project as per the approved plans and the regulations of Hall County, Georgia.

- Private subdivisions/developments – To induce the Hall County Board of Commissioners to approve the street system as shown on the final plat and to ensure the completion of the project as per the approved plans and the regulations of Hall County, Georgia.

Peach State Bank & Trust (Banking institution hereinafter referred to as "Issuer") hereby establishes its Irrevocable Letter of Credit No. **1001137100** in favor of Hall County, Georgia, for the account of **Lula Capital, LLC** (Owner/developer) up to the aggregate amount of **Two hundred Ninety seven thousand one hundred sixty nine** dollars* effective immediately and available by your draft(s) drawn at sight on the Issuer when accompanied by this Irrevocable Letter of Credit. This Irrevocable Letter of Credit is to cover the value of materials and work associated with the construction of **Magnolia Station Phase II** (Name of project).

The owner/developer responsibilities are as follows:

All construction of the street system of **Magnolia Station Phase II** (Name of project) will be maintained for fifteen (15) months according to the terms and requirements as shown on the recorded final plat and of the Subdivision Regulations

PEACH STATE
BANK & TRUST

in force in Hall County, Georgia. Sidewalks will be completed throughout entire subdivision as shown on the recorded final plat within one fifteen (15) months of the signing of said plat.

The sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, and traffic signs in **Magnolia Station Phase II** (Name of project) must be properly maintained and free from faults in design, materials, and workmanship as shown on the recorded final plat and as set out in the Subdivision Regulations in force in Hall County, Georgia.

Hall County will pursue the collection of funds for deficiencies upon the elapsing of one (1) year from final platting ***and*** after the compliance date given in the 45-day written notice.

The condition of the obligation created hereunder is such that the Issuer hereby agrees that all drafts drawn under and in compliance with the terms of this Irrevocable Letter of Credit will be duly honored if drawn and presented for payment to the Issuer's office upon the failure of Owner/developer to meet the responsibilities as outlined in the preceding paragraph. Upon full compliance, this obligation shall be void; otherwise, it shall remain in force. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

This Irrevocable Letter of Credit is hereby issued on **June 21, 2022** (Date) and expires on **June 21, 2024** (Date, minimum 12 months from date of issuance), and the Issuer will have no more liability after that date. When the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day.

IN WITNESS WHEREOF the Issuer has set its hand and affixed its seal on this day of **June 21, 2022.**

Jana Knell
Witness

Peach State Bank & Trust
Issuer (Banking Institution Name)

Notary Public

TABRINA SAINE NOTARY PUBLIC LUMPKIN COUNTY, GA EXPIRES GEORGIA August 07, 2023

By: S. Keith Brady, SVP
S. Keith Brady, Senior Vice President

My Commission Expires: _____

[Seal]

Final Plat Information

Consider acceptance of $297,169.00 Irrevocable Letter of Credit for Streets and Stormwater Management Facilities in Magnolia Station Phase II Subdivision.

Subject Subdivision is located off of Lula Road (Highway 52).

NAME OF SUBDIVISION:	Magnolia Station Phase II
NAME OF OWNER/DEVELOPER:	Lula Capital, LLC.
ADDRESS:	4705 Hamilton Mill Road, Suite 300 Buford, GA 30518
TYPE OF MAINTENANCE BOND:	Irrevocable Letter of Credit
DATE OF BOND:	June 21, 2022
AMOUNT OF BOND:	$297,169.00
FINANCIAL INSTITUTION: AND ADDRESS:	Peach State Bank & Trust P.O. Box 290 Gainesville, GA 30503
Account No.:	1001137100

COMM. DIST.	STREET NAME	R/W IN FEET	LENGTH IN FEET	WIDTH IN FEET	TYPE OF SURFACE	STATE REF. NO.
3	Magnolia Station Drive	50	719	20	P.M.	----
3	River Station Drive	50	1911	20	P.M.	----

NOTES:

NUMBER OF LOTS:	56
CURB & GUTTER:	24" Rolled Back
TOTAL ACRES OF S/D:	49.96 AC

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 329/2022

SUBJECT: Approve the replacement and installation of ten (10) commander computers and one (1) Informer/Gatekeeper Server for the Hall County Jail to Stanley Convergent Security Solutions, Inc. of Fishers, IN, in the amount of $379,680.00.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CCI

Recommendation:
Approve the replacement and installation of 10 Commander Computers and one Informer/Gatekeeper Server for the Jail Division to Stanley Convergent Security Solutions of Fishers, IN .

Purpose of Request:

History:
Existing Analog, Dukane Intercom System has been listed as End of Life by the manufacturer and puts your facility at risk. Therefore, it needs to be replaced because servicing and maintaining it will become increasingly difficult.

Facts and Issues:
Due to increasing prices, Stanley Convergent is only able to keep the price as is if approved in July.

Options:

Funding Requested	$ 379,680.00
Are funds within current budget?	Yes
Source of Funds	FY2023 Capital Projects Fund
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AH	SC	EW	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Financial Supplement
Quote

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 329/2022

Funds Requested: $ 379,680.00

Request Budgeted: Yes

Proposed Source of Funding:

FY2023 Capital Projects Fund

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	005 - CAPITAL PROJECTS	541 - DETENTION CENTER	6007 - OTHER EQUIPMENT	$379,680.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions: CI

Phone: 1701

STANLEY Security

STANLEY Convergent Security Solutions, Inc.
11899 Exit 5 Parkway, Suite 100., Fishers, IN 46037
T (833) 928 0829 **F** (833) 810 8194

Q# 210932

To:	Lynn Yarbrough
Organization:	Hall County Jail
Address:	1700 Barber Road Gainesville, GA 30507
Phone:	770-654-8182
Fax or Email:	lyarbrough@hallcounty.org

QUOTATION #210932	**Hall County Jail, GA – Replacement Commander Computers, Replacement Informer Server, and Upgrade Intercom System From Analog, Dukane To Digital, Harding Instruments**

December 30, 2021

Dear Mr. Yarbrough:
Per your request, we have attached pricing to provide ten (10) replacement Commander Computers and one (1) replacement Informer/Gatekeeper Server. All of these computers and servers will be tested in house with a mock-up of your PLC system to reduce faults and down time at your facility. After testing, the computers will be shipped to site, installed, and validated.

In addition, we have included an upgrade to your Intercom System. The existing intercom system was provided by STANLEY and has been functioning **since 2007**. We look forward to providing these upgrades so that we can circumvent system outages by replacing aging systems and increasing the system's reliability and functionality by modernizing your equipment and providing uninterrupted support to your facility for years to come.

Commander Computers
The Commander computers will include Windows10 OS and Wonderware InTouch v2017. The existing 19" Touchscreen Monitors will be replaced with new Touchscreen Monitors.

Computers to be replaced:
1. X1 – Master Control, Room A256
2. X2 – Master Control, Room A256
3. X3 – Booking Control, Room A227
4. X4 – Nurse Control, Room A174
5. Y1 – Cell Housing Control, Level 1, Room H157
6. Y2 – Dorm Housing Control, Level 1, Room H158
7. Y3 – Cell Control, Level 3, Room H157
8. Y4 – Dorm Housing Control, Level 3, Room H158
9. Y5 – Cell Control, Level 5, Room H157
10. Y6 – Dorm Housing Control, Level 5, Room H158

Informer/Gatekeeper Server
The Informer/Gatekeeper server will be upgraded to include Windows Server 2019. Please note that the data from the old data logger may not be compatible with the new system. We will make you aware if you need to keep your old unit online to archive the old data.

Computers to be upgraded:
1. INF – Master Control, Room A256

Digital Intercom System Upgrades:
As we discussed, your existing Analog, Dukane Intercom System has been listed as *End of Life* by the manufacturer and puts your facility at risk. Therefore, it needs to be replaced because servicing and maintaining it will become increasingly difficult. Depending on the failure, your Intercom System could be down for days or even weeks. To keep this from occurring, the obsolete Analog, Dukane Intercom System will be upgraded to a new Harding Digital Intercom system.

This upgrade happens primarily in the headend equipment racks and will only slightly change how your staff uses the intercom system on a day to day basis. At the ten (10) Touchscreen Control Station locations, we will supply a new Intercom Master Station with flush mount mic. This is the only significant change in the field. The new Digital Intercom System will reuse the existing intercoms and paging speakers, so your field devices and cabling does not need to change.

At the headend, the existing analog, Dukane relay cards and talkback amplifiers will be removed and replaced with the Harding Digital Controllers and Expansion Units. The existing intercom stations and paging speakers will be rewired to the new equipment by STANLEY.

Due to the lack of memory on two (2) of your existing PLC processors, these two (2) processor will be required to be replaced with new PLC processors.

Headend Locations and Device Counts:

Security Equipment Room #1 (SEC - X1)
4 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
91 .... Existing 4-Wire Intercom Stations without Audio Level Alarm

Security Equipment Room #2 (SEC - Y1)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
103 .. Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

Security Equipment Room #3 (SEC – Y2)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
58 .... Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

Security Equipment Room #4 (SEC – Y3)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
103 .. Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

Security Equipment Room #5 (SEC – Y4)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
58 .... Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

Security Equipment Room #6 (SEC – Y5)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
103 .. Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

Security Equipment Room #7 (SEC – Y6)
1 ..... Touchscreen Master Station (VoIP) – Flush Mount Microphone
58 .... Existing 4-Wire Intercom Stations without Audio Level Alarm
7 ..... 2-Speaker Page Zone (One-Way) without Audio Level Alarm (2 Speakers @ 1W each)
1 ..... 1-Speaker Page Zone (One-Way) without Audio Level Alarm (1 Speaker @ 1W)

To make the upgrade go smoothly, we plan to mockup your new system at our shop, validate the system, then ship the system to site. Once on site, our technicians will work with your staff and alert them when we plan to take the system offline. They will also give periodic updates concerning the progress of the upgrade.

The price includes the equipment listed below plus labor for engineering documentation updates, PC/Server Configuration, Software Installation, PLC program modifications, Touch screen design changes, Security Management Server updates, Harding Instruments configuration, assembly labor, on-site installation, on-site validation and owner training.

Equipment and services included:
(2) .....PLC Processors
(10) .....Commander Computers with Wonderware Runtime License
(10) .....Touchscreen Monitors (4:3 Ratio)
(1) .....Informer/Gatekeeper Server with Monitor and Printer
(10) .....Harding Intercom Masters w/flush mount mic
(7) .....Harding Intercom Controllers
(14) .....Harding Intercom Expanders
(6) .....Harding Talkback Expanders with Terminal Blocks
(39) .....Harding Interface Cable sets & Quick Connect Boards
(1) .....Harding DXL Administrator Software
(10) .....Network Switch
(1 lot).....Labor, Engineering Documentation updates
(1 lot).....Labor, PC/Server Configuration
(1 lot).....Labor, Software Installation
(1 lot).....Labor, PLC program modifications
(1 lot).....Labor, Touch screen design changes
(1 lot).....Labor, Security Management Server updates
(1 lot).....Labor, Harding Instruments Configuration
(1 lot).....Labor, Assembly
(1 lot).....Labor, On-Site Installation
(1 lot).....Labor, On-Site Validation
(1 lot).....Labor, Owner training
(1 lot).....Travel & Living Expenses
(1 lot).....Freight
(1 lot).....Warranty

Price..... **$ 379,680.00**
Taxes NOT included

We are pleased to provide this quotation, and we hope it meets with your approval. We will wait to proceed with this change until we receive a Purchase Order/Change Order/Signed Sales Agreement. If you have any questions, please feel free to call. Terms and Conditions are attached below.

Sincerely,

Stanley CSS - Senior Sales Engineer
Direct: 317-572-2120, **Cell:** 317-919-3509
Fax: 833-810-8194
Email: dustin.hackleman@sbdinc.com

STANLEY Security

STANLEY Convergent Security Solutions, Inc.
11899 Exit 5 Parkway, Suite 100., Fishers, IN 46037
T (833) 928 0829 **F** (833) 810 8194

Q# 210932

Terms and Conditions

GENERAL

Terms are due upon receipt. STANLEY works under the terms of a purchase order only. We will wait to proceed with this change until we receive a Purchase Order or Signed Sales Agreement. STANLEY is not responsible for any work associated with hazardous materials (i.e. asbestos, lead paint, etc) that is associated with the work. This work will be the responsibility of the Owner or General Contractor.

All paperwork to be addressed to: **Stanley Convergent Security Solutions, Inc.** Please scan and email the Purchase Order or Signed Sales Agreement, W-9, and a Tax Exempt Certificate.

WARRANTY

Unless otherwise specified, STANLEY warrants that the engineering and equipment will be free from defects in material and workmanship for a period of twelve (12) months from the date the system is placed into operation. If during this warranty period, any of the equipment or parts are defective or malfunction, they will be repaired or replaced free of charge. Warranty repair and/or service shall be provided in accordance with the terms and conditions set forth in the Agreement between STANLEY and Owner. This warranty does not include acts of God or abuse by the owner.

DISCLAIMER OF ALL OTHER WARRANTIES: EXCEPT FOR THE FOREGOING LIMITED EQUIPMENT WARRANTY DESCRIBED ABOVE, STANLEY MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IT IS EXPRESSLY AGREED THAT UNDER NO CIRCUMSTANCES SHALL STANLEY BE HELD LIABLE FOR ANY INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO, LOSS OF PROFITS, WHETHER ARISING UNDER ALLEGED BREACH OF AGREEMENT, NEGLIGENCE, STRICT LIABILITY OR ANY OTHER LEGAL OR EQUITABLE THEORY, AND STANLEY'S LIABILITY SHALL BE STRICTLY LIMITED AS STATED ABOVE.

ADDITIONAL CHARGES:

1. All prices quoted do not include sales tax, prevailing wage, or bonds unless specifically written on the face of the proposal.
2. Unless otherwise stated in the proposal, the price quoted is FOB shipping point. All shipments will be UPS ground.
3. Applicable permitting fees will be billed on a pass-through basis.
4. The price quoted assumes installation will be performed during STANLEY's normal working hours and using its own personnel. If Customer requests the installation or any part thereof to be performed outside ordinary business hours or, if the installation must be performed by outside contractors, or STANLEY's wage rates do not apply as a result of prevailing wage requirements, or otherwise, then the installation charge will be adjusted accordingly.
5. Any changes to the system required by any government agency or Authority Having Jurisdiction will be billed to Customer, and are not the responsibility of STANLEY.

INSURANCE:

STANLEY will carry Liability Insurance and Workers Comp. Insurance and will provide Certificates of Insurance to Contractor, with Contractor named as Certificate Holder, prior to the execution of any work. In the event STANLEY is required to indemnify Contractor, Owner or a third party, the indemnification shall be limited to the installation amount.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions attached hereto are satisfactory and are hereby accepted. STANLEY is authorized to do the work as specified. Payment will be made as outlined above.

Stanley Convergent Security Solutions, Inc.		**Customer**	
Written By:	Dustin Hackleman	Approved By:	_____
Title:	Senior Sales Engineer	Title:	_____
Approved and Accepted by Stanley CSS		Date:	
By:	_____	PO#: (if applicable)	_____
Title:	_____		
Date:	_____		

This proposal may be withdrawn by us if not accepted within thirty (30) days.

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 325/2022

SUBJECT: Approve the FY 2023 School Resource Officer annual agreement between Hall County and the Hall County Board of Education.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: CJS

Recommendation:

vote to approve annual School Resource Officer Program Memorandum of Agreement for new Fiscal / School year 2023

Purpose of Request:

seek approval of the new school / fiscal year SRO agreement between HCSO and HC School Board

History:

Beginning with the 1999 — 2000 academic year the Hall County Sheriff's Office, the Hall County Board of Commissioners, and the Hall County School System instituted and established a School Resource Officer Program, which placed a Deputy Sheriff in each of the middle and high schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System. The School Resource Officer Program has received overwhelming acceptance and support from the participating entities and the community in general. The School Resource Officer Program has been extremely successful in creating a safe environment in the Hall County School System as well as providing the students with outstanding role models. Funded 70% by the School Board and 30% by Hall County Sheriff's Office

Facts and Issues:

Options:

The purpose of this Memorandum of Agreement (MOA) between the Hall County Sheriff's Office, the Hall County Board of Commissioners, and the Hall County School System is to institute and establish and maintain a School Resource Officer Program, which places a Deputy Sheriff in each of the Middle and High Schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System. 70% of the total budget in Department 247 is funded by the School Board.

Funding Requested	$ 2,024,961.00
Are funds within current budget?	Yes
Source of Funds	General Fund (70% reimbursed by School Board)
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-07-14

Approvals:

Submit	Approve	Budget	Finance
SC	SC	EW	WG

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Financial Supplement
FY 2023 SRO Memorandum of Agreement

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 325/2022

Funds Requested: $ 2,024,961.00 **Request Budgeted:** Yes

Proposed Source of Funding: **Budget Transfer Requested:**

General Fund (70% reimbursed by School Board) No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	024 - RESTRICTED PROGRAMS	247 - SRO		$1,417,473.00
2023	001 - GENERAL	142 - SHERIFF - PATROL	4710A - SPECIAL PROGRAMS-MATCH	$607,488.00

Budget Transfer Items:

Additional Information/Comments:

Funded 70% by Hall County School Board and 30% by Hall County Sheriff's Office

Contact for Questions: JS **Phone:** 7219

Hall County Sheriff's Office
School Resource Officer Program

FY 2023 - 2022/2023 Academic Year Budget

MEMORANDUM OF AGREEMENT

1. **PURPOSE:** The purpose of this Memorandum of Agreement (MOA) between the Hall County Sheriff's Office (hereinafter referred to as "Sheriff's Office"), the Hall County Board of Commissioners (hereinafter referred to as "Commission"), and the Hall County School System (hereinafter referred to as "School System") is to institute and establish and maintain a School Resource Officer Program, which places a Deputy Sheriff in each of the Middle and High Schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System.

2. **BACKGROUND:** Beginning with the 1999 – 2000 academic year the Hall County Sheriff's Office, the Hall County Board of Commissioners, and the Hall County School System instituted and established a School Resource Officer Program, which placed a Deputy Sheriff in each of the middle and high schools within the Hall County School System for the purpose of providing Law Enforcement Services for the School System. The School Resource Officer Program has received overwhelming acceptance and support from the participating entities and the community in general. The School Resource Officer Program has been extremely successful in creating a safe environment in the Hall County School System as well as providing the students with outstanding role models. It is the desire of the Sheriff's Office, the Commission, and the School System to fund and continue the School Resource Officer program and to have an understanding of the financial responsibility of each entity as to those expenditures of the School Resource Officer Program not covered by grant monies.

3. **BY AND THROUGH AGREEMENT HEREIN,** the Sheriff's Office, the Commission, and the School System hereby agree to the following:

4. **SERVICES PROVIDED:** The Sheriff's Office will provide Law Enforcement Services to the School System by providing a School Resource Officer at each of the School Systems Middle Schools and High Schools, this year adding an

additional Officer at Lanier College Career Academy for a total of 15 School Resource Officers. In addition to the School Resource Officers the Sheriff's Office will provide a part-time crossing guard at mutually agreed upon schools throughout the county at the same 70/30 split. The School System purchased a prescription drug K9 to add to the program beginning in FY2018. The School System is responsible for all K9 expenses. The Sheriff's Office and School System together will split the handler/deputy salary and benefits 70/30, the same as all other officers in the program.

5. **FUNDING:** For **FY2023**, which encompasses the **2022 – 2023** academic years, the total budget for the School Resource Officer Program will be projected at **$2,024,961**. This will fund fifteen full time School Resource Officer's salaries, overtime, operating supplies, fuel, training costs, crossing guards. These funds shall be provided by the Hall County Commission and the Hall County School System based on the previously agreed upon 70% (Hall County School System) 30% (Hall County Board of Commissioners) split. Thus, the School System will be responsible for **$1,417,473** and the Commission will be responsible for **$607,488**. There is no Grant Funding for **FY2023**. If the total expenditures were to go over or are under the above projected budget for whatever reason, this account will be reconciled at year end at the agreed upon 70/30 split. Monthly review of actual expenditures can be presented as necessary.

6. **RECORDS:** All records pertaining to the School Resource Officer Program will be collected and maintained by the Sheriff's Office. These records shall include employee personnel files, monthly reports, and statistical data. All criminal reports will be maintained by the Sheriff's Office Records Division and will be subject to the Georgia Open Records Laws.

7. **DURATION, MODIFICATION, AND TERMINATION:** The Sheriff's Office, the Commission, and the School System desire to continue the School Resource Officer Program for **FY2023**, the **2022 – 2023** academic year. The School Resource Officer Program may not be terminated during the fiscal year. The School Resource Officer program may be terminated at the end of a fiscal year by either party. The party desiring to terminate the program shall notify the other parties of their intentions in writing 60 days prior to terminating the program and only at the conclusion of the fiscal year.

8. **AUTHORITY:** All Sheriff's Office personnel assigned to the School Resource Officer Program shall remain under the chain of command and control of the Sheriff's Office at all times.

9. **FACILITIES AND EQUIPMENT**: The School System will provide office space for each School Resource Officer at the respective school. All equipment and vehicles shall remain the property of the Sheriff's Office and shall be used and maintained in accordance with Sheriff's Office policy.

10. **EMPLOYMENT RIGHTS**: Sheriff's Office employees assigned to the School Resource Officer Program remain employees of the Hall County Sheriff's Office and shall not be penalized in any way for participating in the School Resource Officer Program. This includes all employment rights, promotional opportunities, training opportunities, or fringe benefits.

11. **REVIEW AND REVISION:** The School Resource Officer program shall be reviewed annually by all parties. Any modifications to this agreement must be in writing and agreed upon by all parties. This Memorandum of Agreement shall remain in effect for the entire fiscal year of **2023**

12. **FORCE AND EFFECT:** This MOA, which consist of 13 sections on 3 pages, will enter into effect upon the signature of all parties and will remain in effect until **June 30, 2023**.

13. **THEREFORE,** in affirming this Memorandum of Agreement, the entities hereto, by and through their respective representatives, have executed this document this _____ day of _____, **2022**.

Gerald Couch

Gerald Couch, Sheriff

Will Schofield, Superintendent of Schools

Richard Higgins, Commission Chairman

Attest: Jennifer Rivera, County Clerk

HALL COUNTY
GEORGIA We have it all in Hall

AGENDA ITEM

Consent Agenda

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 312/2022

SUBJECT: Approve the denial of a Real Property refund in the amount of $101.89 for overpayment of taxes regarding property located at 5531 Mallard Walk, Gainesville, GA to Gerald & Rochelle Shawl.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: SW

Recommendation:
Deny - owner believes he should have received 299C, but on his waiver it was stated that this did not constitute a 299C event.

Purpose of Request:
Denial of a Real Property refund in the amount of $101.89 for overpayment of taxes regarding property located at 5531 Mallard Walk, Gainesville, GA to Gerald & Rochelle Shawl.

History:

Facts and Issues:

Options:

Funding Requested	$ 101.89
Are funds within current budget?	Yes
Source of Funds	General
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	2022-06-27

Approvals:

Submit	Approve	Budget	Finance
JS	RW	EW	WG

Attorney	Administration	Clerk
WLI	LJ	AO

Attachments:

Financial Supplement
Shawl Refund Request 08078 000065

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 312/2022

Funds Requested: $ 101.89

Request Budgeted: Yes

Proposed Source of Funding:

General

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	001 - GENERAL		3110 Real Property-Current	$101.89

Budget Transfer Items:

Additional Information/Comments:

Property taxes are recorded in account 3110 at the fund level, and this will affect all property tax districts.

Contact for Questions: SW

Phone: 770-531-6733

REFUND REQUEST 08078 000065

Gerald & Rochell Shawl

5531 Mallard Walk, Gainesville, GA

MR. & MRS. SHAWL ARE REQUESTING A REFUND FOR 2020 & 2021.

THIS IS BECAUSE THE SHAWL'S BELIEVE THEY SHOULD BE GETTING 299(c) FOR 2020 & 2021.

MR. SHAWL SIGNED A WAIVER IN 2019 RESOLVING HIS APPEAL.

ON THAT WAIVER IT WAS MARKED THAT IT DID NOT

CONSTITUTE A 299 (C) EVENT.

THE STAFF IS RECOMMENDING DENIAL OF THIS REFUND FOR

THAT REASON.

IF BOA APPROVES THE STAFFS RECOMMENDATION

IT WILL NEED TO GO TO THE BOARD OF COMMISSIONERS.

PT311W. Rev 2010

APPEAL WAIVER AND RELEASE

Control #

Date: August 13, 2019

PIN 08078 000065

Acct # 17304

Owner: SHAWL GERALD B

Address: SHAWL ROCHELLE M
5531 MALLARD WALK

GAINESVILLE, GA 30504

I the undersigned after consulting with all parties do hereby cease and waive any appeal filed with the HALL County Board of Tax Assessors for tax year 2019 and do not wish to pursue any further action for this year.

Signed : _____ Date : 8-13-19
(Taxpayer or Taxpayer's Agent)

Both parties (County and taxpayer) agree that:

• the fair market value to be	**	255,000
• the property to be:	☐ taxable	☐ not taxable
• the property to be assessed:	☐ uniform	☐ not uniform
• the property for homestead exemption sought:	☐ qualifies	☐ does not qualify
• the property for special assessment sought:	☐ qualifies	☐ does not qualify
• a breach of covenant:	☐ has occurred	☐ has not occurred
• action on Submitted Appraisal:	☐ accepted	☐ rejected

Does this agreement constitute a 299(c) event? NO If Yes, for tax years

** Value Information

Original FMV	267,200
Adjustment	12,200

Approved by Chief Appraiser:

Signed: _____ Date: 8/13/2019
(Chief Appraiser)

Approved by board of tax assessors:

Signed: _____ Date: 8/13/2019
(Chairman)

Copy to be mailed to property owner, original to be filed in the appeal file.

Date Mailed to Property Owner: _____

Via: ☐ Mail, ☐ Hand Delivery, ☐ Electronic

RECEIVED
AUG 13 2019
BY

ORIGINAL VALUE TAX YEAR 2019

08078 000065

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				255,000			S4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	255,000	102,000	0	4,000	98,000	0.008026	786.55
School	255,000	102,000	0	30,000	72,000	0.01755	1,263.60
GROSS FIRE	255,000	102,000	0	4,000	98,000	0.00427	418.46
EMS	255,000	102,000	0	4,000	98,000	0.000571	55.96
Development	255,000	102,000	0	4,000	98,000	0.001005	98.49
Parks & Leisure	255,000	102,000	0	4,000	98,000	0.000364	35.67
Ins Prem Credit	255,000	102,000	0	4,000	98,000	-0.00162	-158.76
Sales Tax Credit	255,000	102,000	0	4,000	98,000	-0.002928	-286.94
SOLID WASTE FEE & SL							148.25
						0.027238	**2,361.27**

ORIGINAL VALUE TAX YEAR 2020

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				263,900			L4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	263,900	105,560	0	4,000	101,560	0.007762	788.31
School	263,900	105,560	0	105,560	0	0.01755	0.00
GROSS FIRE	263,900	105,560	0	4,000	101,560	0.004291	435.79
EMS	263,900	105,560	0	4,000	101,560	0.000571	57.99
Development	263,900	105,560	0	4,000	101,560	0.001005	102.07
Parks & Leisure	263,900	105,560	0	4,000	101,560	0.000364	36.97
Ins Prem Credit	263,900	105,560	0	4,000	101,560	-0.001641	-166.66
Sales Tax Credit & SL	263,900	105,560	0	4,000	101,560	-0.002909	-295.44
SOLID WASTE FEE							150.63
						0.026993	**1,109.66**

ORIGINAL VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		VALUE			EXEMPTIONS
				273,500			L4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	273,500	109,400	0	4,000	105,400	0.00762	803.15
School	273,500	109,400	0	109,400	0	0.016485	0.00
School Bond	273,500	109,400	0	109,400	0	0.0005	0.00
GROSS FIRE	273,500	109,400	0	4,000	105,400	0.004275	450.59
EMS	273,500	109,400	0	4,000	105,400	0.000571	60.18
Development	273,500	109,400	0	4,000	105,400	0.001005	105.93
Parks & Leisure	273,500	109,400	0	4,000	105,400	0.000364	38.37
Ins Prem Credit	273,500	109,400	0	4,000	105,400	-0.001625	-171.28
Sales Tax Credit & SL	273,500	109,400	0	4,000	105,400	-0.002984	-314.51
SOLID WASTE FEE							151.19
						0.026211	**1,123.61**

CORRECTED VALUE TAX YEAR 2019

08078 000065

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				255,000			S4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	255,000	102,000	0	4,000	98,000	0.008026	786.55
School	255,000	102,000	0	30,000	72,000	0.01755	1,263.60
GROSS FIRE	255,000	102,000	0	4,000	98,000	0.00427	418.46
EMS	255,000	102,000	0	4,000	98,000	0.000571	55.96
Development	255,000	102,000	0	4,000	98,000	0.001005	98.49
Parks & Leisure	255,000	102,000	0	4,000	98,000	0.000364	35.67
Ins Prem Credit	255,000	102,000	0	4,000	98,000	-0.00162	-158.76
Sales Tax Credit	255,000	102,000	0	4,000	98,000	-0.002928	-286.94
SOLID WASTE FEE							148.25
						0.027238	**2,361.27**

CORRECTED VALUE TAX YEAR 2020

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				255,000			L4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	255,000	102,000	0	4,000	98,000	0.007762	760.68
School	255,000	102,000	0	102,000	0	0.01755	0.00
GROSS FIRE	255,000	102,000	0	4,000	98,000	0.004291	420.52
EMS	255,000	102,000	0	4,000	98,000	0.000571	55.96
Development	255,000	102,000	0	4,000	98,000	0.001005	98.49
Parks & Leisure	255,000	102,000	0	4,000	98,000	0.000364	35.67
Ins Prem Credit	255,000	102,000	0	4,000	98,000	-0.001641	-160.82
Sales Tax Credit & SL	255,000	102,000	0	4,000	98,000	-0.002909	-285.08
SOLID WASTE FEE							150.63
						0.026993	**1,076.04**

CORRECTED VALUE TAX YEAR 2021

BUILDING VALUE	LAND VALUE	ACRES		FAIR MARKET VALUE			EXEMPTIONS
				255,000			L4
ENTITIY	ADJUSTED FMV	NET ASSESSMENT	CUVA EXEMPT	EXEMPTIONS	TAXABLE VALUE	MILLAGE RATE	NET TAX
Gross county M&O	255,000	102,000	0	4,000	98,000	0.00762	746.76
School	255,000	102,000	0	102,000	0	0.016485	0.00
School Bond	255,000	102,000	0	102,000	0	0.0005	0.00
GROSS FIRE	255,000	102,000	0	4,000	98,000	0.004275	418.95
EMS	255,000	102,000	0	4,000	98,000	0.000571	55.96
Development	255,000	102,000	0	4,000	98,000	0.001005	98.49
Parks & Leisure	255,000	102,000	0	4,000	98,000	0.000364	35.67
Ins Prem Credit	255,000	102,000	0	4,000	98,000	-0.001625	-159.25
Sales Tax Credit & SL	255,000	102,000	0	4,000	98,000	-0.002984	-292.43
SOLID WASTE FEE							151.19
						0.026211	**1,055.34**

08078 000065

	2019	2020	2021	TOTAL
NET PAID	2,361.27	1,109.66	1,123.61	4,594.55
CORRECTED NET DUE	2,361.27	1,076.04	1,055.34	4,492.66
REFUND REQUESTED	0.00	33.62	68.27	**101.89**

FMV	255,000	263,900	273,500
Corrected FMV	255,000	255,000	255,000
Diff in val	0	8,900	18,500

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 350/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 22, Hall County Tax Parcel Number 10072 003084, 2745 Fran Mar Drive, presently owned by M & R Income Properties, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 22, Hall County Tax Parcel Number 10072 003084, 2745 Fran Mar Drive, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 2,600.00
Are funds within current budget?	Yes
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	NB	WLI
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 22
Declaration of Taking - Parcel 22

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 350/2022

Funds Requested: $ 2,600.00

Request Budgeted: Yes

Proposed Source of Funding:

Budget Transfer Requested:
No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$2,600.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 22)

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 M & R INCOME PROPERTIES, 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 M & R INCOME PROPERTIES, 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 22"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10072 003084 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 22 necessary to be acquired in connection with the construction of the Project are as follows:

(1) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.007 acre, more or less. A metes and bounds description of said easement 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 0.014 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

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 4** is a copy of the section of the Project Plans showing the easements proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 22 (the "Parcel 22 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 22 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 $2,600.00, which amount is the fair market value of the Parcel 22 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 22**
	TAX MAP #: 10072 003084
OWNER:	
M & R INCOME PROPERTIES, LLC	**2745 FRAN MAR DRIVE**

All that tract or parcel of land lying and being in Land Lot 72 of the 10th Land District, Hall County, Georgia, being known as Lot 4 of Section III of Fran-Mar Heights, as shown on plat made by Farley-Collins & Associates, Georgia Registered Land Surveyors, dated October 6, 1967, said plat being recorded in the Clerk's Office of the Superior Court of Hall County, Georgia, in Plat Book 38, pages 216-217, and being more particularly described by a plat of survey of the property of Clarence W. McClure, prepared by Henry Grady Jarrard, Georgia Registered Land Surveyor, dated July 26, 1972, recorded in the Clerk's Office of the Superior Court of Hall County, Georgia, in Plat Book 50, page 146. Said plats and the records thereof are incorporated herein for a full and complete description.

Attachment 2
(Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 22**
	TAX MAP #: 10072 003084
OWNER:	
M & R INCOME PROPERTIES, LLC	**2745 FRAN MAR DRIVE**

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 2 is attached, is a copy of the section of the Project Plans depicting Parcel 22 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 22 (Sheet 21 of the Project Plans). Both Sheet 3 and Sheet 22 are dated October 18, 2019. Both Sheet 3 and Sheet 21 were last revised 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 66.01 feet left of station 44+79.34 per the Project Plans;

Thence proceeding along the property now or formerly of Syliva Murillo North 89°59'01" East, 6.04 feet to a point on the existing western right of way of Fran Mar Drive, said right of way being 60 feet in width, said point also lying 59.97 feet left of station 44+79.34;

Thence proceeding along said right of way South 00°28'36" West, 100.60 feet to a point 60.81 feet left of station 43+78.74;

Thence proceeding thru the property now or formerly of M & R Income Properties, LLC North 2°57'34" West, 100.73 feet to the POINT OF BEGINNING.

Said tract contains 303.72 square feet or 0.007 acre per the aforementioned Project Plans.

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 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 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 22**
	TAX MAP #: 10072 003084
OWNER:	
M & R INCOME PROPERTIES, LLC	**2745 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 4 to the Resolution, to which this Attachment 3 is attached, is a copy of the section of the Project Plans depicting Parcel 22 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 22 (Sheet 21 of the Project Plans). Both Sheet 3 and Sheet 22 are dated October 18, 2019. Both Sheet 3 and Sheet 21 were last revised 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 63.62 feet left of station 44+33.06 per the Project Plans;

Thence North 90°00'00" West, 19.38 feet to a point 83.00 feet left of station 44+33.06;

Thence North 00°00'06" East, 34.00 feet to a point 83.00 feet left of station 44+67.06;

Thence North 90°00'00" East, 17.62 feet to a point 65.38 feet left of station 44+67.06;

Thence South 2°57'42" East, 34.05 feet to the POINT OF BEGINNING.

Said tract contains 629.00 square feet or 0.014 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 4

(Section of Project Plans Depicting Parcel 22 and Call Sheet for Parcel 22)

5/22/2022
USER:donald

Jversion
V7-gplotborder-V81-P0.tbl

0003626RW02.dgn

PROJECT NUMBER	P. I. No.
STP00-0003-00(626)	0003626

Curve Data
N - KC3
' - 24°00'31" (RT)
D - 8°54'39"
T - 136.72
L - 269.43
E - 14.38
R - 643.00
PI E - 2377185.64
PI N - 1580956.38

Curve Data
N - KC11112
' - 20°53'36.5"(RT)
D - 19°05'54.9"
T - 55.31
L - 109.40
E - 5.06
R - 300.00
PI X - 2377185.78
PI Y - 1581262.64

Curve Data
N - KC10070
' - 22°51'21.4" (RT)
D - 32°44'25.6"
T - 35.38
L - 69.81
E - 3.54
R - 175.00
PI E - 2377328.509
PI N - 1580324.998

SARDIS ROAD CONNECTOR
STA. 51+82.36
FRAN-MAR DRIVE
STA. 15+58.92

LIMIT OF CONST.
STA. 18+93.00

LIMIT OF R/W ACQUISITION
FRAN-MAR DR
STA. 53+75.23

MATCHLINE STA. 40+00 SEE SHEET 60-0002

MATCHLINE STA. 55+00 SEE SHEET 60-0004

CHESTATEE ACADEMY ENTRANCE

CHESTATEE ACADEMY

CHESTATEE HIGH SCHOOL ENTRANCE

SARDIS ROAD CONN.

FRAN-MAR DR.

17 ROY GARY HUMPHRIES SEE SHEET NO. 60-0021

19 LARRY HARRIS SEE SHEET NO. 60-0021

20 LARRY HARRIS SEE SHEET NO. 60-0021

21 DORIS ANN EUBER SEE SHEET NO. 60-0021

22 MAR INCOME PROPERTIES LLC SEE SHEET NO. 60-0021

23 SYLVIA ELENA MURILLO SEE SHEET NO. 60-0022

24 JOAN T. MADDOX SEE SHEET NO. 60-0022

25 CHRISTOPHER KNIGHT SEE SHEET NO. 60-0022

26 SANDRA OWEN LOGGINS SEE SHEET NO. 60-0022

27 MARIA G ROSILLO SEE SHEET NO. 60-0022

28 PROGRAM MGT. CONSULTING INC. SEE SHEET NO. 60-0022

29 DELMER D. VINSON SEE SHEET NO. 60-0022

30 DICIE MAXINE DAVIS SEE SHEET NO. 60-0022

31 NOAH LTD. 2, LLC SEE SHEET NO. 60-0023

32 SANDHURST LLC SEE SHEET NO. 60-0023

33 ANGELICA BARDWAS SEE SHEET NO. 60-0023

15 HALL COUNTY BOARD OF EDUCATION SEE SHEET NO. 60-0019 & 60-0020

OBLITERATE EXIST. PVMT. AND GRADE TO DRAIN. (TYP.)

DO NOT DISTURB WALL

BEGIN TY. 2 C/G 24"
50+56.94
180.42', RT.

END TY. 2 C/G 24"
50+39.93
195.05', RT.

LIMIT OF CONST.
STA. 23+26.92
END MILL & INLAY
AND WIDENING LEFT

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
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON	05/19/2022	PAR 19 & 28 CHANGED DRY ESMT TO TESMT
03/26/2021	PAR 23 REV DRY, PAR 29/30 DO NOT DTB WALL NOTE		
06/25/2021	PAR 15 REVISED REQD, PESMT, DRESMT, ADDED PERM DRAIN ESMT		
10/05/2021	PAR 30 REVISED DRESMT		
01/13/2022	PAR 22 REVISED DRY ESMT		
05/19/2022	PAR 24 WIDENED DRY		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT 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

Page 1 of 2

Attachment 4

PARCEL 16 REQ'D R/W KC3025

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090671	149.89 L	36+98.38	SARDIS RD CONNECTOR
	100.00	N 0°08'49.1" W	
SVX090673	187.69 L	38+23.73	SARDIS RD CONNECTOR
	149.67	S 89°59'51.2" E	
SVX090676	42.65 L	38+69.06	SARDIS RD CONNECTOR
	70.40	S 0°47'06.9" E	
SVX0952	22.80 L	37+97.88	SARDIS RD CONNECTOR

ARC LENGTH = 29.602
CHORD BEAR = S 0°07'18.3" E
LNTH CHORD = 29.601
RADIUS = 1959.385
DEGREE = 2° 55' 27''

SVX090675	12.63 L	37+69.30	SARDIS RD CONNECTOR
	150.44	N 89°59'51.2" W	
SVX090671	149.89 L	36+98.38	SARDIS RD CONNECTOR

REQD R/W = 15018.30 SF
REQD R/W = 0.345 ACRES
REMAINDER = +/- 0.000 ACRES

PARCEL 17 REQ'D R/W KC3028

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10055	49.00 L	38+67.54	SARDIS RD CONNECTOR

ARC LENGTH = 31.683
CHORD BEAR = N 11°03'18.7" E
LNTH CHORD = 31.679
RADIUS = 601.000
DEGREE = 9° 32' 0''

KCI10061	49.00 L	39+01.81	SARDIS RD CONNECTOR
	31.09	S 0°46'59.6" E	
SVX090676	42.65 L	38+69.06	SARDIS RD CONNECTOR
	6.50	N 89°59'51.2" W	
KCI10055	49.00 L	38+67.54	SARDIS RD CONNECTOR

REQD R/W = 96.63 SF
REQD R/W = 0.002 ACRES
REMAINDER = +/- 0.340 ACRES

PARCEL 17 REQ'D PERM. EASM'T. KC3029

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10056	83.20 L	38+58.79	SARDIS RD CONNECTOR
	38.81	N 23°04'49.7" E	
KCI10062	75.36 L	39+02.09	SARDIS RD CONNECTOR
	65.46	N 10°49'43.8" E	
KCI10063	70.16 L	39+75.61	SARDIS RD CONNECTOR
	63.11	N 10°49'42.3" E	
KCI10068	59.12 L	40+41.33	SARDIS RD CONNECTOR
	61.99	S 0°47'21.7" E	
SVX090678	57.47 L	39+76.35	SARDIS RD CONNECTOR
	43.07	S 0°47'06.9" E	
KCI10064	53.09 L	39+29.50	SARDIS RD CONNECTOR
	25.84	S 0°47'15.7" E	
KCI10061	49.00 L	39+01.81	SARDIS RD CONNECTOR

ARC LENGTH = 31.683
CHORD BEAR = S 11°03'18.7" W
LNTH CHORD = 31.679
RADIUS = 601.000
DEGREE = 9° 32' 0''

KCI10055	49.00 L	38+67.54	SARDIS RD CONNECTOR
	35.09	N 89°59'51.2" W	
KCI10056	83.20 L	38+58.79	SARDIS RD CONNECTOR

REQD EASMT = 2742.99 SF
REQD EASMT = 0.063 ACRES

PARCEL 17 REQ'D DRWY. EASM'T. KC3030

PNT	OFFSET	STATION	ALIGNMENT
KCI10056	83.20 L	38+58.79	SARDIS ROAD CONNECTOR
KCI10057	120.63 L	38+47.87	SARDIS ROAD CONNECTOR
KCI10065	127.73 L	38+87.27	SARDIS ROAD CONNECTOR
KCI10066	103.00 L	39+45.67	SARDIS ROAD CONNECTOR
KCI10067	73.31 L	39+44.00	SARDIS ROAD CONNECTOR
KCI10062	75.36 L	39+02.09	SARDIS ROAD CONNECTOR
KCI10056	83.20 L	38+58.79	SARDIS ROAD CONNECTOR

PARCEL 17 REQ'D DRWY. EASM'T. KC3032

PNT	OFFSET	STATION	ALIGNMENT
KCI10069	87.00 L	39+77.52	SARDIS RD CONNECTOR
KCI10070	87.00 L	40+15.89	SARDIS RD CONNECTOR
KCI10071	64.00 L	40+15.89	SARDIS RD CONNECTOR
KCI10072	69.80 L	39+78.49	SARDIS RD CONNECTOR
KCI10069	87.00 L	39+77.52	SARDIS RD CONNECTOR

PARCEL 19 REQ'D TEMP. EASM'T. KC3038

PNT	OFFSET	STATION	ALIGNMENT
KCI10126	81.00 L	41+70.18	SARDIS RD CONNECTOR
KCI10127	60.37 L	41+70.18	SARDIS RD CONNECTOR
KCI10128	60.17 L	41+36.18	SARDIS RD CONNECTOR
KCI10129	81.00 L	41+36.18	SARDIS RD CONNECTOR
KCI10126	81.00 L	41+70.18	SARDIS RD CONNECTOR

REQD EASMT AREA = 704.77 SF

PARCEL 20 REQ'D DRWY. EASM'T. KC3039

PNT	OFFSET	STATION	ALIGNMENT
KCI10130	85.91 L	42+68.91	SARDIS RD CONNECTOR
KCI10131	60.95 L	42+68.92	SARDIS RD CONNECTOR
KCI10132	60.76 L	42+34.91	SARDIS RD CONNECTOR
KCI10133	85.91 L	42+34.92	SARDIS RD CONNECTOR
KCI10130	85.91 L	42+68.91	SARDIS RD CONNECTOR

PARCEL 21 REQ'D DRWY. EASM'T. KC3040

PNT	OFFSET	STATION	ALIGNMENT
KCI10134	81.00 L	43+15.95	SARDIS RD CONNECTOR
KCI10135	61.24 L	43+15.95	SARDIS RD CONNECTOR
KCI10136	61.04 L	42+81.95	SARDIS RD CONNECTOR
KCI10137	81.00 L	42+81.95	SARDIS RD CONNECTOR
KCI10134	81.00 L	43+15.95	SARDIS RD CONNECTOR

PARCEL 22 REQ'D PERM. EASM'T. KC3041

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10138	66.01 L	44+79.34	SARDIS RD CONNECTOR
	6.04	N 89°59'00.6" E	
SVX090689	59.97 L	44+79.34	SARDIS RD CONNECTOR
	100.60	S 0°28'36.3" W	
SVX090687	60.81 L	43+78.74	SARDIS RD CONNECTOR
	100.73	N 2°57'34.5" W	
KCI10138	66.01 L	44+79.34	SARDIS RD CONNECTOR

REQD EASMT = 303.72 SF
REQD EASMT = 0.007 ACRES

PARCEL 22 REQ'D DRWY. EASM'T. KC3042

PNT	OFFSET	STATION	ALIGNMENT
KCI10141	63.62 L	44+33.06	SARDIS RD CONNECTOR
KCI10142	83.00 L	44+33.06	SARDIS RD CONNECTOR
KCI10143	83.00 L	44+67.06	SARDIS RD CONNECTOR
KCI10144	65.38 L	44+67.06	SARDIS RD CONNECTOR
KCI10141	63.62 L	44+33.06	SARDIS RD CONNECTOR

wsp

DATE	REVISIONS	DATE	REVISIONS
01/13/2022	PAR 22 REVISED DWY ESMT		
02/15/2022	PAR 17 REVISED DWESMT		
05/19/2022	PAR 19 CHANGED DWY ESMT TO TESMT		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 21 OF 59

DRAWING NO. 60-0021

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)

1140910-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
Those certain easements over, across, and through certain property owned by M & R INCOME PROPERTIES, LLC (the "Property"), said Property being located in Land Lot 72 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10072 003084 by the taxing authorities of Hall County, said Property being known as 2745 Fran Mar Drive, and being the property shown as <u>PARCEL 22</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said easements consist of the following:	)	**(PARCEL NO. 22)**
	)	**DECLARATION OF TAKING**
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.007 acre, more or less, as shown on the Project Plans;	)	
That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.014 acre, more or less, as shown on the Project Plans;	)	
M & R INCOME PROPERTIES, LLC;	)	
Ameris Bank, f/k/a Hamilton State Bank;	)	

Brandy Herman;	**)**
	)
Paul Herman;	**)**
	)
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	**)** **)**
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	**)** **)**
	)
To any and all persons having or claiming any right or interest in and to said Property,	**)** **)**
	)
Respondents-Condemnees.	**)**

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities and (ii) a temporary easement for the purpose of constructing a driveway, both in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said easements are being acquired for public road purposes upon, across, and over property owned by M & R INCOME PROPERTIES, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 2745 Fran Mar Drive, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by M & R INCOME PROPERTIES, LLC, whose registered office is located at 757 Beverly Drive, Gainesville, Hall County, Georgia 30501, and whose registered agent for service, RICHARD L. WALTERS, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.007 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.014 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement** and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3,** attached hereto) is **$2,600.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 22)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by M & R INCOME PROPERTIES, LLC, located at 2745 Fran Mar Dr., Gainesville, Georgia 30506 (Parcel No. 22), consisting of 0.007 acre of permanent easement for the construction and maintenance of slopes and utilities and 0.014 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$2,600.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149454-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 352/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 31, Hall County tax parcel number 10072 003075, 2781 Fran Mar Drive, presently owned by Noah Ltd 2, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 31, Hall County tax parcel number 10072 003075, 2781 Fran Mar Drive, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 2,400.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 31
Declaration of Taking - Parcel 31

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 352/2022

Funds Requested: $ 2,400.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$2,400.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 31)

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 NOAH LTD 2, 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 Noah LTD 2, 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 31"); and

WHEREAS, the property described on **Attachment 1**, is designated as tax map number 10072 003074 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 31 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 0.019 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

(2) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.047 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 **Attachment 4** is a copy of the section of the Project Plans showing the easements proposed to be acquired by deed or by condemnation proceedings through, over, and across said Parcel 31 (the "Parcel 31 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 31 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 31 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 31**
	TAX MAP #: 10072 003075
OWNER:	
NOAH LTD 2, LLC	**2781 FRAN MAR DRIVE**

All that tract or parcel of land, together with all improvements thereon, lying and being in Land Lot 72 of the 10th District of Hall County, Georgia, and being all of Lot 75, Section Three, Fran-Mar Heights Subdivision, as per plat recorded in Plat Book 38, pages 216 and 217, in the Clerk's Office of the Superior Court of Hall County, Georgia, which plat and the record thereof are incorporated herein by reference for a more complete legal description. This property is subject to Restrictive Covenants as recorded in Deed Book 389, page 68, of the Deed Records of Hall County, Georgia.

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 31**
	TAX MAP #: 10072 003075
OWNER:	
NOAH LTD 2, LLC	**2781 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 4 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 31 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 31 (Sheet 23 of the Project Plans). Both Sheet 3 and Sheet 23 are dated October 18, 2019. Sheet 3 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 31. There have been no revisions to Sheet 23.

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 300.44 feet left of station 52+66.50 per the Project Plans;

Thence North 65°05'04" East, 26.00 feet to a point 283.37 feet left of station 52+86.10;

Thence South 32°29'07" East, 5.83 feet to a point 278.50 feet left of station 52+82.89;

Thence South 14°43'26" East, 28.67 feet to a point 260.56 feet left of station 52+60.52;

Thence South 65°04'12" West, 21.69 feet to a point 274.81 feet left of station 52+44.17;

Thence North 24°55'48" West, 34.00 feet to the POINT OF BEGINNING.

Said tract contains 836.11 square feet or 0.019 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
(Legal Description of Permanent Slopes/Utility Relocation Easement)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 31**
	TAX MAP #: 10072 003075
OWNER:	
NOAH LTD 2, LLC	**2781 FRAN MAR DRIVE**

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 31 (Sheet 3 of the Project Plans), and a copy of the call sheet for Parcel 31 (Sheet 23 of the Project Plans). Sheet 3 was last revised January 13, 2022. Sheet 23 is dated October 18, 2019, and has not been revised.

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 261.27 feet left of station 52+28.42 per the Project Plans;

Thence proceeding thru the property now or formerly of Noah LTD 2, LLC North 25°16'32" East, 32.11 feet to a point 260.56 feet left of station 52+60.52;

Thence North 14°43'12" West, 28.68 feet to a point 278.50 feet left of station 52+82.89;

Thence North 32°34'06" West, 53.56 feet to a point 323.20 feet left of station 53+12.39;

Thence North 61°40'58" East, 14.53 feet to a point on the existing western right of way of Fran Mar Drive, said right of way being 40 feet in width, said point also lying 314.32 feet left of station 53+23.89;

Thence proceeding along said existing right of way South 30°13'58" East, 83.15 feet to a point 246.85 feet left of station 52+75.30

Thence along the arc of a curve to the right having a radius of 300.00 feet and an arc length of 27.21 feet, being subtended by a chord bearing and distance of South 27°38'04" East, 27.20 feet to a point 225.52 feet left of station 52+58.42;

Thence leaving said right of way and proceeding along the property now or formerly of Dicie Maxine Davis South 74°00'15" West, 26.58 feet to a point 245.88 feet left of station 52+41.34;

Thence South 74°00'16" West, 20.09 feet to the POINT OF BEGINNING.

(Attachment 3 continued on next page)

Said tract contains 2,029.01 square feet or 0.047 acre per the aforementioned Project Plans.

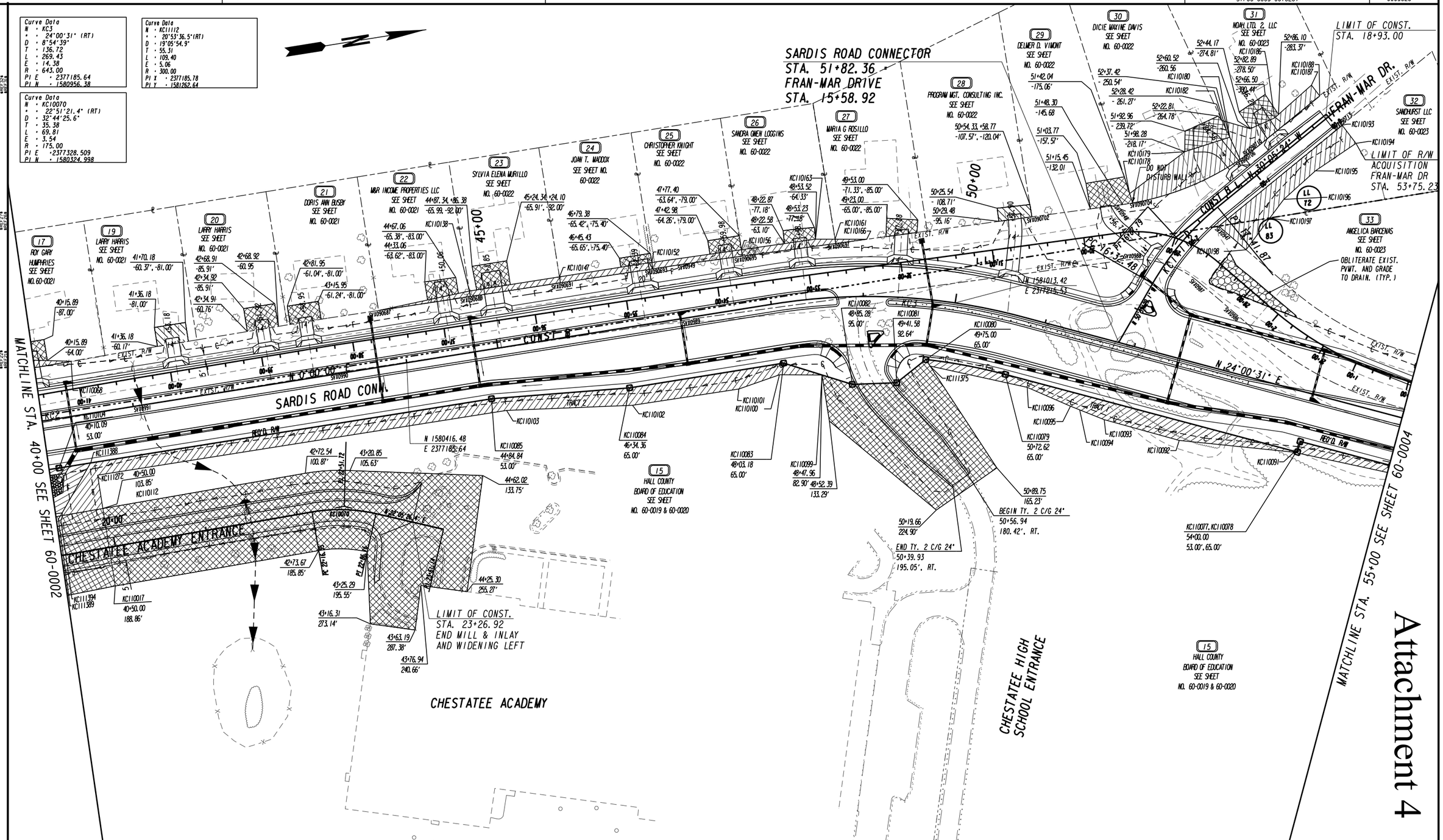
Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as laid out in the Project Plans referenced above.

The property owner(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

(Section of Project Plans Depicting Parcel 31 and Call Sheet for Parcel 31)

5/22/2022	Jversion	003626RW02.dgn	PROJECT NUMBER	P.I. No.
USER:donald	V7-gplotborder-V8I-PO.tbl		STP00-0003-00(626)	0003626



Attachment 4

PROPERTY AND EXISTING R/W LINE	
REQUIRED R/W LINE	
CONSTRUCTION LIMITS	—C— —F—
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON	05/19/2022	PAR 19 & 28 CHANGED DWY ESMT TO TESMT
03/26/2021	PAR 23 REV DWY, PAR 29/30 DO NOT DTB WALL NOTE		
06/23/2021	PAR 15 REVISED REQD, PESMT, DWESMT, ADDED PERM DRAIN ESMT		
10/05/2021	PAR 30 REVISED DWESMT		
01/13/2022	PAR 22 REVISED DWY ESMT		
05/19/2022	PAR 24 WIDENED DWY		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT 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 31 REQ'D PERM. EASM'T. KC3057

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110230	261.27 L	52+28.42	SARDIS RD CONNECTOR
	32.11	N 25°16'32.1" E	
KC110191	260.56 L	52+60.52	SARDIS RD CONNECTOR
	28.68	N 14°43'11.9" W	
KC110186	278.50 L	52+82.89	SARDIS RD CONNECTOR
	53.56	N 32°34'06.5" W	
KC110187	323.20 L	53+12.39	SARDIS RD CONNECTOR
	14.53	N 61°40'58.4" E	
KC110188	314.32 L	53+23.89	SARDIS RD CONNECTOR
	83.15	S 30°13'57.8" E	
SVX090710	246.85 L	52+75.30	SARDIS RD CONNECTOR

ARC LENGTH = 27.205
CHORD BEAR = S 27°38'03.5" E
LNTH CHORD = 27.196
RADIUS = 300.000
DEGREE = 19° 5' 54''

SVX090706	225.52 L	52+58.42	SARDIS RD CONNECTOR
	26.58	S 74°00'15.3" W	
KC110180	245.88 L	52+41.34	SARDIS RD CONNECTOR
	20.09	S 74°00'16.2" W	
KC111230	261.27 L	52+28.42	SARDIS RD CONNECTOR

REQD EASMT = 2029.01 SF
REQD EASMT = 0.047 ACRES

PARCEL 31 REQ'D DRWY. EASM'T. KC3058

PNT	OFFSET	STATION	ALIGNMENT
KC110189	300.44 L	52+66.50	SARDIS RD CONNECTOR
KC110190	283.37 L	52+86.10	SARDIS RD CONNECTOR
KC110186	278.50 L	52+82.89	SARDIS RD CONNECTOR
KC110191	260.56 L	52+60.52	SARDIS RD CONNECTOR
KC110192	274.81 L	52+44.17	SARDIS RD CONNECTOR
KC110189	300.44 L	52+66.50	SARDIS RD CONNECTOR

PARCEL 32 REQ'D PERM. EASM'T. KC3059

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110193	289.87 L	53+55.58	SARDIS RD CONNECTOR
	24.82	N 61°40'37.2" E	
KC110194	274.70 L	53+75.23	SARDIS RD CONNECTOR
	53.04	S 25°04'25.9" E	
KC110195	234.62 L	53+40.49	SARDIS RD CONNECTOR
	46.32	S 32°59'03.2" E	
KC110196	195.78 L	53+15.26	SARDIS RD CONNECTOR
	25.02	S 44°06'03.5" E	
KC110197	172.56 L	53+05.93	SARDIS RD CONNECTOR
	56.22	S 0°02'47.9" E	
SVX0947	149.65 L	52+54.60	SARDIS RD CONNECTOR
	167.03	N 30°13'56.4" W	
SVX090713	285.19 L	53+52.21	SARDIS RD CONNECTOR
	5.77	N 30°11'55.2" W	
KC110193	289.87 L	53+55.58	SARDIS RD CONNECTOR

REQD EASMT = 3474.45 SF
REQD EASMT = 0.080 ACRES

PARCEL 33 REQ'D PERM. EASM'T. KC3060

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110197	172.56 L	53+05.93	SARDIS RD CONNECTOR
	43.02	S 44°06'03.5" E	
KC110198	132.64 L	52+89.89	SARDIS RD CONNECTOR
	39.18	S 49°44'14.3" W	
SVX0947	149.65 L	52+54.60	SARDIS RD CONNECTOR
	56.22	N 0°02'47.9" W	
KC110197	172.56 L	53+05.93	SARDIS RD CONNECTOR

REQD EASMT = 840.92 SF
REQD EASMT = 0.019 ACRES

PARCEL 33 REQ'D DRWY. EASM'T. KC3061

PNT	OFFSET	STATION	ALIGNMENT
KC110199	87.00 L	55+77.00	SARDIS RD CONNECTOR
KC110200	72.75 L	55+77.00	SARDIS RD CONNECTOR
KC110201	72.00 L	55+39.00	SARDIS RD CONNECTOR
KC110202	87.00 L	55+39.00	SARDIS RD CONNECTOR
KC110199	87.00 L	55+77.00	SARDIS RD CONNECTOR

PARCEL 34 REQ'D R/W KC3062 TRACT 1

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090499	11.06 L	56+44.92	SARDIS RD CONNECTOR

ARC LENGTH = 273.049
CHORD BEAR = N 6°44'14.2" E
LNTH CHORD = 272.323
RADIUS = 1080.604
DEGREE = 5° 18' 7''

SVX0983	8.33 R	59+18.41	SARDIS RD CONNECTOR
	195.88	N 0°55'55.2" E	
SVX0982	11.52 R	61+14.26	SARDIS RD CONNECTOR

ARC LENGTH = 178.627
CHORD BEAR = N 8°27'58.9" W
LNTH CHORD = 177.827
RADIUS = 544.487
DEGREE = 10° 31' 22''

SVX0981	14.67 L	62+90.15	SARDIS RD CONNECTOR
	5.32	N 17°51'51.5" W	
SVX0980	16.30 L	62+95.21	SARDIS RD CONNECTOR

ARC LENGTH = 42.088
CHORD BEAR = N 15°01'09.0" W
LNTH CHORD = 42.074
RADIUS = 465.144
DEGREE = 12° 19' 4''

KC111231	27.20 L	63+35.85	SARDIS RD CONNECTOR
	80.20	N 89°59'60.0" E	
KC111232	53.00 R	63+35.85	SARDIS RD CONNECTOR
	562.54	S 0°00'00.0" E	
KC110210	53.00 R	57+73.31	SARDIS RD CONNECTOR

ARC LENGTH = 142.208
CHORD BEAR = S 5°51'12.5" W
LNTH CHORD = 141.962
RADIUS = 696.995
DEGREE = 8° 13' 13''

KC110074	53.00 R	56+41.93	SARDIS RD CONNECTOR
	64.14	N 75°40'11.7" W	
SVX090499	11.06 L	56+44.92	SARDIS RD CONNECTOR

REQD R/W = 35445.87 SF
REQD R/W = 0.814 ACRES
REMAINDER = +/- 25.177 ACRES

PARCEL 34 REQ'D R/W KC3400 TRACT 2

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111233	49.00 L	68+77.09	SARDIS RD CONNECTOR

ARC LENGTH = 141.337
CHORD BEAR = N 28°39'09.0" E
LNTH CHORD = 141.174
RADIUS = 849.000
DEGREE = 6° 44' 55''

KC110204	49.00 L	70+10.27	SARDIS RD CONNECTOR
	272.46	N 33°25'17.3" E	
KC110205	49.00 L	72+82.73	SARDIS RD CONNECTOR
	106.51	S 73°19'10.2" E	
KC111234	53.00 R	73+13.41	SARDIS RD CONNECTOR
	303.14	S 33°25'17.3" W	
KC110207	53.00 R	70+10.27	SARDIS RD CONNECTOR

ARC LENGTH = 170.017
CHORD BEAR = S 26°54'05.1" W
LNTH CHORD = 169.651
RADIUS = 747.001
DEGREE = 7° 40' 12''

KC111235	53.00 R	68+28.19	SARDIS RD CONNECTOR
	113.02	N 42°18'11.0" W	

CONTINUED IN NEXT COLUMN

KC111233	49.00 L	68+77.09	SARDIS RD CONNECTOR

REQD R/W = 45222.56 SF
REQD R/W = 1.038 ACRES
REMAINDER = +/- 25.177 ACRES

PARCEL 34 REQ'D PERM. EASM'T. KC3064

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110074	53.00 R	56+41.93	SARDIS RD CONNECTOR
	141.96	N 5°51'12.5" E	
KC110210	53.00 R	57+73.31	SARDIS RD CONNECTOR
	562.54	N 0°00'00.0" E	
KC111232	53.00 R	63+35.85	SARDIS RD CONNECTOR
	18.58	N 89°59'60.0" E	
KC111236	71.58 R	63+35.85	SARDIS RD CONNECTOR
	72.90	S 0°13'40.5" E	
KC110224	71.87 R	62+62.95	SARDIS RD CONNECTOR
	147.71	S 3°45'55.1" W	
KC110225	62.17 R	61+15.56	SARDIS RD CONNECTOR
	199.73	S 11°31'45.7" E	
KC110226	102.09 R	59+19.86	SARDIS RD CONNECTOR
	234.38	S 5°15'41.0" W	
KC110227	85.79 R	56+96.51	SARDIS RD CONNECTOR
	63.70	S 22°07'34.2" W	
KC110089	71.65 R	56+41.16	SARDIS RD CONNECTOR
	18.67	N 75°39'11.6" W	
KC110074	53.00 R	56+41.93	SARDIS RD CONNECTOR

REQD EASMT = 20049.33 SF
REQD EASMT = 0.460 ACRES

PARCEL 34 REQ'D PERM. EASM'T. KC3063

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111237	50.23 L	68+77.62	SARDIS RD CONNECTOR
	12.54	N 10°46'58.0" E	
SVX0977	53.17 L	68+89.07	SARDIS RD CONNECTOR

ARC LENGTH = 100.422
CHORD BEAR = N 16°54'09.0" E
LNTH CHORD = 100.266
RADIUS = 520.000
DEGREE = 11° 1' 6''

KC110211	72.52 L	69+80.34	SARDIS RD CONNECTOR
	29.39	N 50°09'12.6" E	
KC110212	63.46 L	70+06.11	SARDIS RD CONNECTOR
	43.32	N 34°28'39.0" E	
KC110213	62.65 L	70+49.09	SARDIS RD CONNECTOR
	44.41	N 8°42'11.1" E	
KC110214	81.22 L	70+89.43	SARDIS RD CONNECTOR
	103.15	N 33°25'37.3" E	
KC110215	81.21 L	71+92.58	SARDIS RD CONNECTOR
	84.42	N 40°47'36.9" E	
KC110216	70.38 L	72+76.30	SARDIS RD CONNECTOR
	22.32	S 73°19'14.4" E	
KC110205	49.00 L	72+82.73	SARDIS RD CONNECTOR
	272.46	S 33°25'17.3" W	
KC110204	49.00 L	70+10.27	SARDIS RD CONNECTOR

ARC LENGTH = 141.337
CHORD BEAR = S 28°39'09.0" W
LNTH CHORD = 141.174
RADIUS = 849.000
DEGREE = 6° 44' 55''

KC111233	49.00 L	68+77.09	SARDIS RD CONNECTOR
	1.35	N 41°46'10.5" W	
KC111237	50.23 L	68+77.62	SARDIS RD CONNECTOR

REQD EASMT = 9140.52 SF
REQD EASMT = 0.210 ACRES

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 23 OF 59

DRAWING NO. 60-0023

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)

1136067-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
Those certain easements over, across, and through certain property owned by NOAH LTD 2, LLC (the "Property"), said Property being located in Land Lot 72 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10072 003075 by the taxing authorities of Hall County, and known as 2781 Fran Mar Drive, and being the property shown as PARCEL 31 on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said easements consist of the following:	)	**(PARCEL NO. 31)**
	)	**DECLARATION OF TAKING**
That certain Temporary Construction Easement for the construction of a driveway, consisting of 0.019 acre, more or less, as shown on the Project Plans;	)	
	)	
That certain Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation, consisting of 0.047 acre, more or less, as shown on the Project Plans;	)	
	)	
NOAH LTD 2, LLC;	)	

Mortgage Electronic Registrations Systems, Inc. (MERS) as nominee for Regions Bank, d/b/a Regions Mortgage;	)
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	)
To any and all persons having or claiming any right or interest in and to said Property,	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a temporary construction easement for the purpose of constructing a driveway and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1** and by reference made a part hereof; and

WHEREAS, said easements are being acquired for public road purposes upon, across, and over property owned by NOAH LTD 2, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 2781 Fran Mar Drive, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by Condemnee NOAH LTD 2, LLC, whose registered office is located at 2161 Elysian Circle, Gainesville, Hall County, Georgia 30501, and whose registered agent, WILLIAM DEWAYNE LOGGINS, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.019 acre, more or less (see **Schedule 1: Resolution, Attachment 2,** attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.047 acre, more or less (see **Schedule 1: Resolution, Attachment 3,** attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement** and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3** attached hereto) is **$2,400.00,** and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3**, attached hereto and made a part of this Declaration) are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 31)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by NOAH LTD 2, LLC, located at 2781 Fran Mar Dr., Gainesville, Georgia 30506 (Parcel No. 31), consisting of 0.047 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.019 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$2,400.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 23rd day of June, 2022.

Amy C. Stewart
NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC HALL COUNTY, GA COMMISSION EXPIRES April 26, 2025

My commission expires _____

1149169-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 353/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 72, Hall County tax parcel number 10097 000118, 3893 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 72, Hall County tax parcel number 10097 000118, 3893 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 29,000.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 72
Declaration of Taking - Parcel 72

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 353/2022

Funds Requested: $ 29,000.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$29,000.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 72)

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 72"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000118 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 72 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 0.680 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 0.010 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 0.118 acre, more or less. A metes and bounds description of said permanent 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 **Attachment 5** 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 72 (the "Parcel 72 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 72 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 $29,000.00, which amount is the fair market value of the Parcel 72 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 72**
	TAX ID #: 10097 000118
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3893 NW LEDAN ROAD**

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 1, 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 72**
	TAX ID #: 10097 000118
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3893 NW 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 72 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 72 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 point on the existing South right of way of Ledan Road, said right of way being 60 feet in width, said point also lying 28.50 feet right of station 107+04.07 per the Project Plans;

Thence proceeding along the existing South right of way of Ledan Road the following courses and distances North 61°16'29" East, 192.27 feet to a point lying 16.68 feet right of station 108+95.97;

Thence North 63°13'35" East, 128.79 feet to a point lying 13.14 feet right of station 110+24.71;

Thence North 64°12'56" East, 310.44 feet to a point lying 9.96 feet right of station 113+35.14;

Thence leaving said existing right of way along the property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°11'27" East, 43.04 feet to a point lying 53.00 feet right of station 113+35.13;

Thence proceeding thru other property of Bowen & Bowen Homebuilders, LLC the following courses and distances South 64°48'06" West, 135.13 feet to a point lying 53.00 feet right of station 112+00.00;

Thence South 25°11'54" East, 8.00 feet to a point lying 61.00 feet right of station 112+00.00;

Thence South 64°48'06" West, 220.00 feet to a point lying 61.00 feet right of station 109+80.00;

Thence South 25°11'54" East, 22.00 feet to a point lying 83.00 feet right of station 109+80.00;

Thence South 64°48'07" West, 128.37 feet to a point lying 83.00 feet right of station 108+51.63;

Thence along the property now or formerly of Sherrie Keller the following courses and distances South 85°04'14" West, 51.96 feet to a point lying 65 feet right of station 108+02.89;

Thence South 85°04'14" West, 105.35 feet to the POINT OF BEGINNING.

Said tract contains 29,625.24 square feet or 0.680 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 72**
	TAX ID # 10097 000118
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3893 NW LEDAN ROAD**

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 72 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 72 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 63.02 feet right of station 112+83.88 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances North 60°28'29" East, 25.60 feet to a point a point lying 61.09 feet right of station 113+09.40;

Thence North 68°05'42" East, 8.49 feet to a point lying 61.58 feet right of station 113+17.88;

Thence South 25°11'58" East, 13.42 feet to a point lying 75.00 feet right of station 113+17.88;

Thence South 64°48'06" West, 34.00 feet to a point lying 75.00 feet right of station 112+83.88;

Thence North 25°11'45" West, 11.98 feet to the POINT OF BEGINNING.

Said tract contains 446.12 square feet or 0.010 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 72**
	TAX ID # 10097 000118
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3893 NW 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 72 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 72 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 61.00 feet right of station 109+80.00 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, 220.00 feet to a point lying 61.00 feet right of station 112+00.00;

Thence North 25°11'54" West, 8.00 feet to a point lying 53.00 feet right of station 112+00.00;

Thence North 64°48'06" East, 135.13 feet to a point lying 53.00 feet right of station 113+35.13;

Thence along other property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°08'18" East, 9.57 feet to a point lying 62.57 feet right of station 113+35.12;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances South 68°05'42" West, 25.76 feet to a point lying 61.09 feet right of station 113+09.40;

Thence South 60°28'29" West, 277.38 feet to a point lying 82.02 feet right of station of 110+32.81;

Thence South 63°44'12" West, 52.82 feet to a point lying 83.00 feet right of station of 109+80.00;

Thence North 25°11'54" West, 22.00 feet to the POINT OF BEGINNING.

Said tract contains 5,157.40 square feet or 0.118 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.

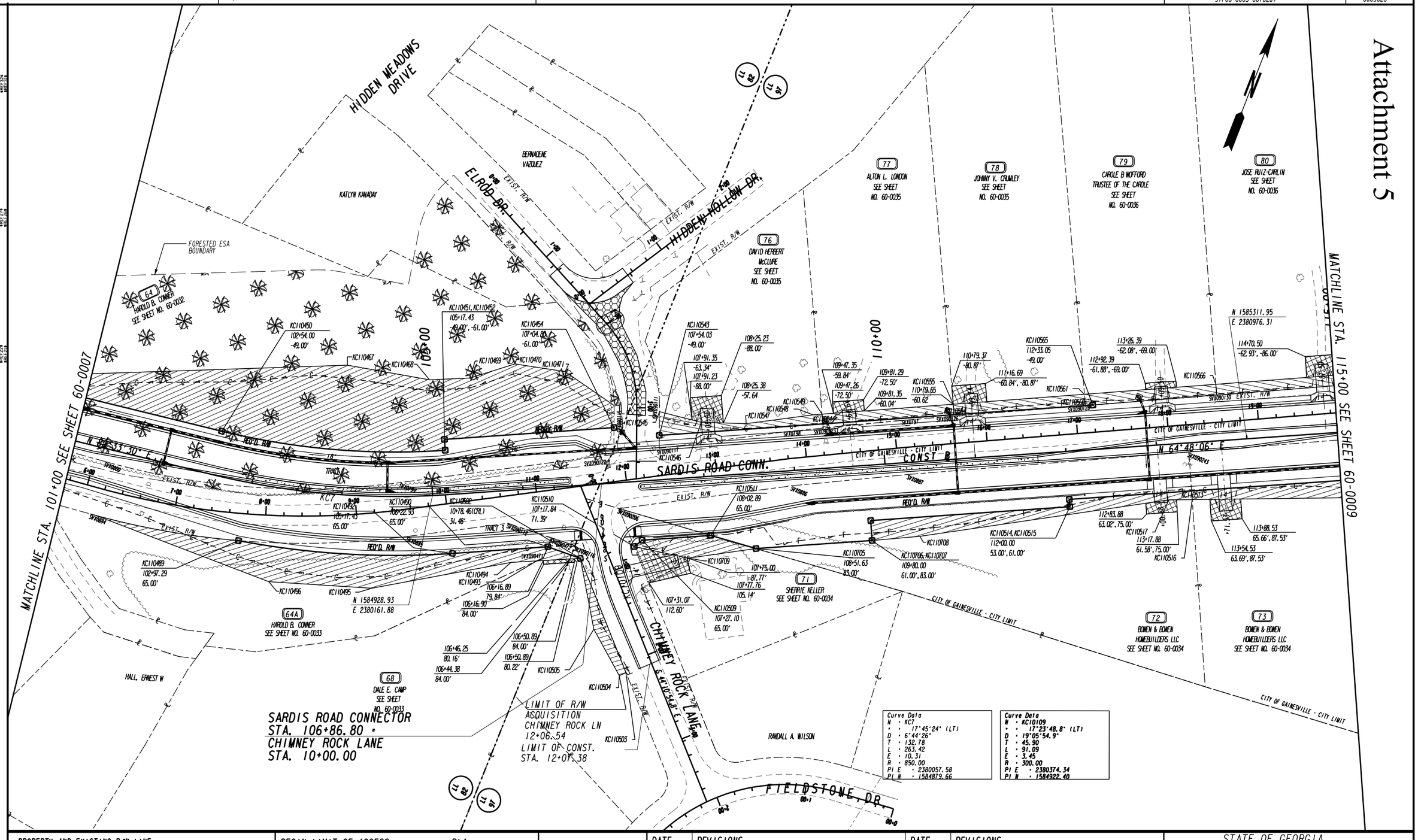
The property owner may place various items at its discretion (e.g., fences, signs, and landscaping, etc.) on the permanent easement so long as the functionality of the easement and/or utility is not compromised and such items are not in violation of federal or state laws, or county or city ordinances. 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 72 and Call Sheet for Parcel 72)

Attachment 5

Page 1 of 2



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
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
06/05/2020	REMOVED PAR 68A. MERGED WITH PAR 68		
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
1/07/2021	PAR 71 & 72 PESMT & REQD		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 82, 97
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 08 OF 59

DRAWING NO. 60-0008

PARCEL 71 REQ'D R/W KC3149

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	105.35	N 85°04'14.4" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	75.79	S 64°48'06.2" W	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	11.25	S 30°11'10.3" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	45.05	N 43°00'07.8" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 1625.65 SF
REQD R/W = 0.037 ACRES
REMAINDER = +/- 0.520 ACRES

PARCEL 71 REQ'D PERM. EASM'T. KC3217

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	11.25	N 30°11'10.3" E	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	75.79	N 64°48'06.2" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	51.96	N 85°04'14.4" E	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	75.19	S 60°46'56.9" W	
KCI10709	88.27 R	107+76.63	SARDIS RD CONNECTOR
	61.17	S 80°49'08.1" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

REQD EASMT = 1951.36 SF
REQD EASMT = 0.045 ACRES

PARCEL 71 REQ'D DRWY. EASM'T. KC3218

PNT	OFFSET	STATION	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
KCI10710	87.77 R	107+75.00	SARDIS RD CONNECTOR
KCI10711	105.14 R	107+77.76	SARDIS RD CONNECTOR
KCI10712	112.60 R	107+31.07	SARDIS RD CONNECTOR
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

PARCEL 72 REQ'D R/W KC3150

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	192.27	N 61°16'28.9" E	
SVX0886	16.68 R	108+95.97	SARDIS RD CONNECTOR
	128.79	N 63°13'34.8" E	
SVX0887	13.14 R	110+24.71	SARDIS RD CONNECTOR
	310.44	N 64°12'55.5" E	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	43.04	S 25°11'26.6" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	135.13	S 64°48'06.2" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	S 25°11'53.8" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	220.00	S 64°48'06.2" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	S 25°11'53.8" E	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	128.37	S 64°48'06.2" W	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	51.96	S 85°04'14.4" W	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	105.35	S 85°04'14.4" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 29625.24 SF
REQD R/W = 0.680 ACRES
REMAINDER = +/- 1.252 ACRES

PARCEL 72 REQ'D PERM. EASM'T. KC3151

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	220.00	N 64°48'06.2" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	N 25°11'53.8" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	135.13	N 64°48'06.2" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	9.57	S 25°08'18.3" E	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	25.76	S 68°05'42.2" W	
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
	277.38	S 60°28'28.9" W	
KCI10708	82.02 R	110+32.81	SARDIS RD CONNECTOR
	52.82	S 63°44'12.2" W	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	N 25°11'53.8" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR

REQD EASMT = 5157.40 SF
REQD EASMT = 0.118 ACRES

PARCEL 72 REQ'D DRWY. EASM'T. KC3152

PNT	OFFSET	STATION	ALIGNMENT
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
KCI10520	61.58 R	113+17.88	SARDIS RD CONNECTOR
KCI10521	75.00 R	113+17.88	SARDIS RD CONNECTOR
KCI10522	75.00 R	112+83.88	SARDIS RD CONNECTOR
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR

PARCEL 73 REQ'D R/W KC3153

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	200.09	N 64°12'55.6" E	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	45.09	S 25°11'10.0" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	200.08	S 64°48'06.2" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	43.04	N 25°11'26.6" W	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR

REQD R/W = 8816.64 SF
REQD R/W = 0.202 ACRES
REMAINDER = +/- 1.170 ACRES

PARCEL 73 REQ'D PERM. EASM'T. KC3154

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	200.08	N 64°48'06.2" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	21.14	S 25°10'16.2" E	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	200.41	S 68°06'40.6" W	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	9.57	N 25°08'18.3" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR

REQD EASMT = 3072.29 SF
REQD EASMT = 0.071 ACRES

PARCEL 73 REQ'D DRWY. EASM'T. KC3157

PNT	OFFSET	STATION	ALIGNMENT
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR
KCI10531	65.66 R	113+88.53	SARDIS RD CONNECTOR
KCI10532	87.53 R	113+88.53	SARDIS RD CONNECTOR
KCI10533	87.53 R	113+54.53	SARDIS RD CONNECTOR
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR

PARCEL 74 REQ'D R/W KC3155

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	199.98	N 64°38'54.2" E	
SVX090246	7.38 R	117+35.20	SARDIS RD CONNECTOR
	57.62	S 25°11'09.3" E	
KCI10525	65.00 R	117+35.19	SARDIS RD CONNECTOR
	60.19	S 64°48'06.2" W	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	N 25°11'53.8" W	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	139.79	S 64°48'06.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	45.09	N 25°11'10.0" W	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR

REQD R/W = 9792.81 SF
REQD R/W = 0.225 ACRES
REMAINDER = +/- 1.503 ACRES

PARCEL 74 REQ'D PERM. EASM'T. KC3156

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	139.79	N 64°48'06.2" E	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	S 25°11'53.8" E	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	31.43	S 58°27'48.8" W	
KCI10528	68.47 R	116+43.76	SARDIS RD CONNECTOR
	99.79	S 61°15'04.2" W	
KCI10529	74.65 R	115+44.16	SARDIS RD CONNECTOR
	8.97	S 68°03'34.1" W	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	21.14	N 25°10'16.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR

REQD EASMT = 2469.25 SF
REQD EASMT = 0.057 ACRES

PARCEL 74 REQ'D DRWY. EASM'T. KC3158

PNT	OFFSET	STATION	ALIGNMENT
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR
KCI10535	71.76 R	115+90.78	SARDIS RD CONNECTOR
KCI10536	109.00 R	115+90.78	SARDIS RD CONNECTOR
KCI10537	109.00 R	115+51.28	SARDIS RD CONNECTOR
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR

wsp

DATE	REVISIONS	DATE	REVISIONS
1/07/2021	PAR 71 & 72 PESMT & REQD		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 34 OF 59

DRAWING NO.
60-0034

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)

1141453-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	
Petitioner-Condemnor,	
VS.	**CIVIL ACTION FILE NO. _____**
That certain right of way and those certain easements over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000118 by the taxing authorities of Hall County, said Property being known as 3893 NW Ledan Road, and being the property shown as <u>PARCEL 72</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:	**(PARCEL NO. 72)**
	DECLARATION OF TAKING
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 72, containing 0.680 acre, more or less;	
That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.010 acre, more or less, as shown on the Project Plans;	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.118 acre, more or less, as shown on the Project Plans;	
BOWEN AND BOWEN HOMEBUILDERS, LLC;	

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3893 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing and maintaining a right of way along Ledan Road, consisting of 0.680 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.010 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.118 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$29,000.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

1143054-1

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 72)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3893 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 72), consisting of 0.680 acre of required right of way, 0.118 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.010 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$29,000.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 354/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 73, Hall County tax parcel number 10097 000119, 3879 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 73, Hall County tax parcel number 10097 000119, 3879 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 13,100.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 73
Declaration of Taking - Parcel 73

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 354/2022

Funds Requested: $ 13,100.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$13,100.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 73)

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 73"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000119 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 73 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 0.202 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 0.018 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 0.071 acre, more or less. A metes and bounds description of said permanent 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 **Attachment 5** 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 73 (the "Parcel 73 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 73 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 $13,100.00, which amount is the fair market value of the Parcel 73 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 73**
	TAX ID # 10097 000119
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3879 NW LEDAN ROAD**

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 2, 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 73**
	TAX ID #: 10097 000119
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3879 NW LEDAN ROAD**

GRANTED IS AN ADDITIONAL, REQUIRED RIGHT OF WAY, IN FEE SIMPLE, IN THE PROPERTY DESCRIBED BELOW, based on right of way Project 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 73 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 73 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 point on the existing South right of way of Ledan Road, said right of way being 60 feet in width, said point also lying 9.96 feet right of station 113+35.14 per the Project Plans;

Thence proceeding along the existing South right of way of Ledan Road North 64°12'56" East, 200.09 feet to a point lying 7.91 feet right of station 115+35.22;

Thence leaving said existing right of way along the property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°11'10" East, 45.09 feet to a point lying 53.00 feet right of station 115+35.21;

Thence proceeding thru other property of Bowen & Bowen Homebuilders, LLC South 64°48'06" West, 200.08 feet to a point lying 53.00 feet right of station 113+35.15;

Thence North 25°11'27" West, 43.04 feet to the POINT OF BEGINNING.

Said tract contains 8,816.64 square feet or 0.202 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 73**
	TAX ID #: 10097 000119
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3879 NW LEDAN ROAD**

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 73 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 73 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 63.69 feet right of station 113+54.53 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances North 68°06'41" East, 34.06 feet to a point a point lying 65.66 feet right of station 113+88.53;

Thence South 25°11'54" East, 21.87 feet to a point lying 87.53 feet right of station 113+88.53;

Thence South 64°48'06" West, 34.00 feet to a point lying 87.53 feet right of station 113+54.53;

Thence North 25°11'54" West, 23.84 feet to the POINT OF BEGINNING.

Said tract contains 777.00 square feet or 0.018 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 73**
	TAX ID #: 10097 000119
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3879 NW 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 73 (Sheet 8 of the Project Plans), and a copy of the call sheet for Parcel 73 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 8 were last revised January 7, 2021.

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 113+35.13 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC North 64°48'06" East, 200.08 feet to a point lying 53.00 feet right of station 115+35.21;

Thence along other property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°10'16" East, 21.14 feet to a point lying 74.14 feet right of station 115+35.20;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC South 68°06'41" West, 200.41 feet to a point lying 62.57 feet right of station 113+35.12;

Thence North 25°08'18" West, 9.57 feet to a point to the POINT OF BEGINNING.

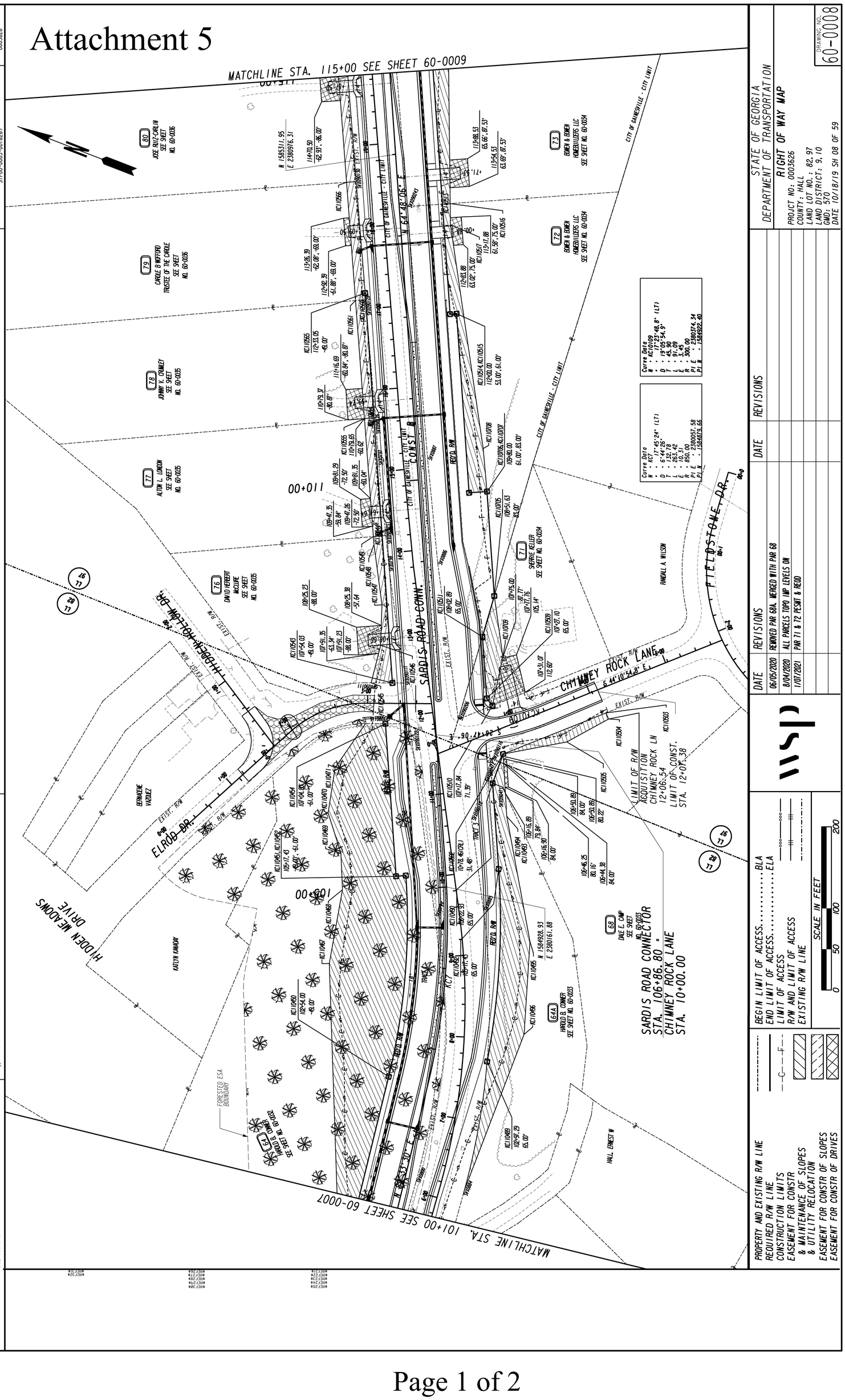
Said tract contains 3,072.29 square feet or 0.071 acre per the aforementioned Project Plans.

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 5
(Section of Project Plans Depicting Parcel 73 and Call Sheet for Parcel 73)

Attachment 5



PARCEL 71 REQ'D R/W KC3149

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	105.35	N 85°04'14.4" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	75.79	S 64°48'06.2" W	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	11.25	S 30°11'10.3" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	45.05	N 43°00'07.8" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 1625.65 SF
REQD R/W = 0.037 ACRES
REMAINDER = +/- 0.520 ACRES

PARCEL 71 REQ'D PERM. EASM'T. KC3217

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	11.25	N 30°11'10.3" E	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	75.79	N 64°48'06.2" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	51.96	N 85°04'14.4" E	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	75.19	S 60°46'56.9" W	
KCI10709	88.27 R	107+76.63	SARDIS RD CONNECTOR
	61.17	S 80°49'08.1" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

REQD EASMT = 1951.36 SF
REQD EASMT = 0.045 ACRES

PARCEL 71 REQ'D DRWY. EASM'T. KC3218

PNT	OFFSET	STATION	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
KCI10710	87.77 R	107+75.00	SARDIS RD CONNECTOR
KCI10711	105.14 R	107+77.76	SARDIS RD CONNECTOR
KCI10712	112.60 R	107+31.07	SARDIS RD CONNECTOR
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

PARCEL 72 REQ'D R/W KC3150

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	192.27	N 61°16'28.9" E	
SVX0886	16.68 R	108+95.97	SARDIS RD CONNECTOR
	128.79	N 63°13'34.8" E	
SVX0887	13.14 R	110+24.71	SARDIS RD CONNECTOR
	310.44	N 64°12'55.5" E	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	43.04	S 25°11'26.6" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	135.13	S 64°48'06.2" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	S 25°11'53.8" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	220.00	S 64°48'06.2" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	S 25°11'53.8" E	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	128.37	S 64°48'06.2" W	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	51.96	S 85°04'14.4" W	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	105.35	S 85°04'14.4" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 29625.24 SF
REQD R/W = 0.680 ACRES
REMAINDER = +/- 1.252 ACRES

PARCEL 72 REQ'D PERM. EASM'T. KC3151

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	220.00	N 64°48'06.2" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	N 25°11'53.8" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	135.13	N 64°48'06.2" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	9.57	S 25°08'18.3" E	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	25.76	S 68°05'42.2" W	
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
	277.38	S 60°28'28.9" W	
KCI10708	82.02 R	110+32.81	SARDIS RD CONNECTOR
	52.82	S 63°44'12.2" W	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	N 25°11'53.8" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR

REQD EASMT = 5157.40 SF
REQD EASMT = 0.118 ACRES

PARCEL 72 REQ'D DRWY. EASM'T. KC3152

PNT	OFFSET	STATION	ALIGNMENT
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
KCI10520	61.58 R	113+17.88	SARDIS RD CONNECTOR
KCI10521	75.00 R	113+17.88	SARDIS RD CONNECTOR
KCI10522	75.00 R	112+83.88	SARDIS RD CONNECTOR
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR

PARCEL 73 REQ'D R/W KC3153

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	200.09	N 64°12'55.6" E	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	45.09	S 25°11'10.0" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	200.08	S 64°48'06.2" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	43.04	N 25°11'26.6" W	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR

REQD R/W = 8816.64 SF
REQD R/W = 0.202 ACRES
REMAINDER = +/- 1.170 ACRES

PARCEL 73 REQ'D PERM. EASM'T. KC3154

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	200.08	N 64°48'06.2" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	21.14	S 25°10'16.2" E	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	200.41	S 68°06'40.6" W	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	9.57	N 25°08'18.3" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR

REQD EASMT = 3072.29 SF
REQD EASMT = 0.071 ACRES

PARCEL 73 REQ'D DRWY. EASM'T. KC3157

PNT	OFFSET	STATION	ALIGNMENT
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR
KCI10531	65.66 R	113+88.53	SARDIS RD CONNECTOR
KCI10532	87.53 R	113+88.53	SARDIS RD CONNECTOR
KCI10533	87.53 R	113+54.53	SARDIS RD CONNECTOR
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR

PARCEL 74 REQ'D R/W KC3155

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	199.98	N 64°38'54.2" E	
SVX090246	7.38 R	117+35.20	SARDIS RD CONNECTOR
	57.62	S 25°11'09.3" E	
KCI10525	65.00 R	117+35.19	SARDIS RD CONNECTOR
	60.19	S 64°48'06.2" W	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	N 25°11'53.8" W	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	139.79	S 64°48'06.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	45.09	N 25°11'10.0" W	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR

REQD R/W = 9792.81 SF
REQD R/W = 0.225 ACRES
REMAINDER = +/- 1.503 ACRES

PARCEL 74 REQ'D PERM. EASM'T. KC3156

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	139.79	N 64°48'06.2" E	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	S 25°11'53.8" E	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	31.43	S 58°27'48.8" W	
KCI10528	68.47 R	116+43.76	SARDIS RD CONNECTOR
	99.79	S 61°15'04.2" W	
KCI10529	74.65 R	115+44.16	SARDIS RD CONNECTOR
	8.97	S 68°03'34.1" W	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	21.14	N 25°10'16.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR

REQD EASMT = 2469.25 SF
REQD EASMT = 0.057 ACRES

PARCEL 74 REQ'D DRWY. EASM'T. KC3158

PNT	OFFSET	STATION	ALIGNMENT
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR
KCI10535	71.76 R	115+90.78	SARDIS RD CONNECTOR
KCI10536	109.00 R	115+90.78	SARDIS RD CONNECTOR
KCI10537	109.00 R	115+51.28	SARDIS RD CONNECTOR
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR

DATE	REVISIONS	DATE	REVISIONS
1/07/2021	PAR 71 & 72 PESMT & REQD		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 34 OF 59

DRAWING NO. 60-0034

GRWPLN

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)

1141444-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way and those certain easements over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000119 by the taxing authorities of Hall County, said Property being known as 3879 NW Ledan Road, and being the property shown as <u>PARCEL 73</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:	)	**(PARCEL NO. 73)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 73, containing 0.202 acre, more or less;	)	
That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.018 acre, more or less, as shown on the Project Plans;	)	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.071 acre, more or less, as shown on the Project Plans;	)	
BOWEN AND BOWEN HOMEBUILDERS, LLC;	)	

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3879 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Ledan Road, consisting of 0.202 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.018 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.071 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$13,100.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

1143071-1

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 73)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3879 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 73), consisting of 0.202 acre of required right of way, 0.071 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.018 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$13,100.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 8th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 355/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 74, Hall County tax parcel number 10097 000120, 3869 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 74, Hall County tax parcel number 10097 000120, 3869 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 11,100.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 74
Declaration of Taking - Parcel 74

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 355/2022

Funds Requested: $ 11,100.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$11,100.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 74)

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 74"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000120 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 an upcoming City Council meeting; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 74 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 0.225 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 0.033 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 0.057 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 **Attachment 5** 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 74 (the "Parcel 74 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 74 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 $11,100.00, which amount is the fair market value of the Parcel 74 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 74**
	TAX ID #: 10097 000120
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3869 NW LEDAN ROAD**

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 3, 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 74**
	TAX ID #: 10097 000120
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3869 NW 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 74 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 74 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 9 were last revised March 12, 2021.

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 7.91 feet right of station 115+35.22 per the Project Plans;

Thence proceeding along the exiting right of way of South Ledan Road North 64°38'54" East, 199.98 feet to a point lying 7.38 feet right of station 117+35.20;

Thence leaving said existing right of way along the property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°11'09" East, 57.62 feet to a point lying 65.00 feet right of station;

Thence proceeding thru other property of Bowen & Bowen Homebuilders, LLC the following courses and distances South 64°48'06" West, 60.19 feet to a point lying 65.00 feet right of station 116+75.00;

Thence North 25°11'54" West, 12.00 feet to a point lying 53.00 feet right of station 116+75.00;

Thence South 64°48'06" West, 139.79 feet to a point lying 53.00 feet right of station 15+35.21;

Thence along other property of Bowen & Bowen Homebuilders, LLC North 25°11'10" West, 45.09 feet to the POINT OF BEGINNING.

Said tract contains 9,792.81 square feet or 0.225 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 74**
	TAX ID #: 10097 000120
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3869 NW LEDAN ROAD**

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 74 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 74 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 9 were last revised March 12, 2021.

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 74.21 feet right of station 115+51.28 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances North 61°15'04" East, 39.58 feet to a point lying 71.76 feet right of station 115+90.78;

Thence South 25°11'54" East, 37.24 feet to a point lying 109.00 feet right of station 115+90.78;

Thence South 64°48'06" West, 39.50 feet to a point lying 109.00 feet right of station 115+51.28;

Thence North 25°11'54" West, 34.79 feet to the POINT OF BEGINNING.

Said tract contains 1,422.68 square feet or 0.033 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 74**
	TAX ID #: 10097 000120
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3869 NW 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 74 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 74 (Sheet 34 of the Project Plans). Both Sheet 34 and Sheet 9 were last revised March 12, 2021.

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 7.91 feet right of station 115+35.22 per the Project Plans;

Thence proceeding along the exiting right of way of South Ledan Road North 64°38'54" East, 199.98 feet to a point lying 7.38 feet right of station 117+35.20;

Thence leaving said existing right of way along the property now or formerly of Bowen & Bowen Homebuilders, LLC South 25°11'09" East, 57.62 feet to a point lying 65.00 feet right of station;

Thence proceeding thru other property of Bowen & Bowen Homebuilders, LLC the following courses and distances South 64°48'06" West, 60.19 feet to a point lying 65.00 feet right of station 116+75.00;

Thence North 25°11'54" West, 12.00 feet to a point lying 53.00 feet right of station 116+75.00;

Thence South 64°48'06" West, 139.79 feet to a point lying 53.00 feet right of station 15+35.21;

Thence along other property of Bowen & Bowen Homebuilders, LLC North 25°11'10" West, 45.09 feet to the POINT OF BEGINNING.

Said tract contains 2,469.25 square feet or 0.057 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.

(Attachment 4 continued on next page)

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 the Project Plans depicting Parcel 74 and Call Sheet for Parcel 74)

Attachment 5

Page 1 of 2

3/16/2022 USER:donald	Jversion V7-gplotborder-V81-P0.tbl	003626RW08.dgn	PROJECT NUMBER STP00-0003-00(626)	P. I. No. 0003626

Curve Data
N • KCB
Δ • 51°04'32" (LT)
D • 2°51'53"
T • 955.57
L • 1782.87
E • 216.55
R • 2000.00
PI E • 2382939.70
PI N • 1586235.77

SARDIS ROAD CONNECTOR
STA. 120+10.36 =
WINDSOR TRAIL
STA. 10+00.00

MATCHLINE STA. 115+00 SEE SHEET 60-0008

MATCHLINE STA. 129+00 SEE SHEET 60-0010

81 ROBERT JAMES JR. WHITE SEE SHEET NO. 60-0036

82 JAY R. WOOTEN SEE SHEET NO. 60-0036

83 ANGIE V. LADD SEE SHEET NO. 60-0036

84 SAINZ GUSTAVO CASTANEDA SEE SHEET NO. 60-0037

85 LEWIS BRIAN JOSEPH SEE SHEET NO. 60-0037

86 JANET W SEALS SEE SHEET NO. 60-0037

87 BRIAN LEDOUX SEE SHEET NO. 60-0038

88 ADAM G. SKELTON SEE SHEET NO. 60-0038

89 BOWEN & BOWEN HOMEBUILDERS LLC SEE SHEET NO. 60-0038

90 BOWEN & BOWEN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

91 BOWEN & BOWEN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

75 BOWEN & BOWEN HOMEBUILDERS LLC SEE SHEET NO. 60-0035

74 BOWEN & BOWEN HOMEBUILDERS LLC SEE SHEET NO. 60-0034

SARDIS ROAD CONN.

CONST. B

CONST. A

LIMIT OF CONST. STA. 11+70.00 TIE TO EXIST. WINDSOR TRAIL

LIMIT OF R/W ACQUISITION WINDSOR TR 11+00.00

WINDSOR TRAIL

EXIST. R/W

REQ'D. R/W

CITY OF GAINESVILLE - CITY LIMIT

KCB

WETLAND 6

WETLAND 8

WETLAND 9

WETLAND 10

IS STREAM 7

DONALD J. CARTER

CARTER & CARTER, INC.

WARK A. WRIGHT

PROPERTY AND EXISTING R/W LINE	BEGIN LIMIT OF ACCESS.....BLA
REQUIRED R/W LINE	END LIMIT OF ACCESS.....ELA
CONSTRUCTION LIMITS	LIMIT OF ACCESS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	R/W AND LIMIT OF ACCESS
EASEMENT FOR CONSTR OF SLOPES	EXISTING R/W LINE
EASEMENT FOR CONSTR OF DRIVES	

SCALE IN FEET
0 50 100 200

DATE	REVISIONS	DATE	REVISIONS
06/05/2020	PAR 83: PESWT, PAR 84: PESWT ADDED		
06/05/2020	REMOVED PARCELS 65 & 66		
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
03/12/2021	PAR 83: PESWT, PAR 84: PESWT REVISED		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 97
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 09 OF 59

DRAWING NO. 60-0009

GRWPLN

PARCEL 71 REQ'D R/W KC3149

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	105.35	N 85°04'14.4" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	75.79	S 64°48'06.2" W	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	11.25	S 30°11'10.3" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	45.05	N 43°00'07.8" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 1625.65 SF
REQD R/W = 0.037 ACRES
REMAINDER = +/- 0.520 ACRES

PARCEL 71 REQ'D PERM. EASM'T. KC3217

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
	11.25	N 30°11'10.3" E	
KCI10509	65.00 R	107+27.10	SARDIS RD CONNECTOR
	75.79	N 64°48'06.2" E	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	51.96	N 85°04'14.4" E	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	75.19	S 60°46'56.9" W	
KCI10709	88.27 R	107+76.63	SARDIS RD CONNECTOR
	61.17	S 80°49'08.1" W	
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

REQD EASMT = 1951.36 SF
REQD EASMT = 0.045 ACRES

PARCEL 71 REQ'D DRWY. EASM'T. KC3218

PNT	OFFSET	STATION	ALIGNMENT
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR
KCI10710	87.77 R	107+75.00	SARDIS RD CONNECTOR
KCI10711	105.14 R	107+77.76	SARDIS RD CONNECTOR
KCI10712	112.60 R	107+31.07	SARDIS RD CONNECTOR
KCI10510	71.39 R	107+17.84	SARDIS RD CONNECTOR

PARCEL 72 REQ'D R/W KC3150

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR
	192.27	N 61°16'28.9" E	
SVX0886	16.68 R	108+95.97	SARDIS RD CONNECTOR
	128.79	N 63°13'34.8" E	
SVX0887	13.14 R	110+24.71	SARDIS RD CONNECTOR
	310.44	N 64°12'55.5" E	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	43.04	S 25°11'26.6" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	135.13	S 64°48'06.2" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	S 25°11'53.8" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	220.00	S 64°48'06.2" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	S 25°11'53.8" E	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	128.37	S 64°48'06.2" W	
KCI10705	83.00 R	108+51.63	SARDIS RD CONNECTOR
	51.96	S 85°04'14.4" W	
KCI10511	65.00 R	108+02.89	SARDIS RD CONNECTOR
	105.35	S 85°04'14.4" W	
SVX090206	28.50 R	107+04.07	SARDIS RD CONNECTOR

REQD R/W = 29625.24 SF
REQD R/W = 0.680 ACRES
REMAINDER = +/- 1.252 ACRES

PARCEL 72 REQ'D PERM. EASM'T. KC3151

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR
	220.00	N 64°48'06.2" E	
KCI10515	61.00 R	112+00.00	SARDIS RD CONNECTOR
	8.00	N 25°11'53.8" W	
KCI10514	53.00 R	112+00.00	SARDIS RD CONNECTOR
	135.13	N 64°48'06.2" E	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	9.57	S 25°08'18.3" E	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	25.76	S 68°05'42.2" W	
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
	277.38	S 60°28'28.9" W	
KCI10708	82.02 R	110+32.81	SARDIS RD CONNECTOR
	52.82	S 63°44'12.2" W	
KCI10707	83.00 R	109+80.00	SARDIS RD CONNECTOR
	22.00	N 25°11'53.8" W	
KCI10706	61.00 R	109+80.00	SARDIS RD CONNECTOR

REQD EASMT = 5157.40 SF
REQD EASMT = 0.118 ACRES

PARCEL 72 REQ'D DRWY. EASM'T. KC3152

PNT	OFFSET	STATION	ALIGNMENT
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR
KCI10517	61.09 R	113+09.40	SARDIS RD CONNECTOR
KCI10520	61.58 R	113+17.88	SARDIS RD CONNECTOR
KCI10521	75.00 R	113+17.88	SARDIS RD CONNECTOR
KCI10522	75.00 R	112+83.88	SARDIS RD CONNECTOR
KCI10519	63.02 R	112+83.88	SARDIS RD CONNECTOR

PARCEL 73 REQ'D R/W KC3153

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR
	200.09	N 64°12'55.6" E	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	45.09	S 25°11'10.0" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	200.08	S 64°48'06.2" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	43.04	N 25°11'26.6" W	
SVX090243	9.96 R	113+35.14	SARDIS RD CONNECTOR

REQD R/W = 8816.64 SF
REQD R/W = 0.202 ACRES
REMAINDER = +/- 1.170 ACRES

PARCEL 73 REQ'D PERM. EASM'T. KC3154

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR
	200.08	N 64°48'06.2" E	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	21.14	S 25°10'16.2" E	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	200.41	S 68°06'40.6" W	
KCI10516	62.57 R	113+35.12	SARDIS RD CONNECTOR
	9.57	N 25°08'18.3" W	
KCI10513	53.00 R	113+35.13	SARDIS RD CONNECTOR

REQD EASMT = 3072.29 SF
REQD EASMT = 0.071 ACRES

PARCEL 73 REQ'D DRWY. EASM'T. KC3157

PNT	OFFSET	STATION	ALIGNMENT
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR
KCI10531	65.66 R	113+88.53	SARDIS RD CONNECTOR
KCI10532	87.53 R	113+88.53	SARDIS RD CONNECTOR
KCI10533	87.53 R	113+54.53	SARDIS RD CONNECTOR
KCI10530	63.69 R	113+54.53	SARDIS RD CONNECTOR

PARCEL 74 REQ'D R/W KC3155

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR
	199.98	N 64°38'54.2" E	
SVX090246	7.38 R	117+35.20	SARDIS RD CONNECTOR
	57.62	S 25°11'09.3" E	
KCI10525	65.00 R	117+35.19	SARDIS RD CONNECTOR
	60.19	S 64°48'06.2" W	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	N 25°11'53.8" W	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	139.79	S 64°48'06.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	45.09	N 25°11'10.0" W	
SVX090244	7.91 R	115+35.22	SARDIS RD CONNECTOR

REQD R/W = 9792.81 SF
REQD R/W = 0.225 ACRES
REMAINDER = +/- 1.503 ACRES

PARCEL 74 REQ'D PERM. EASM'T. KC3156

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR
	139.79	N 64°48'06.2" E	
KCI10527	53.00 R	116+75.00	SARDIS RD CONNECTOR
	12.00	S 25°11'53.8" E	
KCI10526	65.00 R	116+75.00	SARDIS RD CONNECTOR
	31.43	S 58°27'48.8" W	
KCI10528	68.47 R	116+43.76	SARDIS RD CONNECTOR
	99.79	S 61°15'04.2" W	
KCI10529	74.65 R	115+44.16	SARDIS RD CONNECTOR
	8.97	S 68°03'34.1" W	
KCI10524	74.14 R	115+35.20	SARDIS RD CONNECTOR
	21.14	N 25°10'16.2" W	
KCI10523	53.00 R	115+35.21	SARDIS RD CONNECTOR

REQD EASMT = 2469.25 SF
REQD EASMT = 0.057 ACRES

PARCEL 74 REQ'D DRWY. EASM'T. KC3158

PNT	OFFSET	STATION	ALIGNMENT
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR
KCI10535	71.76 R	115+90.78	SARDIS RD CONNECTOR
KCI10536	109.00 R	115+90.78	SARDIS RD CONNECTOR
KCI10537	109.00 R	115+51.28	SARDIS RD CONNECTOR
KCI10534	74.21 R	115+51.28	SARDIS RD CONNECTOR

DATE	REVISIONS	DATE	REVISIONS
1/07/2021	PAR 71 & 72 PESMT & REQD		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 34 OF 59

DRAWING NO. 60-0034

GRWPLN

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)

1141440-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA, **Petitioner-Condemnor,** **VS.** **That certain right of way and those certain easements over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000120 by the taxing authorities of Hall County, said Property being known as 3869 NW Ledan Road, and being the property shown as <u>PARCEL 74</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:** **That certain <u>Right of Way</u> shown on the Project Plans for Parcel 74, containing 0.225 acre, more or less;** **That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.033 acre, more or less, as shown on the Project Plans;** **That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.057 acre, more or less, as shown on the Project Plans;** **BOWEN AND BOWEN HOMEBUILDERS, LLC;**	**CIVIL ACTION** **FILE NO. _____** **(PARCEL NO. 74)** **DECLARATION OF TAKING**

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3869 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing and maintaining a right of way along Ledan Road, consisting of 0.225 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.033 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.057 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$11,100.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 74)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3869 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 74), consisting of 0.225 acre of required right of way, 0.057 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.033 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$11,100.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149498-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 356/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 75, Hall County tax parcel number 10097 000121, 3857 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 75, Hall County tax parcel number 10097 000121, 3857 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 192,100.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 75
Declaration of Taking - Parcel 75

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 356/2022

Funds Requested: $ 192,100.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$192,100.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

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 **Attachment 1** 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 **Attachment 4** 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 HOMEBUILDERS, LLC	**3857 NW LEDAN ROAD**

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 HOMEBUILDERS, LLC	**3857 NW 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 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 HOMEBUILDERS, LLC	**3857 NW 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 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.

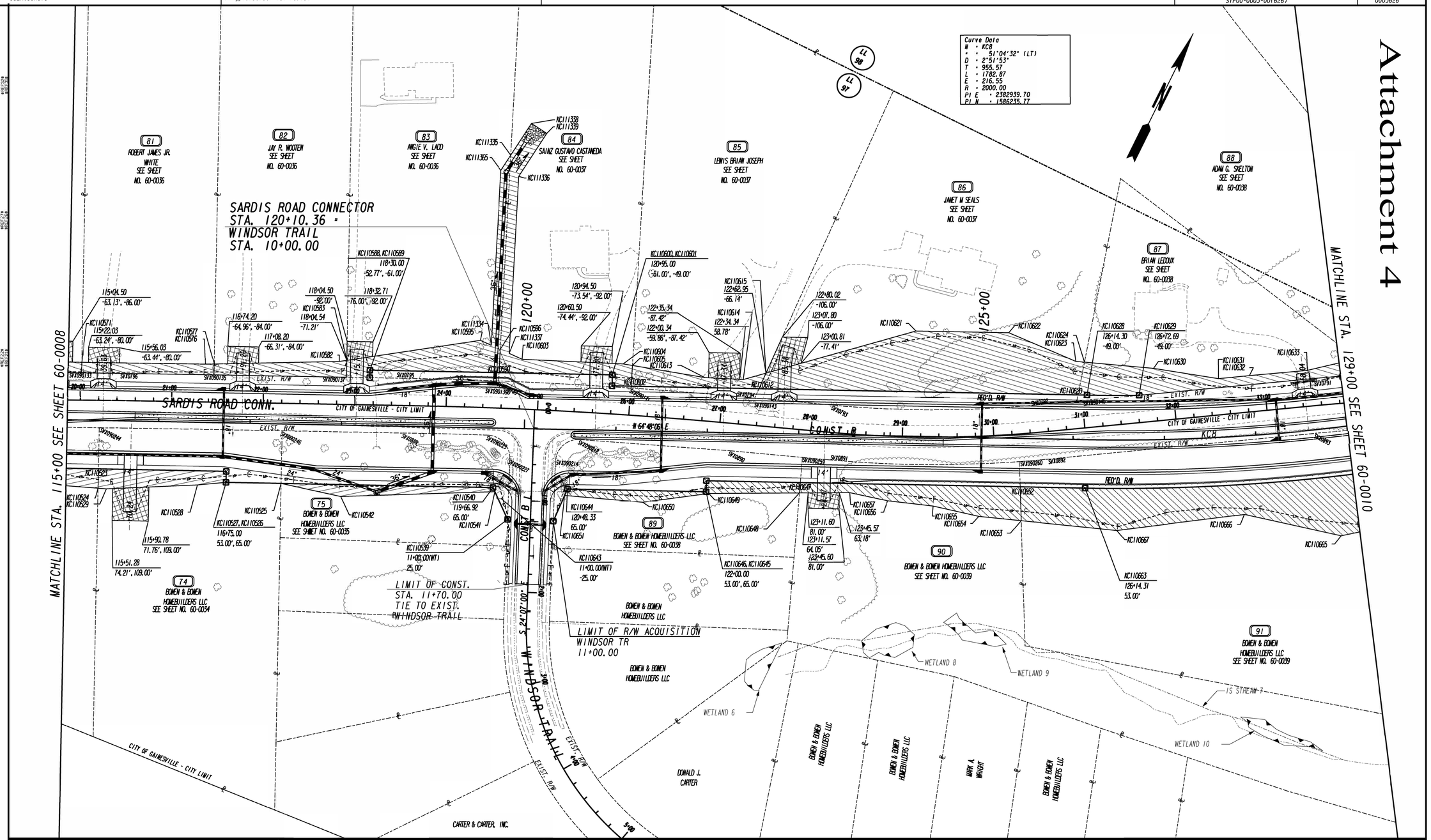
Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as laid out in the Project Plans referenced above.

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)

Attachment 4

3/16/2022 USER:donald	Jversion V7-gplotborder-V8I-PO.tbl	003626RW08.dgn	PROJECT NUMBER STP00-0003-00(626)	P.I. No. 0003626



PROPERTY AND EXISTING R/W LINE	
REQUIRED R/W LINE	
CONSTRUCTION LIMITS	—C— —F—
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS	BLA
END LIMIT OF ACCESS	ELA
LIMIT OF ACCESS	
R/W AND LIMIT OF ACCESS	
EXISTING R/W LINE	

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
06/05/2020	PAR 83: PESMT, PAR 84: PESMT ADDED		
06/05/2020	REMOVED PARCELS 65 & 66		
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
03/12/2021	PAR 83: PESMT, PAR 84: PESMT REVISED		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 97
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 09 OF 59

DRAWING NO. 60-0009

GRWPLN

#REF324
#REF325

#REF326
#REF327
#REF328
#REF329
#REF330

#REF254
#REF255
#REF256
#REF257
#REF258

PARCEL 75 REQ'D R/W KC3159

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090246	7.38 R	117+35.20	SARDIS RD CONNECTOR
	132.51	N 64°42'44.2" E	
SVX0889	7.17 R	118+67.71	SARDIS RD CONNECTOR
	92.46	N 65°15'18.7" E	
SVX090225	7.90 R	119+60.17	SARDIS RD CONNECTOR

ARC LENGTH = 39.307'
CHORD BEAR = S 69°09'33.2" E
LNTH CHORD = 35.382
RADIUS = 25.000
DEGREE = 229° 10' 59"

SVX090227	33.37 R	119+84.73	SARDIS RD CONNECTOR
	66.15	S 24°06'60.0" E	
KC110539	99.51 R	119+83.48	SARDIS RD CONNECTOR
	38.28	N 50°49'56.4" W	
KC110540	65.00 R	119+66.92	SARDIS RD CONNECTOR
	231.73	S 64°48'06.2" W	
KC110525	65.00 R	117+35.19	SARDIS RD CONNECTOR
	57.62	N 25°11'09.3" W	
SVX090246	7.38 R	117+35.20	SARDIS RD CONNECTOR

REQD R/W = 14518.84 SF
REQD R/W = 0.333 ACRES
REMAINDER = +/- 0.345 ACRES

#REF254
#REF255
#REF256
#REF257
#REF258
#REF259

PARCEL 75 REQ'D PERM. EASM'T. KC3160

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110525	65.00 R	117+35.19	SARDIS RD CONNECTOR
	231.73	N 64°48'06.2" E	
KC110540	65.00 R	119+66.92	SARDIS RD CONNECTOR
	4.92	S 50°52'37.6" E	
KC110541	69.43 R	119+69.05	SARDIS RD CONNECTOR
	169.27	S 61°53'58.5" W	
KC110542	78.00 R	118+00.00	SARDIS RD CONNECTOR
	66.10	S 76°08'38.2" W	
KC110525	65.00 R	117+35.19	SARDIS RD CONNECTOR

REQD EASWT = 1889.82 SF
REQD EASWT = 0.043 ACRES

PARCEL 76 REQ'D R/W KC3161

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110543	49.00 L	107+54.03	SARDIS RD CONNECTOR
	180.77	N 64°48'06.2" E	
KC110544	49.00 L	109+34.80	SARDIS RD CONNECTOR
	4.58	S 25°57'29.1" E	
SVX090123	44.42 L	109+34.86	SARDIS RD CONNECTOR
	41.57	S 63°13'35.2" W	
SVX0798	43.27 L	108+93.30	SARDIS RD CONNECTOR
	140.65	S 61°16'28.8" W	
SVX090117	34.62 L	107+52.92	SARDIS RD CONNECTOR
	14.42	N 20°47'23.5" W	
KC110543	49.00 L	107+54.03	SARDIS RD CONNECTOR

REQD R/W = 1617.35 SF
REQD R/W = 0.037 ACRES
REMAINDER = +/- 0.836 ACRES

PARCEL 76 REQ'D PERM. EASM'T. KC3162

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110545	74.98 L	107+56.03	SARDIS RD CONNECTOR
	47.50	N 83°02'45.4" E	
KC110546	60.11 L	108+01.14	SARDIS RD CONNECTOR
	49.55	N 70°36'57.1" E	
KC110547	55.09 L	108+50.44	SARDIS RD CONNECTOR
	73.98	N 61°13'45.3" E	
KC110548	59.70 L	109+24.28	SARDIS RD CONNECTOR
	10.37	N 64°28'12.8" E	
KC110549	59.76 L	109+34.65	SARDIS RD CONNECTOR
	10.76	S 25°59'49.0" E	
KC110544	49.00 L	109+34.80	SARDIS RD CONNECTOR
	180.77	S 64°48'06.2" W	
KC110543	49.00 L	107+54.03	SARDIS RD CONNECTOR
	26.06	N 20°47'46.3" W	
KC110545	74.98 L	107+56.03	SARDIS RD CONNECTOR

REQD EASWT = 2018.49 SF
REQD EASWT = 0.046 ACRES

PARCEL 76 REQ'D DRWY. EASM'T. KC3163

PNT	OFFSET	STATION	ALIGNMENT
KC110550	88.00 L	107+91.23	SARDIS RD CONNECTOR
KC110551	88.00 L	108+25.23	SARDIS RD CONNECTOR
KC110552	57.64 L	108+25.38	SARDIS RD CONNECTOR
KC110546	60.11 L	108+01.14	SARDIS RD CONNECTOR
KC110553	63.34 L	107+91.35	SARDIS RD CONNECTOR
KC110550	88.00 L	107+91.23	SARDIS RD CONNECTOR

PARCEL 77 REQ'D R/W KC3164

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110544	49.00 L	109+34.80	SARDIS RD CONNECTOR
	145.01	N 64°48'06.2" E	
KC110554	49.00 L	110+79.81	SARDIS RD CONNECTOR
	1.57	S 26°07'11.4" E	
SVX090126	47.43 L	110+79.84	SARDIS RD CONNECTOR
	56.26	S 64°12'55.6" W	
SVX0797	46.86 L	110+23.58	SARDIS RD CONNECTOR
	88.75	S 63°13'34.8" W	
SVX090123	44.42 L	109+34.86	SARDIS RD CONNECTOR
	4.58	N 25°57'29.1" W	
KC110544	49.00 L	109+34.80	SARDIS RD CONNECTOR

REQD R/W = 402.93 SF
REQD R/W = 0.009 ACRES
REMAINDER = +/- 1.057 ACRES

PARCEL 77 REQ'D PERM. EASM'T. KC3165

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110549	59.76 L	109+34.65	SARDIS RD CONNECTOR
	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	
KC110554	49.00 L	110+79.81	SARDIS RD CONNECTOR
	145.01	S 64°48'06.2" W	
KC110544	49.00 L	109+34.80	SARDIS RD CONNECTOR
	10.76	N 25°59'49.0" W	
KC110549	59.76 L	109+34.65	SARDIS RD CONNECTOR

REQD EASWT = 1622.67 SF
REQD EASWT = 0.037 ACRES

PARCEL 77 REQ'D DRWY. EASM'T. KC3166

PNT	OFFSET	STATION	ALIGNMENT
KC110556	72.50 L	109+47.29	SARDIS RD CONNECTOR
KC110557	72.50 L	109+81.29	SARDIS RD CONNECTOR
KC110558	60.04 L	109+81.35	SARDIS RD CONNECTOR
KC110559	59.84 L	109+47.35	SARDIS RD CONNECTOR
KC110556	72.50 L	109+47.29	SARDIS RD CONNECTOR

PARCEL 78 REQ'D R/W KC3167

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110554	49.00 L	110+79.81	SARDIS RD CONNECTOR
	145.10	N 64°48'06.2" E	
KC110560	49.00 L	112+24.91	SARDIS RD CONNECTOR
	0.08	S 25°25'40.9" E	
SVX090128	48.92 L	112+24.91	SARDIS RD CONNECTOR
	145.08	S 64°12'55.6" W	
SVX090126	47.43 L	110+79.84	SARDIS RD CONNECTOR
	1.57	N 26°07'11.4" W	
KC110554	49.00 L	110+79.81	SARDIS RD CONNECTOR

REQD R/W = 119.80 SF
REQD R/W = 0.003 ACRES
REMAINDER = +/- 1.538 ACRES

PARCEL 78 REQ'D PERM. EASM'T. KC3168

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110555	60.62 L	110+79.65	SARDIS RD CONNECTOR
	145.08	N 64°27'43.5" E	
KC110561	61.48 L	112+24.73	SARDIS RD CONNECTOR
	12.48	S 26°01'28.6" E	
KC110560	49.00 L	112+24.91	SARDIS RD CONNECTOR
	145.10	S 64°48'06.2" W	
KC110554	49.00 L	110+79.81	SARDIS RD CONNECTOR
	11.62	N 25°59'13.7" W	
KC110555	60.62 L	110+79.65	SARDIS RD CONNECTOR

REQD EASWT = 1748.41 SF
REQD EASWT = 0.040 ACRES

PARCEL 78 REQ'D DRWY. EASM'T. KC3169

PNT	OFFSET	STATION	ALIGNMENT
KC110562	80.87 L	110+79.37	SARDIS RD CONNECTOR
KC110563	80.87 L	111+16.69	SARDIS RD CONNECTOR
KC110564	60.84 L	111+16.69	SARDIS RD CONNECTOR
KC110555	60.62 L	110+79.65	SARDIS RD CONNECTOR
KC110562	80.87 L	110+79.37	SARDIS RD CONNECTOR

GRNPLN

wsp

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 35 OF 59

DRAWING NO. 60-0035

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)

1141390-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way and that certain easement over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, City of Gainesville, Hall County, Georgia, being designated as tax map number 10097 000121 by the taxing authorities of Hall County, said Property being known as 3857 NW Ledan Road, and being the property shown as <u>PARCEL 75</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easement consist of the following:	)	**(PARCEL NO. 75)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 75, containing 0.333 acre, more or less;	)	
	)	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.043 acre, more or less, as shown on the Project Plans;	)	
	)	
BOWEN AND BOWEN HOMEBUILDERS, LLC;	)	
	)	
City of Gainesville, Georgia;	)	

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, both in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easement are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3857 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking

is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Ledan Road, consisting of 0.333 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of .043 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement for constructing and maintaining slopes and relocating utilities); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3** attached hereto) is **$192,100.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Lisa A Ritchie, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 75)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3857 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 75), consisting of 0.333 acre of required right of way and 0.043 acre of permanent easement for the construction and maintenance of slopes and utilities, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$192,100.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

(NOTARY SEAL)

My commission expires _____

1149498-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 357/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 89, Hall County tax parcel number 10097 000205, 3803 NW Windsor Trail, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 89, Hall County tax parcel number 10097 000205, 3803 NW Windsor Trail, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 182,100.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 89
Declaration of Taking - Parcel 89

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 357/2022

Funds Requested: $ 182,100.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$182,100.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 89)

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 89"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000205 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 89 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 0.271 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 0.061 acre, more or less. A metes and bounds description of said permanent 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 **Attachment 4** 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 89 (the "Parcel 89 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 89 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 $182,100.00, which amount is the fair market value of the Parcel 89 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 89**
	TAX ID #: 10097 000205
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3803 NW WINDSOR TRAIL**

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 88, 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 89**
	TAX ID #: 10097 000205
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3803 NW WINDSOR TRAIL**

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 89 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 89 (Sheet 38 of the Project Plans). Both Sheet 9 and Sheet 38 are dated October 18, 2019. Sheet 9 was last revised March 12, 2021. None of the March 12, 2021 revisions affected Parcel 89. There have been no revisions to Sheet 38.

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 North right of way of Windsor Trail, said right of way being 50 feet in width, said point also lying 25.00 feet left of station 11+00.00 of the Windsor Trail alignment per right of way the Project Plans;

Thence along the North right of way of Windsor Trail North 24°07'00" West, 65.27 feet to a point lying 35.19 feet right of station 120+34.70 of Saris Road Connector alignment;

Thence 39.75 feet along a curve to the right, said curve having a chord of North 21°25'52" East 35.69 feet and a radius of 25.00 feet to 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 10.68 feet right of station 120+60.65;

Thence along the South right of way of Ledan Road the following courses and distances North 67°56'46" East, 164.67 feet to a point lying 19.72 feet right of station 122+25.07;

Thence North 68°54'47" East, 79.69 feet to a point lying 25.43 feet right of station 123+04.55;

Thence leaving the existing South right of way of Ledan Road and along the property now or formerly of Windsor Forest Homeowners Association South 21°28'26" East, 27.63 feet to a point lying 53.00 feet right of station 123+02.76;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances South 64°48'06" West, 102.76 feet to a point lying 53.00 feet right of station 122+00.00;

Thence South 25°11'54" East, 12.00 feet to a point lying 65.00 feet right of station 122+00.00;

Thence South 64°48'06" West, 151.67 feet to a point lying 65.00 feet right of station 120+48.33;

Thence South 02°27'37" East, 38.44 feet to the POINT OF BEGINNING.

(Attachment 2 continued on next page)

Said tract contains 11,816.56 square feet or 0.271 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 89**
	TAX ID #: 10097 000205
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3803 NW WINDSOR TRAIL**

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 89 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 89 (Sheet 38 of the Project Plans). Both Sheet 9 and Sheet 38 are dated October 18, 2019. Sheet 9 was last revised March 12, 2021. None of the March 12, 2021 revisions affected Parcel 89. There have been no revisions to Sheet 38.

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 72.10 feet right of station 120+45.35 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances: North 02°25'47" West, 7.70 feet to a point lying 65.00 feet right of station 120+48.33;

Thence North 64°48'06" East, 151.67 feet to a point lying 65.00 feet right of station 122+00.00;

Thence North 25°11'54" West, 12.00 feet to a point lying 53.00 feet right of station 122+00.00;

Thence North 64°48'06" East, 102.76 feet to a point lying 53.00 feet right of station 123+02.76;

Thence along other property now or formerly Windsor Forest Homeowners Association South 21°57'05" East, 11.32 feet to a point lying 64.30 feet right of station 123+02.02;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders, LLC the following courses and distances: South 63°20'21" West, 99.12 feet to a point lying 66.83 feet right of station 122+02.93;

(Attachment 3 continued on next page)

Thence South 56°05'05" West, 72.91 feet to a point lying 77.88 feet right of station 121+30.86;

Thence South 68°40'07" West, 85.71 feet to the POINT OF BEGINNING.

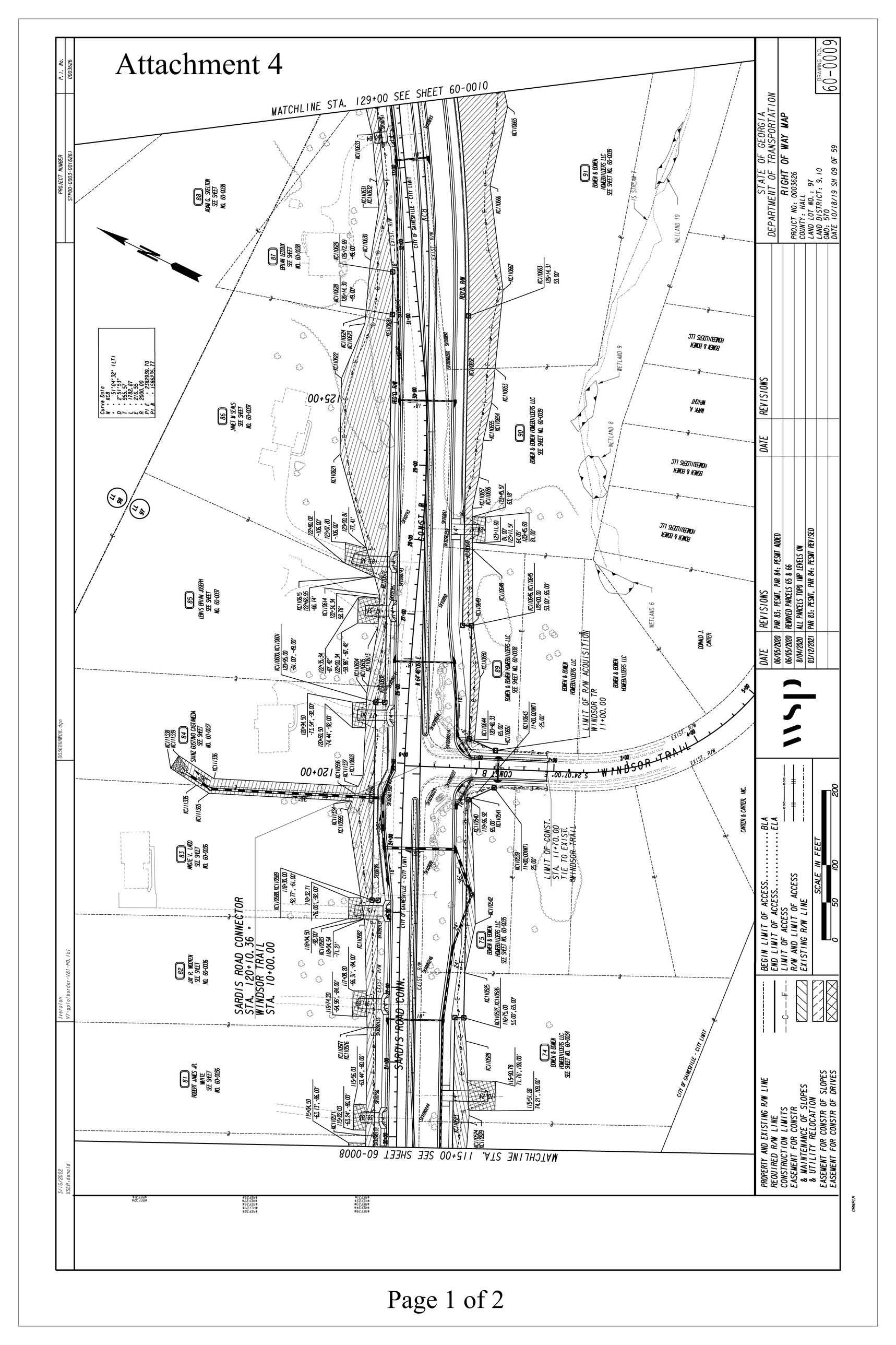
Said tract contains 2,658.15 square feet or 0.061 acre per the aforementioned Project Plans.

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 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 89 and Call Sheet for Parcel 89)

Attachment 4



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PARCEL 87 REQ'D R/W KC3192

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10620	49.00 L	126+04.45	SARDIS RD CONNECTOR
	9.85	N 64°48'06.2" E	
KCI10628	49.00 L	126+14.30	SARDIS RD CONNECTOR
	56.96	N 63°57'55.8" E	
KCI10629	49.00 L	126+72.69	SARDIS RD CONNECTOR
	68.51	S 58°10'15.1" W	
SVX090145	41.92 L	126+03.20	SARDIS RD CONNECTOR
	7.19	N 15°09'28.5" W	
KCI10620	49.00 L	126+04.45	SARDIS RD CONNECTOR

REQD R/W = 231.87 SF
REQD R/W = 0.005 ACRES
REMAINDER = +/- 0.891 ACRES

PARCEL 87 REQ'D PERM. EASM'T. KC3193

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10624	85.00 L	126+10.81	SARDIS RD CONNECTOR
	75.83	N 68°48'49.3" E	
KCI10630	78.34 L	126+89.41	SARDIS RD CONNECTOR
	71.84	N 72°41'34.2" E	
KCI10631	64.52 L	127+62.52	SARDIS RD CONNECTOR
	33.97	N 58°02'43.7" E	
KCI10632	65.71 L	127+97.61	SARDIS RD CONNECTOR
	63.56	N 58°34'55.3" E	
KCI10633	65.74 L	128+63.33	SARDIS RD CONNECTOR
	55.90	N 50°23'01.5" E	
KCI10634	72.03 L	129+20.86	SARDIS RD CONNECTOR
	27.32	S 79°03'38.1" E	
SVX090147	52.64 L	129+40.73	SARDIS RD CONNECTOR

ARC LENGTH = 72.802
CHORD BEAR = S 59°19'35.3" W
LNTH CHORD = 72.797
RADIUS = 1803.920
DEGREE = 3° 10' 34"

SVX0791	56.20 L	128+65.98	SARDIS RD CONNECTOR
	188.27	S 58°10'12.3" W	
KCI10629	49.00 L	126+72.69	SARDIS RD CONNECTOR
	56.96	S 63°57'55.8" W	
KCI10628	49.00 L	126+14.30	SARDIS RD CONNECTOR
	9.85	S 64°48'06.2" W	
KCI10620	49.00 L	126+04.45	SARDIS RD CONNECTOR
	36.56	N 15°10'45.8" W	
KCI10624	85.00 L	126+10.81	SARDIS RD CONNECTOR

REQD EASMT = 5832.02 SF
REQD EASMT = 0.134 ACRES

PARCEL 88 REQ'D R/W KC3194

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10635	49.00 L	129+75.79	SARDIS RD CONNECTOR
	14.17	N 54°14'16.2" E	
KCI10636	49.00 L	129+90.32	SARDIS RD CONNECTOR
	1.89	S 37°24'52.5" E	
SVX090186	47.11 L	129+90.37	SARDIS RD CONNECTOR
	14.35	S 61°47'57.0" W	
KCI10635	49.00 L	129+75.79	SARDIS RD CONNECTOR

REQD R/W = 13.39 SF
REQD R/W = 0.000 ACRES
REMAINDER = +/- 6.400 ACRES

PARCEL 88 REQ'D PERM. EASM'T. KC3195

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10634	72.03 L	129+20.86	SARDIS RD CONNECTOR
	64.69	N 50°23'17.2" E	
KCI10637	77.30 L	129+87.84	SARDIS RD CONNECTOR
	1.72	N 64°27'25.8" E	
KCI10638	76.99 L	129+89.60	SARDIS RD CONNECTOR
	28.00	S 37°23'13.6" E	
KCI10636	49.00 L	129+90.32	SARDIS RD CONNECTOR
	14.17	S 54°14'16.2" W	
KCI10635	49.00 L	129+75.79	SARDIS RD CONNECTOR

ARC LENGTH = 34.362
CHORD BEAR = S 61°01'46.1" W
LNTH CHORD = 34.361
RADIUS = 1803.920
DEGREE = 3° 10' 34"

SVX090147	52.64 L	129+40.73	SARDIS RD CONNECTOR
	27.32	N 79°03'38.1" W	
KCI10634	72.03 L	129+20.86	SARDIS RD CONNECTOR

REQD EASMT = 1411.08 SF
REQD EASMT = 0.032 ACRES

PARCEL 88 REQ'D DRWY. EASM'T. KC3196

PNT	OFFSET	STATION	ALIGNMENT
KCI10639	73.19 L	129+33.43	SARDIS RD CONNECTOR
KCI10640	90.00 L	129+33.35	SARDIS RD CONNECTOR
KCI10641	90.00 L	129+68.95	SARDIS RD CONNECTOR
KCI10642	76.02 L	129+68.76	SARDIS RD CONNECTOR
KCI10639	73.19 L	129+33.43	SARDIS RD CONNECTOR

PARCEL 89 REQ'D R/W KC3197

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10643	25.00 L	11+00.00	WINDSOR TR
	65.27	N 24°06'60.0" W	
SVX090214	35.19 R	120+34.70	SARDIS RD CONNECTOR

ARC LENGTH = 39.748
CHORD BEAR = N 21°25'51.9" E
LNTH CHORD = 35.692
RADIUS = 25.000
DEGREE = 229° 10' 58"

SVX090212	10.68 R	120+60.65	SARDIS RD CONNECTOR
	164.67	N 67°56'45.6" E	
SVX0890	19.72 R	122+25.07	SARDIS RD CONNECTOR
	79.69	N 68°54'47.4" E	
SVX090259	25.43 R	123+04.55	SARDIS RD CONNECTOR
	27.63	S 21°28'26.0" E	
KCI10647	53.00 R	123+02.76	SARDIS RD CONNECTOR
	102.76	S 64°48'06.2" W	
KCI10646	53.00 R	122+00.00	SARDIS RD CONNECTOR
	12.00	S 25°11'53.8" E	
KCI10645	65.00 R	122+00.00	SARDIS RD CONNECTOR
	151.67	S 64°48'06.2" W	
KCI10644	65.00 R	120+48.33	SARDIS RD CONNECTOR
	38.44	S 2°27'36.7" E	
KCI10643	25.00 L	11+00.00	WINDSOR TR

REQD R/W = 11816.56 SF
REQD R/W = 0.271 ACRES
REMAINDER = +/- 0.435 ACRES

PARCEL 89 REQ'D PERM. EASM'T. KC3198

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10651	72.10 R	120+45.35	SARDIS RD CONNECTOR
	7.70	N 2°25'46.5" W	
KCI10644	65.00 R	120+48.33	SARDIS RD CONNECTOR
	151.67	N 64°48'06.2" E	
KCI10645	65.00 R	122+00.00	SARDIS RD CONNECTOR
	12.00	N 25°11'53.8" W	
KCI10646	53.00 R	122+00.00	SARDIS RD CONNECTOR
	102.76	N 64°48'06.2" E	
KCI10647	53.00 R	123+02.76	SARDIS RD CONNECTOR
	11.32	S 21°27'05.4" E	
KCI10648	64.30 R	123+02.02	SARDIS RD CONNECTOR
	99.12	S 63°20'20.9" W	
KCI10649	66.83 R	122+02.93	SARDIS RD CONNECTOR
	72.91	S 56°05'05.4" W	
KCI10650	77.88 R	121+30.86	SARDIS RD CONNECTOR
	85.71	S 68°40'07.4" W	
KCI10651	72.10 R	120+45.35	SARDIS RD CONNECTOR

REQD EASMT = 2658.15 SF
REQD EASMT = 0.061 ACRES

PARCEL 63 REQ'D R/W KC3442

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI11222	94.05 R	98+83.15	SARDIS RD CONNECTOR
	33.26	N 26°49'37.2" E	
KCI11223	66.57 R	99+01.88	SARDIS RD CONNECTOR
	35.53	N 84°25'38.7" E	
KCI11220	67.73 R	99+37.39	SARDIS RD CONNECTOR
	52.29	S 26°48'53.8" W	
KCI11221	110.95 R	99+07.95	SARDIS RD CONNECTOR
	30.01	N 63°10'43.6" W	
KCI11222	94.05 R	98+83.15	SARDIS RD CONNECTOR

REQD R/W = 1283.47 SF
REQD R/W = 0.029 ACRES
REMAINDER = +/- 4.332 ACRES

PARCEL 63 REQ'D PERM. EASM'T. KC3443

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI11318	110.54 R	98+74.97	SARDIS RD CONNECTOR
	44.72	N 9°49'18.1" W	
SVXR1031	65.86 R	98+73.11	SARDIS RD CONNECTOR
	28.78	N 83°57'47.7" E	
KCI11223	66.57 R	99+01.88	SARDIS RD CONNECTOR
	33.26	S 26°49'37.2" W	
KCI11222	94.05 R	98+83.15	SARDIS RD CONNECTOR
	30.01	S 63°10'43.6" E	
KCI11221	110.95 R	99+07.95	SARDIS RD CONNECTOR
	52.29	N 26°48'53.8" E	
KCI11220	67.73 R	99+37.39	SARDIS RD CONNECTOR
	58.55	N 84°24'42.7" E	
KCI10431	69.62 R	99+95.91	SARDIS RD CONNECTOR
	105.26	S 56°14'58.0" W	
KCI10432	116.27 R	99+01.55	SARDIS RD CONNECTOR
	27.19	N 85°16'11.6" W	
KCI11318	110.54 R	98+74.97	SARDIS RD CONNECTOR

REQD EASMT = 2357.21 SF

wsp

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 38 OF 59

DRAWING NO.
60-0038

GRWPLN

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)

1141404-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way and that certain easement through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, City of Gainesville, Hall County, Georgia, being designated as tax map number 10097 000205 by the taxing authorities of Hall County, said Property being known as 3803 NW Windsor Trail, and being the property shown as <u>PARCEL 89</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easement consist of the following:	)	**(PARCEL NO. 89)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 89, containing 0.271 acre, more or less;	)	
	)	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.061 acre, more or less, as shown on the Project Plans;	)	
	)	
BOWEN AND BOWEN HOMEBUILDERS, LLC;	)	
	)	
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)	
	)	

Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, and (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, both in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easement are being acquired for public road purposes upon, across, and over property owned by Condemnee BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3803 NW Windsor Trail, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing and maintaining a right of way along Ledan Road, consisting of 0.271 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.061 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3,** attached hereto) is **$182,100.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2 and 3,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 89)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3803 NW Windsor Trial, Gainesville, Georgia 30506 (Parcel No. 89), consisting of 0.271 acre of required right of way and .061 acre of permanent easement for the construction and maintenance of slopes and utilities, all of which is required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$182,100.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149501-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 358/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 90, Hall County tax parcel number 10097 000002, 3845 NW Ledan Road, presently owned by Windsor Forest Homeowners Association, Inc., for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 90, Hall County tax parcel number 10097 000002, 3845 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 4,400.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 90
Declaration of Taking - Parcel 90

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 358/2022

Funds Requested: $ 4,400.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$4,400.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 90)

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 WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC. 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 WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC. (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 90"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000002 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 upcoming City Council meeting; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 90 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 0.132 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 temporary construction easement for the purpose of constructing driveways, consisting of 0.014 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 0.119 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 **Attachment 5** 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 90 (the "Parcel 90 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 90 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 $4,400.00, which amount is the fair market value of the Parcel 90 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 90**
	TAX ID #: 10097 000002
OWNER:	
WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.	**3845 NW LEDAN ROAD**

All those tracts or parcels 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 depicted as all of the Detention Pond and Open Space tracts on that certain Final Subdivision Plat for Windsor Forest, recorded in Plat Book 849, pages 240, Hall County, Georgia Records, and being identified as Tax Parcel No. 10097 000002, according to the current system of identifying parcels of real property as maintained in the official tax records by the Tax Assessor for Hall County, Georgia.

Attachment 2
(Legal Description of Right of Way)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 90**
	TAX ID #: 10097 000002
OWNER:	
WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.	**3845 NW 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 90 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 90 (Sheet 39 of the Project Plans. Sheet 9 of the Project Plans was last revised March 12, 2021. Sheet 39 of the Plans is dated October 18, 2019.

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 25.43 feet left of station 123+04.55 per the Project Plans;

Thence along the South right of way of Ledan Road the following courses and distances North 68°54'47" East, 27.94 feet to a point lying 27.43 feet right of station 123+32.42;

thence 209.63 feet along a curve to the left, said curve having a chord of North 64°12'37" East 209.39 feet and a radius of 1277.00 feet to a point lying 25.27 feet right of station 125+41.80;

Thence leaving the South right of way of Ledan Road and along the property now or formerly of Bowen & Bowen Homebuilders LLC South 27°56'30" East, 27.76 feet to a point lying 53.00 feet right of station 125+43.13;

Thence proceeding thru the property now or formerly of Windsor Forest Homeowner Association South 64°48'06" West, 240.37 feet to a point lying 53.00 feet right of station 123+02.76;

Thence along other property now or formerly of Bowen & Bowen Homebuilders LLC North 21°28'26" West, 27.63 feet to a point to the POINT OF BEGINNING.

Said tract contains 5,762.67 square feet or 0.132 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 90**
	TAX ID #: 10097 000002
OWNER:	
WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.	**3845 NW LEDAN ROAD**

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 90 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 90 (Sheet 39 of the Project Plans. Sheet 9 of the Project Plans was last revised March 12, 2021. Sheet 39 of the Plans is dated October 18, 2019.

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 64.05 feet right of station 123+11.57 per the Project Plans;

Thence proceeding thru the property now or formerly of Windsor Forest Homeowners Association the following courses and distances North 63°20'09" East, 34.01 feet to a point lying 63.18 feet right of station 123+45.57;

Thence South 25°17'15" East, 17.82 feet to a point lying 81.00 feet right of station 123+45.60;

Thence South 64°48'06" West, 34.00 feet to a point lying 81.00 feet right of station 123+44.60;

Thence North 25°17'15" West, 16.95 feet the POINT OF BEGINNING.

Said tract contains 591.07 square feet or 0.014 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 90**
	TAX ID #: 10097 000002
OWNER:	
WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.	**3845 NW 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 90 (Sheet 9 of the Project Plans), and a copy of the call sheet for Parcel 90 (Sheet 39 of the Project Plans. Sheet 9 of the Project Plans was last revised March 12, 2021. Sheet 39 of the Plans is dated October 18, 2019.

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 123+02.76 per the Project Plans;

Thence proceeding thru the property now or formerly of Windsor Forest Homeowner Association the following courses and distances North 64°48'06" East, 240.37 feet to a point lying 53.00 feet right of station 125+43.13;

Thence along the property now or formerly of Bowen & Bowen Homebuilders, LLC South 28°06'45" East, 36.98 feet to a point lying 89.93 feet right of station 125+45.01;

Thence proceeding thru the property now or formerly of Windsor Forest Homeowner Association the following courses and distances South 69°27'08" West, 46.62 feet to a point lying 86.15 feet right of station 124+98.54;

Thence South 76°25'27" West, 51.08 feet to a point lying 75.86 feet right of station 124+48.51;

Thence South 70°17'39" West, 50.15 feet to a point lying 71.06 feet right of station 123+98.59;

Thence South 75°54'56" West, 42.38 feet to a point lying 62.89 feet right of station 123+57.00;

Thence South 63°19'58" West, 55.00 feet to a point lying 64.30 feet right of station 123+02.02;

Thence along the property now or formerly of Bowen & Bowen Homebuilders, LLC North 21°27'05" West, 11.32 feet to the POINT OF BEGINNING.

Said tract contains 5,175.60 square feet or 0.119 acre per the aforementioned Project Plans.

(Attachment 4 continued on next page)

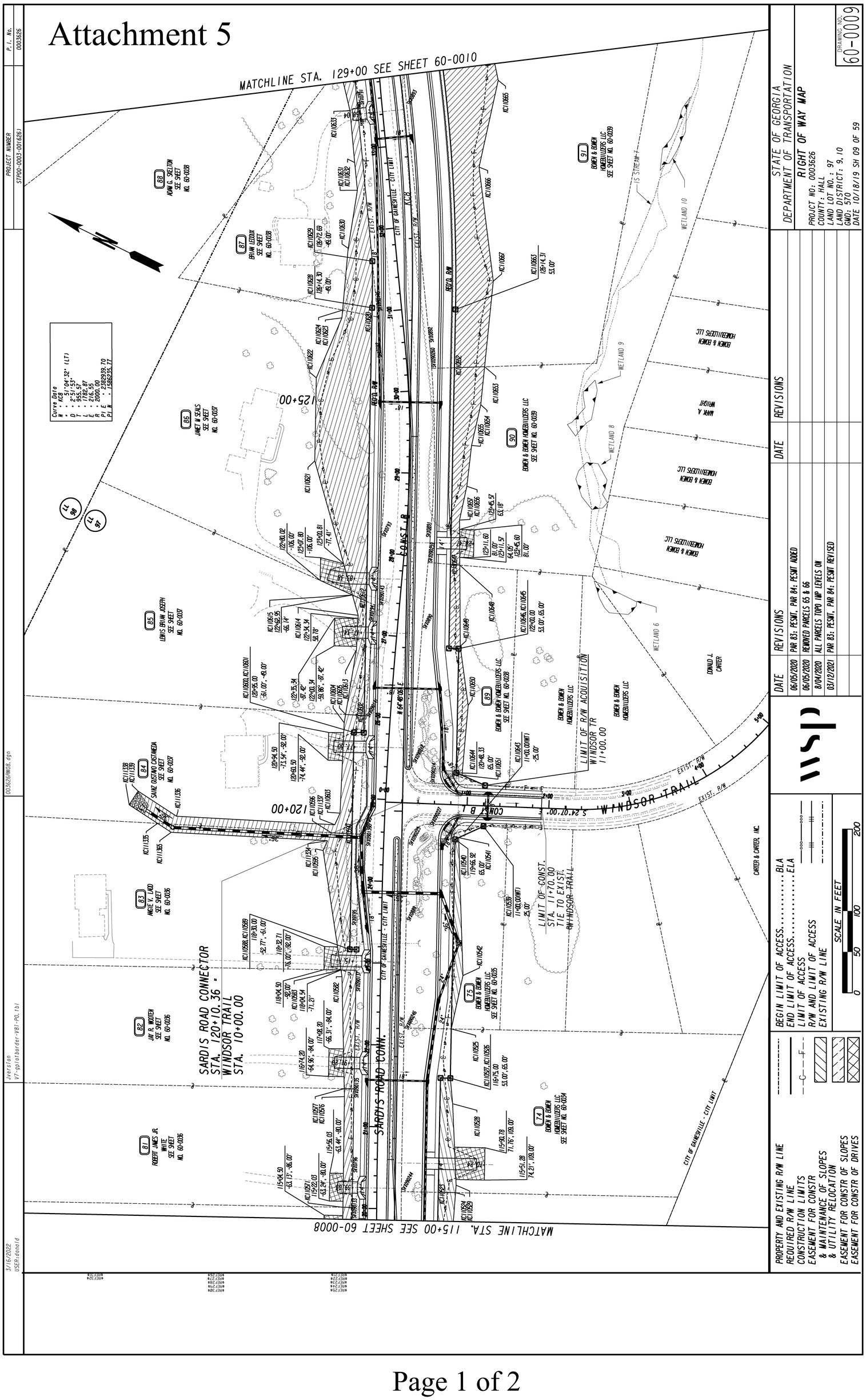
Said described land being a permanent easement for the construction and maintenance of slopes and utility relocation as laid out in the Project Plans referenced above.

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 90 and Call Sheet for Parcel 90)

Attachment 5



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PARCEL 90 REQ'D R/W KC3199

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090259	25.43 R 27.94	123+04.55 N 68°54'47.1" E	SARDIS RD CONNECTOR
SVX0891	27.43 R	123+32.42	SARDIS RD CONNECTOR

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	125+41.80 S 27°56'29.6" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 240.37	125+43.13 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10647	53.00 R 27.63	123+02.76 N 21°28'26.0" W	SARDIS RD CONNECTOR
SVX090259	25.43 R	123+04.55	SARDIS RD CONNECTOR

REQD R/W = 5762.67 SF
REQD R/W = 0.132 ACRES
REMAINDER = +/- 3.240 ACRES

PARCEL 90 REQ'D PERM. EASM'T. KC3200

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10647	53.00 R 240.37	123+02.76 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 36.98	125+43.13 S 28°06'45.1" E	SARDIS RD CONNECTOR
KCI10653	89.93 R 46.62	125+45.01 S 69°27'07.5" W	SARDIS RD CONNECTOR
KCI10654	86.15 R 51.08	124+98.54 S 76°25'26.6" W	SARDIS RD CONNECTOR
KCI10655	75.86 R 50.15	124+48.51 S 70°17'38.6" W	SARDIS RD CONNECTOR
KCI10656	71.06 R 42.38	123+98.59 S 75°54'55.7" W	SARDIS RD CONNECTOR
KCI10657	62.89 R 55.00	123+57.00 S 63°19'57.6" W	SARDIS RD CONNECTOR
KCI10648	64.30 R 11.32	123+02.02 N 21°27'05.4" W	SARDIS RD CONNECTOR
KCI10647	53.00 R	123+02.76	SARDIS RD CONNECTOR

REQD EASMT = 5175.60 SF
REQD EASMT = 0.119 ACRES

PARCEL 90 REQ'D DRWY. EASM'T. KC3201

PNT	OFFSET	STATION	ALIGNMENT
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR
KCI10659	63.18 R	123+45.57	SARDIS RD CONNECTOR
KCI10660	81.00 R	123+45.60	SARDIS RD CONNECTOR
KCI10661	81.00 R	123+11.60	SARDIS RD CONNECTOR
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR

PARCEL 91 REQ'D R/W KC3202

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

ARC LENGTH = 29.805
CHORD BEAR = N 58°50'20.4" E
LNTH CHORD = 29.805
RADIUS = 1277.003
DEGREE = 4° 29' 12''

SVX0892	22.18 R 295.73	125+71.44 N 58°10'13.1" E	SARDIS RD CONNECTOR
SVX0893	3.79 R	128+65.38	SARDIS RD CONNECTOR

ARC LENGTH = 121.828
CHORD BEAR = N 60°10'17.9" E
LNTH CHORD = 121.803
RADIUS = 1743.920
DEGREE = 3° 17' 7''

SVX090277	12.92 R 40.86	129+86.35 S 24°30'33.5" E	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = S 59°35'04.8" W
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10663	53.00 R 71.18	126+14.31 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10652	53.00 R 27.76	125+43.13 N 27°56'29.6" W	SARDIS RD CONNECTOR
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

REQD R/W = 19269.90 SF
REQD R/W = 0.442 ACRES
REMAINDER = +/- 2.198 ACRES

PARCEL 91 REQ'D PERM. EASM'T. KC3203

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10652	53.00 R 71.18	125+43.13 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10663	53.00 R	126+14.31	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = N 59°35'04.8" E
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 60.37	129+78.52 S 24°02'10.7" E	SARDIS RD CONNECTOR
KCI10664	112.17 R 91.94	129+67.03 S 52°03'40.4" W	SARDIS RD CONNECTOR
KCI10665	118.39 R 108.51	128+80.29 S 76°07'11.7" W	SARDIS RD CONNECTOR
KCI10666	85.70 R 140.47	127+81.83 S 56°35'24.6" W	SARDIS RD CONNECTOR
KCI10667	98.75 R 105.11	126+48.11 S 69°27'03.9" W	SARDIS RD CONNECTOR
KCI10653	89.93 R 36.98	125+45.01 N 28°06'45.1" W	SARDIS RD CONNECTOR
KCI10652	53.00 R	125+43.13	SARDIS RD CONNECTOR

REQD EASMT = 20574.53 SF
REQD EASMT = 0.472 ACRES

PARCEL 91 REQ'D DRWY. EASM'T. KC3204

PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10670	193.00 R	129+20.15	SARDIS RD CONNECTOR
KCI10671	115.14 R	129+18.67	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

PARCEL 92 REQ'D R/W KC3205

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

ARC LENGTH = 164.549
CHORD BEAR = N 64°52'33.6" E
LNTH CHORD = 164.488
RADIUS = 1743.765
DEGREE = 3° 17' 8''

SVX090278	49.93 R 4.76	131+44.19 N 89°41'02.3" E	SARDIS RD CONNECTOR
KCI10681	53.00 R	131+47.74	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = S 51°56'37.8" W
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 40.86	129+78.52 N 24°30'33.5" W	SARDIS RD CONNECTOR
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

REQD R/W = 4039.04 SF
REQD R/W = 0.093 ACRES
REMAINDER = +/- 2.756 ACRES

PARCEL 92 REQ'D PERM. EASM'T. KC3206

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = N 51°56'37.8" E
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10681	53.00 R 38.95	131+47.74 N 89°43'35.1" E	SARDIS RD CONNECTOR
KCI10673	78.36 R 50.06	131+76.37 S 59°12'07.0" W	SARDIS RD CONNECTOR
KCI10674	69.82 R 138.44	131+28.80 S 34°40'30.5" W	SARDIS RD CONNECTOR
KCI10675	110.78 R 37.20	130+02.24 S 52°03'04.1" W	SARDIS RD CONNECTOR
KCI10664	112.17 R 60.37	129+67.03 N 24°02'10.7" W	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

REQD EASMT = 7235.44 SF
REQD EASMT = 0.166 ACRES

PARCEL 92 REQ'D DRWY. EASM'T. KC3208

PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10668	111.27 R	129+87.80	SARDIS RD CONNECTOR
KCI10680	193.00 R	129+86.77	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 39 OF 59

DRAWING NO.
60-0039

GRWPLN

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)

1141417-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way and those certain easements over, across, and through certain property owned by WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC. (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000002 by the taxing authorities of Hall County, said Property being known as 3845 NW Ledan Road, and being the property shown as <u>PARCEL 90</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:	)	**(PARCEL NO. 90)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 90, containing 0.132 acre, more or less;	)	
	)	
That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.014 acre, more or less, as shown on the Project Plans;	)	
	)	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.119 acre, more or less, as shown on the Project Plans;	)	
	)	
WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC.;	)	

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC., which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3845 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC., whose registered office is located at 1201 Peachtree NW Street, Atlanta, Fulton County, Georgia, 30361, and whose registered agent, CT CORPORATION SYSTEM, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing and maintaining a right of way along Ledan Road, consisting of 0.132 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.014 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.119 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$4,400.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authorizing Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 90)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by WINDSOR FOREST HOMEOWNERS ASSOCIATION, INC., located at 3845 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 90), consisting of 0.132 acre of required right of way, 0.119 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.014 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$4,400.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY GA

My commission expires _____

1149507-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 359/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 91, Hall County tax parcel number 10097 000206, 3805 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 91, Hall County tax parcel number 10097 000206, 3805 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 19,600.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 91
Declaration of Taking - Parcel 91

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 359/2022

Funds Requested: $ 19,600.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$19,600.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

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 **Attachment 1** 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 **Attachment 5** 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:
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 91**
	TAX ID #: 10097 000206
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3805 NW LEDAN ROAD**

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 HOMEBUILDERS, LLC	**3805 NW 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 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 HOMEBUILDERS, LLC	**3805 NW LEDAN ROAD**

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 HOMEBUILDERS, LLC	**3805 NW 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 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.

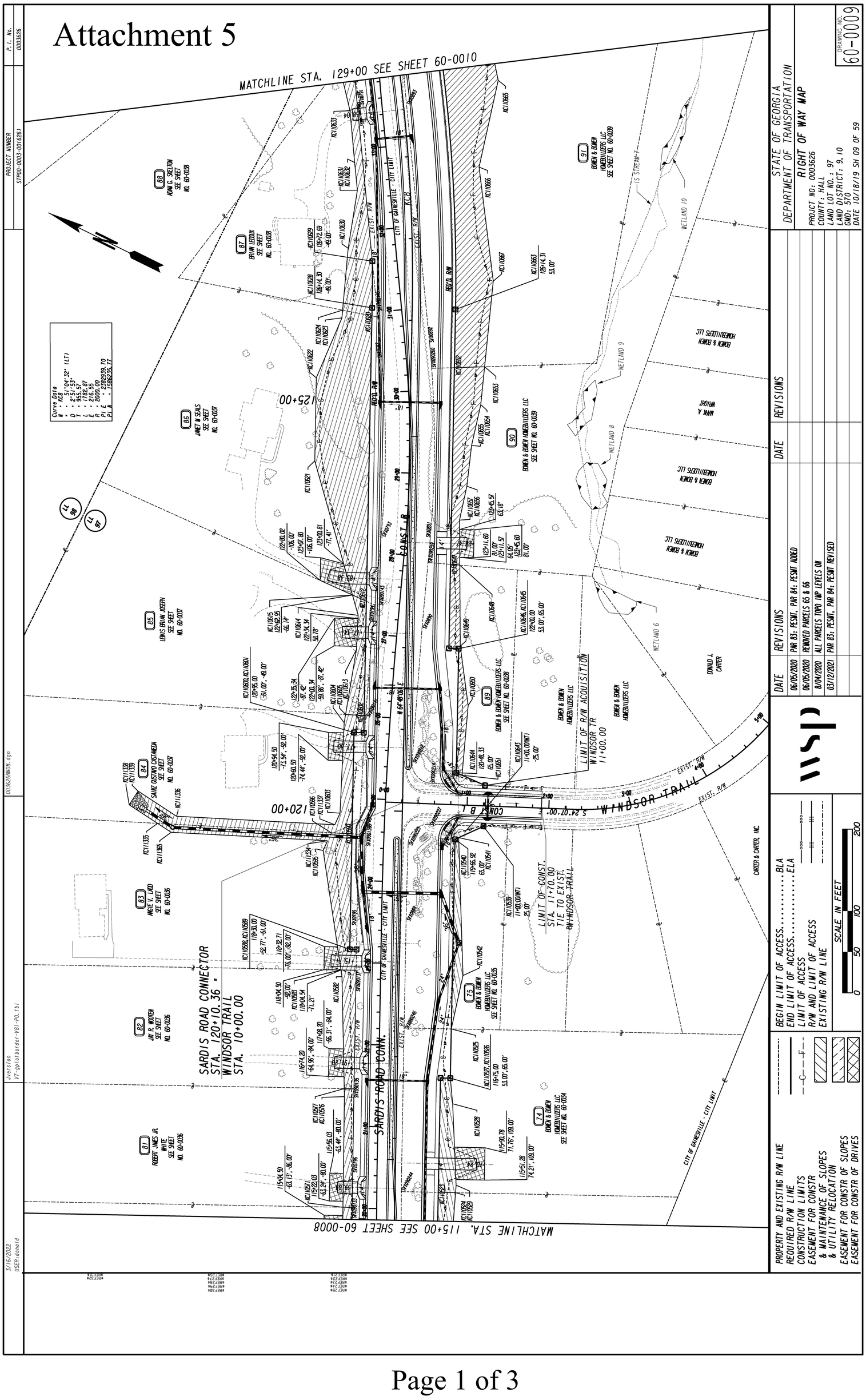
(Attachment 4 continued on next page)

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)

Attachment 5



Curve Data
N • KC8
• • 51°04'32" (LT)
D • 2°51'53"
T • 955.57
L • 1782.87
E • 216.55
R • 2000.00
P I E • 2382939.70
P I N • 1586235.77

MATCHLINE STA. 129+00 SEE SHEET 60-0009

MATCHLINE STA. 143+00 SEE SHEET 60-0011

88 ADAM G. SKELTON SEE SHEET NO. 60-0038

94 JOHN MICHAEL STABLER SEE SHEET NO. 60-0040

95 GABRIEL HARTIS SEE SHEET NO. 60-0040

96 MICHELLE G MATHIS SEE SHEET NO. 60-0040

97 ELIZABETH CLAUDINE MARTIN SEE SHEET NO. 60-0041

98 BILLY D. THOMAS SEE SHEET NO. 60-0042

99 TIFFANY M. GAINES TERRI J. THOME SEE SHEET NO. 60-0043

100 GLENN WALDRIP SEE SHEET NO. 60-0044

FORESTED ESA BOUNDARY

130+00

135+00

140+00

KC110634 129+33.43 -73.19'
129+68.76 -76.02'
129+68.95 -90.00'
129+33.35 -90.00'
KC110635 129+75.79 -49.00'
130+36.69 -68.16'
130+35.38 -84.00'
KC110637 KC110639
KC110714
KC110722 131+55.27 -80.24'
131+71.82 -142.00'
130+71.87 -84.00'
130+71.89 -62.70'
KC110715 KC110721
KC110720
KC110723
132+26.97 -142.00
132+13.72 97.32'
KC110724
132+39.41 -182.03'
132+72.12 -161.34'
132+53.14 -106.68'
KC110732
132+82.99 -103.52'
KC110733
KC110734 KC110747
KC110748 KC110749
KC110750
138+20.92 -80.00'
137+85.51 -80.00'
137+85.64 -64.09'
WELL
138+21.82 -69.78'
KC110764
140+21.00 -156.64'
140+58.23 -156.24'
140+21.42 -112.20'
KC110765 140+57.87 -122.24'
KC110788 KC110790 KC111392
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KC110806 135+65.95 184.04'
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KC110809 135+03.27 263.45'
KC110810 135+26.72 284.54'
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KC110730 134+54.71 143.09'
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E 2382887.49

N 1586151.80
E 2382561.23

CUL-DE-SAC CTR.
ELEV. 1204.77
STA. 10+91.20
N 1586257.44
E 2382915.85

TRACT 1
TRACT 2
TRACT 1A
KC8

CONST ℄
EXIST. R/W
REQ'D. R/W
EXIST. D.W.
CITY OF GAINESVILLE CITY LIMIT
CITY OF GAINESVILLE - CITY LIMIT

91 EDWIN & EDWIN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

92 EDWIN & EDWIN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

93 GLENN WALDRIP SEE SHEET NO. 60-0040

101 MARTHA A COLLINS SEE SHEET NO. 60-0044

102 BILLY D. THOMAS SEE SHEET NO. 60-0044

104 LISA R YOUNG SEE SHEET NO. 60-0045

100A GLENN WALDRIP SEE SHEET NO. 60-0045

99A TIFFANY M. GAINES SEE SHEET NO. 60-0043

BILLY D. THOMAS

99 TIFFANY M. GAINES TERRI J. THOME SEE SHEET NO. 60-0043

100 GLENN WALDRIP SEE SHEET NO. 60-0044

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
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
01/03/2020	PAR 97:DMESMT. PAR 100:PESMT.		
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
11/02/2020	PAR 98 REMOVED DRNY EASM'T. PAR 102 ADDED IMP.		
03/12/2021	ADDED DEMO ESMT PAR 102 AND 99A		
06/07/2021	PAR 99A REMOVED DEMO ESMT		
07/02/2021	PAR 98 ADDED WELL LOCATION		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 97, 98
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 10 OF 59

DRAWING NO. 60-0010

GRWPLN

#REF324
#REF325

#REF326
#REF327
#REF328
#REF329
#REF330

#REF254
#REF255
#REF256
#REF257
#REF258
#REF259

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PARCEL 90 REQ'D R/W KC3199

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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090259	25.43 R 27.94	123+04.55 N 68°54'47.1" E	SARDIS RD CONNECTOR
SVX0891	27.43 R	123+32.42	SARDIS RD CONNECTOR

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	125+41.80 S 27°56'29.6" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 240.37	125+43.13 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10647	53.00 R 27.63	123+02.76 N 21°28'26.0" W	SARDIS RD CONNECTOR
SVX090259	25.43 R	123+04.55	SARDIS RD CONNECTOR

REQD R/W = 5762.67 SF
REQD R/W = 0.132 ACRES
REMAINDER = +/- 3.240 ACRES

****

PARCEL 90 REQ'D PERM. EASM'T. KC3200

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10647	53.00 R 240.37	123+02.76 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 36.98	125+43.13 S 28°06'45.1" E	SARDIS RD CONNECTOR
KCI10653	89.93 R 46.62	125+45.01 S 69°27'07.5" W	SARDIS RD CONNECTOR
KCI10654	86.15 R 51.08	124+98.54 S 76°25'26.6" W	SARDIS RD CONNECTOR
KCI10655	75.86 R 50.15	124+48.51 S 70°17'38.6" W	SARDIS RD CONNECTOR
KCI10656	71.06 R 42.38	123+98.59 S 75°54'55.7" W	SARDIS RD CONNECTOR
KCI10657	62.89 R 55.00	123+57.00 S 63°19'57.6" W	SARDIS RD CONNECTOR
KCI10648	64.30 R 11.32	123+02.02 N 21°27'05.4" W	SARDIS RD CONNECTOR
KCI10647	53.00 R	123+02.76	SARDIS RD CONNECTOR

REQD EASMT = 5175.60 SF
REQD EASMT = 0.119 ACRES

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PARCEL 90 REQ'D DRWY. EASM'T. KC3201

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PNT	OFFSET	STATION	ALIGNMENT
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR
KCI10659	63.18 R	123+45.57	SARDIS RD CONNECTOR
KCI10660	81.00 R	123+45.60	SARDIS RD CONNECTOR
KCI10661	81.00 R	123+11.60	SARDIS RD CONNECTOR
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR

****

PARCEL 91 REQ'D R/W KC3202

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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

ARC LENGTH = 29.805
CHORD BEAR = N 58°50'20.4" E
LNTH CHORD = 29.805
RADIUS = 1277.003
DEGREE = 4° 29' 12''

SVX0892	22.18 R 295.73	125+71.44 N 58°10'13.1" E	SARDIS RD CONNECTOR
SVX0893	3.79 R	128+65.38	SARDIS RD CONNECTOR

ARC LENGTH = 121.828
CHORD BEAR = N 60°10'17.9" E
LNTH CHORD = 121.803
RADIUS = 1743.920
DEGREE = 3° 17' 7''

SVX090277	12.92 R 40.86	129+86.35 S 24°30'33.5" E	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = S 59°35'04.8" W
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10663	53.00 R 71.18	126+14.31 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10652	53.00 R 27.76	125+43.13 N 27°56'29.6" W	SARDIS RD CONNECTOR
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

REQD R/W = 19269.90 SF
REQD R/W = 0.442 ACRES
REMAINDER = +/- 2.198 ACRES

****

PARCEL 91 REQ'D PERM. EASM'T. KC3203

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10652	53.00 R 71.18	125+43.13 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10663	53.00 R	126+14.31	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = N 59°35'04.8" E
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 60.37	129+78.52 S 24°02'10.7" E	SARDIS RD CONNECTOR
KCI10664	112.17 R 91.94	129+67.03 S 52°03'40.4" W	SARDIS RD CONNECTOR
KCI10665	118.39 R 108.51	128+80.29 S 76°07'11.7" W	SARDIS RD CONNECTOR
KCI10666	85.70 R 140.47	127+81.83 S 56°35'24.6" W	SARDIS RD CONNECTOR
KCI10667	98.75 R 105.11	126+48.11 S 69°27'03.9" W	SARDIS RD CONNECTOR
KCI10653	89.93 R 36.98	125+45.01 N 28°06'45.1" W	SARDIS RD CONNECTOR
KCI10652	53.00 R	125+43.13	SARDIS RD CONNECTOR

REQD EASMT = 20574.53 SF
REQD EASMT = 0.472 ACRES

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PARCEL 91 REQ'D DRWY. EASM'T. KC3204

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PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10670	193.00 R	129+20.15	SARDIS RD CONNECTOR
KCI10671	115.14 R	129+18.67	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

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PARCEL 92 REQ'D R/W KC3205

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

ARC LENGTH = 164.549
CHORD BEAR = N 64°52'33.6" E
LNTH CHORD = 164.488
RADIUS = 1743.765
DEGREE = 3° 17' 8''

SVX090278	49.93 R 4.76	131+44.19 N 89°41'02.3" E	SARDIS RD CONNECTOR
KCI10681	53.00 R	131+47.74	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = S 51°56'37.8" W
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 40.86	129+78.52 N 24°30'33.5" W	SARDIS RD CONNECTOR
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

REQD R/W = 4039.04 SF
REQD R/W = 0.093 ACRES
REMAINDER = +/- 2.756 ACRES

****

PARCEL 92 REQ'D PERM. EASM'T. KC3206

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PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = N 51°56'37.8" E
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10681	53.00 R 38.95	131+47.74 N 89°43'35.1" E	SARDIS RD CONNECTOR
KCI10673	78.36 R 50.06	131+76.37 S 59°12'07.0" W	SARDIS RD CONNECTOR
KCI10674	69.82 R 138.44	131+28.80 S 34°40'30.5" W	SARDIS RD CONNECTOR
KCI10675	110.78 R 37.20	130+02.24 S 52°03'04.1" W	SARDIS RD CONNECTOR
KCI10664	112.17 R 60.37	129+67.03 N 24°02'10.7" W	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

REQD EASMT = 7235.44 SF
REQD EASMT = 0.166 ACRES

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PARCEL 92 REQ'D DRWY. EASM'T. KC3208

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PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10668	111.27 R	129+87.80	SARDIS RD CONNECTOR
KCI10680	193.00 R	129+86.77	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

GRWPLN

wsp

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 39 OF 59

DRAWING NO. 60-0039

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)

1141425-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA, **Petitioner-Condemnor,** **VS.** **That certain right of way and those certain easements over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000206 by the taxing authorities of Hall County, said Property being known as 3805 NW Ledan Road, and being the property shown as <u>PARCEL 91</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:** **That certain <u>Right of Way</u> shown on the Project Plans for Parcel 91, containing 0.442 acre, more or less;** **That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.078 acre, more or less, as shown on the Project Plans;** **That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.472 acre, more or less, as shown on the Project Plans;** **BOWEN AND BOWEN HOMEBUILDERS, LLC;**	**CIVIL ACTION** **FILE NO. _____** **(PARCEL NO. 91)** **DECLARATION OF TAKING**

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3805 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Ledan Road, consisting of 0.442 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.078 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.472 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$19,600.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

1143147-1

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 91)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3805 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 91), consisting of 0.442 acre of required right of way, 0.472 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.078 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$19,600.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149509-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 360/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 92, Hall County tax parcel number 10097 000207, 3791 NW Ledan Road, presently owned by Bowen and Bowen Homebuilders, LLC, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 92, Hall County tax parcel number 10097 000207, 3791 NW Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 4,700.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 92
Declaration of Taking - Parcel 92

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 360/2022

Funds Requested: $ 4,700.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$4,700.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 92)

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 92"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10097 000207 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 92 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 0.093 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 driveways, consisting of 0.055 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 0.166 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 **Attachment 5** 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 92 (the "Parcel 92 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 92 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 $4,700.00, which amount is the fair market value of the Parcel 92 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 92**
	TAX ID #: 10097 000207
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3791 NW LEDAN ROAD**

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 90, 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 92**
	TAX ID #: 10097 000207
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3791 NW 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 92 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 92 (Sheet 39 of the Project Plans). Both Sheet 10 and Sheet 39 are dated October 18, 2019. Sheet 10 was last revised July 2, 2021. None of the July 2, 2021 revisions affected Parcel 92. 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 12.92 feet right of station 129+86.35 per the Project Plans;

Thence leaving the existing South right of way of Ledan Road and along the property now or formerly of Glen Waldrip North 89°41'02" East, 4.76 feet to a point lying 53.00 feet right of station 131+47.74;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC 173.70 feet along a curve to the right, said curve having a chord of South 51°56'38" West 173.65 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 North 24°30'34" West, 40.86 feet to the POINT OF BEGINNING.

Said tract contains 4,039.04 square feet or 0.093 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 Driveways)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 92**
	TAX ID #: 10097 000207
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3791 NW LEDAN ROAD**

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 92 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 92 (Sheet 39 of the Project Plans). Both Sheet 10 and Sheet 39 are dated October 18, 2019. Sheet 10 was last revised July 2, 2021. None of the July 2, 2021 revisions affected Parcel 92. 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 North 52°03'31" East, 21.95 feet to a point lying 111.27 feet right of station 129+87.80;

Thence South 35°06'20" East, 81.74 feet to a point lying 193.00 feet right of station 129+86.77;

Thence South 54°37'14" West, 37.46 feet to a point lying 193.00 feet right of station 129+52.61;

Thence North 24°13'41" West, 82.31 feet to the POINT OF BEGINNING.

Said tract contains 2,408.43 square feet or 0.055 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 92**
	TAX ID #: 10097 000207
OWNER:	
BOWEN AND BOWEN HOMEBUILDERS, LLC	**3791 NW 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 92 (Sheet 10 of the Project Plans), and a copy of the call sheet for Parcel 92 (Sheet 39 of the Project Plans). Both Sheet 10 and Sheet 39 are dated October 18, 2019. Sheet 10 was last revised July 2, 2021. None of the July 2, 2021 revisions affected Parcel 92. 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 129+78.52 per the Project Plans;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC 173.70 feet along a curve to the left, said curve having a chord of North 51°56'38" East 173.65 feet and a radius of 2053.00 feet to a point lying 53.00 feet right of station 131+47.74;

Thence along the property now or formerly of Glenn Waldrip North 89°43'35" East, 38.95 feet to a point lying 78.36 feet right of station 131+76.37;

Thence proceeding thru the property now or formerly of Bowen & Bowen Homebuilders LLC the following courses and distances South 59°12'07" West, 50.06 feet to a point lying 69.82 feet right of station 131+28.80;

Thence South 34°40'31" West, 138.44 feet to a point lying 110.78 feet right of station 130+02.24;

Thence South 52°03'04" West, 37.20 feet to a point lying 112.17 feet right of station 129+67.03;

Thence along other property of now or formerly of Bowen & Bowen Homebuilders LLC North 24°02'11" West, 60.37 feet to the POINT OF BEGINNING.

Said tract contains 7,235.44 square feet or 0.166 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 92 and Call Sheet for Parcel 92)

Attachment 5

Page 1 of 2

3/16/2022 USER:donald	Jversion V7-gplotborder-V81-P0.tbl	0036626RW09.dgn	PROJECT NUMBER	P. I. No.
			STP00-0003-00(626)	0003626

Curve Data
N • KC8
• • 51°04'32" (LT)
D • 2°51'53"
T • 955.57
L • 1782.87
E • 216.55
R • 2000.00
P.I. E • 2382939.70
P.I. N • 1586235.77

MATCHLINE STA. 129+00 SEE SHEET 60-0009

MATCHLINE STA. 143+00 SEE SHEET 60-0011

130+00

135+00

140+00

88 ADAM G. SKELTON SEE SHEET NO. 60-0038

94 JOHN MICHAEL STABLER SEE SHEET NO. 60-0040

95 GABRIEL HARTIS SEE SHEET NO. 60-0040

96 MICHELLE G MATHIS SEE SHEET NO. 60-0040

97 ELIZABETH CLAUDINE MARTIN SEE SHEET NO. 60-0041

98 BILLY D. THOMAS SEE SHEET NO. 60-0042

99 TIFFANY M. GAINES TERRI J. THOME SEE SHEET NO. 60-0043

100 GLENN WALDRIP SEE SHEET NO. 60-0044

FORESTED ESA BOUNDARY

CITY OF GAINESVILLE - CITY LIMIT

EXIST. R/W

TRACT 1

TRACT 2

KC8

CONST ℄

RED'D. R/W

N 1586528.96
E 2382887.49

N 1586151.80
E 2382561.23

CUL-DE-SAC CTR.
ELEV. 1204.77
STA. 10+91.20
N 1586257.44
E 2382915.85

91 EDWIN & EDWIN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

92 EDWIN & EDWIN HOMEBUILDERS LLC SEE SHEET NO. 60-0039

93 GLENN WALDRIP SEE SHEET NO. 60-0040

101 MARTHA A COLLINS SEE SHEET NO. 60-0044

102 BILLY D. THOMAS SEE SHEET NO. 60-0044

104 LISA R YOUNG SEE SHEET NO. 60-0045

100A GLENN WALDRIP SEE SHEET NO. 60-0045

99A TIFFANY M. GAINES SEE SHEET NO. 60-0043

BILLY D. THOMAS

TIFFANY M. GAINES TERRI J. THOME SEE SHEET NO. 60-0043

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
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
01/03/2020	PAR 97:DWESWT. PAR 100:PESWT.		
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
11/02/2020	PAR 98 REMOVED DRWY EASW'T. PAR 102 ADDED IMP.		
03/12/2021	ADDED DEMO ESWT PAR 102 AND 99A		
06/07/2021	PAR 99A REMOVED DEMO ESWT		
07/02/2021	PAR 98 ADDED WELL LOCATION		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 97, 98
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 10 OF 59

DRAWING NO. 60-0010

GRWPLN

#REF324
#REF325

#REF326
#REF327
#REF328
#REF329
#REF330

#REF254
#REF255
#REF256
#REF257
#REF258

****

PARCEL 90 REQ'D R/W KC3199

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090259	25.43 R 27.94	123+04.55 N 68°54'47.1" E	SARDIS RD CONNECTOR
SVX0891	27.43 R	123+32.42	SARDIS RD CONNECTOR

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	125+41.80 S 27°56'29.6" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 240.37	125+43.13 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10647	53.00 R 27.63	123+02.76 N 21°28'26.0" W	SARDIS RD CONNECTOR
SVX090259	25.43 R	123+04.55	SARDIS RD CONNECTOR

REQD R/W = 5762.67 SF
REQD R/W = 0.132 ACRES
REMAINDER = +/- 3.240 ACRES

****

PARCEL 90 REQ'D PERM. EASM'T. KC3200

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10647	53.00 R 240.37	123+02.76 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10652	53.00 R 36.98	125+43.13 S 28°06'45.1" E	SARDIS RD CONNECTOR
KCI10653	89.93 R 46.62	125+45.01 S 69°27'07.5" W	SARDIS RD CONNECTOR
KCI10654	86.15 R 51.08	124+98.54 S 76°25'26.6" W	SARDIS RD CONNECTOR
KCI10655	75.86 R 50.15	124+48.51 S 70°17'38.6" W	SARDIS RD CONNECTOR
KCI10656	71.06 R 42.38	123+98.59 S 75°54'55.7" W	SARDIS RD CONNECTOR
KCI10657	62.89 R 55.00	123+57.00 S 63°19'57.6" W	SARDIS RD CONNECTOR
KCI10648	64.30 R 11.32	123+02.02 N 21°27'05.4" W	SARDIS RD CONNECTOR
KCI10647	53.00 R	123+02.76	SARDIS RD CONNECTOR

REQD EASMT = 5175.60 SF
REQD EASMT = 0.119 ACRES

****

PARCEL 90 REQ'D DRWY. EASM'T. KC3201

****

PNT	OFFSET	STATION	ALIGNMENT
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR
KCI10659	63.18 R	123+45.57	SARDIS RD CONNECTOR
KCI10660	81.00 R	123+45.60	SARDIS RD CONNECTOR
KCI10661	81.00 R	123+11.60	SARDIS RD CONNECTOR
KCI10658	64.05 R	123+11.57	SARDIS RD CONNECTOR

****

PARCEL 91 REQ'D R/W KC3202

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

ARC LENGTH = 29.805
CHORD BEAR = N 58°50'20.4" E
LNTH CHORD = 29.805
RADIUS = 1277.003
DEGREE = 4° 29' 12''

SVX0892	22.18 R 295.73	125+71.44 N 58°10'13.1" E	SARDIS RD CONNECTOR
SVX0893	3.79 R	128+65.38	SARDIS RD CONNECTOR

ARC LENGTH = 121.828
CHORD BEAR = N 60°10'17.9" E
LNTH CHORD = 121.803
RADIUS = 1743.920
DEGREE = 3° 17' 7''

SVX090277	12.92 R 40.86	129+86.35 S 24°30'33.5" E	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = S 59°35'04.8" W
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10663	53.00 R 71.18	126+14.31 S 64°48'06.2" W	SARDIS RD CONNECTOR
KCI10652	53.00 R 27.76	125+43.13 N 27°56'29.6" W	SARDIS RD CONNECTOR
SVX090260	25.27 R	125+41.80	SARDIS RD CONNECTOR

REQD R/W = 19269.90 SF
REQD R/W = 0.442 ACRES
REMAINDER = +/- 2.198 ACRES

****

PARCEL 91 REQ'D PERM. EASM'T. KC3203

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10652	53.00 R 71.18	125+43.13 N 64°48'06.2" E	SARDIS RD CONNECTOR
KCI10663	53.00 R	126+14.31	SARDIS RD CONNECTOR

ARC LENGTH = 373.862
CHORD BEAR = N 59°35'04.8" E
LNTH CHORD = 373.345
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 60.37	129+78.52 S 24°02'10.7" E	SARDIS RD CONNECTOR
KCI10664	112.17 R 91.94	129+67.03 S 52°03'40.4" W	SARDIS RD CONNECTOR
KCI10665	118.39 R 108.51	128+80.29 S 76°07'11.7" W	SARDIS RD CONNECTOR
KCI10666	85.70 R 140.47	127+81.83 S 56°35'24.6" W	SARDIS RD CONNECTOR
KCI10667	98.75 R 105.11	126+48.11 S 69°27'03.9" W	SARDIS RD CONNECTOR
KCI10653	89.93 R 36.98	125+45.01 N 28°06'45.1" W	SARDIS RD CONNECTOR
KCI10652	53.00 R	125+43.13	SARDIS RD CONNECTOR

REQD EASMT = 20574.53 SF
REQD EASMT = 0.472 ACRES

****

PARCEL 91 REQ'D DRWY. EASM'T. KC3204

****

PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10670	193.00 R	129+20.15	SARDIS RD CONNECTOR
KCI10671	115.14 R	129+18.67	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

****

PARCEL 92 REQ'D R/W KC3205

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

ARC LENGTH = 164.549
CHORD BEAR = N 64°52'33.6" E
LNTH CHORD = 164.488
RADIUS = 1743.765
DEGREE = 3° 17' 8''

SVX090278	49.93 R 4.76	131+44.19 N 89°41'02.3" E	SARDIS RD CONNECTOR
KCI10681	53.00 R	131+47.74	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = S 51°56'37.8" W
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10662	53.00 R 40.86	129+78.52 N 24°30'33.5" W	SARDIS RD CONNECTOR
SVX090277	12.92 R	129+86.35	SARDIS RD CONNECTOR

REQD R/W = 4039.04 SF
REQD R/W = 0.093 ACRES
REMAINDER = +/- 2.756 ACRES

****

PARCEL 92 REQ'D PERM. EASM'T. KC3206

****

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

ARC LENGTH = 173.704
CHORD BEAR = N 51°56'37.8" E
LNTH CHORD = 173.653
RADIUS = 2053.001
DEGREE = 2° 47' 26''

KCI10681	53.00 R 38.95	131+47.74 N 89°43'35.1" E	SARDIS RD CONNECTOR
KCI10673	78.36 R 50.06	131+76.37 S 59°12'07.0" W	SARDIS RD CONNECTOR
KCI10674	69.82 R 138.44	131+28.80 S 34°40'30.5" W	SARDIS RD CONNECTOR
KCI10675	110.78 R 37.20	130+02.24 S 52°03'04.1" W	SARDIS RD CONNECTOR
KCI10664	112.17 R 60.37	129+67.03 N 24°02'10.7" W	SARDIS RD CONNECTOR
KCI10662	53.00 R	129+78.52	SARDIS RD CONNECTOR

REQD EASMT = 7235.44 SF
REQD EASMT = 0.166 ACRES

****

PARCEL 92 REQ'D DRWY. EASM'T. KC3208

****

PNT	OFFSET	STATION	ALIGNMENT
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR
KCI10668	111.27 R	129+87.80	SARDIS RD CONNECTOR
KCI10680	193.00 R	129+86.77	SARDIS RD CONNECTOR
KCI10669	193.00 R	129+52.61	SARDIS RD CONNECTOR
KCI10664	112.17 R	129+67.03	SARDIS RD CONNECTOR

wsp

DATE	REVISIONS	DATE	REVISIONS

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 39 OF 59

DRAWING NO. 60-0039

GRWPLN

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)

1141431-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA, **Petitioner-Condemnor,** **VS.** **That certain right of way and those certain easements over, across, and through certain property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC (the "Property"), said Property being located in Land Lot 97 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10097 000207 by the taxing authorities of Hall County, said Property being known as 3791 NW Ledan Road, and being the property shown as <u>PARCEL 92</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:** **That certain <u>Right of Way</u> shown on the Project Plans for Parcel 92, containing 0.093 acre, more or less;** **That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.055 acre, more or less, as shown on the Project Plans;** **That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.166 acre, more or less, as shown on the Project Plans;** **BOWEN AND BOWEN HOMEBUILDERS, LLC;**	**CIVIL ACTION** **FILE NO. _____** **(PARCEL NO. 92)** **DECLARATION OF TAKING**

Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia;	)
	)
City of Gainesville, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, and (iii) a temporary easement for the purpose of constructing a driveway, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3791 NW Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, whose registered office is located at 5548 Wood Falls Drive, Buford, Hall County, Georgia, 30518, and whose registered agent for service, KEITH BOECKMAN, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Ledan Road, consisting of 0.093 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

(B) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.055 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.166 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$4,700.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 92)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BOWEN AND BOWEN HOMEBUILDERS, LLC, located at 3791 NW Ledan Road, Gainesville, Georgia 30506 (Parcel No. 92), consisting of 0.093 acre of required right of way, 0.166 acre of permanent easement for the construction and maintenance of slopes and utilities, and 0.055 acre of temporary driveway easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$4,700.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 28th day of June, 2022.

Amy C Stewart
NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149517-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 361/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 104, Hall County tax parcel number 10098 000076, 3744 Ledan Road, presently owned by Brian F. Young and Lisa R. Young, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 104, Hall County tax parcel number 10098 000076, 3744 Ledan Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 359,300.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 104
Declaration of Taking - Parcel 104

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 361/2022

Funds Requested: $ 359,300.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$359,300.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

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 **Attachment 1** and by reference made a part hereof (said property being hereinafter sometimes referred to as "Parcel 104"); and

WHEREAS, the property described on **Attachment 1** 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 **Attachment 5** 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:
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 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	**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 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	**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 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.

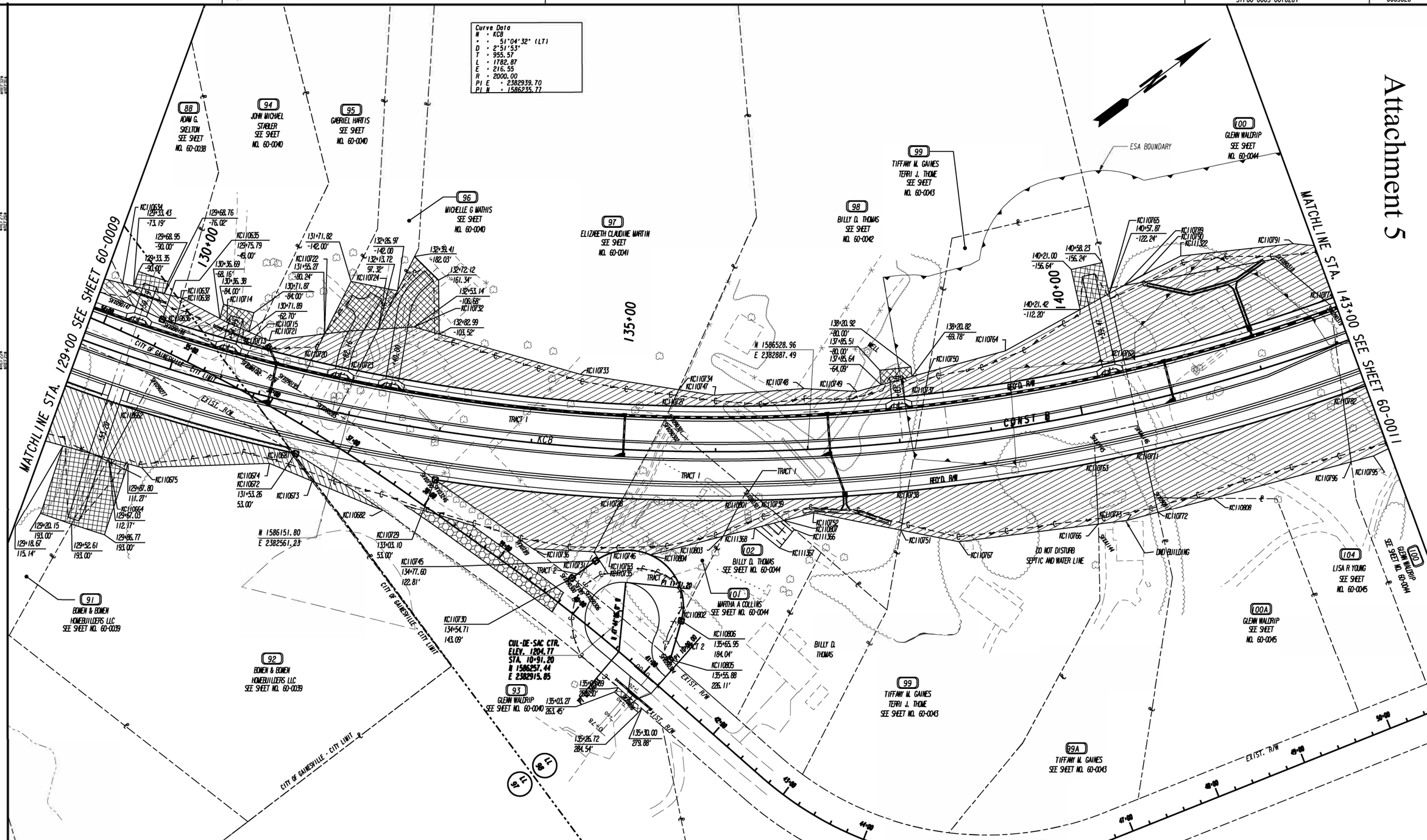
The property owner(s) may place various items at its discretion (e.g., fences, signs, and landscaping, etc.) on the permanent easement so long as the functionality of the easement and/or utility is not compromised and such items are not in violation of federal or state laws, or county or city ordinances. 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)

Attachment 5

5/21/2022 USER:donald	Jversion V7-gplotborder-V8I-PO.tbl	003626RW09.dgn	PROJECT NUMBER STP00-0003-00(626)	P.I. No. 0003626



PROPERTY AND EXISTING R/W LINE	
REQUIRED R/W LINE	
CONSTRUCTION LIMITS	—C— —F—
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS.....BLA
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
01/03/2020	PAR 97:DWESMT. PAR 100:PESMT.	05/19/2022	PAR 99 & 99A ADDED DND NOTES
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
11/02/2020	PAR 98 REMOVED DRWY EASM'T, PAR 102 ADDED IMP.		
03/12/2021	ADDED DEMO ESMT PAR 102 AND 99A		
06/07/2021	PAR 99A REMOVED DEMO ESMT		
07/02/2021	PAR 98 ADDED WELL LOCATION		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 97, 98
LAND DISTRICT: 9, 10
GMD: 570
DATE 10/18/19 SH 10 OF 59

DRAWING NO. 60-0010

PARCEL 102 REQ'D R/W KC3253 TRACT 1

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090303	41.18 R	136+33.77	SARDIS RD CONNECTOR
	17.64	N 77°29'19.5" E	
KC110739	53.00 R	136+46.56	SARDIS RD CONNECTOR

ARC LENGTH = 19.452
CHORD BEAR = S 35°30'04.5" W
LNTH CHORD = 19.452
RADIUS = 2053.000
DEGREE = 2° 47' 26''

KC110801	53.00 R	136+27.61	SARDIS RD CONNECTOR
	13.40	N 26°14'17.8" W	
SVX090303	41.18 R	136+33.77	SARDIS RD CONNECTOR

REQD R/W = 115.05 SF
REQD R/W = 0.003 ACRES
REMAINDER = +/- 0.463 ACRES

PARCEL 102 REQ'D R/W KC3255 TRACT 2

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110802	177.98 R	135+67.13	SARDIS RD CONNECTOR

ARC LENGTH = 6.198
CHORD BEAR = S 40°29'22.3" E
LNTH CHORD = 6.195
RADIUS = 59.854
DEGREE = 95° 43' 32''

KC110806	184.04 R	135+65.95	SARDIS RD CONNECTOR
	43.51	S 37°31'58.6" E	
KC110805	226.11 R	135+55.88	SARDIS RD CONNECTOR
	10.36	S 77°55'40.9" W	
SVX090304	219.45 R	135+48.74	SARDIS RD CONNECTOR
	46.14	N 26°14'38.2" W	
KC110802	177.98 R	135+67.13	SARDIS RD CONNECTOR

REQD R/W = 238.94 SF
REQD R/W = 0.005 ACRES
REMAINDER = +/- 0.463 ACRES

PARCEL 102 REQ'D PERM. EASM'T. KC3256

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110801	53.00 R	136+27.61	SARDIS RD CONNECTOR

ARC LENGTH = 19.452
CHORD BEAR = N 35°30'04.5" E
LNTH CHORD = 19.452
RADIUS = 2053.000
DEGREE = 2° 47' 26''

KC110739	53.00 R	136+46.56	SARDIS RD CONNECTOR
	34.77	N 77°30'20.1" E	
KC110807	76.55 R	136+71.34	SARDIS RD CONNECTOR
	68.13	S 22°06'01.9" W	
KC110803	92.26 R	136+07.73	SARDIS RD CONNECTOR
	44.34	N 26°15'13.8" W	
KC110801	53.00 R	136+27.61	SARDIS RD CONNECTOR

REQD EASMT = 1355.19 SF
REQD EASMT = 0.031 ACRES

PARCEL 102 REQ'D TEMP. EASM'T. KC3091

PNT	OFFSET	STATION	ALIGNMENT
KC111368	83.91 R	136+40.56	SARDIS RD CONNECTOR
KC110807	76.55 R	136+71.34	SARDIS RD CONNECTOR
KC111366	86.67 R	136+81.75	SARDIS RD CONNECTOR
KC111367	106.07 R	136+65.81	SARDIS RD CONNECTOR
KC111368	83.91 R	136+40.56	SARDIS RD CONNECTOR

REQD EASMT AREA = 642.17 SF

PARCEL 100A REQ'D PERM. EASM'T. KC3257

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090913	104.21 R	140+55.79	SARDIS RD CONNECTOR
	63.70	N 37°03'29.6" E	
KC110808	120.04 R	141+14.22	SARDIS RD CONNECTOR
	62.11	S 21°44'55.7" W	
KC110772	121.04 R	140+55.65	SARDIS RD CONNECTOR
	16.83	N 65°59'08.9" W	
SVX090913	104.21 R	140+55.79	SARDIS RD CONNECTOR

REQD EASMT = 522.28 SF
REQD EASMT = 0.012 ACRES

PARCEL 104 REQ'D R/W KC3258

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110762	49.00 L	140+57.14	SARDIS RD CONNECTOR

ARC LENGTH = 227.077
CHORD BEAR = N 20°07'59.6" E
LNTH CHORD = 226.949
RADIUS = 1950.998
DEGREE = 2° 56' 12''

KC110774	49.00 L	142+89.92	SARDIS RD CONNECTOR
	8.32	N 76°35'21.8" E	
SVX090319	41.81 L	142+94.19	SARDIS RD CONNECTOR
	96.97	S 60°55'06.9" E	
KC110782	53.00 R	142+73.90	SARDIS RD CONNECTOR

ARC LENGTH = 223.449
CHORD BEAR = S 20°22'33.2" W
LNTH CHORD = 223.338
RADIUS = 2053.000
DEGREE = 2° 47' 26''

KC110771	53.00 R	140+56.22	SARDIS RD CONNECTOR
	29.11	N 66°00'02.1" W	
SVXA1146	23.89 R	140+56.47	SARDIS RD CONNECTOR
	72.89	N 66°00'09.1" W	
KC110762	49.00 L	140+57.14	SARDIS RD CONNECTOR

REQD R/W = 23248.91 SF
REQD R/W = 0.534 ACRES
REMAINDER = +/- 1.160 ACRES

PARCEL 104 REQ'D PERM. EASM'T. KC3259

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110765	122.24 L	140+57.87	SARDIS RD CONNECTOR
	5.89	N 66°02'03.6" W	
SVX090313	128.13 L	140+57.93	SARDIS RD CONNECTOR
	17.43	N 26°36'06.5" E	
KC110789	127.09 L	140+76.51	SARDIS RD CONNECTOR
	166.72	N 26°36'50.2" E	
SVX090318	108.99 L	142+52.70	SARDIS RD CONNECTOR
	69.83	N 76°32'30.7" E	
KC110774	49.00 L	142+89.92	SARDIS RD CONNECTOR

ARC LENGTH = 227.077
CHORD BEAR = S 20°07'59.6" W
LNTH CHORD = 226.949
RADIUS = 1950.998
DEGREE = 2° 56' 12''

KC110762	49.00 L	140+57.14	SARDIS RD CONNECTOR
	73.24	N 65°59'46.6" W	
KC110765	122.24 L	140+57.87	SARDIS RD CONNECTOR

REQD EASMT = 14379.79 SF
REQD EASMT = 0.330 ACRES

PARCEL 104 REQ'D PERM. EASM'T. KC3260

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC110771	53.00 R	140+56.22	SARDIS RD CONNECTOR

ARC LENGTH = 223.449
CHORD BEAR = N 20°22'33.2" E
LNTH CHORD = 223.338
RADIUS = 2053.000
DEGREE = 2° 47' 26''

KC110782	53.00 R	142+73.90	SARDIS RD CONNECTOR
	73.97	S 60°55'15.3" E	
KC110796	125.46 R	142+59.64	SARDIS RD CONNECTOR
	154.41	S 21°45'34.7" W	
KC110808	120.04 R	141+14.22	SARDIS RD CONNECTOR
	63.70	S 37°03'29.6" W	
SVX090913	104.21 R	140+55.79	SARDIS RD CONNECTOR
	51.21	N 66°00'02.7" W	
KC110771	53.00 R	140+56.22	SARDIS RD CONNECTOR

REQD EASMT = 14550.06 SF
REQD EASMT = 0.334 ACRES

wsp

DATE	REVISIONS	DATE	REVISIONS
03/12/2021	ADDED DEMO ESMT PAR 102		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 45 OF 59

DRAWING NO.
60-0045

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)

1136835-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way and those certain easements over, across, and through certain property owned by BRIAN F. YOUNG AND LISA R. YOUNG (the "Property"), said Property being located in Land Lot 98 of the 10th Land District, Bark Camp G.M.D. 569, Hall County, Georgia, being designated as tax map number 10098 000076 by the taxing authorities of Hall County, and known as 3744 Ledan Road, and being the property shown as <u>PARCEL 104</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:	)	**(PARCEL NO. 104)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Plans for Parcel 104, containing 0.534 acre, more or less;	)	
	)	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.330 acre, more or less, as shown on the Project Plans;	)	
	)	
That certain <u>Permanent Easement for Construction and Maintenance and Utility Relocation</u>, consisting of 0.334 acre, more or less, as shown on the Project Plans;	)	
	)	
BRIAN F. YOUNG;	)	
	)	
LISA R. YOUNG;	)	

Fidelity Bank;	)
	)
Glenn Waldrip (as to joint driveway easement);	)
	)
Virginia Waldrip (as to joint driveway easement);	)
	)
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	)
	)
To any and all persons having or claiming any right or interest in and to said Property,	)
	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, and (ii) the permanent easements for the purpose of constructing and maintaining slopes and relocating utilities herein described, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by BRIAN F. YOUNG AND LISA R. YOUNG, which

property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3744 Ledan Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by BRIAN F. YOUNG AND LISA R. YOUNG, who reside at 3744 Ledan Road, Gainesville, Hall County, Georgia 30506; and

WHEREAS, the Acquired Interests are described as follows:

(A) 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, consisting of 0.534 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 2: Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way);

(B) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.330 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 3: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

(C) A permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, consisting of 0.334 acre, more or less (see **Exhibit A: Declaration of Taking, Schedule 1: Resolution, Attachment 4: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement** and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, and 4,** attached hereto) is **$359,300.00,** and contemporaneously with the filing

of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3 and 4,** attached hereto and made a part of this Declaration) are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 104)

GEORGIA, HALL COUNTY

Personally comes, Kenneth H. Cantrell, MAI, at 2675 Paces Ferry Road, Suite 145, Atlanta, GA. 30339 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by BRIAN F. YOUNG AND LISA R. YOUNG, located at 3744 Ledan Road, Gainesville, Georgia 30506 (Parcel No. 104), consisting of 0.534 acre of required right of way and two (2) permanent easements for the construction and maintenance of slopes and utilities, one consisting of 0.330 acre and one consisting of 0.334 acre, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$359,300.00.**

Kenneth H. Cantrell, MAI
GA CERT. R.E. Appraiser No. 5047

Sworn to and subscribed before me,
this 28 day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

My commission expires 5/25/25

KIRSTEN AHRENS NOTARY PUBLIC MY COMMISSION EXPIRES 05/25/25 PAULDING COUNTY, GEORGIA

1149524-1

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 362/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 144, Hall County tax parcel number 10104 000012, 3618 Mount Vernon Road, presently owned by Corinth Baptist Church, Inc., for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 144, Hall County tax parcel number 10104 000012, 3618 Mount Vernon Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 206,600.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 144
Declaration of Taking - Parcel 144

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 362/2022

Funds Requested: $ 206,600.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$206,600.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

RESOLUTION
(Parcel No. 144)

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 CORINTH BAPTIST CHURCH, INC. 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 CORINTH BAPTIST CHURCH, INC. (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 144"); and

WHEREAS, the property described on **Attachment 1** is designated as tax map number 10104 000012 by the taxing authorities of Hall County; and

WHEREAS, Board of Commissioners has further determined that the portions of Parcel 144 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 Mount Vernon Road, said right of way consisting of 0.251 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 0.040 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;

(3) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.279 acre, more or less. A metes and bounds description of said temporary construction easement is attached hereto as **Attachment 4**, and by reference made a part hereof; and

(4) A temporary demolition easement for the purpose of demolishing certain improvements located within the boundaries of said temporary demolition easement, as described in the Project Plans, consisting of 0.652 acre, more or less. A metes and bounds description of said temporary demolition easement is attached hereto as **Attachment 5**, 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 6** 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 144 (the "Parcel 144 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 144 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 $206,600.00, which

amount is the fair market value of the Parcel 144 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 144**
	TAX MAP #: 10104 000012
OWNER:	
CORINTH BAPTIST CHURCH, INC.	**3618 MOUNT VERNON ROAD**

Tract A:

All that tract or parcel of land lying and being in Land Lot 104, 10th District, Hall County, Georgia and more particularly described as follows:

Beginning at a ½" Rebar Set on the northeasterly Right-of-Way of Thompson Bridge Road (SR #60) that is located North 09 degrees 16 minutes 36 seconds West a distance of 119.86 feet from the centerline intersection of Thompson Bridge Road (SR #60) and Mount Vernon Road (SR # 283);

THENCE North 34 degrees 54 minutes 13 seconds West for a distance of 100.36 feet along said Right-of-Way to a ½" Rebar Found;

THENCE North 03 degrees 23 minutes 05 seconds West for a distance of 296.98 feet to a ¾" Open Top Pipe Found;

THENCE South 89 degrees 25 minutes 52 seconds East for a distance of 182.27 feet to a ½" Rebar Found;

THENCE South 89 degrees 32 minutes 10 seconds East for a distance of 116.99 feet to a 1-1/2" Open Top Pipe Found;

THENCE South 03 degrees 25 minutes 50 seconds East for a distance of 67.69 feet to a 60d Nail Found on the Northwesterly Right-of-Way of Mount Vernon Road (SR #283);

THENCE South 30 degrees 55 minutes 27 seconds West for a distance of 362.52 feet along said Right-of-Way to a Right-of-Way Monument Found;

THENCE North 86 degrees 32 minutes 42 seconds West for a distance of 42.11 feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property (Tract A) contains 1.8240 Acres (79452 Sq. Ft.) and is shown on a plat for CORINTH BAPTIST CHURCH prepared by Calvin A. Kytle, dated March 24, 2000, and recorded in Plat Slide 785, Page 102A of the Hall County records.

(Attachment 1 continued on next page)

Tract B:

All that tract or parcel of land lying and being located in Land Lot 104, 10th District, Hall County, Georgia and more particularly described as follows:

Beginning at a ½" Rebar Set at a Right-of-Way Monument Found on the Northeasterly Right-of-Way of Thompson Bridge Road (SR #60) that is located North 86 degrees 40 minutes 25 seconds East a distance of 70.50 feet from the centerline intersection of Thompson Bridge Road (SR #60) and Mount Vernon Road (SR #283);

THENCE North 08 degrees 48 minutes 38 seconds West for a distance of 28.55 feet along said Right-of-Way to a ½" Rebar Set on the Southeasterly Right-of-Way of Mount Vernon Road;

THENCE North 30 degrees 55 minutes 27 seconds East for a distance of 449.42 feet along said Right-of-Way to a ½" Rebar Found;

THENCE South 61 degrees 23 minutes 18 seconds East for a distance of 125.53 feet to a ½" Rebar Found;

THENCE North 43 degrees 57 minutes 04 seconds East for a distance of 146.72 feet to a ½" Rebar Set;

THENCE South 80 degrees 16 minutes 45 seconds East for a distance of 238.54 feet to a 1" Open Top Pipe Found;

THENCE South 12 degrees 13 minutes 38 seconds East for a distance of 129.06 feet to a ½" Rebar Found;

THENCE North 64 degrees 05 minutes 33 seconds East for a distance of 131.56 feet to a 1" Open Top Pipe Found;

THENCE South 02 degrees 18 minutes 15 seconds West for a distance of 507.46 feet to a ¾" Open Top Pipe Found;

THENCE North 89 degrees 19 minutes 26 seconds West for a distance of 657.37 feet to a ¾" Open Top Pipe Found;

THENCE North 89 degrees 19 minutes 26 seconds West for a distance of 37.70 feet to a ½" Rebar Set on the Northeasterly Right-of-Way of Thompson Bridge Road (SR #60);

THENCE North 34 degrees 59 minutes 55 seconds West for a distance of 181.29 feet along said Right-of-Way to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property (Tract B) contains 9.1253 Acres (397497 Sq. Ft.) and is shown on a plat for CORINTH BAPTIST CHURCH prepared by Calvin A. Kytle, dated March 24, 2000, and recorded in Plat Slide 785 , Page 102A of the Hall County records.

Attachment 2
(Legal Description of Right of Way)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 144**
	TAX MAP #: 10104 000012
OWNER:	
CORINTH BAPTIST CHURCH, INC.	**3618 MOUNT VERNON 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 6 to the Resolution, to which this Attachment 2 is attached, is a copy of the section of the Project Plans depicting Parcel 144 (Sheet 14 of the Project Plans), and a copy of the call sheet for Parcel 144 (Sheet 56 of the Project Plans). Both Sheet 14 and Sheet 56 are dated October 18, 2019. Sheet 14 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 144. Sheet 56 was last revised September 8, 2021.

All that tract or parcel of land lying and being in Land Lot 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point on the existing southeastern right of way of Mount Vernon Road, said right of way being 80 feet in width, said point also lying 43.10 feet right of station 192+60.95 per the Project Plans;

Thence proceeding along said right of way North 08°26'57" West a distance of 27.95 feet to a point 25.24 feet right of station 192+82.45;

Thence North 30°49'08" East a distance of 446.80 feet to a point 21.75 feet right of station 197+29.24;

Thence leaving said right of way and proceeding along the property now or formerly of Janice Lingerfelt South 61°37'45" East a distance of 22.54 feet to a point 44.26 feet right of station 197+30.37;

Thence proceeding thru the property now or formerly of Corinth Baptist Church, Inc. South 31°26'28" West a distance of 412.63 feet to a point 43.00 feet right of station 193+17.74;

Thence South 1°31'57" West a distance of 81.37 feet to a point 83.36 feet right of station 192+47.08;

Thence South 34°38'14" East a distance of 144.66 feet to a point 215.41 feet right of station 191+88.02;

(Attachment 2 continued on next page)

Thence proceeding along the property now or formerly of Judy D. Gaines North 89°19'26" West a distance of 4.62 feet to a point on the existing right of way of State Route 60, aka Thompson Bridge Road, said right of way being variable in width, said point also lying 211.43 feet right of station 191+85.67;

Thence proceeding along said right of way North 34°38'14" West a distance of 184.40 feet to the POINT OF BEGINNING.

Said tract contains 10,941.51 square feet or 0.251 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	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 144**
	TAX MAP #: 10104 000012
OWNER:	
CORINTH BAPTIST CHURCH, INC.	**3618 MOUNT VERNON 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 6 to the Resolution, to which this Attachment 3 is attached, is a copy of the section of the Project Plans depicting Parcel 144 (Sheet 14 of the Project Plans), and a copy of the call sheet for Parcel 144 (Sheet 56 of the Project Plans). Both Sheet 14 and Sheet 56 are dated October 18, 2019. Sheet 14 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 144. Sheet 56 was last revised September 8, 2021.

All that tract or parcel of land lying and being in Land Lot 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point lying 58.06 feet right of station 192+91.29 per the Project Plans;

Thence proceeding thru the property now or formerly of Corinth Baptist Church, Inc. North 01°36'39" East a distance of 30.44 feet to a point 43.00 feet right of station 193+17.74;

Thence North 31°26'30" East a distance of 229.89 feet to a point 43.70 feet right of station 195+47.64;

Thence South 28°03'39" West a distance of 256.73 feet to the POINT OF BEGINNING.

Said tract contains 1,740.45 square feet or 0.040 acre per the Project Plans.

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 Temporary Easement for the Construction of a Driveway)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 144**
	TAX MAP #: 10104 000012
OWNER:	
CORINTH BAPTIST CHURCH, INC.	**3618 MOUNT VERNON ROAD**

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 6 to the Resolution, to which this Attachment 4 is attached, is a copy of the section of the Project Plans depicting Parcel 144 (Sheet 56 of the Project Plans). Both Sheet 14 and Sheet 56 are dated October 18, 2019. Sheet 14 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 144. Sheet 56 was last revised September 8, 2021.

All that tract or parcel of land lying and being in Land Lot 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point lying 44.26 feet right of station 197+30.37 per the Project Plans;

Thence South 58°44'00" East a distance of 48.65 feet to a point 121.30 feet right of station 197+34.27;

Thence North 31°16'00" East a distance of 26.15 feet to a point 121.30 feet right of station 196+15.08;

Thence North 76°15'43" East a distance of 40.89 feet to a point 92.39 feet right of station 195+86.16;

Thence North 31°16'25" East a distance of 119.19 feet to a point 92.39 feet right of station 195+60.01;

Thence North 61°37'38" West a distance of 77.16 feet to a point 43.74 feet right of station 195+60.01;

Thence South 31°26'30" West a distance of 170.36 feet to the POINT OF BEGINNING.

(Attachment 4 continued on next page)

Said tract contains 12,146.25 square feet or 0.279 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(s).

Attachment 5

(Legal Description of Temporary Demolition Easement)

STATE OF GEORGIA	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**P.I. #: 0003626, PARCEL 144**
	TAX MAP #: 10104 000012
OWNER:	
CORINTH BAPTIST CHURCH, INC.	**3618 MOUNT VERNON ROAD**

Granted is temporary demolition easement 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 6 to the Resolution, to which this Attachment 5 is attached, is a copy of the section of the Project Plans depicting Parcel 144 (Sheet 56 of the Project Plans). Both Sheet 14 and Sheet 56 are dated October 18, 2019. Sheet 14 was last revised May 19, 2022. None of the May 19, 2022 revisions affected Parcel 144. Sheet 56 was last revised September 8, 2021.

All that tract or parcel of land lying and being in Land Lot 104 of the 10th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point lying 189.73 feet right of station 191+99.51 per the Project Plans;

Thence North 34°38' 20" West a distance of 116.52 feet to a point 83.36 feet right of station 192+47.08;

Thence North 01°29' 01" East a distance of 50.94 feet to a point 58.06 feet right of station 192+91.29;

Thence North 28°03' 39" East a distance of 144.55 feet to a point 49.99 feet right of station 194+35.67;

Thence South 34°08' 21" East a distance of 223.98 feet to a point 253.64 feet right of station 193+42.39;

Thence South 55°21' 56" West a distance of 156.52 feet to the POINT OF BEGINNING.

Said tract contains 28,413.68 square feet or 0.652 acre per the Project Plans;

(Attachment 5 continued on next page)

Said described land being a temporary demolition easement for the purpose of demolishing certain improvements located within the boundaries of temporary demolition easement, as described in the Project Plans. The demolition is necessary for the acquisition, construction, and maintenance of the Sardis Road Connector Project, as described in the above-referenced Project Plans.

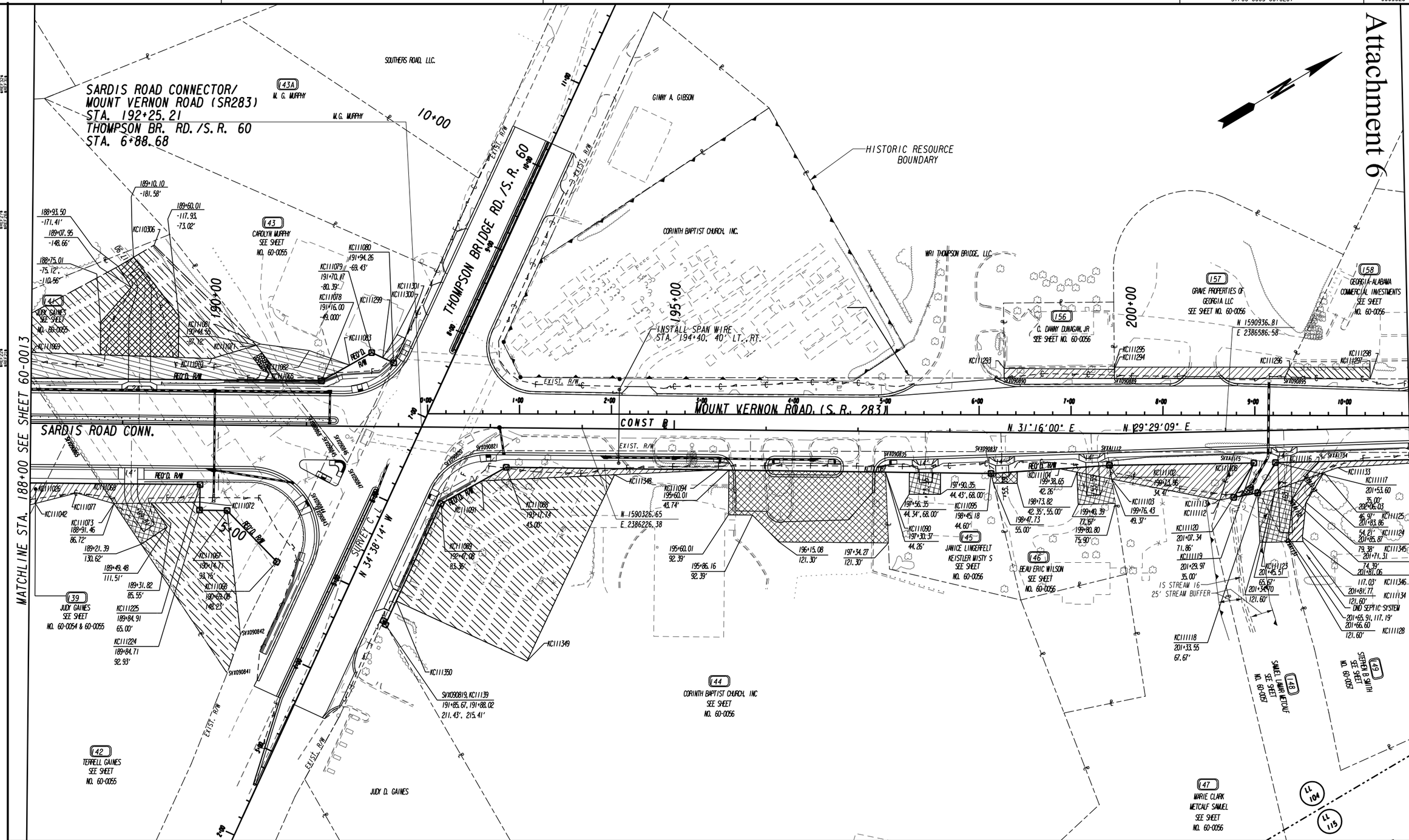
Said temporary easement is depicted in the Project Plans referenced above. Said temporary easement shall be for a duration beginning on the date construction of the Project begins and shall terminate on the date which is five (5) years after the date on which construction of the Project began.

Attachment 6

(Section of Project Plans Depicting Parcel 144 and Call Sheet for Parcel 144)

5/21/2022 USER:donald	Jversion V7-gplotborder-V8I-PO.tbl	003626RW13.dgn	PROJECT NUMBER STP00-0003-00(626)	P.I. No. 0003626

Attachment 6



PROPERTY AND EXISTING R/W LINE	
REQUIRED R/W LINE	
CONSTRUCTION LIMITS	—C— —F—
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES & UTILITY RELOCATION	
EASEMENT FOR CONSTR OF SLOPES	
EASEMENT FOR CONSTR OF DRIVES	

BEGIN LIMIT OF ACCESS	BLA
END LIMIT OF ACCESS	ELA
LIMIT OF ACCESS	
R/W AND LIMIT OF ACCESS	
EXISTING R/W LINE	

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
8/04/2020	ALL PARCELS TOPO IMP LEVELS ON	05/19/2022	ADDED RET WALL PAR 143 REM DWY ESMT
11/02/2020	PAR 141, 143, 144, 146, 147, 149, 156 REVISED EASM'TS	05/19/2022	ADDED DND SEPTIC SYS NOTE
06/07/2021	PAR 141 ADDED DEMO EASEMENTS		
07/02/2021	PAR 144 REVISED REQD & DEMO TESMT		
09/08/2021	CHANGED PAR 158 TO TEMP CONST EASEMENT		
03/16/2022	ADDED PACEL 143A		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 104
LAND DISTRICT: 10
GMD: 570
DATE 10/18/19 SH 14 OF 59

DRAWING NO. 60-0014

PARCEL 144 REQ'D R/W KC3350

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090820	43.10 R	192+60.95	SARDIS ROAD CONNECTOR
	27.95	N 8°26'57.4" W	
SVX090821	25.24 R	192+82.45	SARDIS ROAD CONNECTOR
	446.80	N 30°49'08.4" E	
SVX090835	21.75 R	197+29.24	SARDIS ROAD CONNECTOR
	22.54	S 61°37'45.1" E	
KC111087	44.26 R	197+30.37	SARDIS ROAD CONNECTOR
	412.63	S 31°26'28.4" W	
KC111088	43.00 R	193+17.74	SARDIS ROAD CONNECTOR
	81.37	S 1°31'57.1" W	
KC111089	83.36 R	192+47.08	SARDIS ROAD CONNECTOR
	144.66	S 34°38'14.0" E	
KC111397	215.41 R	191+88.02	SARDIS ROAD CONNECTOR
	4.62	N 89°19'26.0" W	
SVX090819	211.43 R	191+85.67	SARDIS ROAD CONNECTOR
	184.40	N 34°38'13.9" W	
SVX090820	43.10 R	192+60.95	SARDIS ROAD CONNECTOR

REQD R/W = 10941.51 SF
REQD R/W = 0.251 ACRES
REMAINDER = +/- 8.894 ACRES

PARCEL 144 REQ'D PERM. EASM'T. KC3351

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111091	58.06 R	192+91.29	SARDIS RD CONNECTOR
	30.44	N 1°36'39.5" E	
KC111088	43.00 R	193+17.74	SARDIS RD CONNECTOR
	229.89	N 31°26'29.8" E	
KC111094	43.70 R	195+47.64	SARDIS RD CONNECTOR
	256.75	S 28°03'38.6" W	
KC111091	58.06 R	192+91.29	SARDIS RD CONNECTOR

REQD EASMT = 1740.45 SF
REQD EASMT = 0.040 ACRES

PARCEL 144 REQ'D DRWY. EASM'T. KC3352

PNT	OFFSET	STATION	ALIGNMENT
KC111090	44.26 R	197+30.37	SARDIS RD CONNECTOR
KC111092	121.30 R	197+34.27	SARDIS RD CONNECTOR
KC111093	121.30 R	196+15.08	SARDIS RD CONNECTOR
KC111341	92.39 R	195+86.16	SARDIS RD CONNECTOR
KC111342	92.39 R	195+60.01	SARDIS RD CONNECTOR
KC111343	43.74 R	195+60.01	SARDIS RD CONNECTOR
KC111090	44.26 R	197+30.37	SARDIS RD CONNECTOR

PARCEL 145 REQ'D R/W KC3353

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090835	21.75 R	197+29.24	SARDIS RD CONNECTOR
	110.14	N 30°49'08.4" E	
SVX090837	20.89 R	198+39.37	SARDIS RD CONNECTOR
	24.41	S 72°30'02.4" E	
KC111095	44.60 R	198+45.18	SARDIS RD CONNECTOR
	114.81	S 31°26'18.4" W	
KC111087	44.26 R	197+30.37	SARDIS RD CONNECTOR
	22.54	N 61°37'45.1" W	
SVX090835	21.75 R	197+29.24	SARDIS RD CONNECTOR

REQD R/W = 2600.15 SF
REQD R/W = 0.060 ACRES
REMAINDER = +/- 0.352 ACRES

PARCEL 144 REQ'D TEMP. DEMO EASM'T. KC3236

PNT	OFFSET	STATION	ALIGNMENT
KC111350	189.73 R	191+99.51	SARDIS RD CONNECTOR
KC111089	83.36 R	192+47.08	SARDIS RD CONNECTOR
KC111091	58.06 R	192+91.29	SARDIS RD CONNECTOR
KC111348	49.99 R	194+35.67	SARDIS RD CONNECTOR
KC111349	253.64 R	193+42.39	SARDIS RD CONNECTOR
KC111350	189.73 R	191+99.51	SARDIS RD CONNECTOR

REQD EASMT AREA = 28413.68 SF

PARCEL 145 REQ'D DRWY. EASM'T. KC3355

PNT	OFFSET	STATION	ALIGNMENT
KC111098	44.43 R	197+90.35	SARDIS RD CONNECTOR
KC111099	68.00 R	197+90.35	SARDIS RD CONNECTOR
KC111100	68.00 R	197+56.35	SARDIS RD CONNECTOR
KC111101	44.34 R	197+56.35	SARDIS RD CONNECTOR
KC111098	44.43 R	197+90.35	SARDIS RD CONNECTOR

PARCEL 146 REQ'D R/W KC3356

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090837	20.89 R	198+39.37	SARDIS RD CONNECTOR
	132.19	N 30°49'08.4" E	
SVXAI112	19.85 R	199+71.56	SARDIS RD CONNECTOR
	14.81	S 68°05'07.8" E	
KC111102	34.47 R	199+73.96	SARDIS RD CONNECTOR
	129.18	S 26°46'03.3" W	
KC111095	44.60 R	198+45.18	SARDIS RD CONNECTOR
	24.41	N 72°30'02.4" W	
SVX090837	20.89 R	198+39.37	SARDIS RD CONNECTOR

REQD R/W = 2523.37 SF
REQD R/W = 0.058 ACRES
REMAINDER = +/- 0.369 ACRES

PARCEL 146 REQ'D PERM. EASM'T. KC3357

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111102	34.47 R	199+73.96	SARDIS RD CONNECTOR
	15.11	S 68°08'10.3" E	
KC111103	49.37 R	199+76.43	SARDIS RD CONNECTOR
	57.53	S 41°56'02.8" W	
KC111104	38.72 R	199+19.89	SARDIS RD CONNECTOR
	54.24	N 26°46'08.2" E	
KC111102	34.47 R	199+73.96	SARDIS RD CONNECTOR

REQD EASMT = 408.18 SF
REQD EASMT = 0.009 ACRES

PARCEL 146 REQ'D DRWY. EASM'T. KC3354

PNT	OFFSET	STATION	ALIGNMENT
KC111095	44.60 R	198+45.18	SARDIS RD CONNECTOR
KC111362	42.35 R	198+73.82	SARDIS RD CONNECTOR
KC111363	55.00 R	198+73.82	SARDIS RD CONNECTOR
KC111364	55.00 R	198+47.73	SARDIS RD CONNECTOR
KC111095	44.60 R	198+45.18	SARDIS RD CONNECTOR

PARCEL 146 REQ'D DRWY. EASM'T. KC3358

PNT	OFFSET	STATION	ALIGNMENT
KC111103	49.37 R	199+76.43	SARDIS RD CONNECTOR
KC111105	75.90 R	199+80.80	SARDIS RD CONNECTOR
KC111106	77.67 R	199+40.39	SARDIS RD CONNECTOR
KC111107	42.26 R	199+38.65	SARDIS RD CONNECTOR
KC111103	49.37 R	199+76.43	SARDIS RD CONNECTOR

PARCEL 156 REQ'D PERM. EASM'T. KC3418

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111293	70.00 L	198+58.24	SARDIS RD CONNECTOR
	120.02	N 31°16'00.3" E	
KC111294	70.00 L	199+78.26	SARDIS RD CONNECTOR
	9.80	S 59°46'44.6" E	
SVX090889	60.20 L	199+78.44	SARDIS RD CONNECTOR
	120.01	S 30°49'08.5" W	
SVX090890	59.26 L	198+58.43	SARDIS RD CONNECTOR
	10.74	N 59°46'44.6" W	
KC111293	70.00 L	198+58.24	SARDIS RD CONNECTOR

REQD EASMT = 1232.20 SF
REQD EASMT = 0.028 ACRES

PARCEL 147 REQ'D R/W KC3359

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVXAI112	19.85 R	199+71.56	SARDIS RD CONNECTOR
	138.61	N 30°49'08.4" E	
SVXAI115	22.68 R	201+09.52	SARDIS RD CONNECTOR
	12.99	S 42°00'38.3" E	
KC111108	35.00 R	201+05.40	SARDIS RD CONNECTOR
	132.51	S 29°51'28.4" W	
KC111109	34.47 R	199+73.96	SARDIS RD CONNECTOR
	14.81	N 68°05'07.8" W	
SVXAI112	19.85 R	199+71.56	SARDIS RD CONNECTOR

REQD R/W = 1831.75 SF
REQD R/W = 0.042 ACRES
REMAINDER = +/- 3.613 ACRES

PARCEL 147 REQ'D PERM. EASM'T. KC3360

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111109	34.47 R	199+73.96	SARDIS RD CONNECTOR
	132.51	N 29°51'28.4" E	
KC111108	35.00 R	201+05.40	SARDIS RD CONNECTOR
	41.59	S 42°00'34.2" E	
KC111112	74.44 R	200+92.20	SARDIS RD CONNECTOR
	1.50	S 20°16'29.3" W	
KC111113	74.68 R	200+90.72	SARDIS RD CONNECTOR
	118.61	S 41°56'03.3" W	
KC111103	49.37 R	199+76.43	SARDIS RD CONNECTOR
	15.11	N 68°08'10.3" W	
KC111109	34.47 R	199+73.96	SARDIS RD CONNECTOR

REQD EASMT = 3504.28 SF
REQD EASMT = 0.080 ACRES

PARCEL 157 REQ'D PERM. EASM'T. KC3419

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111295	72.33 L	199+78.22	SARDIS RD CONNECTOR
	190.81	N 30°42'31.8" E	
KC111296	68.40 L	201+71.23	SARDIS RD CONNECTOR
	13.83	S 33°48'46.3" E	
SVX090895	56.05 L	201+65.02	SARDIS RD CONNECTOR
	184.75	S 30°49'08.5" W	
SVX090889	60.20 L	199+78.44	SARDIS RD CONNECTOR
	12.13	N 59°46'12.4" W	
KC111295	72.33 L	199+78.22	SARDIS RD CONNECTOR

REQD EASMT = 2312.31 SF
REQD EASMT = 0.053 ACRES

PARCEL 158 REQ'D TEMP. CONST. EASM'T. KC3420

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC111296	68.40 L	201+71.23	SARDIS RD CONNECTOR
	87.48	N 30°42'47.8" E	
KC111297	66.53 L	202+58.69	SARDIS RD CONNECTOR
	12.66	S 59°09'37.5" E	
KC111298	53.87 L	202+58.39	SARDIS RD CONNECTOR
	93.40	S 30°49'04.8" W	
SVX090895	56.05 L	201+65.02	SARDIS RD CONNECTOR
	13.83	N 33°48'46.3" W	
KC111296	68.40 L	201+71.23	SARDIS RD CONNECTOR

REQD EASMT = 1137.53 SF
REQD EASMT = 0.026 ACRES

DATE	REVISIONS	DATE	REVISIONS
11/02/2020	PAR 144 REV. DRWY EASM'T, PAR 156 REV. PERM EASM'T		
11/02/2020	PAR 146 ADDED DRWY EASM'T, PAR 147 REMOVED DRWY EASM'T		
07/02/2021	PAR 144 REV. REQD & DEMO TESMT		
09/08/2021	CHANGED PAR 158 TO TEMP CONST EASMT		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 56 OF 59

DRAWING NO.
60-0056

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)

1137859-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	
Petitioner-Condemnor,	
VS.	**CIVIL ACTION FILE NO. _____**
That certain right of way and those certain easements over, across, and through certain property owned by CORINTH BAPTIST CHURCH, INC. (the "Property"), said Property being located in Land Lot 104 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10104 000012 by the taxing authorities of Hall County; said Property being known as 3618 Mount Vernon Road, and being the property shown as <u>PARCEL 144</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way and easements consist of the following:	**(PARCEL NO. 144)**
	DECLARATION OF TAKING
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 144, containing 0.251 acre, more or less;	
That certain <u>Permanent Easement for Construction and Maintenance of Slopes and Utility Relocation</u>, consisting of 0.040 acre, more or less, as shown on the Project Plans;	
That certain <u>Temporary Construction Easement</u> for the purpose of constructing a driveway, consisting of 0.279 acre, more or less, as shown on the Project Plans;	

That certain <u>Temporary Demolition Easement</u> for the purpose of demolishing certain improvements located within the boundaries of said temporary demolition easement, consisting of 0.652 acre, more or less, as shown on the Project Plans;	)
CORINTH BAPTIST CHURCH, INC.;	)
Peach State Bank and Trust;	)
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	)
To any and all persons having or claiming any right or interest in and to said Property,	)
Respondents-Condemnees.	)

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, (i) a right of way, (ii) a permanent easement for the purpose of constructing and maintaining slopes and relocating utilities, (iii) a temporary easement for the purpose of constructing a driveway, and (iv) a temporary demolition easement for the purpose of demolishing certain improvements located within the boundaries of said temporary demolition easement, all in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1** and by reference made a part hereof; and

WHEREAS, said right of way and easements are being acquired for public road purposes upon, across, and over property owned by CORINTH BAPTIST CHURCH, INC., which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 3618 Mount Vernon Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnees; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by CORINTH BAPTIST CHURCH, INC., whose registered office is located at 3590 Thompson Bridge Road, Gainesville, Hall County, Georgia 30506, and whose registered agent for service, KIMBERLY J. DOBEK, may be served at said address; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Mount Vernon Road, consisting of 0.251 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way);

(B) A permanent easement for the purpose of constructing, and maintaining slopes and relocating utilities, consisting of 0.040 acre, more or less (see **Schedule 1: Resolution, Attachment 3: Legal Description of Permanent Slopes/Utility Relocation Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said permanent easement);

(C) A temporary construction easement for the purpose of constructing a driveway, consisting of 0.279 acre, more or less (see **Schedule 1: Resolution, Attachment 4: Legal Description of Temporary Easement for Construction of a Driveway**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary construction easement); and

(D) A temporary demolition easement for the purpose of demolishing certain improvements located within the boundaries of said temporary demolition easement, consisting of 0.652 acre, more or less (see **Schedule 1: Resolution, Attachment 5: Legal Description of Temporary Demolition Easement**, attached hereto and by reference made a part hereof, for a metes and bounds description of said temporary demolition easement); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement** and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, 4, and 5** attached hereto) is **$206,600.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2, 3, 4 and 5**, attached hereto and made a part of this Declaration) are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 144)

GEORGIA, HALL COUNTY

Personally comes, Jeff A. Lawson, whose business address is 535 Queen City Parkway, Gainesville, Georgia 30501, who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by CORINTH BAPTIST CHURCH, INC., located at 3618 Mount Vernon Road, Gainesville, Georgia 30506 (Parcel No. 144), consisting of 0.251 acre of required right of way, 0.040 acre of permanent easement for the construction and maintenance of slopes and utilities, 0.279 acre of temporary driveway easement, and 0.652 acre of temporary demolition easement, all required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$206,600.00.**

Jeff A. Lawson, MAI, SRA
State of Georgia Certified General
Real Property Appraiser (CG000892)

Sworn to and subscribed before me,
this 28th day of JUNE, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

MATTHEW P SMITH NOTARY PUBLIC EXP. July 24, 2022 HALL COUNTY, GA

My commission expires 7/24/22

AGENDA ITEM

Other Business - County Attorney

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 363/2022

SUBJECT: Approval and authorization for the Chairman to execute a resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 162, Hall County tax parcel number 10084 006001, 2745 Sardis Road, presently owned by Nurbanu S. Hamid, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

Meetings:

Work Session Date: 07/11/22

Voting Meeting Date: 07/14/22

Executive Summary:

Presenter: VS

Recommendation:
Approval

Purpose of Request:
Approval and authorization for the Chairman to execute a Resolution authorizing the exercise of the power of eminent domain with regard to the Sardis Road Connector Project, Parcel 162, Hall County tax parcel number 10084 006001, 2745 Sardis Road, for public road purposes, and authorization for the Chairman to execute any and all additional documents necessary to effectuate the exercise of the power of eminent domain with regard to such parcel, subject to review and approval by the County Attorney.

History:

The County's land acquisition agent has engaged in negotiations with the property owner to arrive at just and adequate compensation for the portion of the property to be acquired. Negotiations have been unsuccessful to date. Condemnation is necessary in order to comply with the timeline for construction of the project.

Facts and Issues:

Options:

The Sardis Road Connector 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. The project will consist of the widening, realignment, and reconstruction of existing roadways and the construction of new roadways.

The Resolution authorizes acquisition of the property by negotiated settlement or, in the event that negotiations fail, condemnation.

Funding Requested	$ 240,600.00
Are funds within current budget?	Yes
Source of Funds	SPLOST VII
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	Yes
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Budget	Finance	Attorney
BC	EW	WG	VS
Administration		**Clerk**	
LJ		AO	

Attachments:
Financial Supplement
Resolution - Parcel 162
Declaration of Taking - Parcel 162

HALL COUNTY BOARD OF COMMISSIONERS
FINANCIAL SUPPLEMENT REPORT

AGENDA ITEM 363/2022

Funds Requested: $ 240,600.00

Request Budgeted: Yes

Proposed Source of Funding:

SPLOST VII

Budget Transfer Requested:

No

Funding Source Items:

Fiscal Year	Fund	Division	Account	Amount
2023	027 - SPLOST VII	915 - SP-VII SARDIS RD CONN RO	5001 - LAND	$240,600.00

Budget Transfer Items:

Additional Information/Comments:

Contact for Questions:

Phone:

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 **Attachment 1**, and by reference made a part hereof (said property being hereinafter sometimes referred to as "Parcel 162"); and

WHEREAS, the property described on **Attachment 1** 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 **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** 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	**PROJECT #: STP00-0003-00(626)**
COUNTY OF HALL	**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	Jversion	003626RW01.dgn	PROJECT NUMBER	P. I. No.
USER:donald	V7-gplotborder-V81-P0.tbl		STP00-0003-00(626)	0003626

Attachment 3

Page 1 of 2

MATCHLINE STA. 40+00 SEE SHEET 60-0003

Curve Data
N - KC2
Δ - 90°48'32" (LT)
D - 8°48'53"
T - 659.24
L - 1030.19
E - 275.80
R - 650.00
PI E - 2377185.64
PI N - 1579367.33

Curve Data
N - KC10012
Δ - 37°04'35" (LT)
D - 19°05'55"
T - 100.60
L - 194.13
E - 16.42
R - 300.00
PI E - 2376809.38
PI N - 1579663.04

Curve Data
N - KC10013
Δ - 52°22'00" (LT)
D - 19°05'55"
T - 147.51
L - 274.19
E - 34.30
R - 300.00
PI E - 2377030.26
PI N - 1579369.71

Curve Data
N - KC12
Δ - 2°45'07.8" (LT)
D - 07°09'43.1"
T - 19.22
L - 38.43
E - 0.23
R - 800.00
PI E - 2376460.56
PI N - 1579297.63

HALL COUNTY FIRE STATION

BEGIN PAVING
STP00-0003-00(626)
STA. 27+84.21

BEGIN R/W ACQUISITION
SARDIS RD CONNECTOR
STA. 27+90.01

BEGIN 30" CURB. & GUTTER, STA. 27+76.13, LT. TIE TO EXIST.

BEGIN PROJECT
STP00-0003-00(626)
STA. 27+59.21
REPLACE CURB & GUTTER RIGHT

LIMIT OF CONST. STA. 1+09.87

SARDIS RD CONN. STA. 29+36.54
SARDIS CHURCH RD. STA. 2+26.00

SARDIS ROAD CONNECTOR
STA. 34+08.60
FRAN-MAR DRIVE/SARDIS RD
STA. 18+11.64

LIMIT OF CONST. STA. 21+86.00 TIE INTO EXIST. FRAN-MAR DRIVE

END R/W ACQUISITION FRAN MAR/SARDIS RD STA. 21+86.04

FRAN-MAR DRIVE

CHESTATEE ACADEMY ENTRANCE

END FULL DEPTH RECONSTRUCTION BEGIN MILL & INLAY & WIDENING LEFT STA. 19+26.00

BEGIN R/W ACQUISITION FRAN-MAR/SARDIS RD 13+02.11

SARDIS RD. STA. 13+49.10 · CHEST. ACADEMY STA. 12+91.71

BEGIN 24" CURB. & GUTTER, STA. 11+53.42, RT.

BEGIN 24" CURB. & GUTTER, STA. 17+41.96, LT &RT.

LIMIT OF CONST. STA. 11+01.11 TIE INTO EXIST. SARDIS ROAD

N 679502.19
E 2378819.73

SARDIS RD. CONNECTOR S 89°11'28" E

N 88°57'52" W SARDIS RD.

N 36°58'48" W SARDIS CHURCH RD.

N 0°06'49" E FRAN-MAR DRIVE

N 1579377.76
E 2376446.57

17	ROY GARY HUMPHRIES SEE SHEET NO. 60-0021
8	BRIAN W. GARRETT SEE SHEET NO. 60-0018
4	CLYDIE SUE HUMPHRIES SEE SHEET NO. 60-0017
16	EZEQUIEL & MARIA SALGADO SEE SHEET NO. 60-0021
10	SAMANTHA L SALAIN SEE SHEET NO. 60-0018
7	JOAN M. HUNTER CHARLES K SHOCKLEY, JR. SEE SHEET NO. 60-0018
6	BRAULIO BARRETO MARQUEZ SEE SHEET NO. 60-0017
15	HALL COUNTY BOARD OF EDUCATION SEE SHEET NO. 60-0019 & 60-0020
14	VINCENT B & YOSSY SAVAGE SEE SHEET NO. 60-0019
13	JORGE A & MARIA L VELASQUEZ SEE SHEET NO. 60-0018
12	JOSE A ARROYO SEE SHEET NO. 60-0018
2	RODNEY R. & BARBARA R. WAY SEE SHEET NO. 60-0017
63	DELUXE WEST, INC. SEE SHEET NO. 60-0058 & 60-0059
60	MICHAEL & NANCY HAHN SEE SHEET NO. 60-0058
61	JUDSON L DAVIS DAVIS SHELIA K SEE SHEET NO. 60-0058
5	MARIO CONTRERAS SEE SHEET NO. 60-0017
1	BENITO RIZO SEE SHEET NO. 60-0017
9	JOHN H. & DONNA McELHENNEY SEE SHEET NO. 60-0018
3	INDEPENDENT ORDER OF ODD FELLOWS SEE SHEET NO. 60-0017
62	ERNEST JR. HAYNES SEE SHEET NO. 60-0058

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
END LIMIT OF ACCESS.....ELA
LIMIT OF ACCESS
R/W AND LIMIT OF ACCESS
EXISTING R/W LINE

SCALE IN FEET
0 50 100 200

wsp

DATE	REVISIONS	DATE	REVISIONS
01/03/2020	PAR 7:PESMT. &DWESMT. PAR 10:REQD R/W T1. PAR 163:PESMT. &DWESMT.	02/15/2022	REVISED DESMT PAR 17
08/04/2020	ALL PARCELS TOPO IMP LEVELS ON		
05/12/2021	FENCE REMOVE & RESET PAR 7 AND PAR 10		
06/23/2021	PAR 15 REVISED REQD, PESMT, DWESMT, ADDED PERM DRAIN ESMT		
09/08/2021	REMOVED PESMT PAR 9		
10/05/2021	PAR 2, 4, 8 & 161 CHANGED TO TESMT		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY MAP

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.: 71, 72, 83, 84
LAND DISTRICT: 10
GMD: 570
DATE 10/18/19 SH 02 OF 59

DRAWING NO. 60-0002

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

PNT	OFFSET	STATION	ALIGNMENT
KC1111152	64.83 L	13+38.56	LEDAN RD EXT
KC1111148	66.17 L	13+05.49	LEDAN RD EXT
KC1111150	100.08 L	13+18.79	LEDAN RD EXT
KC1111151	87.50 L	13+46.43	LEDAN RD EXT
KC1111152	64.83 L	13+38.56	LEDAN RD EXT

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

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC1111154	47.04 L	15+13.78	LEDAN RD EXT
	160.10	S 31°08'35.4" E	
SVXA1054	49.35 L	13+58.62	LEDAN RD EXT
	16.66	S 73°09'22.9" W	
KC1111149	65.06 L	13+63.72	LEDAN RD EXT
	55.38	N 37°45'30.9" W	
KC1111153	68.83 L	14+13.77	LEDAN RD EXT
	103.46	N 18°34'07.6" W	
KC1111154	47.04 L	15+13.78	LEDAN RD EXT

REQD EASMT = 2233.89 SF
REQD EASMT = 0.051 ACRES

PARCEL 155 REQ'D DRWY. EASM'T. KC3376

PNT	OFFSET	STATION	ALIGNMENT
KC1111155	114.00 L	14+29.83	LEDAN RD EXT
KC1111156	114.00 L	14+82.16	LEDAN RD EXT
KC1111157	53.72 L	14+82.66	LEDAN RD EXT
KC1111158	64.96 L	14+30.24	LEDAN RD EXT
KC1111155	114.00 L	14+29.83	LEDAN RD EXT

PARCEL 160 REQ'D PERM. EASM'T. KC3377

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVXA1042	50.05 L	27+87.90	SARDIS RD CONNECTOR
	27.14	N 71°08'18.0" E	
KC1111159	59.19 L	28+13.45	SARDIS RD CONNECTOR
	24.45	S 89°21'18.4" E	
KC1111160	59.26 L	28+37.90	SARDIS RD CONNECTOR
	9.24	S 0°49'28.5" W	
SVXA1043	50.02 L	28+37.90	SARDIS RD CONNECTOR
	50.00	N 89°08'59.9" W	
SVXA1042	50.05 L	27+87.90	SARDIS RD CONNECTOR

REQD EASMT = 341.82 SF
REQD EASMT = 0.008 ACRES

PARCEL 160 REQ'D DRWY. EASM'T. KC3378

PNT	OFFSET	STATION	ALIGNMENT
KC1111161	50.83 L	27+90.01	SARDIS RD CONNECTOR
KC1111162	78.02 L	27+90.00	SARDIS RD CONNECTOR
KC1111163	78.00 L	28+25.00	SARDIS RD CONNECTOR
KC1111164	59.26 L	28+24.98	SARDIS RD CONNECTOR
KC1111159	59.19 L	28+13.45	SARDIS RD CONNECTOR
KC1111161	50.83 L	27+90.01	SARDIS RD CONNECTOR

PARCEL 161 REQ'D TEMP. EASM'T. KC3379

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVXA1043	50.02 L	28+37.90	SARDIS RD CONNECTOR
	9.24	N 0°49'28.5" E	
KC1111160	59.26 L	28+37.90	SARDIS RD CONNECTOR
	50.14	S 89°22'08.3" E	
KC1110005	59.42 L	28+88.04	SARDIS RD CONNECTOR
	9.44	S 0°26'15.2" W	
SVXA1044	49.98 L	28+88.10	SARDIS RD CONNECTOR
	50.20	N 89°08'31.4" W	
SVXA1043	50.02 L	28+37.90	SARDIS RD CONNECTOR

REQD EASMT = 468.61 SF
REQD EASMT = 0.011 ACRES

PARCEL 161 REQ'D DRWY. EASM'T. KC3398

PNT	OFFSET	STATION	ALIGNMENT
KC1111226	59.27 L	28+37.91	SARDIS RD CONNECTOR
KC1111227	78.04 L	28+37.94	SARDIS RD CONNECTOR
KC1111228	78.04 L	28+74.79	SARDIS RD CONNECTOR
KC1111229	59.38 L	28+74.79	SARDIS RD CONNECTOR
KC1111226	59.27 L	28+37.91	SARDIS RD CONNECTOR

PARCEL 162 REQ'D R/W KC3381

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
SVX090501	133.06 R	36+12.37	SARDIS RD CONNECTOR
	215.00	S 89°35'56.1" E	
SVX090714	211.07 R	13+02.61	FRAN MAR/SARDIS RD
	161.67	S 0°51'28.5" W	
SVX090715	49.41 R	13+02.11	FRAN MAR/SARDIS RD
	229.32	N 89°08'31.5" W	
SVX0994	48.15 R	15+34.64	FRAN MAR/SARDIS RD
	160.59	N 5°58'31.9" E	
SVX090501	133.06 R	36+12.37	SARDIS RD CONNECTOR

REQD R/W = 35718.70 SF
REQD R/W = 0.820 ACRES
REMAINDER = +/- 0.000 ACRES

PARCEL 163 REQ'D PERM. EASM'T. KC3413

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC1111323	48.91 L	19+78.32	FRAN MAR/SARDIS RD
	8.54	N 20°33'21.8" W	
KC1111270	48.63 L	19+85.67	FRAN MAR/SARDIS RD
	7.80	N 6°46'11.6" W	
KC1111165	46.69 L	19+92.19	FRAN MAR/SARDIS RD
	36.82	N 6°48'58.3" W	
KC1111168	39.86 L	20+23.83	FRAN MAR/SARDIS RD
	19.86	N 16°17'24.8" W	
KC1111271	41.07 L	20+41.29	FRAN MAR/SARDIS RD
	14.23	N 89°49'09.1" E	
SVX090717	27.11 L	20+38.81	FRAN MAR/SARDIS RD
	71.42	S 0°17'42.9" W	
KC1111323	48.91 L	19+78.32	FRAN MAR/SARDIS RD

REQD EASMT = 486.55 SF
REQD EASMT = 0.011 ACRES

PARCEL 163 REQ'D DRWY. EASM'T. KC3380

PNT	OFFSET	STATION	ALIGNMENT
KC1111166	90.53 L	20+14.90	FRAN MAR/SARDIS RD
KC1111167	82.28 L	20+41.26	FRAN MAR/SARDIS RD
KC1111324	55.20 L	20+36.75	FRAN MAR/SARDIS RD
KC1111271	41.07 L	20+41.29	FRAN MAR/SARDIS RD
KC1111168	39.86 L	20+23.83	FRAN MAR/SARDIS RD
KC1111165	46.69 L	19+92.19	FRAN MAR/SARDIS RD
KC1111166	90.53 L	20+14.90	FRAN MAR/SARDIS RD

PARCEL 164 REQ'D DRWY. EASM'T. KC3385

PNT	OFFSET	STATION	ALIGNMENT
KC1111178	69.35 L	16+58.50	LEDAN RD EXT
KC1111179	41.32 L	16+59.96	LEDAN RD EXT

ARC LENGTH = 41.961
CHORD BEAR = S 26°11'12.1" E
LNTH CHORD = 41.954
RADIUS = 683.860
DEGREE = 8° 22' 41''

SVXA1057	46.80 L	16+15.29	LEDAN RD EXT
KC1111180	69.95 L	16+12.28	LEDAN RD EXT
KC1111178	69.35 L	16+58.50	LEDAN RD EXT

PARCEL 165 REQ'D R/W KC3386

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC1111181	40.00 L	16+67.28	LEDAN RD EXT

ARC LENGTH = 34.144
CHORD BEAR = N 37°56'50.2" W
LNTH CHORD = 34.139
RADIUS = 602.990
DEGREE = 9° 30' 7''

KC1111182	40.00 L	17+03.69	LEDAN RD EXT
	9.47	N 51°32'33.9" E	
SVX0158	30.53 L	17+03.50	LEDAN RD EXT

ARC LENGTH = 35.513
CHORD BEAR = S 22°29'06.6" E
LNTH CHORD = 35.509
RADIUS = 683.208
DEGREE = 8° 23' 10''

KC1111181	40.00 L	16+67.28	LEDAN RD EXT

REQD R/W = 161.56 SF
REQD R/W = 0.004 ACRES
REMAINDER = +/- 2.660 ACRES

PARCEL 165 REQ'D PERM. EASM'T. KC3387

PNT	OFFSET/ DIST	STATION/ BEARING	ALIGNMENT
KC1111184	49.33 L	16+59.52	LEDAN RD EXT

ARC LENGTH = 40.975
CHORD BEAR = N 36°47'58.4" W
LNTH CHORD = 40.967
RADIUS = 593.000
DEGREE = 9° 39' 43''

KC1111185	48.75 L	17+03.87	LEDAN RD EXT
	8.75	N 51°31'36.4" E	
KC1111182	40.00 L	17+03.69	LEDAN RD EXT

ARC LENGTH = 34.144
CHORD BEAR = S 37°56'50.2" E
LNTH CHORD = 34.139
RADIUS = 602.990
DEGREE = 9° 30' 7''

KC1111181	40.00 L	16+67.28	LEDAN RD EXT

ARC LENGTH = 7.044
CHORD BEAR = S 24°16'27.5" E
LNTH CHORD = 7.044
RADIUS = 683.208
DEGREE = 8° 23' 10''

SVXL228	41.43 L	16+59.92	LEDAN RD EXT
	7.91	S 51°39'04.3" W	
KC1111184	49.33 L	16+59.52	LEDAN RD EXT

REQD EASMT = 365.46 SF
REQD EASMT = 0.008 ACRES

wsp

DATE	REVISIONS	DATE	REVISIONS
01/03/2020	PAR 163: KC3413, KC3380		
10/05/2021	PAR 161 CHANGED KC3379 TO TEMP. ESMT		

STATE OF GEORGIA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY TABLES

PROJCT NO: 0003626
COUNTY: HALL
LAND LOT NO.:
LAND DISTRICT:
GMD: 570
DATE 10/18/19 SH 58 OF 59

DRAWING NO.
60-0058

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)

1142991-1

IN THE SUPERIOR COURT FOR THE COUNTY OF HALL
STATE OF GEORGIA

HALL COUNTY, GEORGIA,	)	
	)	
Petitioner-Condemnor,	)	
	)	
VS.	)	**CIVIL ACTION**
	)	**FILE NO. _____**
That certain right of way over, across, and through certain property owned by NURBANU S. HAMID (the "Property"), said Property being located in Land Lot 84 of the 10th Land District, Hall County, Georgia, being designated as tax map number 10084 006001 by the taxing authorities of Hall County, said Property being known as 2745 Sardis Road, and being the property shown as <u>PARCEL 162</u> on plans prepared by WSP USA, Inc. for the Georgia Department of Transportation, 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)," said plans having an approval date of January 2, 2020, and a last revised date of May 19, 2022 (the "Project Plans"); said right of way consists of the following:	)	**(PARCEL NO. 162)**
	)	**DECLARATION OF TAKING**
That certain <u>Right of Way</u> shown on the Project Plans for Parcel 162, containing 0.820 acre, more or less;	)	
	)	
NURBANU S. HAMID;	)	
	)	
Al Hameed, Inc., d/b/a One Mart Convenience Store;	)	
	)	
Honorable Patty Walters Laine, Judge of the Probate Court of Hall County;	)	
	)	
Honorable Darla Eden, Tax Commissioner of Hall County, Georgia; and	)	
	)	
To any and all persons having or claiming any right or interest in and to said Property,	)	
	)	
Respondents-Condemnees.	)	

DECLARATION OF TAKING

WHEREAS, the Board of Commissioners of Hall County, Georgia (the "Board of Commissioners"), adopted a Resolution on July 14, 2022 (the "Authorizing Resolution"), authorizing and directing the Chairman of the Board of Commissioners and the law firm of Stewart, Melvin & Frost, LLP to proceed with the condemnation of a portion of certain property located in Hall County, Georgia, for the purpose of acquiring, for public road purposes, a right of way in connection with the construction of a connecting road to be known as the Sardis Connector from East of Chestatee Road to West of S.R. 60 along S.R. 283 in Hall County, Georgia (the "Project"); and

WHEREAS, the original location of the Project was approved by the Georgia Department of Transportation on January 2, 2020; and

WHEREAS, the plans for the Project (the "Project Plans") 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)," have a completion date of October 18, 2019, and were last revised on May 19, 2022; and

WHEREAS, a certified copy of said Authorizing Resolution of the Board of Commissioners and its incorporated attachments is attached hereto as **Schedule 1**, and by reference made a part hereof; and

WHEREAS, said right of way is being acquired for public road purposes upon, across, and over property owned by NURBANU S. HAMID, which property is described on **Schedule 1: Resolution, Attachment 1,** attached hereto and by reference made a part hereof (the "Property"), which Property is located at 2745 Sardis Road, Gainesville, Hall County, Georgia, said **Attachment 1** being a description of the entirety of the Property owned by said Condemnee; and

WHEREAS, the Board of Commissioners has found that it is necessary to acquire the title, estates, or interests in said property as provided in the Authorizing Resolution and that said taking is authorized by the provisions of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19; and

WHEREAS, the property or interests necessary to be acquired by condemnation in connection with the construction of the Project (the "Acquired Interests"), are owned by NURBANU S. HAMID, who resides at 11285 Shelton Place, Johns Creek, Fulton County, Georgia 30097; and

WHEREAS, AL HAMEED, INC., d/b/a One Mart Convenience Store, who has a leasehold interest in the Property, may be served by and through service on its registered agent, NURBANU S. HAMID, at 11285 Shelton Place, Johns Creek, Fulton County, Georgia 30097; and

WHEREAS, the Acquired Interests are described as follows:

(A) A right of way for the purpose of acquiring, constructing, and maintaining a right of way along Sardis Road, consisting of 0.820 acre, more or less (see **Schedule 1: Resolution, Attachment 2: Legal Description of Right of Way**, attached hereto and by reference made a part hereof, for a metes and bounds description of said right of way); and

WHEREAS, in order to estimate the sum of money to be deposited with the Court as just and adequate compensation for the Acquired Interests proposed to be condemned, Hall County has caused an investigation and report to be made by a competent land appraiser, a copy of the sworn statement of said appraiser being attached hereto as **Schedule 2: Appraiser's Statement**, and by reference made a part hereof; and

WHEREAS, in reliance upon said Appraiser's Statement, Petitioner estimates that the just compensation to be paid for the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2**, attached hereto) is **$240,600.00**, and contemporaneously with the filing of this Declaration of Taking, Petitioner deposits said sum in the Court for the use of the persons entitled hereto;

NOW, THEREFORE, the premises considered, Hall County, Georgia, under authority of the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, hereby declares that the Acquired Interests (as described in **Schedule 1: Resolution, Attachments 2,** attached hereto and made a part of this Declaration), are being taken for county road purposes.

This _____day of _____, 2022.

BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA

By: _____
Chairman

_____
ATTEST:
Jennifer Rivera, County Clerk

(SEAL)

Schedule 1 to Declaration of Taking
(Certified copy of Authoring Resolution adopted by the County)

SCHEDULE 2: DECLARATION OF TAKING
(Parcel No. 162)

GEORGIA, HALL COUNTY

Personally comes, Greg Malcolm, residing at 1243 Kylemore Lane, Snellville, GA. 30078 who, after being duly sworn, states:

1. Affiant was employed by the Hall County, Georgia to appraise the property owned by NURBANU S. HAMID, located at 2745 Sardis Road, Gainesville, Georgia 30506 (Parcel No. 162), consisting of 0.820 acre of required right of way, which is required for the construction of the Sardis Road Connector Project (Federal Aid Project STP00-0003-00(626)), and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.

2. Affiant is familiar with real estate values in said country and in the vicinity where said parcel is located. Affiant has personally inspected the property or right(s) condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the Condemnee(s) by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, the amount of **$240,600.00.**

Greg Malcolm
GA CERT. R.E. Appraiser No. 857

Sworn to and subscribed before me,
this 8th day of June, 2022.

NOTARY PUBLIC

(NOTARY SEAL)

AMY C. STEWART NOTARY PUBLIC COMMISSION EXPIRES April 26, 2026 HALL COUNTY, GA

My commission expires _____

1149532-1

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 321/2022

SUBJECT: Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1. NOTE: Tabled at the May 11, 2022 Meeting until the June 9, 2022 Voting Meeting. NOTE: Tabled at the June 9, 2022 Voting Meeting until the July 14, 2022 Voting Meeting.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:

Approve, with conditions: 1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines. 2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations. 3. Access to Winder Highway/SR 53 shall be subject to review and approval by Georgia Department of Transportation. 4. A 50-foot undisturbed transitional zoning buffer shall be required against all property lines, except where abutting Parcel 15038 000056. 5. A privacy fence shall be added along the lot line noted by N70Â°30'00"E 925.00' for a minimum 700ft along the line. 6. The entrance shall be gated with security 7. Truck maintenance shall only be conducted between 7 am to 7 pm. 8. Only the truck parking shall be gravel. 9. The building shall be up to 30,000 square feet. 10. Metal accents shall be permitted on the building in substantial conformance with submitted renderings. 11. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices." 12. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

Purpose of Request: **History:**

Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1.

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Approve	Budget	Finance	Attorney
JR	JR	JR	JR

Administration	Clerk
JR	JR

Attachments:

Request to Table to June 9, 2022 Voting Meeting
Updated Board Memo - as of 7/7/2022
Board Memo
Recommendation Report
Application
Updated Narrative - as of 7/7/2022
Narrative
Updated Site Plan - as of 7/7/2022
Site plan
Maps
Renderings
Deed
Legal description
Environmental Health Comments
GDOT Comments
Public Works Comments
Updated Notice Sign Photos - For July 14, 2022 Voting Meeting
Updated Notice Sign Photos - For June 9, 2022 Voting Meeting
Notice Sign Photos

Jennifer Rivera (Administration)

From: Srikanth Yamala (Public Works)
Sent: Friday, April 29, 2022 10:22 AM
To: Darrell K. Rochester
Cc: Tyler Mixon; Jennifer Rivera (Administration); Anael Dominguez (Planning)
Subject: RE: United Logistics rezoning from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I)

Darrell-

Thank you for the notification to table the item until the June 9th Board meeting.

--
Srikanth Yamala
Hall County Government
(770) 531-6799 | www.hallcounty.org

HALL COUNTY
GEORGIA
*We have it **all** in Hall*

From: Darrell K. Rochester <dkrochester@rochester-assoc.com>
Sent: Thursday, April 28, 2022 5:05 PM
To: Srikanth Yamala (Public Works) <syamala@hallcounty.org>
Cc: Tyler Mixon <tyler.mixon@unitedlogistics.net>
Subject: United Logistics rezoning from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Srikanth,
Please accept this email as our written request to table the United Logistics zoning request from the May 11th Board of Commissioners meeting until the June 9th meeting. We are working through some issues with Commissioner Cooper and need the additional time to finalize our revisions.
Thank you in advance for your assistance …
Darrell

Darrell K. Rochester P. E.
Rochester and Associates, LLC
President & CEO

(678) 450-5161 Work
(770) 527-0134 Mobile
dkrochester@rochester-assoc.com
425 Oak Street N.W.Gainesville, Geo...

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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

INTERIM DIRECTOR
Srikanth Yamala

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: July 7, 2022

Subject: Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Planned Industrial Development (PID) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1.

At the June 9, 2022 Voting Meeting, the Hall County Board of Commissioners tabled the application to allow adequate public notice of the change in request from Light Industrial (I-I) to Planned Industrial Development (PID). The original request to rezone to I-I was heard by the Hall County Planning Commission on April 4, 2022.

A revised narrative and site plan were submitted prior to the June 9, 2022 meeting. The revised site plan depicted the Gateway Corridor limits.

There were zero (0) written comments in opposition submitted in advance of the Planning Commission meeting and zero (0) people spoke in opposition during the public hearing on April 4, 2022

There was no one to speak in opposition at the June 9, 2022 Hall County Board of Commissioners meeting.

At their April 4, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-1 Mr. Bell opposed) of this request with the following twelve (12) conditions:

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.
3. Access to Winder Highway/SR 53 shall be subject to review and approval by Georgia Department of Transportation.

4. A 50-foot undisturbed transitional zoning buffer shall be required against all property lines, except where abutting Parcel 15038 000056.
5. A privacy fence shall be added along the lot line noted by N70°30'00"E 925.00’ for a minimum 700ft along the line.
6. The entrance shall be gated with security
7. Truck maintenance shall only be conducted between 7 am to 7 pm.
8. Only the truck parking shall be gravel.
9. The building shall be up to 30,000 square feet.
10. Metal accents shall be permitted on the building in substantial conformance with submitted renderings.
11. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: “Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices.”
12. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

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INTERIM DIRECTOR
Srikanth Yamala

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Srikanth Yamala, Interim Director

Date: April 25, 2022

Subject: Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1.

Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. Commission District 1.

At their April 4, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-1 Mr. Bell opposed) of this request with the following twelve (12) conditions:

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.
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12. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

There were zero (0) written comments in opposition submitted in advance of the Planning Commission meeting and zero (0) people spoke in opposition during the public hearing on April 4, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... United Logistics

Request ..... Rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I)

Proposed Use ..... Offices, truck terminal, other I-I uses.

Size ..... 20.1 ± acres

Zoning ..... AR-IV

Location ..... On the east side of Winder Highway (SR53) approximately 1,995 feet from its intersection with Howington Road ; a.k.a. 5205 Winder Highway, Braselton, GA 30517 Tax Parcel 15028 000014C

Commission District ..... One

County Commission Date ..... April 4, 2022

Staff Recommendation ..... **Approval, with conditions**

Planning Commission Recommendation – Approval with conditions
Vote 4-1 (Mr. Bell opposed)

Conditions:

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.
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12. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

Applicant Proposal

The request is to rezone a ±20.1-acre site zoned Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) to allow for the construction of a ±10,000 building and two surface parking lots. One surface parking lot would be used for freight or commercial vehicles and the other for passenger vehicles. The conceptual site plan also shows a 50-foot buffer along all property lines except where abutting Parcel 15038 000056 to the west that is presently zoned Highway Business (H-B). There are no concurrent variance requests filed with application. The subject property is located within the Gateway Corridors Overlay District (GCOD) and if rezoned would remain subject to all GCOD standards. These standards include but are not limited to specific requirements for transitional [zoning] buffers, landscaping, parking lot design, outdoor lighting, and architecture. No details were submitted with the application with regards to the architectural style or materials of the new building. The Project Narrative states the redeveloped tract will be used for office, truck terminal, and other land uses similarly allowed under the requested Light Industrial zoning. Staff recommends that the rezoning request be approved with conditions and finds it consistent with the Hall County Comprehensive Plan.

History and Existing Land Uses

No previous zoning action was found for the property. Google aerial images and tax records show a small portion of the lot is developed. Development features include a mobile home (24' x 28' built in 1984), an outbuilding, and a gravel path connected to S.R 53 / Winder Highway. It is not clear if these residential uses are currently occupied or vacant.
Property terrain includes a rolling topography, rich tree canopy consisting of pine and hardwoods, and an undisturbed stream buffer running the full length of Cooper Creek. Cooper Creek defines the site's northeastern property line and functions as the centerline for the 100-year flood plain (see: FEMA maps, Flood zone A) in effect upon the property.

Comprehensive Plan Land Use Designation

The future land use map confirms the applicant's site is subject to three character areas:

- Land outside the stream is designated "Residential."
    - Desired Land Use: Housing (preserve existing or construct new developments)
    - Intent: PRESERVE established neighborhoods and CREATE new residential development consistent with surrounding suburban densities
- Land inside the protected stream buffers is designated "Conservation."

- Desired Land Use: Parks, floodplain, greenspace, or areas intended to be maintained in a natural state or for passive recreation uses (e.g., trails).
- Intent: PRESERVE environmentally sensitive areas, park land, and dedicated greenspace (open space and greenways) maintained in its natural state.

- Winder Highway (SR 53) is designated a "Mixed Use Corridor."
  - Desired Land Use: Retail activities, office-based employment, civic uses, and single family residential development. Low-impact industrial or higher density residential may be appropriate where the same is found on adjacent properties.
  - Intent: : ENHANCE and MAINTAIN well-functioning, attractive corridors that facilitate vehicular traffic flow and pedestrian/bicycle connectivity, serve local needs, and coordinate land use patterns without encroaching on adjacent neighborhoods. Also, CREATE employment opportunities where a location benefits from interstate access or supports industrial-focused development.

Development Support and Constraints

Hall County Environmental Health
In an email dated March 3, Emily McGahee provided the following comment:

> *"Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled."*

Hall County Fire Services
The property is located approximately 1.8 miles south of Hall County Fire Station #12, located at 4890 Winder Hwy. The nearest fire hydrant is located in the right-of-way at 5300 Winder Highway, located west of the centerline directly across the subject property.

Hall County Public Works and Utilities
A memo dated March 3, 2021, Bill Nash, P.E, Interim Director of Hall County Public Works and Utilities, provided the following comments:

> Engineering - *"This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. The plans would also need to show stream buffer, impervious setback, and flood zones."*
>
> Traffic Engineering -*"Access to SR 53 (Winder Highway) must be approved by and permitted through the Georgia Department of Transportation (GDOT)."*

Utilities - *"Hall County has no sewer adjacent to the property. Development is to use on-site sewage management system (septic)."*

Hall County Tax Assessors
No comments were provided.

Gainesville Water Resources
No comments were provided.

Georgia Department of Transportation
In an email dated February 26, 2022, Jonathan Peevy with GDOT commented that the request will require GDOT coordination.

Zoning Analysis

- The request is **consistent** with the Comprehensive Plan as low impact office and industrial uses, and it is consistent with the existing character.
- Per §17.160.010 – Light Industrial (I-I) – of the Official Code of Hall County, offices; truck terminals; and "any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazards or other objectionable conditions" are listed as permitted uses within the I-I zoning district.
    - The proposed use **does meet** the permitted uses in this zoning classification.
- If approved, the proposed development would be subject to obtain a land disturbance permit as part of the development review process.
    - This review will ensure that local and state regulations are being met during the development of the site.
- Chapter 17.420 of the Official Code of Hall County identifies more restrictive requirements for properties located in the Gateway Corridors Overlay District (GCOD).
    - §17.420.050 of the Official Code of Hall County identifies both prohibited and allowable uses for properties in the Gateway Corridors Overlay District (GCOD). Light industrial uses outlined in the application are **consistent** with the uses allowed by right.
    - §17.420.050 also regulates more stringent buffer requirements than required by the base code in §17.260.020 (requiring 30 feet). The GCOD code requires a minimum of a 50-foot buffer between industrial and residential properties.
        - The applicant has indicated a 50-foot vegetated buffer along the boundary adjacent to a residentially-zoned property. The zoning proposal **does meet** this requirement.
    - The GCOD classification has specific architectural design standards, and it is **unclear** if the proposed building meets this requirement. Brick and stone are permitted as primary materials, while CMU and stucco are limited to a maximum of 50% of the façade. Metal is specifically prohibited as an exterior finish material. Likewise, "variation in building materials, texture, and depth should be employed to provide design variation."
- Chapter 17.280 identifies tree protection and replacement requirements for development sites. Sites are required to provide 15 units per acre.

- It is evident a significant amount of trees are identified for removal to accommodate the proposed development features, but it is **unclear** whether the zoning proposal meets this requirement. No landscape plan has been provided.

- §17. 380.060 provides the criteria for considering a map amendment (rezoning). The application **does meet** all these standards based on the following analysis:
  - The zoning proposal is consistent with the Comprehensive Land Use designation because the intensity of the proposed use is consistent with the desired development in the Mixed Use Corridor.
  - The property directly abuts Parcel 15028 000070 zoned Planned Commercial Development, whose conceptual plans for a Mixed-Use Village and expansion of Lanier Raceway have approval from the Hall County Board of Commissioners; and Parcel 15038 000056 zoned Highway Business, that is presently used for a Boat and Recreational Vehicle storage facility. If developed in accordance with the conceptual site plan submitted, the subject property would function as a transitional tract between these aforementioned higher intensity uses and the lower intensity current residential and conservation uses upon abutting Parcel(s) 15028 000014, 15028 000018, and 15028 00020 zoned AR-IV.
  - Due to the number of other adjacent industrial and automobile-related uses in this area, the rezoning, if granted, would not cause substantial detriment to the public good.
  - The zoning proposal, as presented, is consistent with the zoning ordinance or will be required to be consistent through the development process.

Staff Recommendation

Staff recommends **approval** of the applicant's request with the following conditions:

1. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.

2. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.

3. Access to Winder Highway/SR 53 shall be subject to review and approval by Georgia Department of Transportation.

4. A 50-foot undisturbed transitional zoning buffer shall be required against all property lines, except where abutting Parcel 15038 000056.

Excerpts from the minutes of the Planning Commission meeting on April 4, 2022:

Applicant's Presentation:

David Webb, Principal Planner, presented a summary of the request.

Darrell Rochester, 425 Oak Street, Gainesville, presented the request. The applicant stated that the intended purpose is to build a corporate office. The applicant stated that the proposed building will be three stories high at 10,000 square feet each floor level making it a 30,000 square foot building. The applicant stated that they will pave the driveway entering the property as well as the car parking lot and have a gravel parking lot for truck parking only that is not visible from the street. The applicant presented pictures of the type of architecture being used on the building such as stone, metal and glass accents. The applicant stated that there will be a gated entrance.

Tyler Mixon, 4049 Ashford Way, Gainesville, presented the request. The applicant stated that the building would be for storage 24/7 with security personal on site as well.

Rebuttal

The applicant stated that there will be on site personnel and camera system security for the business 24/7. The applicant stated that there is going to be a gate at the entrance to prevent drivers from coming in and out of the location which also encourages staff security.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell asked for the elevation difference from the street down to the parking lot. Mr. Rochester stated it was probably 50 vertical feet at a glance. Mr. Braswell asked for clarification of the metal accents. Mr. Bell asked if there is sewer. Mr. Rochester stated that there is a force main but the Health Department has stated they have to be on septic. Mr. Bell requested clarification on existing buildings on the entrance. Mr. Rochester stated that they are abandoned structures that will be removed to create a first class building. Mr. Bell questioned the hours of operation. Mr. Rochester stated that it would be 24/7. Mr. Bell questioned if there will be refrigeration trucks running all night. Mr. Mixon stated that the refrigeration trucks will not be running all night but they will be parked at the parking lot with on site security. Mr. Bell questioned if truck drivers would be sleeping in the parked trucks. Mr. Mixon stated they will not and that will be reinforced by on site security. Mr. Bell stated that the biggest concern was people sleeping in the trucks and coming in and out at all times of the day. Mr. Bell questioned if the gateway corridor had any requirements for fencing. Mr. Webb stated yes. Buffers were discussed as a way of maintaining privacy for neighboring property owners as trucks would be coming in and out of the property.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Mr. Bell opposed)**

Conditions:

13. Any outdoor lighting shall be non-spill and shall be oriented away from shared property lines.
14. The following land uses shall be prohibited upon the property: adult establishments, junk yards, asphalt emulsion (water based) plants, and astrologers, clairvoyants, fortune tellers, palmists, phrenologists, or other related occupations.
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19. Truck maintenance shall only be conducted between 7 am to 7 pm.
20. Only the truck parking shall be gravel.
21. The building shall be up to 30,000 square feet.
22. Metal accents shall be permitted on the building in substantial conformance with submitted renderings.
23. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: “Owners, occupants,

and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

24. No overnight refrigeration trucks shall be running between 7 pm to 7 am.

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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ZONING APPLICATION

Applicant (Name & Mailing Address)

United Logistics
5509 Radford Rd., Unit E
Flowery Branch, GA 30542
Phone 678-828-8555
Email Address tyler.mixon@unitiedlogistics.net

Property Owner (Name & Mailing Address)

Jerry L. Fowler (Estate)
5205 Winder Hwy.
Braselton, GA 30517
Phone
Email Address

Proposed Use

Contact Person (Name & Mailing Address)

Tyler Mixon
5509 Radford Rd., Unit E
Flowery Branch, GA 30542
Phone 678-828-8555
Email Address tyler.mixon@unitiedlogistics.net

Tax Parcel Number 15028 000014C
Location Address 5205 Winder Hwy, Braselton, GA 30517

Status of Applicant

- ☐ Owner
- ☑ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action

Existing Zoning: AR-IV
Rezone to: I-I
Fee:$ 750.00
Receipt #: 858953
Check #: 1079
Acreage 20.1 +/-

RAJESH DAYAL NOTARY PUBLIC GWINNETT COUNTY, GA Exp. Apr. 02, 2022

Notary:

I hereby certify that the above information, and all attached information are true and correct.

Sign Jeffrey B. Mixon Date: 1/31/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign Date:

Staff Use Only

Application Date: 1/31/22 Taken by: Michele

Tentative Planning Commission Date: 3/2/22 Tentative County Commission Date: 4/28/22

County Commission District: 1

Revised December 2019

Ck # 1079 RCPT # 858953

ZON 2022-00008

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; *and*

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Brenda Fowler **Date:** 1-29-22

Applicant's/Owner's Name (Printed): Jerry L. Fowler (Estate)

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(3) The name and official position of the local government official to whom the campaign contribution was made; and

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I hereby certify that I have read the above and that:

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**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Tyler B. Mixon **Date:** 1/31/22

Applicant's/Owner's Name (Printed): United Logostics, Tyler Mixon

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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Jerry L. Fowler (Estate)

Address 5205 Winder Hwy.

Braselton, GA 30517

Phone Number 770-519-3657

Name of applicant(s) United Logistics, Tyler Mixon

Address 5509 Radford Rd., Unit E

Flowery Branch, GA 30542

Phone Number 678-828-8555

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Brenda Fowler

Personally appeared before me

Brenda Fowler

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

DANIEL ALEJANDRO ISLAS NOTARY PUBLIC HALL COUNTY GEORGIA EXPIRES November 3, 2024

1-29-22
Date

Project Narrative for Winder Highway Tract

LOCATION – 5205 Winder Hwy., Braselton, GA 30517
ACREAGE – 20.1 acres +/-
APPLICANT – United Logistics

Summary

The accompanying application seeks zoning district change from AR-IV to PID for 20.1 acres of undeveloped property located at 5205 Winder Highway (SR 53), near Michelin Raceway Road Atlanta. The intent is to develop multiple uses as detailed below, including office and a truck terminal. This narrative will propose a unified set of standards for project. The location and proposed use is consistent with the Hall County Comprehensive Plan's designation as a "Mixed Use Corridor" and appropriate for Hall County's Planned Industrial (PID) District. Completion of development is anticipated by 2023.

Site Description

The site has approximately 190 LF of frontage along Winder Highway (SR 53) and is rectangular in shape. The Cooper Creek tributary of the Mulberry River forms the rear boundary of the site. The site is mostly wooded with a mix of pine and hardwood trees with rolling topography. A 12" domestic water main, provided by the City of Gainesville, is located in the Winder Highway right-of-way. Due to the small amount of projected flows, an on-site sewage management system is planned to serve the site and all other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property is surrounded by residential zonings (AR – IV) and commercial zonings (H-B, PCD). Several Light Industrial properties are located 500' east.

Access

Access to the property is planned from Winder Highway (SR 53), subject to GDOT approval.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel 15038 000048 zoned H-B, immediately west of the site.
- Nearest distance to developed commercial property – parcel 15028B 000006A zoned H-B approximately 1100 LF south.
- Nearest distance to a single family home – a single family home at 4336 Benefield Road is located 800' east of the property.
- Nearest distance to a subdivision – The Regency Park S/D is located approximately 2800 LF of the property.

Comprehensive Plan Consistency

The project is consistent with the "Mixed Use Corridor" of the Future Land Use Map and the primary future land uses notes as:

- Low-impact industrial or higher density residential only where the same is found on adjacent properties

The project is consistent with the Goals, Policies and Objectives of the Comprehensive Plan and is not known or believed to be in conflict with any of the above.

Hall County Gateway Corridor Overlay District

A small portion of the site falls within the corridor but no improvements, other than entrance driveway, landscaping and identification signage are planned within its limits. The Applicant requests a waiver from Chapter 17.420 of the Hall County Code of Ordinances based on the distance from the highway to the operations area of the site

Traffic Impact Study

A GDOT ICE Analysis will be completed as part of the Land Disturbance Permit process.

Proposed Uses

The project may contain a variety of uses consistent with those allowed in the Light Industrial (I-I) district and the Project Dimensional Standards outline below.

Uses that will be specifically excluded include:

- Adult Establishments
- Junk Yards
- Asphalt emulsion (water based) plants

Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations

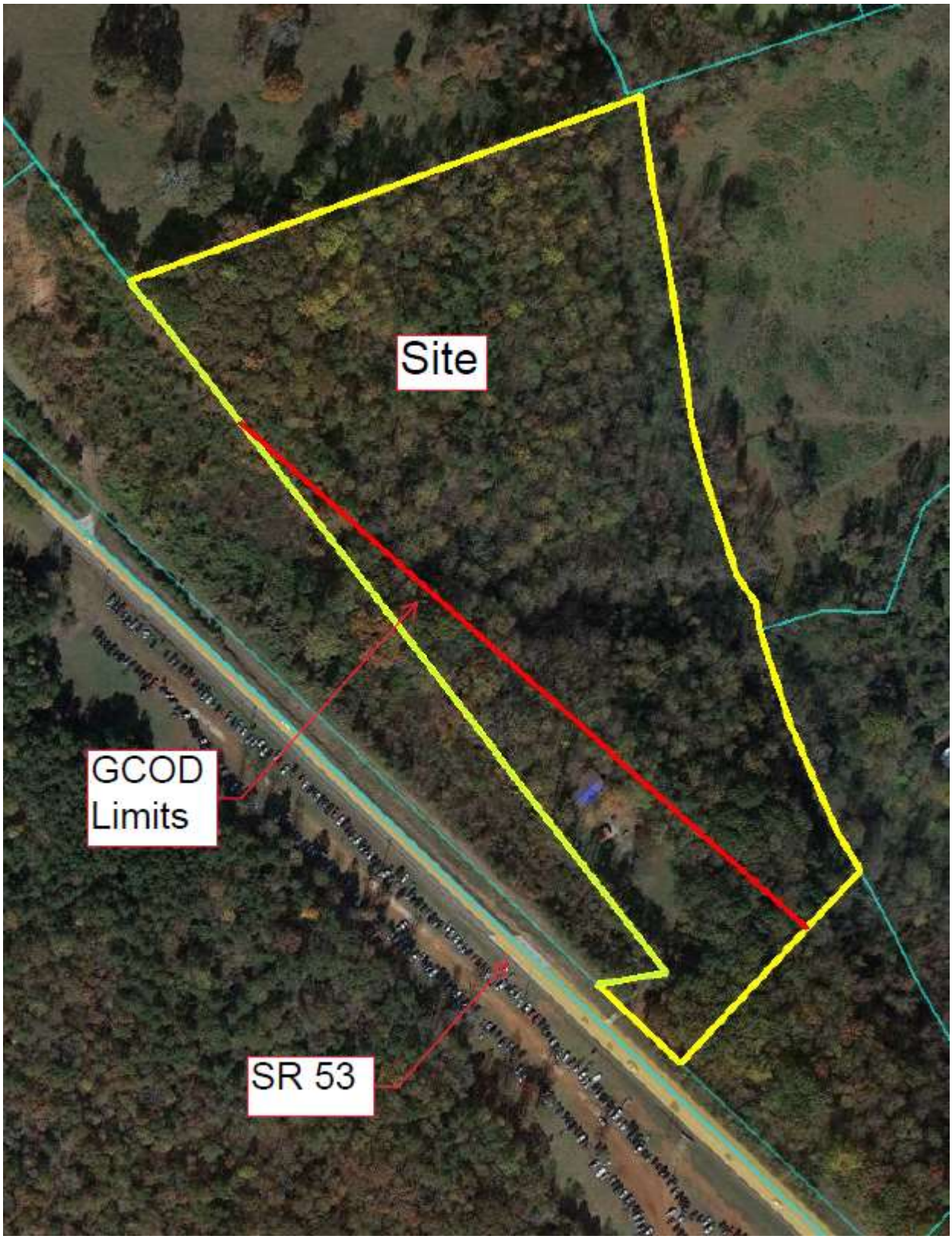
Hours of Operation

Operations may occur on a 24/7 basis.

Project Dimensional Standards

Winder Highway Tract Development Standards	
Minimum Lot Area	15,000 sf
Minimum Lot Frontage	100'
Front Setback from Winder Highway	50'
Side Setback	20'
Rear Setback	20'
Exterior Buffer Residential Zoned Property	50'
Maximum Height	75'
Total Acreage	20.1 +/-
Minimum Open Space	20%
Maximum Floor Area Ratio	65%
Parking Ratio	Per Hall County Guidelines

Aerial View



Conceptual Master Plan

The development of the Winder Highway Tract shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer or End User, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

Project Narrative for Winder Highway Tract

LOCATION – 5205 Winder Hwy., Braselton, GA 30517
ACREAGE – 20.1 acres +/-
APPLICANT – United Logistics

Summary

The accompanying application seeks zoning district change from AR-IV to I-I for 20.1 acres of undeveloped property located at 5205 Winder Highway (SR 53), near Michelin Raceway Road Atlanta. The intent is to develop multiple uses as allowed in the Light Industrial district, including office and a truck terminal. This narrative will propose a unified set of standards for project. The location and proposed use is consistent with the Hall County Comprehensive Plan's designation as a "Mixed Use Corridor" and appropriate for Hall County's Light Industrial (I-I) District. Completion of development is anticipated by 2023.

Site Description

The site has approximately 190 LF of frontage along Winder Highway (SR 53) and is rectangular in shape. The Cooper Creek tributary of the Mulberry River forms the rear boundary of the site. The site is mostly wooded with a mix of pine and hardwood trees with rolling topography. A 12" domestic water main, provided by the City of Gainesville, is located in the Winder Highway right-of-way. Due to the small amount of projected flows, an on-site sewage management system is planned to serve the site and all other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property is surrounded by residential zonings (AR – IV) and commercial zonings (H-B, PCD). Several Light Industrial properties are located 500' east.

Access

Access to the property is planned from Winder Highway (SR 53), subject to GDOT approval.

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A small portion of the site falls within the corridor but no improvements, other than entrance driveway, landscaping and identification signage are planned within its limits.

Aerial View

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A GDOT ICE Analysis will be completed as part of the Land Disturbance Permit process.

Proposed Uses

The project may contain a variety of uses consistent with those allowed in the Light Industrial (I-I) district and the Project Dimensional Standards outline below.

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- Junk Yards
- Asphalt emulsion (water based) plants
- Astrologers, clairvoyants, fortune tellers, palmists, phrenologists and related occupations

Hours of Operation

Operations may occur on a 24/7 basis.

Project Dimensional Standards

Winder Highway Tract Development Standards	
Minimum Lot Area	15,000 sf
Minimum Lot Frontage	100'
Front Setback from Winder Highway	50'
Side Setback	20'
Rear Setback	20'
Exterior Buffer Residential Zoned Property	50'
Maximum Height	75'
Total Acreage	20.1 +/-
Minimum Open Space	20%
Maximum Floor Area Ratio	65%
Parking Ratio	Per Hall County Guidelines

Conceptual Master Plan

The development of the Winder Highway Tract shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require modifications during the engineering and development process. Modifications to the locations and arrangement of buildings, roads, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer or End User, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

NOTE

1. INFORMATION AS SHOWN TAKEN FROM HALL COUNTY GIS AND PLAT BOOK 36, PAGE 134 FOR THE PURPOSES OF REZONING. THIS IS NOT A BOUNDARY SURVEY.

GRID NORTH GA. WEST ZONE

PROPERTY OWNER

JERRY L. FOWLER (ESTATE)
5205 WINDER HWY.
BRASELTON, GA 30517
TAX PARCEL: 15028000014C

APPLICANT

UNITED LOGISTICS
5509 RADFORD RD. UNIT E
FLOWERY BRANCH , GA 30542
678-828-8555

AREA SUMMARY

TRACT 1= 20.1 ACRES +-

N/F
HARMONY HILL, LLC
TAX ID: 15028 000015H
ZONING: AR-IV

N/F
MARY COOPER HANES
DB 4877, PG 101
TAX ID: 15028 000018
ZONING: AR-IV

N/F
HERMAN PRESTON
DELAPERRIERE IV & TAYLOR
LEANNE DELAPERRIERE
DB 8700, PG 549
TAX ID: 15038 000171

N/F
BENNY L MANGUM & BECKY
M. MANGUM
DB 852, PG 49
TAX ID: 15028 000014
ZONING: AR-IV

N/F
5D PROPERTIES LLC
DB 7658, PG 67
TAX ID: 15038 000056
ZONING: H-B

N/F
JERRY L. FOWLER
DB 739, PG 608
TAX ID: 15028 000014C

N/F
PHYLLIS ROSHAN
DB 8269, PG 670
TAX ID: 15028 000070
ZONING: PCD

N/F
ROAD ATLANTA, LLC
DB 7058, PG 411
TAX ID: 15028B000011A
ZONING: PCD

N/F
WILLIAM HARRISON MADDOX
& DENNIS RAY GRINDLE
DB 3832, PG 483
TAX ID: 15028 000020
ZONING: AR-IV

WETLAND
PROPOSED BUILDING 10,000 S.F.
PROPOSED TRUCK PARKING
PROPOSED CAR PARKING
TRACT 1 (AR-IV ZONING)
FEMA FLOOD ZONE
FUTURE FLOOD ZONE
STREAM
50' BUFFER
BLDG
EP
HALL GATEWAY DISTRICT
HOWINGTON ROAD
WINDER HIGHWAY S.R. 53 (90' R/W)

N70°30'00"E 925.00'
S16°49'46"E 384.37'
S03°04'59"W 282.49'
S17°52'35"E 257.06'
S22°57'18"E 403.68'
S43°57'00"W 451.00'
N46°03'00"W 156.30'
N81°08'00"E 114.00'
N37°38'00"W 1460.00'

GRAPHIC SCALE 0' 50' 100' 200' 300'

NO.	DATE	REVISIONS
		DESCRIPTION

EXHIBIT
UNITED LOGISTICS
ZONING EXHIBIT
G.M.D. 395
HALL COUNTY, GA

SHEET 1 OF 1

DATE: 4/1/2022
SCALE: 1" = 100'
JOB NO.622188.PRP
DRAWN BY: AJA
DWG NO.: ZONE

Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)716.8123 (770)716.8124 Fax • www.rochester-assoc.com

NOTE

1. INFORMATION AS SHOWN TAKEN FROM HALL COUNTY GIS AND PLAT BOOK 36, PAGE 134 FOR THE PURPOSES OF REZONING. THIS IS NOT A BOUNDARY SURVEY.

N/F
HARMONY HILL, LLC
TAX ID: 15028 000015H
ZONING: AR-IV

WETLAND

N/F
MARY COOPER HANES
DB 4877, PG 101
TAX ID: 15028 000018
ZONING: AR-IV

N/F
HERMAN PRESTON
DELAPERRIERE IV & TAYLOR
LEANNE DELAPERRIERE
DB 8700, PG 549
TAX ID: 15038 000171

N70°30'00"E 925.00'

50' BUFFER

S16°49'46"E 384.37'

N/F
BENNY L MANGUM & BECKY
M. MANGUM
DB 852, PG 49
TAX ID: 15028 000014
ZONING: AR-IV

PROPOSED BUILDING 10,000 S.F.

PROPOSED TRUCK PARKING

PROPOSED CAR PARKING

S03°04'56"W 282.49'

FUTURE FLOOD ZONE

N/F
5D PROPERTIES LLC
DB 7658, PG 67
TAX ID: 15038 000056
ZONING: H-B

TRACT 1
(AR-IV ZONING)

FEMA FLOOD ZONE

STREAM

S17°52'15"E 232.06'

N37°36'00"W 1460.00'

N/F
JERRY L. FOWLER
DB 739, PG 608
TAX ID: 15028 000014C

HOWINGTON ROAD

WINDER HIGHWAY
S.R. 53
(90' R/W)

50' BUFFER

S22°57'18"E 401.68'

FEMA FLOOD ZONE

N/F
PHYLLIS ROSHAN
DB 8269, PG 670
TAX ID: 15028 000070
ZONING: PCD

BLDG

N/F
ROAD ATLANTA, LLC
DB 7058, PG 411
TAX ID: 15028B000011A
ZONING: PCD

N81°08'00"E 114.00'

50' BUFFER

S43°51'00"W 451.00'

N46°03'00"W 156.30'

N/F
WILLIAM HARRISON MADDOX
& DENNIS RAY GRINDLE
DB 3632, PG 483
TAX ID: 15028 000020
ZONING: AR-IV

GRID NORTH
GA WEST ZONE

PROPERTY OWNER

JERRY L. FOWLER (ESTATE)
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TAX PARCEL: 15028000014C

APPLICANT

UNITED LOGISTICS
5509 RADFORD RD. UNIT E
FLOWERY BRANCH , GA 30542
678-828-8555

AREA SUMMARY

TRACT 1= 20.1 ACRES +-

GRAPHIC SCALE
0' 50' 100' 200' 300'

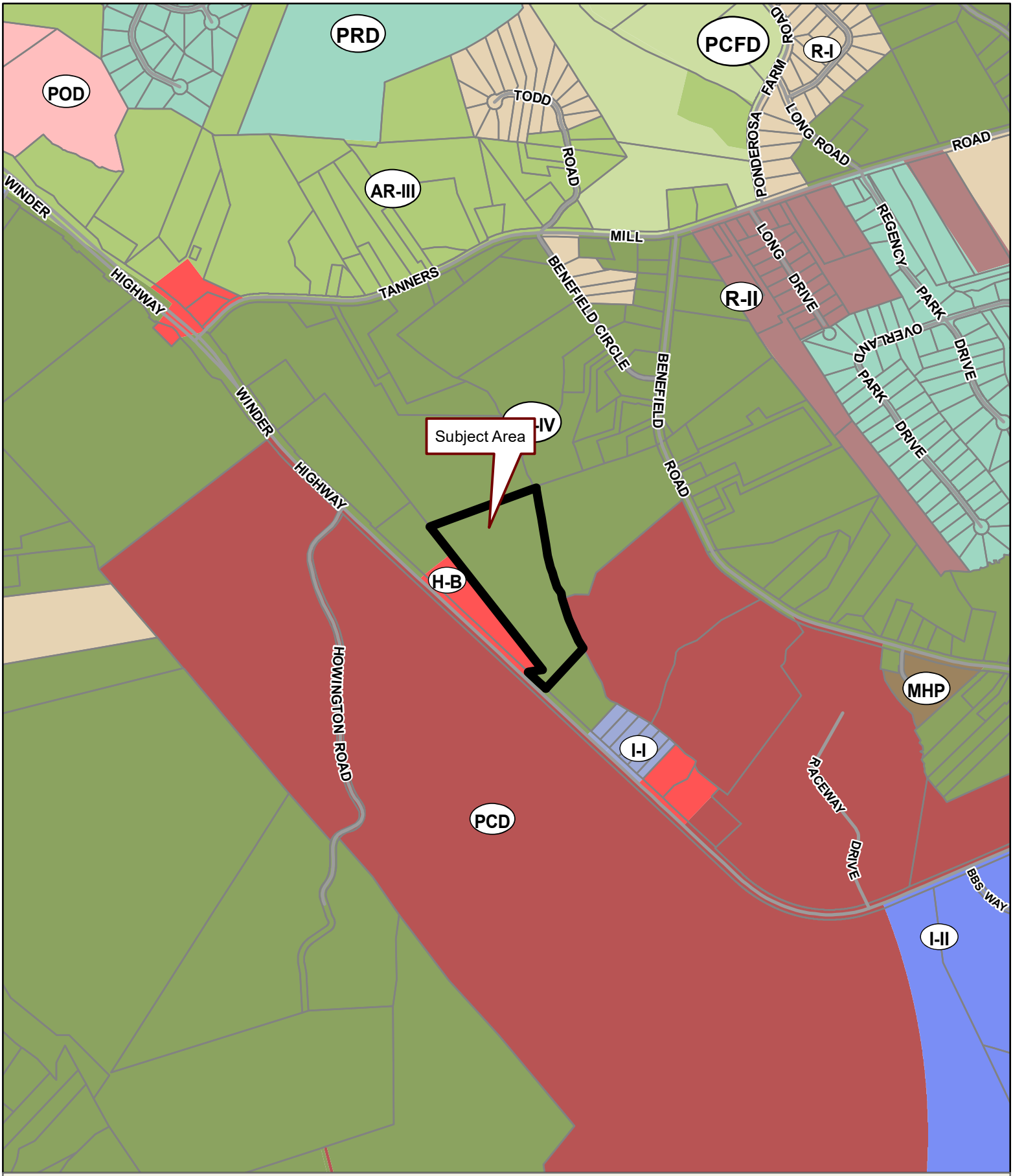
NO.	DATE	DESCRIPTION
		REVISIONS

Rochester & Associates, Inc.
425 Oak Street N.W. • Gainesville, Georgia 30501
(770)716.8123 (770)716.8124 Fax • www.rochester-assoc.com

EXHIBIT
UNITED LOGISTICS
ZONING EXHIBIT
G.M.D. 1820
HALL COUNTY, GA.

SHEET 1 OF 1

DATE: 1/31/2022
SCALE: 1" = 100'
SURVEYED BY: GFT, TBB, PRP
DRAWN BY: TBB
DWG NO.: ZONE

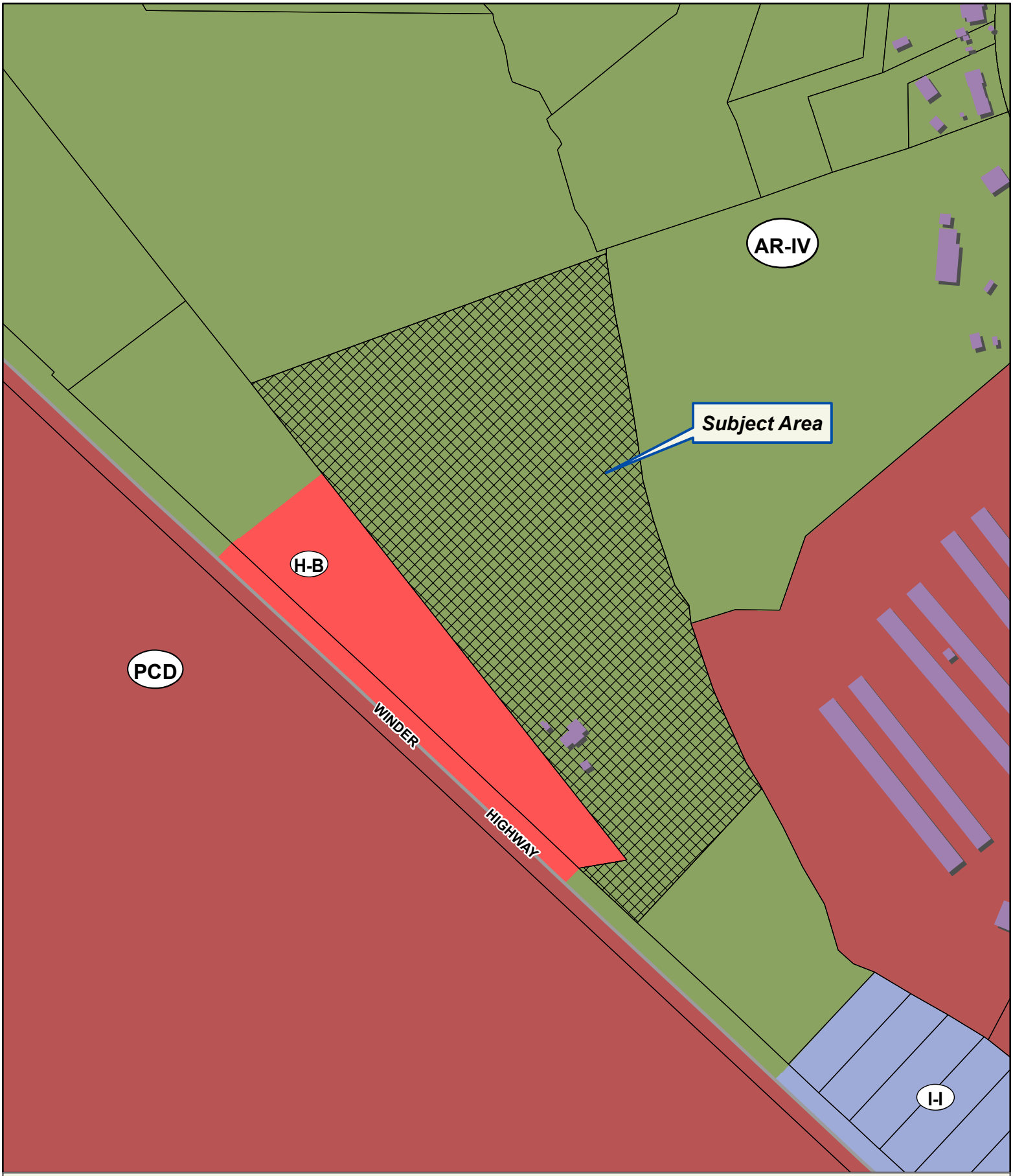


Applicant: UNITED LOGISTICS
Tax Parcel #: 15028 000014C
Location: 5205 WINDER HIGHWAY, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 04/04/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: UNITED LOGISTICS
Tax Parcel #: 15028 000014C
Location: 5205 WINDER HIGHWAY, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 04/04/2022

0 100 200 400
Feet

Zoning Boundary
City Limits
Subject Area
Structure

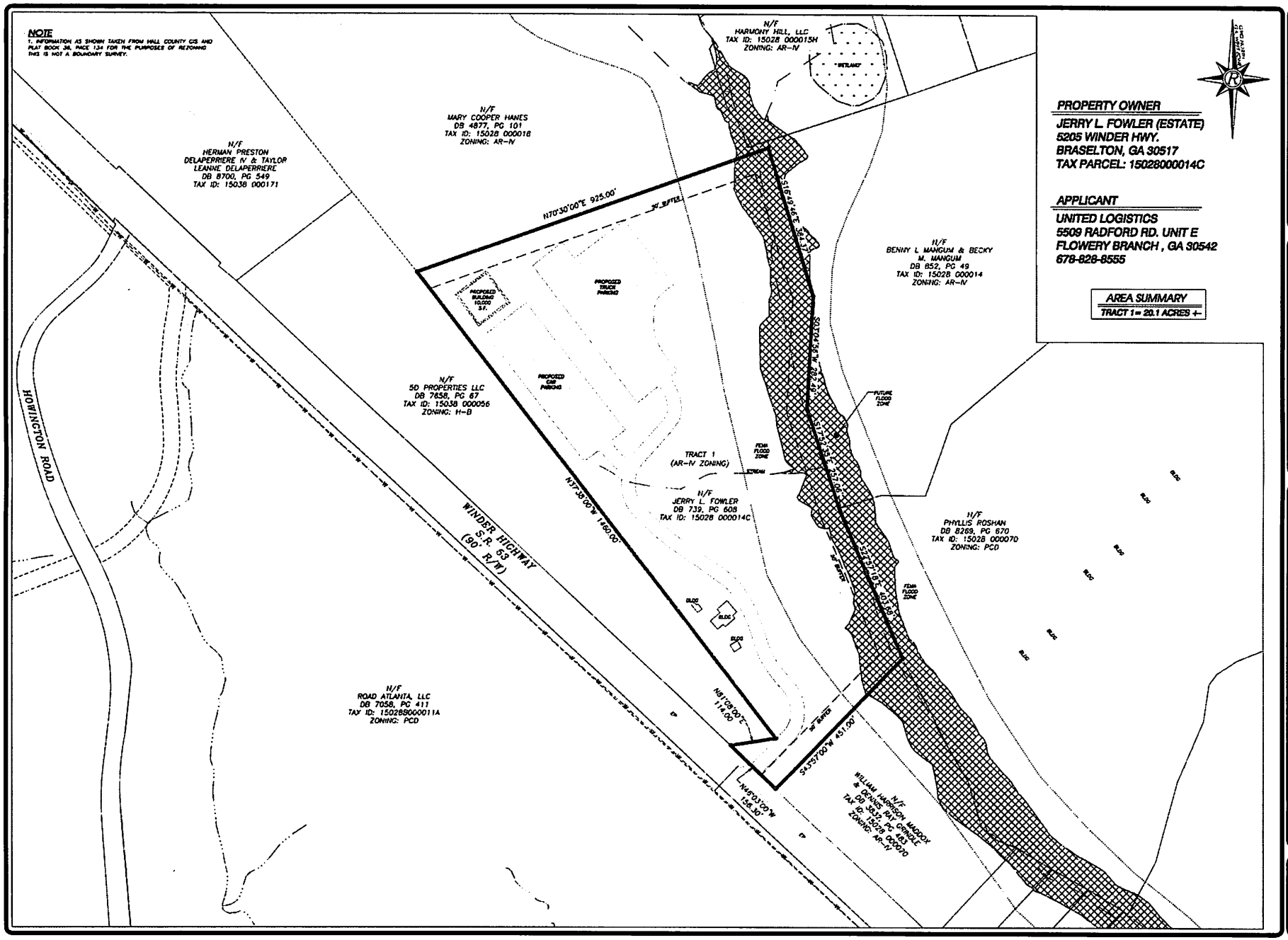
N

Applicant: UNITED LOGISTICS
Tax Parcel #: 15028 000014C
Location: 5205 WINDER HIGHWAY, BRASELTON, GA 30517
Commission District 1 **PC Mtg. Date:** 04/04/2022

0 75 150 300
Feet

Zoning Boundary
City Limits
Subject Area

N



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(770)716.8123 (770)716.8124 Fax • www.rochester-assoc.com

UNITED LOGISTICS
ZONING EXHIBIT

NO.	DATE	DESCRIPTION
		REVISIONS

SHEET 1 OF 1
DATE: 1/31/2022
SCALE: 1" = 100'
JOB NO. 021138.PW
DRAWN BY: JDM
DWG NO.: 1

SEDL

IN THE PROBATE COURT
COUNTY OF HALL
STATE OF GEORGIA

PROBATE COURT
HALL COUNTY, GA
2014 MAY -5 PM 2:11

IN RE: ESTATE OF)
)
Jerry Lamar Fowler ,) ESTATE NO. E-14-103
DECEASED)

LETTERS OF ADMINISTRATION

(Bond Waived and/or Certain Powers Granted at Time of Appointment)

WHEREAS, Jerry Lamar Fowler died intestate

(Initial one)

PWF domiciled in this County;

_____ not domiciled in this State, but owning property in this County;

and this Court granted an order appointing Brenda M. Fowler as Administrator(s) of the estate of said decedent, on condition that said Administrator(s) give(s) oath as required by law; and the said Administrator(s) having complied with said condition; the Court hereby grants unto said Administrator(s) full power to collect the assets of said decedent, and to pay the debts of said estate, so far as such assets will extend, according to law, and then to pay over the balance, if any, to the heirs of said decedent, and to do and perform all other duties as such Administrator(s), according to the laws of this State. In addition, this Court:

(Initial all which apply)

PWF (a) **REPORTS WAIVED:** Grants to the Administrator(s) the power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary~~(ies)~~ shall furnish to the heirs, at least annually, a statement of receipts and disbursements.

PWF (b) **BOND WAIVED:** Waives the requirement to post bond.

PWF (c) **POWERS GRANTED:** Grants to the Administrator(s) the powers contained in O.C.G.A. §53-12-261 not included in (a) above.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this 5th day of May, 20 14.

Patty Walters Laird
Judge of the Probate Court

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

_____
Clerk/Deputy Clerk Probate Court

STATE OF GEORGIA
COUNTY OF HALL
I, Judge of the Probate Court in and for said County do hereby certify that the within is a true and correct copy of the original as it appears on file in this office. Witness the official seal and signature of Probate Court this 5th day of May, 2014

(Seal)

_____
Judge, Clerk Hall County Probate Court

Legal Description

All that tract or parcel of land lying and being in G.M.D. 385, Hall County, Georgia the same being described as parcel 27 recorded in plat book 36, page 134 recorded July, 21st 1966, prepared by Grady Jarrard.

Containing +- 20.1 Acres.

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, March 10, 2022 2:33 PM
To: Srikanth Yamala (Public Works); Anael Dominguez (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 4.4.22

Please find Environmental Health comments below:

Item 1, 3418 Cagle Road, Panchal: Must meet all Environmental Health residential septic system permitting requirements.

Item 2, 6210 Dahlonega Hwy, Ava Hospitality: Must meet all Environmental Health Tourist Accommodation permitting requirements.

Item 3, 3710 Hardy/3428/3416 Nancy Creek, Cook Communities: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.

Item 4, 603 Atlanta Hwy, Loyd: No comment. Public sewer.

Item 5, 2978 Athens Hwy, G&G Fabricators: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

Item 6, 4670 Union Church Road, Ridgeline: No comment. Public sewer.

Item 7, 5205 Winder Hwy, United Logistics: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Any abandoned well shall be properly closed as per Water Well Standards Act. Any abandoned septic tank shall be pumped by a State certified pumper/hauler and crushed/filled.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504

(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Tuesday, March 15, 2022 6:10 PM
To: Anael Dominguez (Planning); Srikanth Yamala (Public Works)
Cc: Peevy, Jonathan; Dykes, Jason
Subject: RE: Tentative Planning Agenda for April 4, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see GDOT responses in red below

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, March 10, 2022 9:09 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Daniel.C.Barnes@usace.army.mil; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; jeremy.wills@gainesville.org; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; matt.cox@hallco.org; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; nswafford@gainesville.org; pam.cravero@hallco.org; rich@flowerybranchga.org; Scott Puckett <spuckett@hallcounty.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; troy.s.cain@usace.army.mil; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; will.schofield@hallco.org
Subject: Tentative Planning Agenda for April 4, 2022

Good afternoon –

Here is the Tentative Agenda and Maps for the **Monday, April 4th, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, March 17th.** Email comments to Srikanth (syamala@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you!

CALL TO ORDER

APPROVAL OF MINUTES – March 21, 2022

NEW BUSINESS

1. Application of Prathamesh Panchal for a front yard setback variance from 30 feet to 15 feet and a right side yard setback variance from 10 feet to 5 feet on a 0.49± acre tract located on the south side of Cagle Road approximately 391 feet from its intersection with Ridge Drive; a.k.a. 3418 Cagle Road; Zoned R-I; Tax Parcel 09106A002014. Proposed use: construct a single family residence. * Commission District 3.

   None

2. Application of Ava Hospitality LLC for a use subject to County Commission approval on a 1.59± acre tract located on the east side of Dahlonega Highway approximately 1,720 feet from its intersection with Brady Road; a.k.a. 6210 Dahlonega Highway; Zoned PRD; Tax Parcel 11003 000003. Proposed use: bed and breakfast inn with small events. ** Commission District 3.

   GDOT Coordination Required

3. Application of Cook Communities for a use subject to County Commission approval on a 11.64± acre tract located on the south side of Hardy Road at its intersection with Nancy Creek Road; a.k.a. 3710 Hardy Road and 3428, 3416 Nancy Creek Road; Zoned R-I & V-C; Tax Parcels 10121 000015, 000015A, 000015B. Proposed use: subdivide property into eleven (11) lots. ** Commission District 2.

   None

4. Application of Greg Loyd for a use subject to County Commission approval on a .92± acre tract located on the east side of Atlanta Highway at its intersection with Hall Street; a.k.a. 603 Atlanta Highway; Zoned H-B; Tax Parcel 00132 005021. Proposed use: automobile sales. ** Commission District 4.

   GDOT Coordination Required

5. Application of G & G Fabricators LLC to rezone from Suburban Shopping (S-S) to Light Industrial (I-I) on a 1.0± acre tract located on the west side of Athens Highway at its intersection with Baker Road; a.k.a. 2978 Athens Highway; Zoned S-S; Tax Parcel 15023 000173. Proposed use: light industrial – welding shop. ** Commission District 3.

   GDOT Coordination Required (Access preferred from Baker Rd)

6. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.

   Do you have any existing/projected counts for the intersection of SR 53 and Union Church Rd?

7. Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with

Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. ** Commission District 1.

GDOT Coordination Required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Wednesday, May 11, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Wednesday, May 11, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Clerk to the Planning Commission
Hall County Government
Tel: 770-531-6810
adominguez@hallcounty.org
www.hallcounty.org

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

Hall County Government
PUBLIC WORKS AND UTILITIES

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

INTERIM DIRECTOR
Bill Nash, P.E.

To: Srikanth Yamala, Interim Director of Planning and Zoning

From: Bill Nash, P.E., Interim Director of Public Works and Utilities

Date: March 16, 2022

Subject: April 4, 2022 Hall County Planning Commission Agenda

---

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the *April 4, 2022* meeting. Upon review, we provide the following comments:

1. Application of Prathamesh Panchal for a front yard setback variance from 30 feet to 15 feet and a right side yard setback variance from 10 feet to 5 feet on a 0.49± acre tract located on the south side of Cagle Road approximately 391 feet from its intersection with Ridge Drive; a.k.a. 3418 Cagle Road; Zoned R-I; Tax Parcel 09106A002014. Proposed use: construct a single-family residence. * Commission District 3.

a) Engineering: Show stream buffers and impervious setback from wrested vegetation, not centerline of creek. No mention of wanting a variance for 75' impervious.
b) Traffic: No Traffic Comments
c) Utilities: Provide design for Creek Crossing.

2. Application of Ava Hospitality LLC for a use subject to County Commission approval on a 1.59± acre tract located on the east side of Dahlonega Highway approximately 1,720 feet from its intersection with Brady Road; a.k.a. 6210 Dahlonega Highway; Zoned PRD; Tax Parcel 11003 000003. Proposed use: bed and breakfast inn with small events. ** Commission District 3.

a) Engineering: N/A
b) Traffic: No Traffic Comments
c) Utilities: No Comments

3. Application of Cook Communities for a use subject to County Commission approval on a 11.64± acre tract located on the south side of Hardy Road at its intersection with Nancy Creek Road; a.k.a. 3710 Hardy Road and 3428, 3416 Nancy Creek Road; Zoned R-I & V-C; Tax Parcels 10121 000015, 000015A, 000015B. Proposed use: subdivide property into eleven (11) lots. ** Commission District 2.

a) Engineering: The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Must submit Engineering plans for grading and stormwater, etc… Site plan should include all original lots (6) for storm water purposes.
b) Traffic: Recommend internal roadway providing lot access or common access drives.
c) Utilities: No Comments

4. Application of Greg Loyd for a use subject to County Commission approval on a .92± acre tract located on the east side of Atlanta Highway at its intersection with Hall Street; a.k.a. 603 Atlanta Highway; Zoned H-B; Tax Parcel 00132 005021. Proposed use: automobile sales. ** Commission District 4.

a) Engineering: N/A
b) Traffic: No Traffic Comments
c) Utilities: No Comments

5. Application of G & G Fabricators LLC to rezone from Suburban Shopping (S-S) to Light Industrial (I-I) on a 1.0± acre tract located on the west side of Athens Highway at its intersection with Baker Road; a.k.a. 2978 Athens Highway; Zoned S-S; Tax Parcel 15023 000173. Proposed use: light industrial – welding shop. ** Commission District 3.

a) Engineering: The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) Traffic: No Traffic Comments
c) Utilities: No Comments

6. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.

a) Engineering: The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of creek.
b) Traffic: Was a traffic study completed for this proposal? Both left and right turn lanes will be required. Proposed entrance does not appear to meet offset spacing requirements with Steeple Chase Lane. Secondary access off Union Church Road should be a gated emergency access only.
c) Utilities: The property falls within the Hall County Sewer Service Area; however, the property is not presently served by any sewer outfall lines, and the development will require connection to sanitary sewer based on the density. The applicant shall provide availability letter prior to rezoning.

7. Application of United Logistics to rezone from Agricultural Residential-IV (AR-IV) to Light Industrial (I-I) on a 19.65± acre tract located on the east side of Winder Highway approximately 1,995 feet from its intersection with Howington Road; a.k.a. 5205 Winder Highway; Zoned AR-IV; Tax Parcel 15028 000014C. Proposed Use: light industrial uses. ** Commission District 1.

a) Engineering: Show flood. The sight may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffers and impervious setback from wrested vegetation, not centerline of stream.
b) Traffic: Access permit will be through the Georgia Department of Transportation.
c) Utilities: Hall County service district.

Jun 30, 2022 at 4:49:46 PM
5109–5187 Winder Hwy
Braselton GA 30517
United States

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: UNITED LOGISTICS

REQUEST: REZONE FROM AR-IV TO I-1 FOR LIGHT INDUSTRIAL USES

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 4-4-22
Time: 05:15PM

AND

COUNTY COMMISSION
Date: 7-14-22
Time: 06:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Jun 1, 2022 at 7:05:43 PM
5189–5197 Winder Hwy
Braselton GA 30517
United States

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: UNITED LOGISTICS

REQUEST: REZONE FROM AR-IV TO I-1 FOR LIGHT INDUSTRIAL USES

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 04-04-2022
Time: 05:15 PM

AND

COUNTY COMMISSION
Date: 06-09-2022
Time: 06:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

Jun 1, 2022 at 7:21:36 PM
5109–5187 Winder Hwy
Braselton GA 30517
United States

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: UNITED LOGISTICS

REQUEST: REZONE FROM AR-IV TO I-1 FOR LIGHT INDUSTRIAL USES

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 4-4-2022
Time: 5:15 p.m.

AND

COUNTY COMMISSION
Date: 5-11-2022
Time: 6:00 p.m.

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 340/2022

SUBJECT: Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. Commission District 2.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:

Approval, with conditions. 1. The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision. 2. Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. 3. Show the flood zone on the plat. 4. Show the required Engineering Notes on the plat for Minor Subdivisions. 5. The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works. 6. All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval. 7. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices." 8. In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.

Purpose of Request:

History:

Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. Commission District 2.

Facts and Issues: **Options:**

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Environmental Health Comments
GDOT Comments
Public Works Comments
Notice Sign Photo

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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. Commission District 2.

Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. Commission District 2.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request with the following eight (8) conditions:

1. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.*
2. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
3. *Show the flood zone on the plat.*
4. *Show the required Engineering Notes on the plat for Minor Subdivisions.*
5. *The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.*
6. *All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.*
7. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

8. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.*

There were zero (0) written comments in opposition submitted in advance of the Planning Commission meeting and zero (0) people spoke in opposition during the public hearing on June 6, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... James and Linda Draffin

Request..... Use Subject to County Commission approval

Proposed Use ..... Two-lot subdivision

Size ..... 6.7± acres

Zoning ..... Residential-I (R-I)

Location ..... On the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Tax Parcel 10048 000013.

Commission District ..... Two

Planning Commission Date ..... June 6, 2022

Staff Recommendation ..... Approval

Planning Commission Recommendation: Approval, with conditions
Vote: 4-0 (Pilcher absent)

Conditions:

1. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.*
2. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
3. *Show the flood zone on the plat.*
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8. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action*

is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.

Applicant Proposal

The applicant is requesting to subdivide an existing 6.7± acre Residential-I (R-I) zoned parcel into two tracts. Pursuant to §17.60.040 of the Official Code of Hall County a residential subdivision in this zoning district requires conditional use approval from the Board of Commissioners.

The applicant's narrative states that they have owned the property for 45 years and are requesting to subdivide 1.5± acres out of the property for a new tract. The applicant's narrative states they have no intent to develop the tract. The applicant continues that if the 1.5± acres are developed in the future, they will connect to City of Gainesville water and sewer service, if available, and if not will utilize well water and a septic system.

The submitted site plan depicts the proposed 1.5± acre lot located at the northwest portion of the property. The parcel contains 361± feet of road frontage and is a depth of 200± feet. The parent parcel will contain the remaining 5.19± acres and have approximately 208± feet of road frontage.

History and Existing Land Uses

The subject property is 6.7± acres and is zoned Residential-I (R-I) and is developed with a 2,700 square foot residence, constructed in 1978. The property is recorded with the Hall County Clerk of Courts and can be found in Plat Book 65 page 181 recorded on March 1, 1977.

The subject property is located on the south side of Chestatee Road. To the west and south of the subject property is U.S.A.C.E land, a branch of Lake Lanier. To the north, across Chestatee Road, and to the west, are also R-I zoned properties. The current zoning does not allow subdivisions by right. The applicant has chosen to request a conditional use approval from the County Commission to accommodate the proposed residential subdivision.

Comprehensive Plan Land Use Designation

The Comprehensive Plan's future land use designation for the subject parcel is "Lake Area Residential." This land use category is characterized by low-density single-family residential and neighborhoods. The intent of land use category is to preserve established neighborhoods and create opportunities for permanent and vacation residences similar in land use patters to Residential Areas but at a lower density.

This request complies with the Comprehensive Plan and Future Land Use Map designation.

Development Support and Constraints

Hall County Environmental Health
In an email dated May 13, 2022, Emily McGahee, Hall Environmental Health, provided the following comment: "All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022."

Hall County Fire Services
The subject property is located approximately 2.3 miles from Fire Station #13, located at 2709 Sardis Road.

Hall County Public Works and Utilities
A memo dated May 19, 2022 from Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comment:

> Engineering
> Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.
>
> Traffic Engineering
> Proposed driveway will need to meet County Driveway Regulations.
>
> Utilities
> No comments.

Hall County Tax Assessors
No comments were provided in relation to this item.

Gainesville Water and Sewer Resources
Public water is available along this portion of Chestatee Road but there is no access to sanitary sewer.

Georgia Department of Transportation
This project will not require GDOT coordination.

Zoning Analysis

- The subject parcel is a total of 6.7± acres in size. The applicant is requesting to allow a minor subdivision to create two building lots.
- The proposed property use is consistent with the Comprehensive Plan. These parcels are not located within any corridors or activity centers.
- Per §17.240.010 of the Official Code of Hall County, the minimum dimensional standards for the Residential-I zoning district are as follows:
    - 35,000 square foot minimum lot size.
        - This standard **is met** ○ 50’ minimum frontage for local roads or 150’ minimum frontage for road designated as an arterial or collector per §16.50.040 of the Official Code of Hall County.
        - Chestatee Road is classified as a major collector and shall require 150 feet of frontage for each lot.
        - The proposed subdivision **meets** this standard. ○ 75’ minimum lot width (at front setback line) per §17.240.120.
        - Each parcel is at least 75’ in width at the building line. ▪ This standard **is met.**
    - 30’ front and street side setbacks ○ 10’ side yard setback ○ 20’ rear setback ○ Side and rear yards which adjoin Lake Lanier may have a zero setback

- §17.380.060 of the Official Code of Hall County provides the criteria for considering a conditional use. The application **meets** all these standards based on the following analysis:
    - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential uses in the area of the lake.
    - Due to the number of other residential uses within the R-I zoning in this area, a conditional use, if granted, would not cause substantial detriment to the public good.

Staff Recommendation

Staff recommends **approval** of the applicant's request with the following conditions:

1. The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.
2. Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.
3. Show the flood zone on the plat.
4. Show the required Engineering Notes on the plat for Minor Subdivisions.
5. The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.
6. All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.
7. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
8. In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

James Draffin, 3479 Chestatee Road, Gainesville, presented the request. The applicant stated that he wants to cut 1.5 acres to leave for his family but is not planning to build anytime soon.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Hunt questioned if the applicant has read the staff report for his application. The applicant stated that he has and he understands.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher Absent)**

Conditions:

9. *The applicant shall submit a plat to Hall County Planning and Development to be reviewed as a Minor Subdivision.*
10. *Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six.*
11. *Show the flood zone on the plat.*
12. *Show the required Engineering Notes on the plat for Minor Subdivisions.*
13. *The proposed driveway will need to meet Hall County Driveway Regulations and be approved by Hall County Public Works.*
14. *All proposed lots must meet the Hall County Board of Health Lot Size Resolution and Environmental Health requirements for plat approval.*
15. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
    "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
16. *In accordance with Section 17.380.130.E.8 of the Hall County Ordinances: The approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and development plat approval.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

RECEIVED
APR 18 2022
Planning & Zoning Department

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CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)
JAMES & LINDA DRAFFIN
3479 CHESTATEE ROAD
GAINESVILLE, GA 30506
Phone 770-532-7448
Email Address JIMDLIN@YAHOO.COM

Property Owner (Name & Mailing Address)
JAMES & LINDA DRAFFIN
3479 CHESTATEE ROAD
GAINESVILLE, GA. 30506
Phone 770-532-7448
Email Address JIMDLIN@YAHOO.COM

Proposed Use CUTTING OUT A NEW TRACT

Contact Person (Name & Mailing Address)
JAMES DRAFFIN
3479 CHESTATEE ROAD
GAINESVILLE, GA 30506
Phone 770-532-7448
Email Address JIMDLIN@YAHOO.COM

Status of Applicant
- ● Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action
Permissive Use:
☐ HCPC ☒ HCC
Fee:$ _____
Receipt #: 858988
Check #: 2720

Zoning: R-1
Acreage 1.5 (NEW LOT)
Tax Parcel Number 10048 000013
Location Address 3479 CHESTATEE ROAD, GAINESVILLE, GA 30506

I hereby certify that the above information and all attached information are true and correct.

Sign James P Draffin Linda M. Draffin Date: 4/18/2022

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: 6/6/22 Tentative County Commission Date: 7/14/22

County Commission District: 2

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: James P Draffin **Date:** 4/18/2022

Applicant's/Owner's Name (Printed): JAMES P. DRAFFIN

The current zoning district for this property is R-1.

We are the owners of 6.69 acres on which we have lived for 45 years. We wish to cut out a 1.5 acre tract from this property. We have no plans to develope this proper tract.

There will be no signs or lighting. Provisions for water and waste water disposal if offered by Gainesville will be used, otherwise water is by well and waste water disposal is by septic tank.

4/18/22

James P Draffin

Linda M. Draffin

NOT FOR RECORDING

GEORGIA REGISTERED 3301 PROFESSIONAL LAND SURVEYOR CHRISTOPHER K. MANLEY

DRAWING INFORMATION	
F. DATE: 24 MARCH 2022	DATE: 25 MARCH 2022
DRAWN BY: K.MANLEY	CHECKED BY: K.MANLEY
FILE NAME: 22133V.DWG	
PROJECT №: 22133 DRAFFIN	

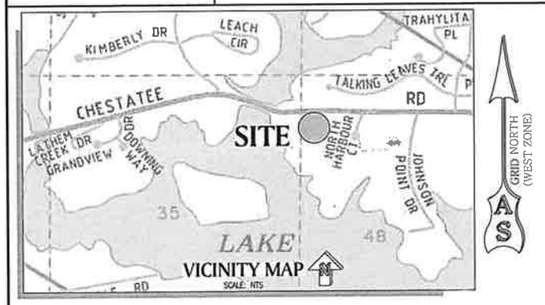
ATLAS LAND SURVEYING & MAPPING, LLC
97 GRINDLE BROTHERS ROAD
MURRAYVILLE, GA 30564
PHONE:770.532.7203 | EMAIL:kris@atlassam.com
LSF №: 001344 (EX.06.30.22)

REVISIONS

MINOR SKETCH FOR:

JAMES P. DRAFFIN
LINDA M. DRAFFIN

LAND LOT 48 ~ 10th DISTRICT
HALL COUNTY, GEORGIA

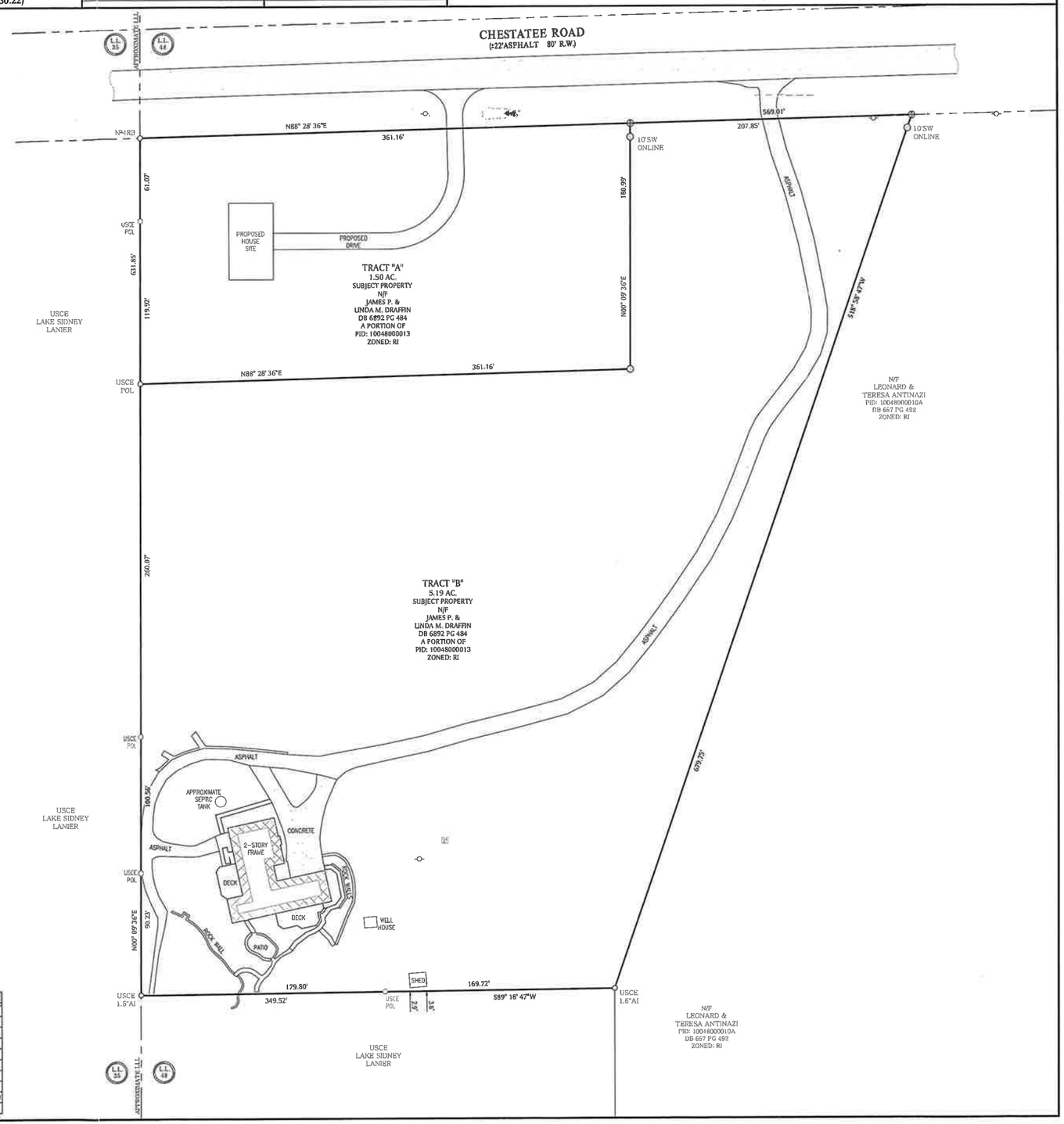


ENGINEERING NOTES

- ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FEET UNDISTURBED NATURAL BUFFER AND A 75 FEET IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE 8.170.070)
- IF A PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFER AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 17.225.040)
- THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FLOOD INSURANCE RATE MAP № 13139C 0175G, DATED 04 APRIL 2018.
- THIS PROPERTY IS NOT LOCATED IN THE HALL COUNTY FUTURE FLOOD ZONE PER HALL COUNTY GIS.
- IF RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE 8.180.120 & 8.180.130)

SURVEYORS NOTES

1. DATUM
   STATE PLANE GRID (GEORGIA WEST ZONE) AS DEFINED BY NAD83 & NAVD88 ESTABLISHED BY NETWORK RTK OBSERVATIONS
   U.S. SURVEY FEET
2. CLOSURE STATEMENT
   THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 25,319 FEET AND AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND THEIR ACCURACIES ARE:
   TRACT "A": 1 FOOT IN 108,430 FEET
   TRACT "B": 1 FOOT IN 204,530 FEET
3. EQUIPMENT STATEMENT
   LINEAR AND ANGULAR MEASUREMENTS OBTAINED USING A LEICA TS12 ROBOTIC TOTAL STATION. NETWORK RTK OBSERVATIONS OBTAINED USING A LEICA GS14 GPS RECEIVER.
4. TITLE
   THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE. THERE COULD BE OTHER MATTERS OF RECORD AFFECTING THE PROPERTY.
5. REFERENCE INFORMATION NOT SHOWN
   A. PB 65 PG 181
   B. PB 69 PG 283
   C. UNRECORDED SURVEY FOR JAMES P. DRAFFIN, PREPARED BY HENRY BAILEY, DATED 23 AUGUST 1977.
6. CERTIFICATION
   A. THIS DRAWING WAS PREPARED FOR THE EXCLUSIVE USE FOR THE CLIENT NAMED HEREON AND REPRESENTS A SPECIFIC SCOPE OF SERVICES.
   B. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
   C. THE MUNICIPAL NOTES, STATEMENTS, AND/OR CERTIFICATIONS (EVEN IF SIGNED BY THE LISTED SURVEYOR) DEPICTED HEREON ARE REQUIRED FOR DEPARTMENTAL APPROVALS. ATLAS LAND SURVEYING & MAPPING, LLC DISCLAIMS ALL LIABILITY FOR ANY ISSUES THAT MAY ARISE BASED ON SAID NOTES, STATEMENTS, AND/OR CERTIFICATIONS.
7. FLOOD ZONE
   BASED ON GRAPHICAL INTERPRETATION THIS PROPERTY IS SITUATED IN UNSHADED "ZONE X (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN) AS DEPICTED ON THE NFIP FLOOD INSURANCE RATE MAP NO 13139C 0175G, HAVING AN EFFECTIVE DATE OF 04 APRIL 2018. USER OF THIS INFORMATION IS AT THEIR OWN RISK AND ARE CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NECESSARY.
8. STREAMS, BODIES OF WATER, & WETLANDS
   ALL STREAMS, BODIES OF WATER, AND WETLANDS MAY BE SUBJECT TO STATE, COUNTY, AND LOCAL BUFFERS AND/OR RESTRICTIONS. ATLAS LAND SURVEYING & MAPPING, LLC MAKES NO INTERPRETATION REGARDING THESE BUFFERS AND/OR RESTRICTIONS. USERS OF THIS SURVEY ARE CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING POSSIBLE BUFFERS OR RESTRICTIONS. ATLAS LAND SURVEYING & MAPPING, LLC DISCLAIMS ALL LIABILITY FOR ANY ISSUES THAT MAY ARISE BASED ON BUFFERS AND/OR RESTRICTIONS SHOWN HEREON. ANY BUFFERS, RESTRICTIONS, AND/OR STATEMENTS SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. USER OF THIS INFORMATION IS AT THEIR OWN RISK.
9. ZONING/LAND USE
   THE PROPERTY DEPICTED MAY BE SUBJECT TO ADDITIONAL ZONING/LAND USE ORDINANCE AND/OR RESTRICTIONS. ATLAS LAND SURVEYING & MAPPING, LLC MAKES NO INTERPRETATION REGARDING THESE ORDINANCE AND/OR RESTRICTIONS. USERS OF THIS SURVEY ARE CAUTIONED TO CONSULT WITH THE APPROPRIATE GOVERNING AUTHORITIES CONCERNING THESE ORDINANCE AND/OR RESTRICTIONS. ATLAS LAND SURVEYING & MAPPING, LLC DISCLAIMS ALL LIABILITY FOR ANY ISSUES THAT MAY ARISE BASED ON ORDINANCE AND/OR RESTRICTIONS SHOWN HEREON. ANY ZONING/LAND USE ORDINANCE, RESTRICTIONS, AND/OR STATEMENTS THEREOF SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY. USER OF THIS INFORMATION IS AT THEIR OWN RISK.



ABBREVATION LEGEND

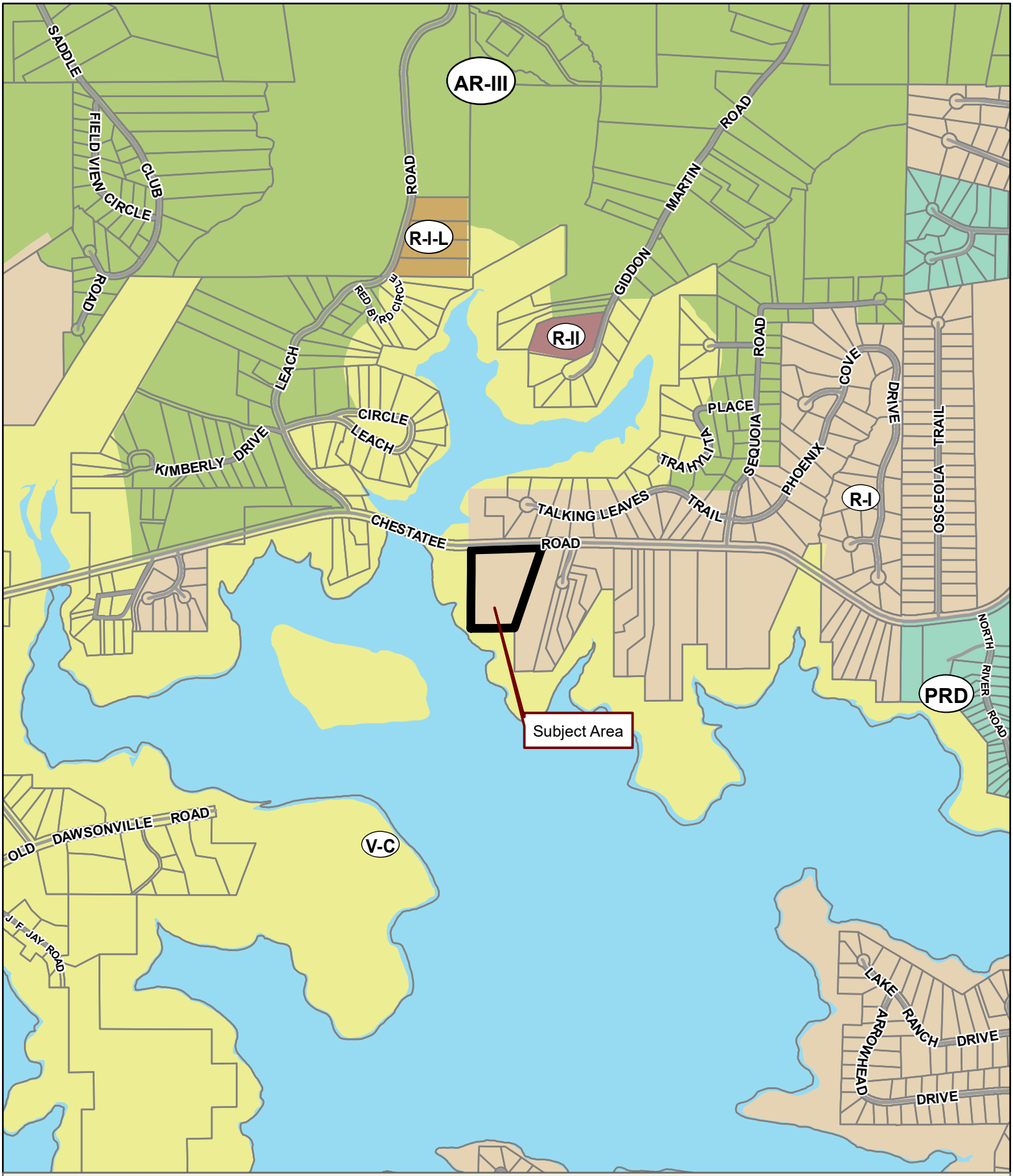
AC	ACRES	OCS	OUTLET CONTROL STRUCTURE
∠	ANGLE/BEARING	OHP	OVERHEAD POWER
℄	CENTERLINE	PVMT	PAVEMENT
COM	COMMUNICATIONS	PG	PAGE
CONC	CONCRETE	PID	PARCEL IDENTIFICATION NUMBER
CTP	CRIMP TOP PIPE	P.L.	PROPERTY LINE
DB	DEED BOOK	POBC	POINT OF BEGINNING/COMMENCEMENT
EST	ESTIMATED	RBC	REBAR W/CAP
L.L.	LAND LOT LINE	RB	REBAR
LSS	LANDSCAPE STRIP	R.W.	RIGHT OF WAY
N/A	NOT AVAILABLE OR ACCESSIBLE	SSE	SANITARY SEWER EASEMENT
N/F	NOW OR FORMERLY	STM	STORM EASEMENT
OH	OVERHEAD	UG	UNDERGROUND

SYMBOL LEGEND

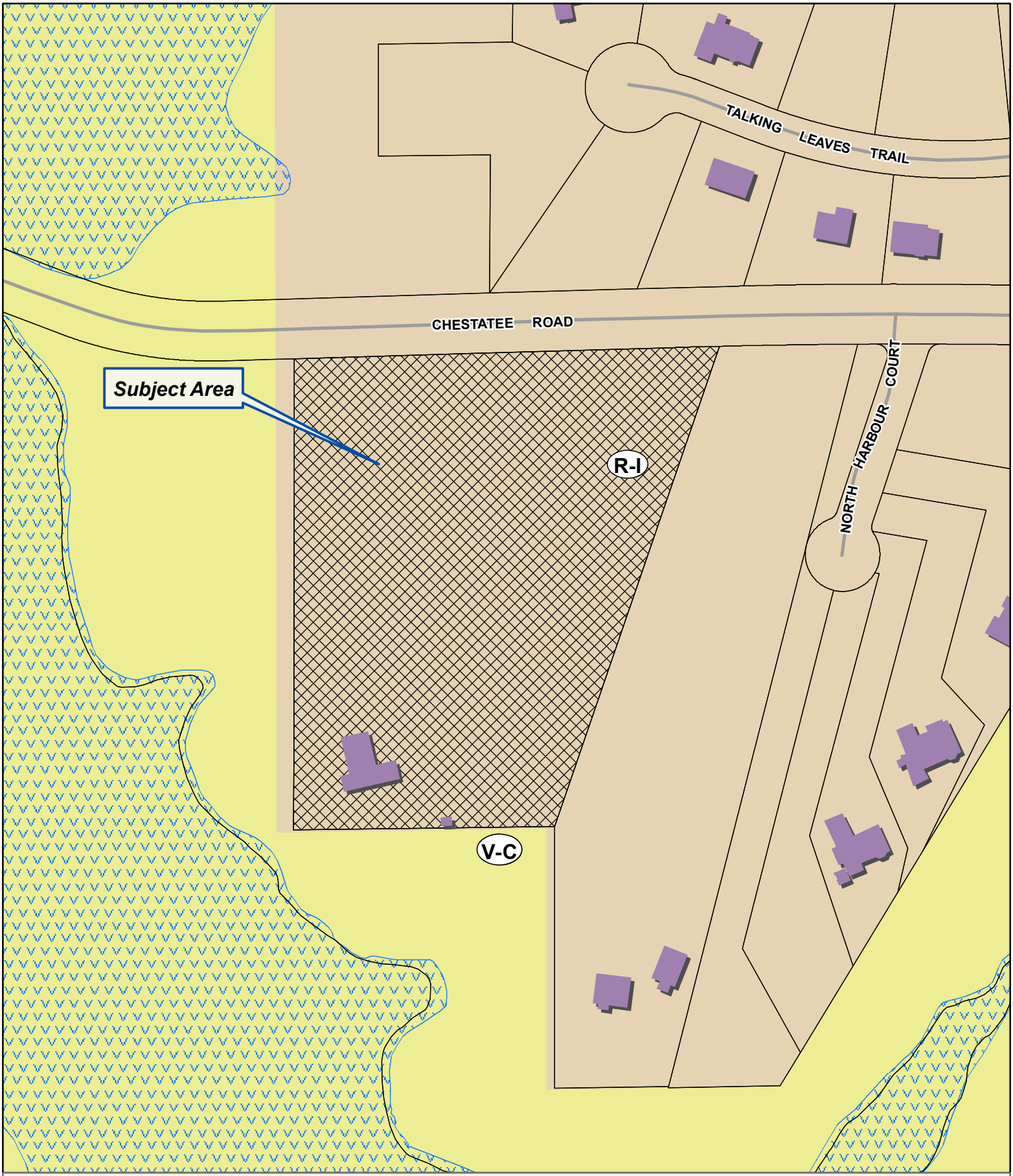
BOX (P=POWER, COM=COMMUNICATION)	MONUMENT SET
COMPUTED POINT (NOT MONUMENTED)	NUMBLE STRIP
CLEANOUT	UTILITY POLE
FIRE DEPT CONNECTION-BUILDING	PROPERTY CORNER FOUND
FIRE DEPT CONNECTION-POST	PROPERTY CORNER SET (NO. 4 RBC)
FIRE HYDRANT	STREET SIGN
GREASE TRAP(GT)	TEST/SOIL HOLE
GUY WIRE	TRAFFIC CONTROL BOX
LIGHT POLE	TRAFFIC SIGNAL POLE
MANHOLE (P=POWER, S=SANITARY SEWER)	TRAFFIC WALK POLE
METER (P=POWER, W=WATER, G=GAS)	VALVE (G=GAS, W=WATER)
MONUMENT FOUND	WIRE FULLBOX (P=POWER, TC=TRAFFIC)

LINE LEGEND

C/L-STREAM	R.W. LIMITED ACCESS
FENCE	STORM SEWER
FP-FP-FP- FLOODPLAIN	UTILITY-FORCE MAIN
FW-FW-FW- FLOODWAY	UTILITY-GAS
GUARDRAIL	UTILITY-COM OH
P/L-ADJACENT	UTILITY-POWER OH
P/L-EXTERIOR	UTILITY-COM UG
P/L-INTERIOR	UTILITY-POWER UG
RAILROAD	UTILITY-SANITARY SEWER
RIGHT-OF-WAY	UTILITY-WATER



Applicant: JAMES & LINDA DRAFFIN
Tax Parcel #: 10048 000013
Location: 3479 CHESTATEE ROAD, GAINESVILLE, GA 30506
Commission District 2 **PC Mtg. Date:** 06/06/2022



Applicant: JAMES & LINDA DRAFFIN
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Commission District 2 **PC Mtg. Date:** 06/06/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

Applicant: JAMES & LINDA DRAFFIN
Tax Parcel #: 10048 000013
Location: 3479 CHESTATEE ROAD, GAINESVILLE, GA 30506
Commission District 2 **PC Mtg. Date:** 06/06/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

N

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, May 13, 2022 1:18 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 6.6.22

Please find Environmental Health comments below:

Item 1, 7015 Kempton Court, Dixon: No comment. Public sewer.

Item 2, 3479 Chestatee Road, Draffin: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022.

Items 3 & 4, 5747 Holiday Road, Reeves: No comment.

Item 5 & 6, 4726 Shirley Road, Norris Development: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, May 18, 2022 8:55 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for June 6, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments below in red

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, May 12, 2022 10:18 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for June 6, 2022

Good morning,
Here is the Tentative Agenda and Maps for the Monday, June 6, 2022 Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report. When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by Thursday, May 19, 2022. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you–

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – May 16, 2022

NEW BUSINESS

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.
   GDOT Coordination unlikely, though I could not tell what is proposed for the property

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.
   No GDOT Coordination required

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 14, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 14, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: May 19, 2022

Subject: June 6, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the June 6, 2022 meeting. Upon review, we provide the following comments:

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.

    a) **Engineering:** No comments.
    b) **Traffic:** No comments.
    c) **Utilities:** No comments.

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.

    a) **Engineering:** Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.
    b) **Traffic:** Proposed driveway will need to meet County Driveway Regulations.
    c) **Utilities:** No comments.

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

    a) **Engineering:** The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
    b) **Traffic:** Driveway will need to be permitted by the City of Buford.
    c) **Utilities:** No comments.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Driveway will need to be permitted by the City of Buford.
   c) Utilities: No comments.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: JAMES & LINDA DRAFFIN

REQUEST: USE SUBJECT TO BOC FOR 2-LOT MINOR SUBDIVISION

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 6.6.22
Time: 5:15 P.M.

AND

COUNTY COMMISSION
Date: 7.14.22
Time: 6:00 P.M.

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 338/2022

SUBJECT: Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Approval

Purpose of Request:
Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B)

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:
Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan - Submitted 6/30/2022
Site Plan
Maps
Renderings
Deed
Legal Description
Environmental Health Comments
GDOT Comments
Public Works Comments
Public Comments
Notice Sign Photo

HALL COUNTY
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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request.

There were four (4) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition during the public hearing on May 2, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant	Dean and Heather Snyder
Request	Rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B)
Proposed Use	Boat and RV storage
Size	7.54± acres
Zoning	AR-IV
Location	On the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002.
Commission District	Three
Planning Commission Date	May 2, 2022 & June 6, 2022
Staff Recommendation	**Denial**

Planning Commission Recommendation: Approval
Vote: 4-0 (Pilcher absent)

Applicant Proposal

The applicant is requesting to rezone 7.54± acre tract currently zoned Agricultural Residential-IV (AR-IV) to Highway Business for the purpose of developing a boat and RV storage facility. The applicant's narrative states that there is a need for boat and RV storage in North Hall, which has led to this special use request. There is a concurrent application for a Use Subject to County Commission approval as the proposed use requires this approval in the Gateway Corridors Overlay District (GCOD).

The applicant has submitted a site plan which shows two rows of covered boat storage stalls. The boat storage is orientated towards Cleveland Highway. The row closest to Cleveland Highway contains 40 stalls and is 23,200 square feet in area. The second row contains 45 stalls and is 24,100 square feet in area. Customers will have access to the site 24/7, from S Black Road, accessible via online website and secured gate code. No access is proposed from Cleveland Highway. The applicant's narrative states that the site plan is for illustrative purposes and has requested that the rezoning not be site plan specific.

The site plan includes a landscape strip along Cleveland Highway, a 25 foot buffer to the northwest where it abuts Quillian Manor Subdivision. A decorative fence is also shown along Cleveland Highway and S Black Road.

The applicant's narrative has included specific sections from the Official Code of Hall County for certain site development standards:

- §17.420.050.C – Transition Buffers
    - Where property abuts single-family residential area a minimum width of 25 feet will apply using existing trees.
    - 10 foot wide landscape strip will be planted with trees 40 feet on center.
    - If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10 feet. The fence or wall shall be located on the inside of the vegetation required in paragraph 3.
- Landscaping
    - The narrative states that the landscaping will follow the standards outlined in the GCOD.
    - Street frontage shall be 10 foot wide landscape strip, continuous along the frontage except for perpendicular crossings and driveways and utilities.
- §17.420.050.F.1 – Streetlights.
    - Proposed street lights shall be provided and staggered, 300 feet on-center, along both sides of the roadway.
    - All street lighting shall be subject to review and approval of the Hall County Public Works Department.
    - Security lighting will use semi-cutoff luminaries.
- §17.420.60 – Signs
    - The proposed signage will be ground mounted monument sign no larger than 64 square feet with a maximum sign height of 10 feet above street grade.
    - The sign structure shall be constructed from some form of stucco, stone, or faux stone facades. Sign shall be illuminated by external lighting fixtures directed downward away from streets, adjacent property, and public streets.
    - Fencing would be decorative along 129 and down side of property while in Gateway, beyond Gateway will transition to a chain-link security fencing.

History and Existing Land Uses

This property is zoned Agricultural Residential-IV and totals 7.54± acres in size and is developed with a single family residence, constructed in 1962.

Zoning surrounding the subject property is a mixture of AR-IV and Residential-I and is developed with both agricultural and residential uses. The subject parcel also falls within the Gateway Corridors Overlay District (GCOD) and is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards.

Comprehensive Plan Land Use Designation

The subject property is located with a "Mixed Use Corridor" and "Rural Residential" character area within the Future Development Guide of the Hall County Comprehensive Plan.

The Rural Residential Area is characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space

(i.e. ‘Conservation Subdivision’ design).

Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties

The applicant’s request is inconsistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health
In an email dated April 7, 2022, Emily McGahee with Hall County Environmental Health stated “Must meet all Environmental Health commercial septic system permitting requirements at time of development.”

Hall County Fire Services
The subject parcel is located approximately 1.4 miles from Hall County Fire Station #2, located at 6012 Cleveland Highway. The nearest fire hydrant is located across the street, in front of 5555 Cleveland Highway.

Hall County Public Works and Utilities
In a memo dated April 14, 2022, Bill Nash, Interim Director of Hall County Public Works and Utilities, provided the following comments:

> Engineering
> The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.
>
> Traffic
> Recommend access be on Cleveland Hwy (SR11/US129). If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.
>
> Utilities
> Septic system/no sewer.

Hall County Tax Assessors
No comments were provided.

Gainesville Water Resources
The Hall County GIS shows that public water and sewer is available to the subject property along Cleveland Highway from the City of Gainesville Water Resources Department.

Georgia Department of Transportation

In an email dated April 13, 2022, Parker Niebauer, DITO Traffic Operations Supervisor, stated: "The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required."

Zoning Analysis

- The applicant is requesting to rezone the subject property to Highway Business to develop self-storage boat and RV facility.
    - A self-storage facility such as boat and RV storage is a conditional use subject to county commissioner approval within the Gateway Corridors Overlay District. This application is a result of this requirement.
    - A request to rezone the property to H-B is running concurrent to this request.
- The subject property falls within the Rural Residential character area and in a Mixed-Use Corridor on the future land use map.
    - The Rural Residential Areas are characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. 'Conservation Subdivision' design).
    - Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties
        - The proposed use of a self-storage facility is inconsistent with this land use classification as there are no adjacent commercially zoned properties.
- In 2007, the Hall County Board of Commissioners adopted the Gateway Corridors Overlay District standards as part of the Official Code of Hall County. The GCOD governs non-residential property development standards.
- The applicant's narrative has included specific sections from the Official Code of Hall County for certain site development standards:
    - §17.420.050.C – Transition Buffers
        - Where property abuts single-family residential area a minimum width of 25 feet will apply using existing trees.
            - This **meets** the standard but supplemental plants may be required if existing trees are not sufficient.
        - 10 foot wide landscape strip will be planted with trees 40 feet on center.
            - This **partially** meets the standard. The standard requires the area in between the trees to be planted with shrubbery to provide an intermittent hedge.
        - If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10 feet. The fence or wall shall be located on the inside of the vegetation required in paragraph 3.
            - It is unclear if the applicant intends to reduce the buffer width by 10 feet per the above standard.

- Landscaping
    - The narrative states that the landscaping will follow the standards outlined in the GCOD.
    - Street frontage shall be 10 foot wide landscape strip, continuous along the frontage except for perpendicular crossings and driveways and utilities.
        - This **meets** the standard.
- §17.420.050.F.1 – Streetlights.
    - Proposed street lights shall be provided and staggered, 300 feet on-center, along both sides of the roadway.
        - This **meets** the standard.
    - All street lighting shall be subject to review and approval of the Hall County Public Works Department.
    - Security lighting will use semi-cutoff luminaries.
        - This **meets** the standard.
- §17.420.60 – Signs
    - The proposed signage will be ground mounted monument sign no larger than 64 square feet with a maximum sign height of 10 feet above street grade.
        - This **meets** the standard.
    - The sign structure shall be constructed from some form of stucco, stone, or faux stone facades. Sign shall be illuminated by external lighting fixtures directed downward away from streets, adjacent property, and public streets.
        - This **meets** the standard.
    - Fencing would be decorative along 129 and down side of property while in Gateway, beyond Gateway will transition to a chain-link security fencing.
        - This is not a requirement of the GCOD.

- §17.420.050.H. of the Official Code of Hall County provides detailed architectural standards for non-residential buildings, including the use of a common palette of building materials maintained for all sides of principal buildings.
    - Building materials used for all four sides of new or reconstructed buildings are restricted to the following: brick, stone, split-face block/concrete masonry unit (CMU, restricted to 50 percent of the surface area of each side of a principal building), stucco (restricted to 50 percent of the surface area of each side of a building), glass and glass block. Exposed metal is prohibited, as is exposed or painted concrete block and pre-cast concrete walls.
        - The applicant has not indicated the building materials and no renderings were submitted as part of the application.
- The applicant has requested that if the request is approved the approval not be site plan specific.

Staff Recommendation

Staff recommends **denial** of the applicant's request. If the board sees fit to approve the application, staff recommends the following conditions:

1. The development shall conform substantially with the proposed narrative and site plan, modified as necessary for compliance with current development standards at time of application.

2. The development shall be consistent with §17.420.050 of the Official Code of Hall County. No variances to the development are approved as a part of this request.

Excerpts from the minutes of the May 2, 2022 meeting

Applicant's Presentation:

David Webb, Principal Planner, presented a summary of the request.

Heather Snyder, 5628 Allington Court, Cleveland, presented the request.

Dean Snyder, 5628 Allington Court, Cleveland, presented the request. The applicant stated that they don't want to build anything that will be an eyesore to the community. The applicant stated that the building would only be 7 miles from the Laurel Park Boat Ramp. The applicant stated that the property is close to other commercial areas. The applicant stated that they are willing to abide by the conditions regarding buffers, lighting, and siding. The applicant stated that they will stay away from the creek behind them.

Rebuttal

Ms. Snyder stated that the lighting will be facing downwards, with security cameras, and electronic gates. Ms. Snyder stated that Clarks Bridge is already heavily populated with boats being pulled.

Public Forum:

Terry Roberts, 5017 Clarks Bridge Road, Gainesville, spoke in opposition. Concerns were the entrance, traffic, and blind curbs.

Gabriel Bunch, 5618 Cottage Lane, Clermont, spoke in opposition. Concerns were the detention pond, pollution, and location.

Mary Ellen Prater, 5572 Tom Maynard Road, Clermont, spoke in opposition. Concerns were traffic flow.

Skye Perry, 5564 Tom Maynard Road, Clermont, spoke in opposition. Concerns were paving, draining, noise, and hours of operation.

Brian Kelly, Clermont, 5659 Ransom Free Road, Clermont, spoke in opposition. Concerns were traffic.

John Tinker 5505 Cleveland Highway, Clermont, spoke in opposition. Concerns were the number of bays, traffic, and runoff.

Kristie Perry, 5564 Tom Maynard Road, Clermont, spoke in opposition. Concerns were traffic and hours of operation.

Planning Commission Comments:

Mr. Braswell questioned if the application was site specific. Mr. Snyder presented a new site plan they created after reading the staff report that would conform to Gateway Corridor standards. Ms. Pilcher stated that there are many residential houses surrounding the property and that there is a concern with the only entrance to the property being off S Black Road. Mr. Snyder stated that people don't go get their boats from storage every day therefore there won't be much more added traffic on

top of the existing and that they are flexible about being open 24/7 to minimize the possibility. Mr. Hunt questioned if there would be a gated entrance. Mr. Snyder stated that there will be an electric gated entrance with key pad access that will close entrance and exit by 9pm. Mr. Hunt questioned what they would propose their hours of operation to be. Mr. Snyder stated the hours of operation would be 7am – 9pm. Mr. Hunt questioned if they would be willing to add a no left turn exit. Mr. Snyder stated they would not be opposed to a no left turn exit. Mr. Hunt stated that he preferred a 75 inch undisturbed buffer along Cottage Lane Road. Mr. Snyder stated that they don't have a problem increasing the buffer to 75 inches. Ms. Pilcher expressed concern about who would police the no left turn at the exit.

***Motion:* A motion to approve was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-1 (Ms. Pilcher opposed)**

***Motion:* A motion to reconsider and table to May 16, 2022 was made by Mr. Hunt and seconded by Mr. Bell. Vote: 5-0**

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Dean Snyder, 5628 Allington Court, Clermont, presented the request. The applicant presented a rendering of the entrance and exit to the development. The applicant presented a map with the amount of storage units within the North Hall area. The applicant presented proposed vegetative buffers to help neighboring properties have low visibility to the property. The applicant stated they would like to have steel wrapped columns rather than brick wrapped columns.

Heather Snyder, 5628 Allington Court, Clermont, presented the request.

Dylan Lee, 66 Lothridge Road, Cleveland, presented the request. The applicant discussed engineering requirements.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the required intersection sight distance was 441 feet and with the curve on S Black Road it cannot be achieved therefor it would be preferable to have the entrance/exit off US-129. Mr. Hunt stated that it would be best to go back to the GDOT and get approval for an entrance/exit off US-129 rather than S Black Road. Mr. Hunt questioned the line of sight from Cottage Lane. Mr. Snyder presented a rendering of the proposed vegetative buffer along the security fence.

***Motion:* A motion to approve was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher Absent)**

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

RECEIVED
MAR 14 2022
Planning & Zoning Department

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

+ USE CC

Applicant (Name & Mailing Address)
Heather Snyder or Dean Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Property Owner (Name & Mailing Address)
Heather or Dean Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Proposed Use Boat + RV Storage

Contact Person (Name & Mailing Address)
Heather Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Status of Applicant
- ☑ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action
Existing Zoning: AR-1
Rezone to: H-B
Fee:$ 550.00
Receipt #: 858909
Check #: 5316

Tax Parcel Number 120420000002 Tract 1
Acreage 7.54
Location Address 5501 S Black Rd Clermont, GA 30527

I hereby certify that the above information and all attached information are true and correct.

Sign Heather Snyder Date: 3/8/2022

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 3/14/22 Taken by: _____

Tentative Planning Commission Date: 5/2 Tentative County Commission Date: 6/9

County Commission District: 3

ZON2022-00025

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
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HALL COUNTY
GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Heather Snyder **Date:** 3/8/2022

Applicant's/Owner's Name (Printed): Heather Sowinski Snyder

The North Hall - Clermont area is greatly underserved for Boat and RV storage. As boat owners, we have to travel to South Hall Co. or Forsyth Co. to find covered boat storage. We live in a subdivision off Bethel Rd, Avalon Hills and our HOA will not allow us to park these kind of recreation vehicles for any length of time in our subdivision not even overnight. There is a GREAT need for this type of storage for present and future growth within the Clermont and North Hall area.

This application is not to be sight pan specific only used for zoning proposed use

Description of use of property

- Boat and RV storage 24/7 access, accessible via online website and secured gate code.
- See sight plan for density (lot size), number of lots and setbacks.

Sign and specifications:

Proposed sign will adhere to 17.420.06 1 A:

- Sign will be ground mounted monument with size no larger than 64 sq. ft X 10 ft above street grade.
- Sign structure shall be constructed of some form of stucco, stone or faux stone facades. Sign shall be illuminated external lighting fixtures directed downward away of streets, adjacent property and public streets.
- Fencing would be decorative along 129 and down sides of property while in Gateway, the property beyond Gateway will transition to chain-link security fencing. --- **See attached photo example**

Street lighting 17.420.050 Section F

- Proposed street lights shall be provided and staggered no more than 300 across on-center along both sides of roadway.
- All lighting shall be subject to review of Hall Co Public Works Department.
- Lighting will be semi-cutoff type.
- Security lighting will use Semi-cutoff luminaries.

17.420.050 Section C Transitional Buffers 2A

Proposed standards for non-residential development

Width of transitional buffer

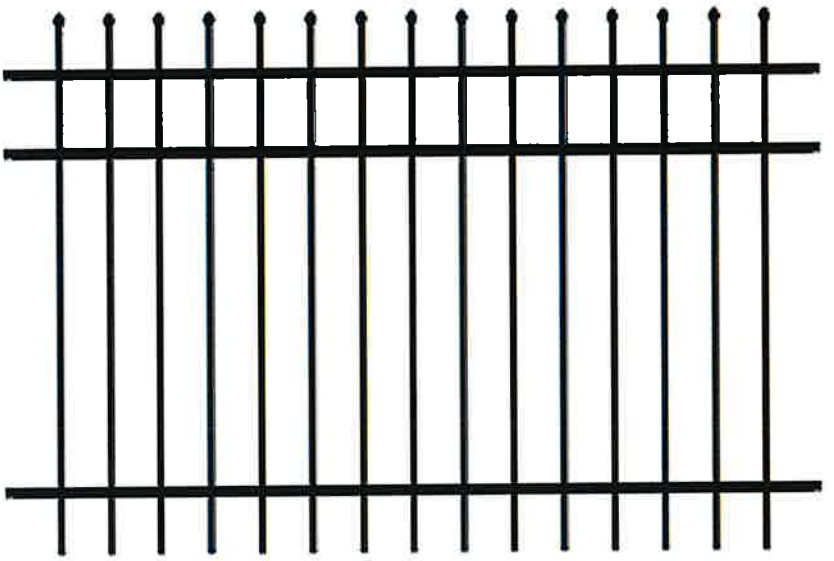
- Where property abuts single family residential area a minimum width of 25 will apply leaving with existing trees.
- 10 foot wide landscape strip will be planted with trees 40 feet on center.
- 4. Adjustments to buffer width
- If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10ft. The fence shall be located inside the vegetation required in paragraph 3 under 17.420.050 C. with finished side facing the abutting property.

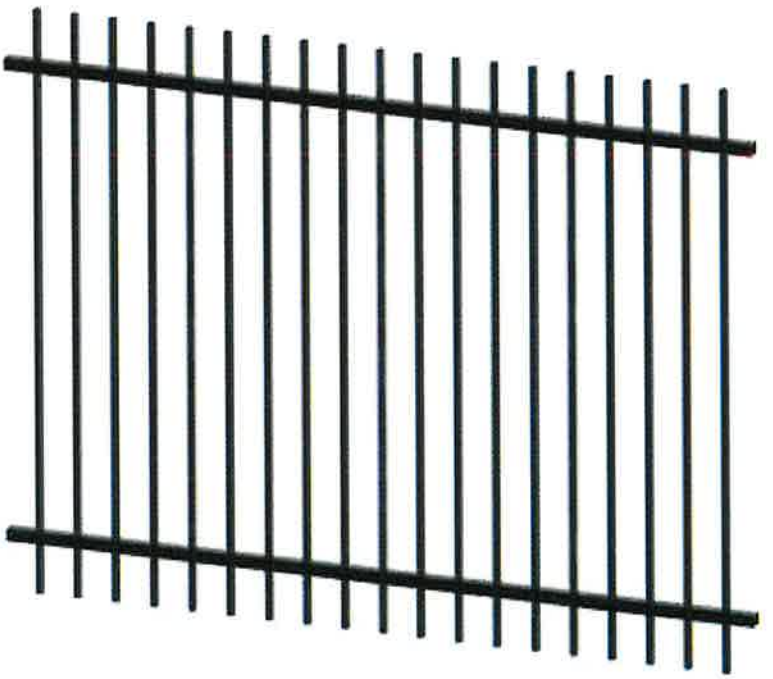
Landscaping

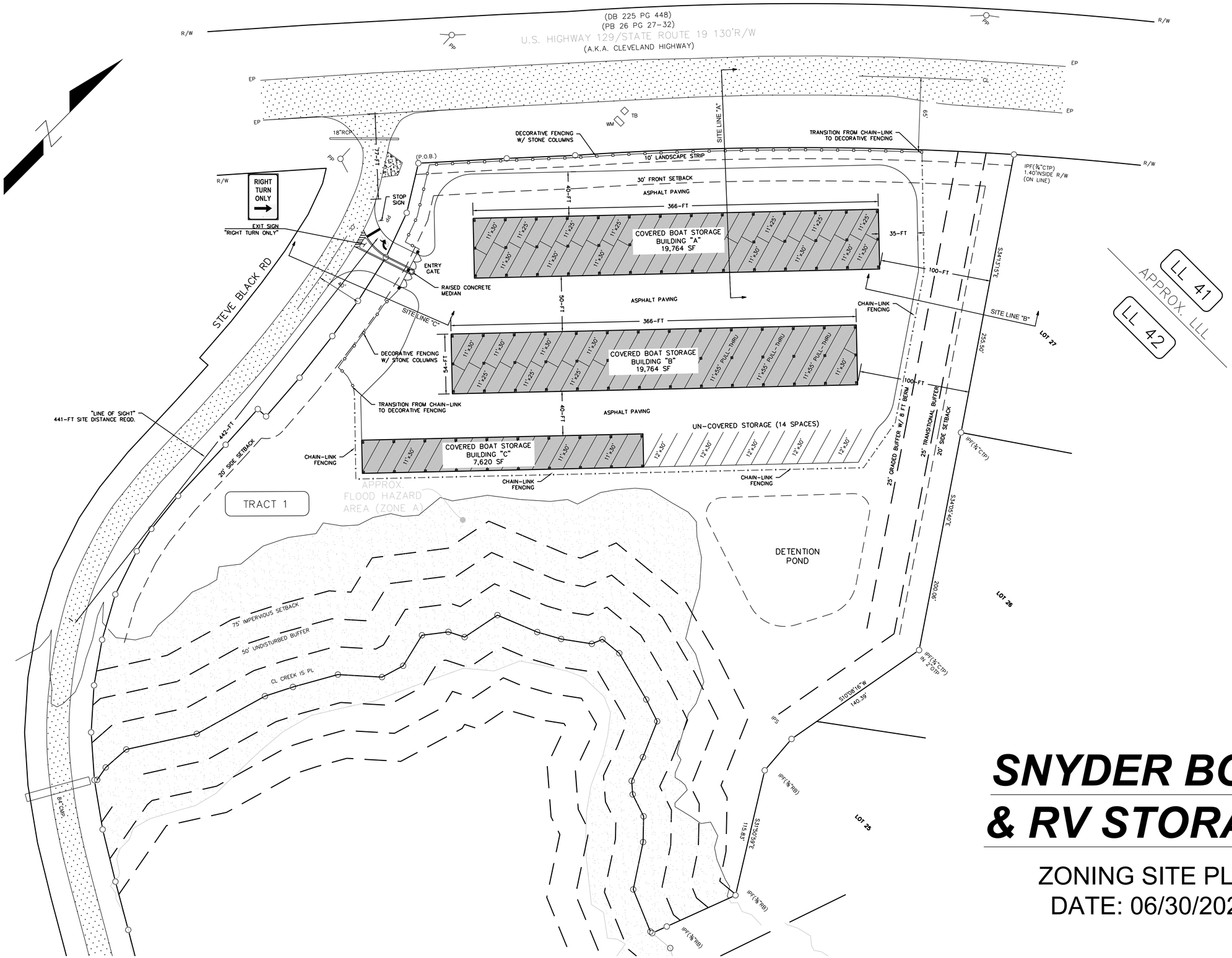
- Landscaping will follow standards outlined in the Gateway Corridor overlay.

- Street frontage shall be a 10 ft wide landscape strip, continuous along the frontage except for perpendicular crossings and driveway and utilities.

Proposed Fencing Options for Inside the Gateway Corridor

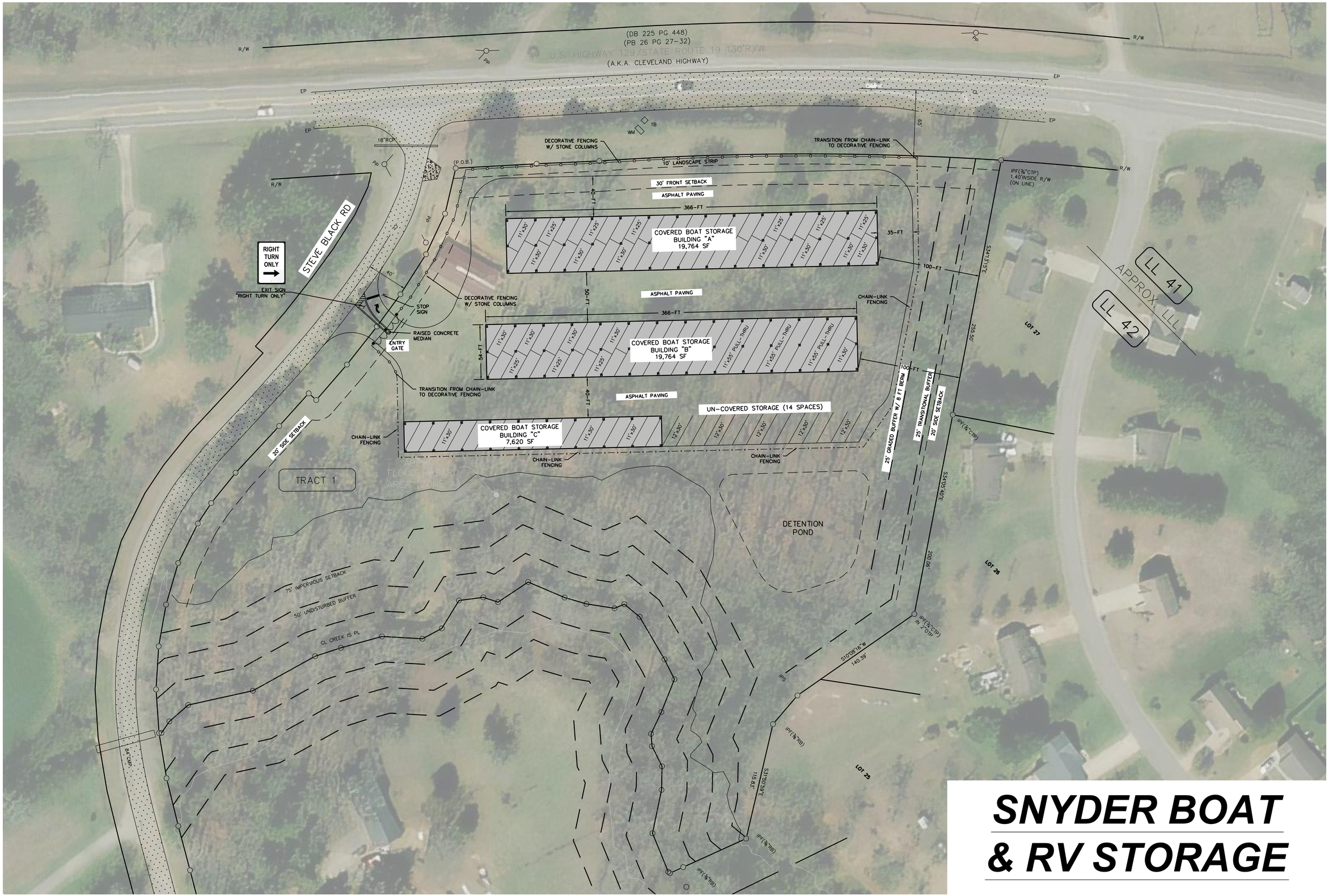




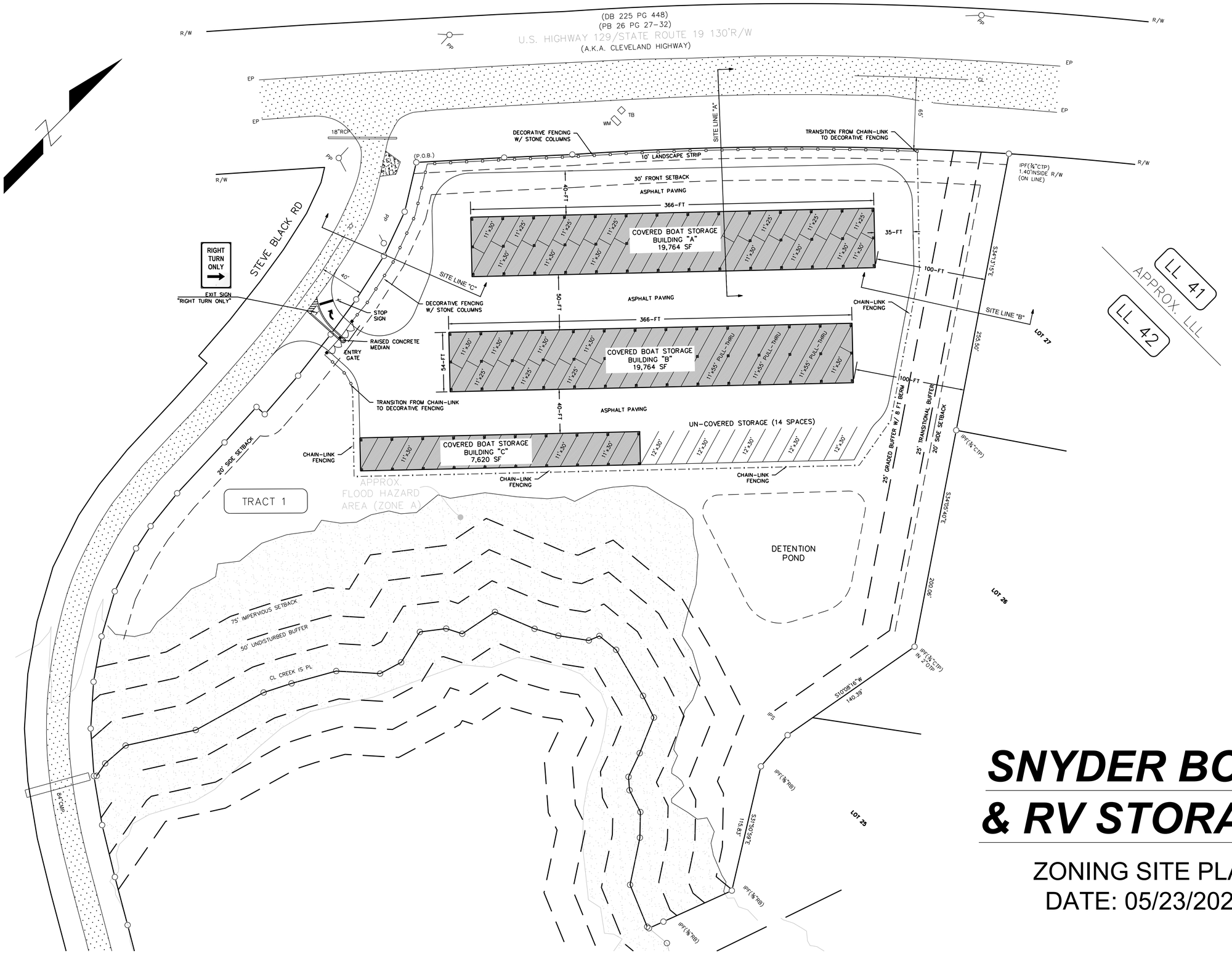


SNYDER BOAT & RV STORAGE

ZONING SITE PLAN
DATE: 06/30/2022

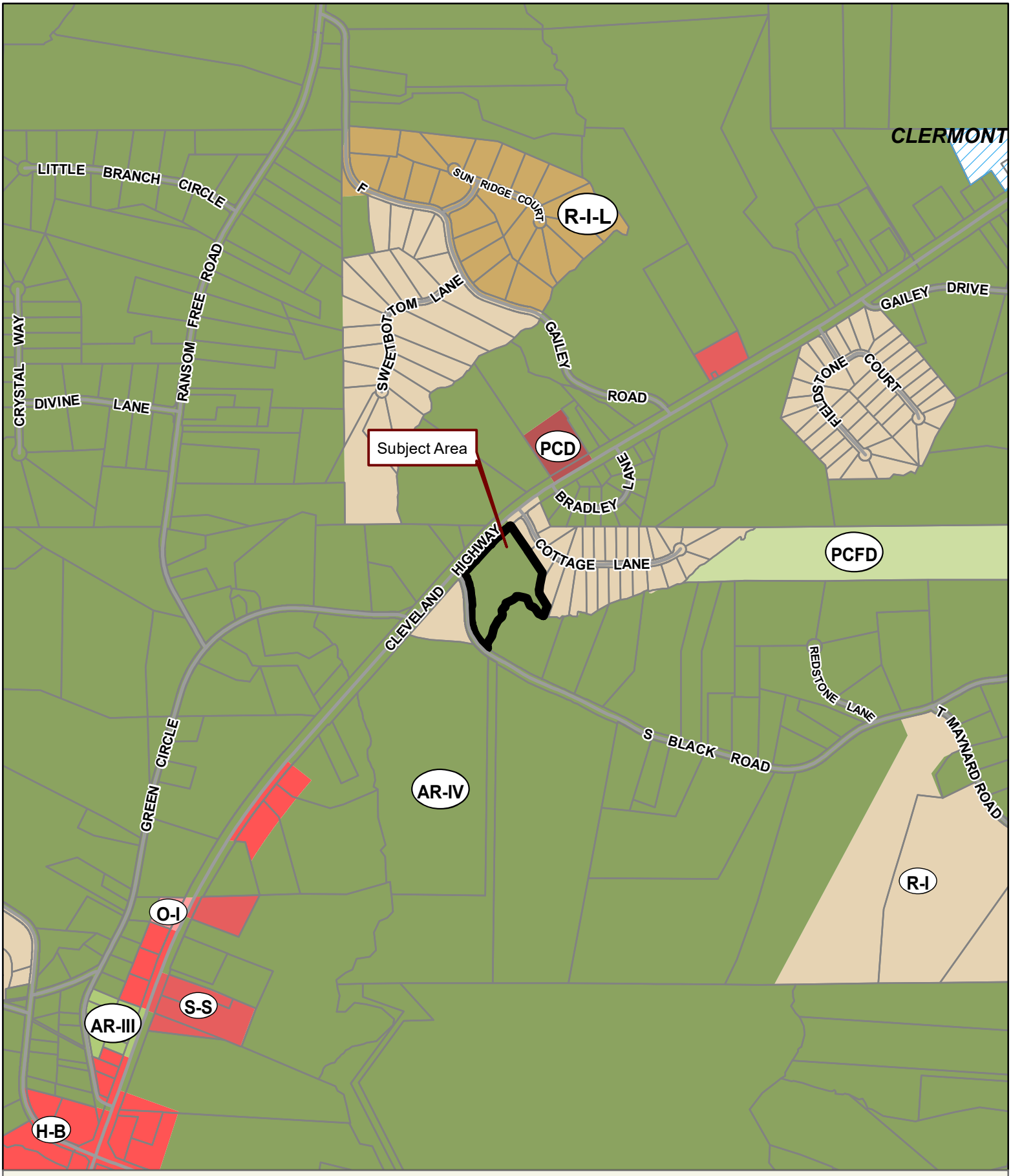


SNYDER BOAT & RV STORAGE



SNYDER BOAT & RV STORAGE

ZONING SITE PLAN
DATE: 05/23/2022

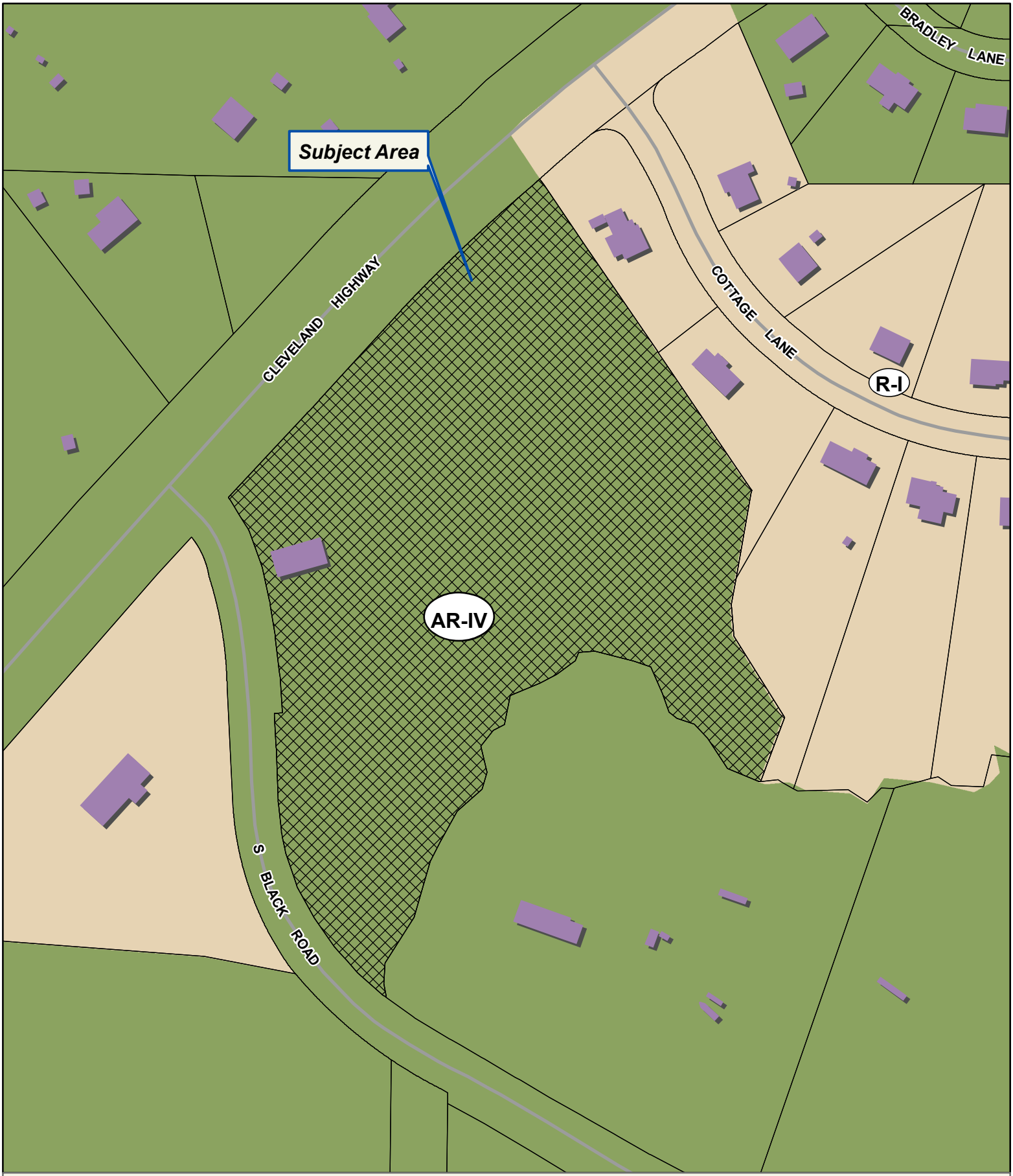


Applicant: DEAN & HEATHER SNYDER
Tax Parcel #: 12042 000002
Location: 5501 S BLACK ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date:** 05/02/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

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0 50 100 200
Feet

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Subject Area

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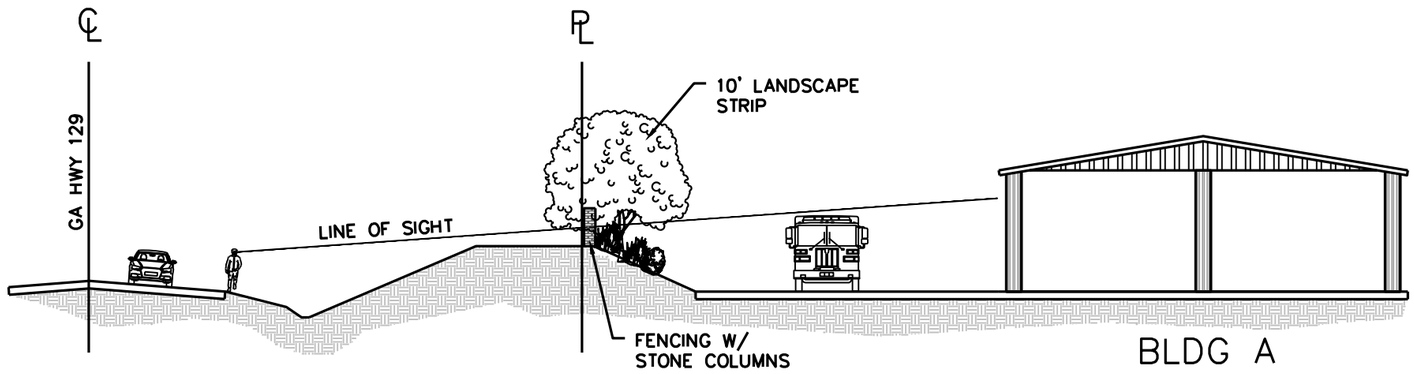
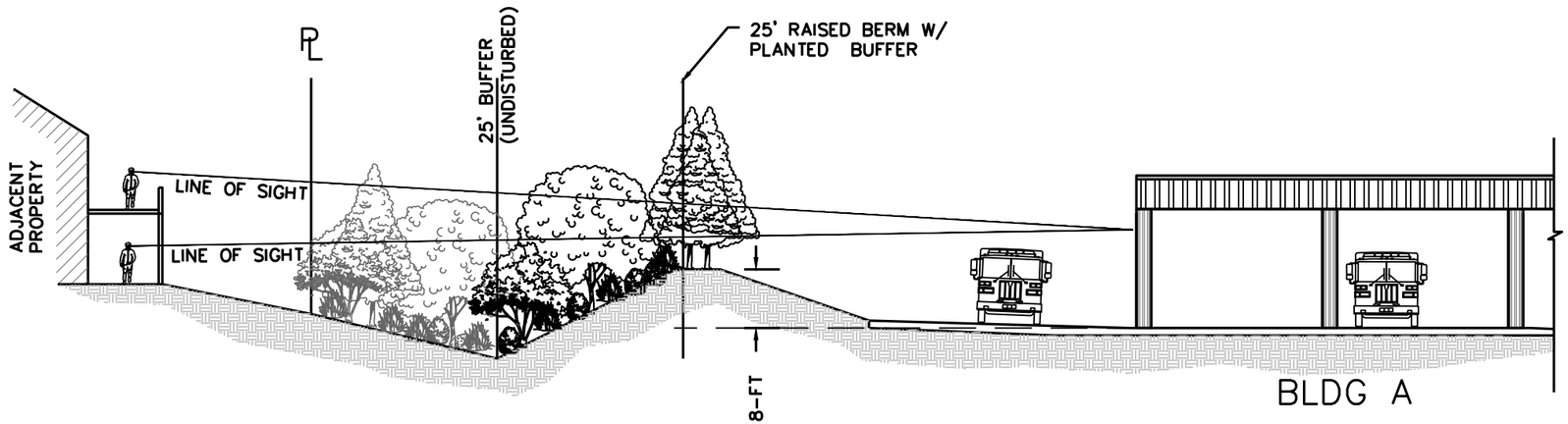
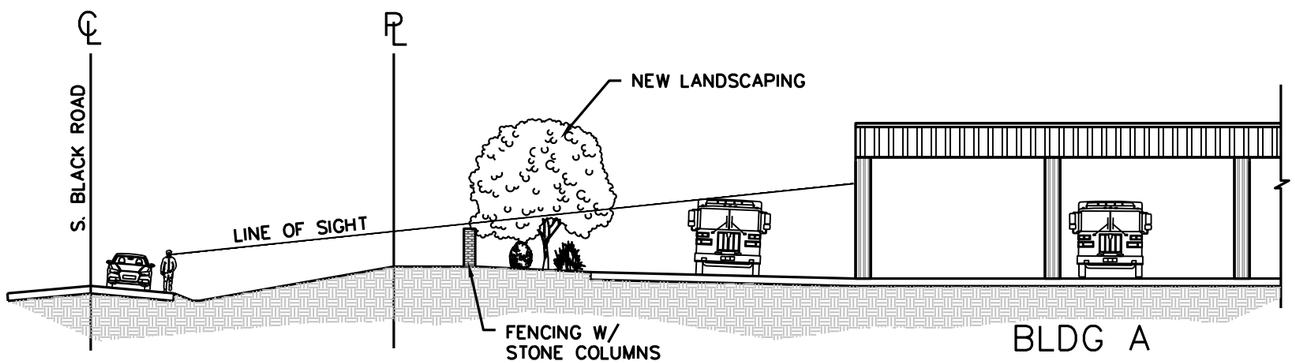


SIGHT LINE "A" PROFILE (HWY 129)

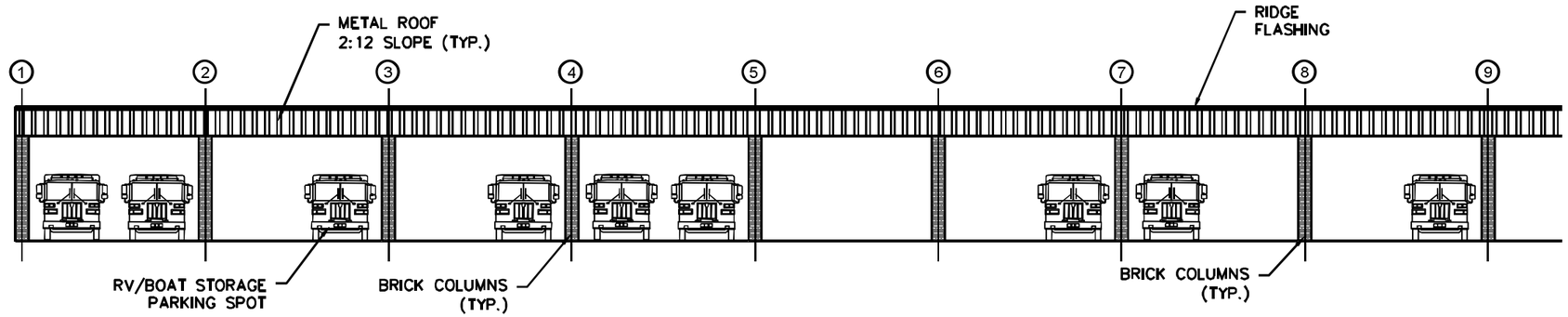


SIGHT LINE "B" PROFILE
(NORTHEAST RESIDENCES)

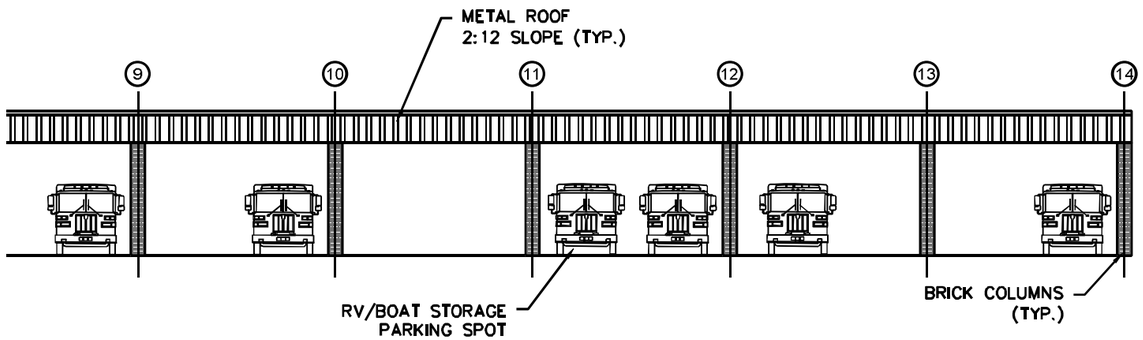


SIGHT LINE "C" PROFILE
(S. BLACK ROAD)

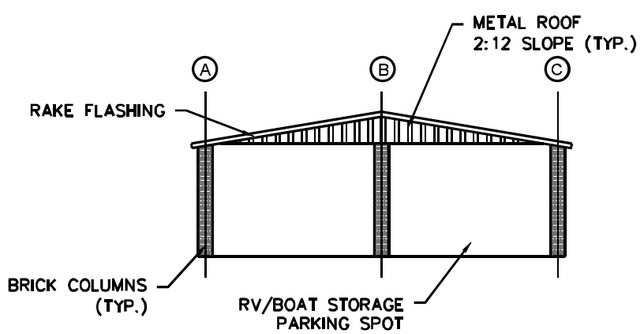
SNYDER BOAT & RV STORAGE



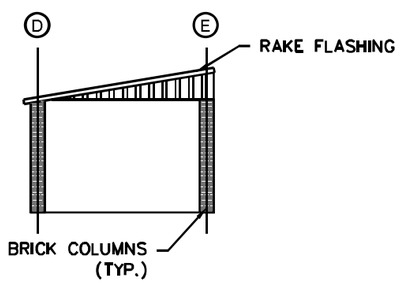
NORTH/SOUTH ELEVATION BLDG "A & B"



NORTH/SOUTH ELEVATION BLDG "A & B"

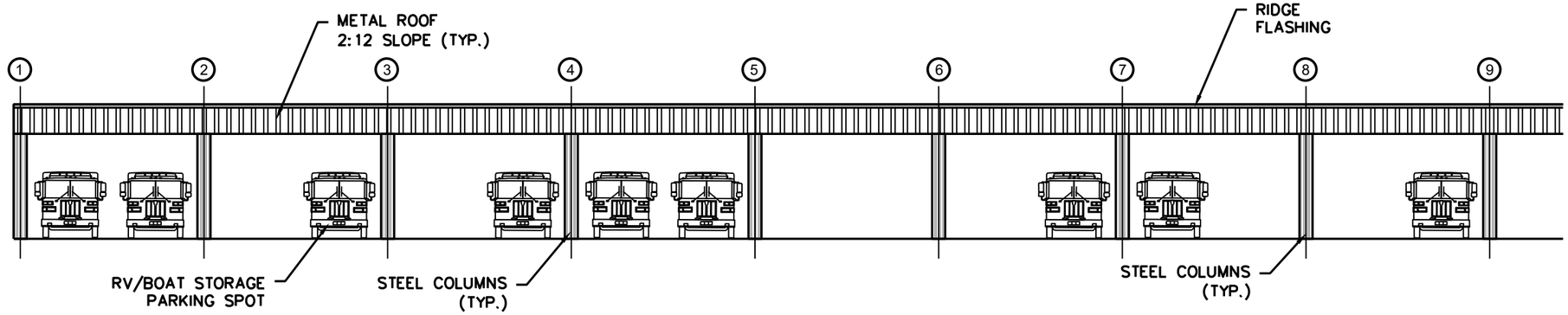


EAST/WEST ELEVATION
BLDG "A & B"

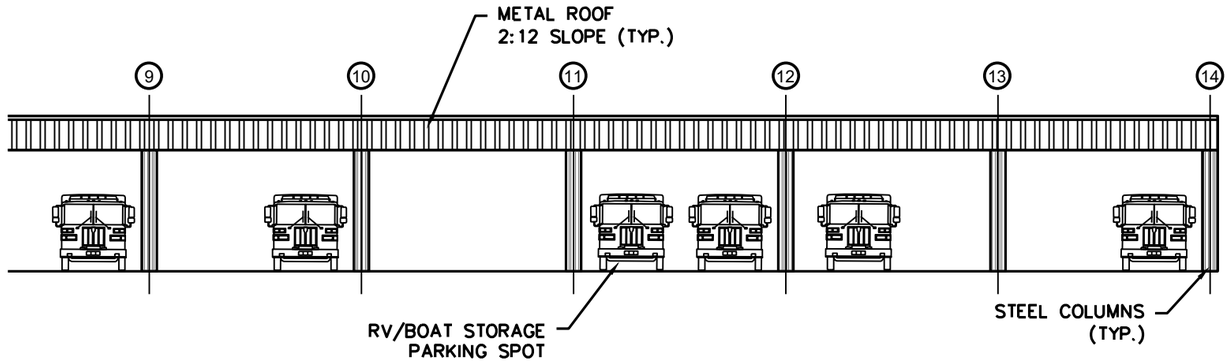


EAST/WEST ELEVATION
BLDG "C"

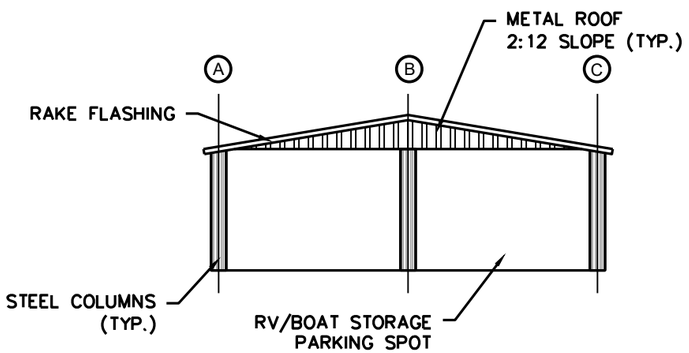
SNYDER BOAT & RV STORAGE



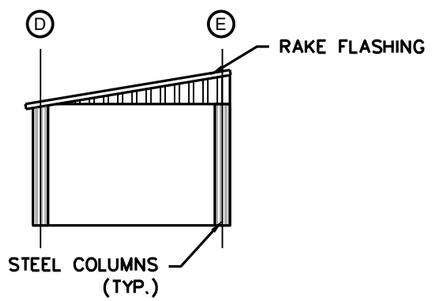
NORTH/SOUTH ELEVATION BLDG "A & B"



NORTH/SOUTH ELEVATION BLDG "A & B"



EAST/WEST ELEVATION
BLDG "A & B"



EAST/WEST ELEVATION
BLDG "C"

SNYDER BOAT & RV STORAGE

FILED & RECORDED 03/07/2022 12:30 PM
DEED BOOK 9075 PAGES 379 - 380
FILING FEES: $25.00
PT61: 069-2022-001768 TRANSFER TAX: $165.00
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C Hall County, GA

Return Recorded Document to
The Law Office of Chad Knott, LLC
670 East Kytle Street
Cleveland, GA 30528

JOINT TENANCY WITH SURVIVORSHIP
LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF WHITE

FILE #: **22-049**

THIS INDENTURE made this **24th** day of **February, 2022,** between **Black Family Enterprises, L.P., Langston Family Investments, L.P. and Hickory Hills Land Company, L.P.** of the County of Hall and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **Dean A Snyder and Heather Souviron Snyder**, as joint tenants with survivorship and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires
or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 42 of the 12th Land District of Hall County, Georgia shown as Tract One containing 7.55 acres, more or less, as shown on a plat of survey prepared for Black Family Enterprises, L.P. by London Land Surveying & Associates, INC. dated August 21st, 2020, and recorded January 26th, 2021 in Plat Book 879, Page 467, Hall County, Georgia Deed Records. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

[SIGNITURES ON FOLLOWING PAGE]

22-049

EXHIBIT "A"

All that tract or parcel of land situate, lying and being in Land Lot 42 of the 12th Land District of Hall County, Georgia shown as Tract One containing 7.55 acres, more or less, as shown on a plat of survey prepared for Black Family Enterprises, L.P. by London Land Surveying & Associates, INC. dated August 21st, 2020, and recorded January 26th, 2021 in Plat Book 879, Page 467, Hall County, Georgia Deed Records. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

Please Initial: _____ _____

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, April 7, 2022 1:37 PM
To: Srikanth Yamala (Public Works); Anael Dominguez (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 5.2.22

Please find Environmental Health comments below:

Item 1, 3621 Reece Circle, Whitlow: Must meet all Environmental Health residential septic system permitting requirements.

Item 2, 286 Crescent Drive, Paul: Must meet all Environmental Health commercial septic system permitting requirements.

Item 3, 4216 Winder Hwy, Stor Floga Winder: No comment. Public sewer.

Item 4, 6451 Snelling Mill Road: A version of the plat contained in the packet has been reviewed by Environmental Health and comments provided to the surveyor under HPZ2022-000417.

Item 5, 4670 Union Church Road, Ridgeline: No comment. Public sewer.

Items 6 & 9, 5501 S. Black Road, Snyder: Must meet all Environmental Health commercial septic system permitting requirements at time of development.

Item 7, 2701 Browns Bridge Road, Rojas: No comment. Public sewer per applicant.

Item 8, 8977 Skitts Mountain Road, Dale: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: existing septic system evaluation, or septic system installation/modification may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, April 13, 2022 8:55 AM
To: Anael Dominguez (Planning); Srikanth Yamala (Public Works)
Cc: Peevy, Jonathan; Dykes, Jason; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for May 2, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments in red below

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Wednesday, April 6, 2022 12:53 PM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; 'Dan Barnes' <Daniel.C.Barnes@usace.army.mil>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; 'Jeremy Wills' <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; 'Matt Cox' <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; nswafford <nswafford@gainesville.org>; 'Pam Cravero' <pam.cravero@hallco.org>; 'Rich Atkinson' <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; 'Stephen Cain' <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; 'Will Schofield' <will.schofield@hallco.org>; Nicole Griffin <nicole.griffin@hallcounty.org>
Subject: RE: Tentative Planning Agenda for May 2, 2022

The application of Dean and Heather Snyder will additionally be heard for a Use Subject to County Commission approval. This will be item #9. Please see link below.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

Thank you,

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

From: Anael Dominguez (Planning)
Sent: Wednesday, April 6, 2022 11:59 AM
Subject: Tentative Planning Agenda for May 2, 2022

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, May 2, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, April 14.** Email comments to Srikanth (syamala@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you,

CALL TO ORDER

APPROVAL OF MINUTES – April 18, 2022

NEW BUSINESS

1. Application of Henry Whitlow for a Use Subject to County Commission approval on a 1.01± acre tract on the south side of Reece Circle at its intersection with A L Mangum Road; a.k.a. 3621 Reece Circle; Zoned R-II; Tac Parcel 15014 000056A. Purposed Use: hardship mobile home. ** Commission District 3.

2. Application of Joanne Paul for a Use Subject to County Commission approval on a .89± acre tract on the east side of Crescent Drive approximately 118 feet from its intersection with East Crescent Drive; a.k.a. 286 Crescent Drive; Zoned R-II; Tax Parcel 15033C000034A. Proposed Use: afterschool day program. ** Commission District 3.

3. Application of Stor Floga Winder, LLC. d/b/a Highline Storage Partners, LLC. for a Use Subject to County Commission approval on a 3.71± acre tract on the west side of Winder Highway at its intersection with Holcomb

Circle; a.k.a. 4216 Winder Highway; Zoned H-B; Tax Parcel 15044B000011. Proposed Use: self-storage. ** Commission District 1.
The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required.

4. Application of William and Veronica Nelson for a Use Subject to County Commission approval on a 2.86± acre tract located on Snelling Mill Road at its terminus; a.k.a. 6451 Snelling Mill Road; Zoned V-C; Tax Parcel 08161 002002. Proposed Use: two-lot subdivision. ** Commission District 2.

5. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.
Request trip gen, request counts for SR 53 @ Union Church Rd

6. Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.
The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required.

7. Application of Esteban Mosquera Rojas to rezone from Residential-I (R-I) to Highway Business (H-B) on a .46± acre tract located on the north side of Browns Bridge Road at its intersection with Cherry Lane; a.k.a. 2701 Browns Bridge Road; Zoned R-I; Tax Parcel 08015 005022. Proposed Use: office building. ** Commission District 4.
GDOT Coordination Required

8. Application of Helena Dale to rezone from Agricultural Residential-IV (AR-IV) to Suburban Shopping (S-S) on a 28.27± acre tract located on the north side of Skitts Mountain Road approximately 832 feet from its intersection with Skitts Mountain Drive; a.k.a. 8977 Skitts Mountain Road; Zoned AR-IV; Tax Parcel 12132 000022. Proposed Use: open air market. ** Commission District 3.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.
See #6 above

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, June 9, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, June 9, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government

2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

Hall County Government
PUBLIC WORKS AND UTILITIES

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

INTERIM DIRECTOR
Bill Nash, P.E.

To: Srikanth Yamala, Interim Director of Planning and Zoning

From: Bill Nash, P.E., Interim Director of Public Works and Utilities

Date: April 14, 2022

Subject: May 2, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the May 2, 2022 meeting. Upon review, we provide the following comments:

1. Application of Henry Whitlow for a Use Subject to County Commission approval on a 1.01± acre tract on the south side of Reece Circle at its intersection with A L Mangum Road; a.k.a. 3621 Reece Circle; Zoned R-II; Tac Parcel 15014 000056A. Purposed Use: hardship mobile home. ** Commission District 3.

a) **Engineering**: No comments
b) **Traffic**: No comments
c) **Utilities**: No comments

2. Application of Joanne Paul for a Use Subject to County Commission approval on a .89± acre tract on the east side of Crescent Drive approximately 118 feet from its intersection with East Crescent Drive; a.k.a. 286 Crescent Drive; Zoned R-II; Tax Parcel 15033C000034A. Proposed Use: afterschool day program. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** No comments
c) **Utilities:** No comments

3. Application of Stor Floga Winder, LLC. d/b/a Highline Storage Partners, LLC. for a Use Subject to County Commission approval on a 3.71± acre tract on the west side of Winder Highway at its intersection with Holcomb Circle; a.k.a. 4216 Winder Highway; Zoned H-B; Tax Parcel 15044B000011. Proposed Use: self-storage. ** Commission District 1.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Public right-of-way along Northwestern boundary will need to be abandoned.
b) **Traffic:** Access proposed off a private road.
Property has a parcel tag from 2007 regarding a road determination.
c) **Utilities:** Sanitary sewer by others.

4.. Application of William and Veronica Nelson for a Use Subject to County Commission approval on a 2.86± acre tract located on Snelling Mill Road at its terminus; a.k.a. 6451 Snelling Mill Road; Zoned V-C; Tax Parcel 08161 002002. Proposed Use: two-lot subdivision. ** Commission District 2.

a) **Engineering:** Show County studied flood zone. Must have easement for driveway encroachment.
b) **Traffic:** Existing driveway will encroach on proposed new parcel, unsure if applicant intends to utilize as a common driveway. Access easement will be necessary.
c) **Utilities:** No comments.

5. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream.
Mail kiosk must meet Hall County standards.
No parking allowed in right-of-way.
Applicant is required to perform a historic and cultural evaluation before approval.
b) **Traffic:** Traffic impact study required prior to consideration (County Code 17.380.050 paragraph 4) additional comments/ recommendations may be necessary based on the study.
Left and right (decel) turn lanes will be required (County Code 16.60.290).
Recommend any proposed/required secondary access be gated, emergency access only.
Proposed northern access does not appear to meet spacing requirements with Steeple Chase Lane, location may need to be modified.
c) **Utilities:** All proposed developments requiring sanitary sewer shall be required to produce a preliminary layout and description of the proposed sanitary sewer provisions in order to connect to the existing Hall County sanitary sewer system. All provisions for sanitary sewer construction must be approved by the Director of Public Works prior to submitting for a land disturbance permit.

6. Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.
b) **Traffic:** Recommend access be on Cleveland Hwy (SR11/US129).
If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.
c) **Utilities:** Septic system/no sewer.

7. Application of Esteban Mosquera Rojas to rezone from Residential-I (R-I) to Highway Business (H-B) on a .46± acre tract located on the north side of Browns Bridge Road at its intersection with Cherry Lane; a.k.a. 2701 Browns Bridge Road; Zoned R-I; Tax Parcel 08015 005022. Proposed Use: office building. ** Commission District 4.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** Driveway must meet County commercial standards.
c) **Utilities:** No comments.

8. Application of Helena Dale to rezone from Agricultural Residential-IV (AR-IV) to Suburban Shopping (S-S) on a 28.27± acre tract located on the north side of Skitts Mountain Road approximately 832 feet from its intersection with Skitts Mountain Drive; a.k.a. 8977 Skitts Mountain Road; Zoned AR-IV; Tax Parcel 12132 000022. Proposed Use: open air market. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** Driveway must meet County commercial standards.
c) **Utilities:** No comments.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.

b) **Traffic:** Recommend access be on Cleveland Hwy (SR11/US129).
If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.

c) **Utilities:** Septic system/no sewer.

Here is what we have on file:

All

#1192

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/2/2022 2:30 PM
Source:	Website 172.70.175.102

SUBMITTER
Lindsey Smith
5580 Tom Maynard Rd.
Clermont, GA 30527

CONTACT
lindsey.smith@hallco.org
770-519-6341

1 Corner of 129/ S. Black Rd.
Clermont, GA 30527

REQUEST DETAILS

Description
Oppose Zoning for Boat/ RV lot at 129/ Cleveland Hwy and S. Black Rd. We live at 5580 T. Maynard Rd. off S. Black Rd. in Clermont. We DO NOT want a commercial RV/ Boat storage lot at the end of S. Black Rd. Turning on to Cleveland Hwy is already dangerous as it is. We also do not want the traffic of others pulling boats, and campers and RVs cutting through S. Black and T. Maynard Rd heading to Don Carter State Park and the lake. Our kids are runners and run along our little country roads, walk our dogs and ride their bikes. We truly don';t feel our rural farm community is the place for an RV/ Boat storage lot.

Your Information

Name
Lindsey Smith

Fax Number

Email Address
lindsey.smith@hallco.org

Preferred Contact Method
email

Print

Planning Commission Comments - May 2, 2022 - Submission #55755

Date Submitted: 4/30/2022

Comments completed in the form below will be submitted into the record for the May 2, 2022 meeting of the Hall County Planning Commission.

First Name*

Ronda

Last Name*

Rich

Address1*

5505 Cleveland Hwy

Address2

Clermont, GA 30527

City*

Clermont

State*

GA

Zip*

30527

Zoning Item for Comment*

5. & 6. Application of Dean and Heather Snyder

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

As a property owner with land near the proposed rezoning of S. Black and Cleveland Hwy, I oppose such an enormous commercial project because of the disruption of the soil and the environment. There is a nearby stream that flows into Little River, which meets the Chattahoochee and forms Lake Lanier, created for the primary reason of a drinking water supply to our area and Atlanta. Little River is a state-protected river and, normally, any water that flows into it -- such as the stream -- is under state protection and watched carefully by the EPD. The East Fork of Little River flows through our properties on Sweetbottom Lane and Green Circle. In the past six years, we have had unprecedented and damaging flooding from Little River, which exceeded the perimeters of the hundred-year floodplain. Three times in two years, our pasture fences and several large trees have been swept away in remarkable floods. I surmise, having known this land for all my life, that it is runoff caused by excessive building in our area and north of us. I respectfully ask that you deny this zoning request. Or, at minimum, delay until the EPD can do a careful study of the impact on the river and land. Thank you for your service to our community and your consideration of this matter.

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

southswomen@bellsouth.net

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - June 6, 2022 - Submission #57140

Date Submitted: 6/3/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

Kirk

Last Name*

Palmer

Address1*

5664 Cottage Lane

Address2

City*

Clermont

State*

GA

Zip*

30527

Zoning Item for Comment*

1. & 2. Previously tabled applications of Dean and Heather Snyder

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

June 3, 2022

Hall County Planning Commission
2875 Browns Bridge Road
Gainesville, GA 30504

RE: Zoning Change from AR-IV to HB at 5501 S. Black Road (Parcel # 12042 000002)

Dear Planning Commission:

My name is Kirk Palmer and I own property at 5664 Cottage Lane which is adjacent to the property in question. I am writing this correspondence to voice my opposition the proposed rezoning of the property at 5501 S. Black Road. As you're aware, the properties in this location are generally zoned AR-IV with a few tracts of R-3 thrown in. The closest commercial zoning is located at 5700 Cleveland Highway which is the Wayne Farms Hatchery. The residents of this immediate area are used to the relative peace and quiet that comes with a rural setting. The development of a commercial business, even though it's for RV/Boat Storage, will bring more traffic, more noise, possible light pollution, potentially lower property values and the potential for a possible increase in property related crime. In addition, there is a similar business located approximately one mile north of this location at 5924 Cleveland Highway. Is there really a need for a second similar business within a mile of this location?

As I'm sure you're aware, the traffic on US 129 is often heavy and most persons act as if the speed limit of 55 MPH is optional. There have been several accidents that I can recall at the intersection of Highway 129 and S. Black Road as well as the intersection of Green Circle and Highway 129, for the aforementioned reason. Adding a business at this location will just add fuel to that fire in my opinion.

Additionally, there is a large amount of wildlife in the area, and any development, however benign, will impact and destroy their habitat. There is also a small creek that feeds into the East Fork of Little River that will be adjacent to the property in question. Potential runoff from this location could have negative consequences, as this creek empties into a direct drainage basin of Lake Lanier. I think this is something the planning commission should consider.

Should this rezoning be approved, several things should be considered for the potential site plan. For example, there should be at least a 75' to 100' buffer (natural or otherwise) between this property and properties along Cottage Lane. A buffer of at least 50' feet, rather than the customary 25', should exist between this property and the creek on its Eastern boundary. A small retention pond should be utilized, if a 50' stream buffer isn't feasible. Outdoor lighting should be designed to minimize light spillage to not exceed more than one footcandle along any residential or agricultural property line, and two footcandles at any public street or right-of-way. What about egress? Will it add to the issues Highway 129 already has? Or will it potentially congest S. Black Road? Will people be able to access this business all hours of the day and night? Access hours should be limited to 7AM to 7PM daily.

I thank you for your time and consideration in this matter.

Respectfully submitted,

Kirk L. Palmer

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

northhalldawg@yahoo.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (Planning)

From: Terry Roberts <roberts.terry1962@gmail.com>
Sent: Monday, June 6, 2022 4:56 PM
To: Anael Dominguez (Planning)
Subject: Schneider zoning request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is Terry Roberts 5517 Clarks Bridge Road I came to the first meeting regarding Schneider request for a boat and RV storage at the corner of s black and Highway 129. I have spoke with Shelly Echols regarding this along with the. D o t and I would like to make this known to whomever it may concern the. The DOT has told me this week they will not allow a drive into Highway 129 from this location due to visibility moving this down 50 to 75 ft to enter off of s Black Road makes no difference you still have a dangerous intersection and not enough site visibility Mr. and Miss Snyder told at the last meeting there was no RV and Boat Storage available in North Hall this is not true there are five facilities within 4 miles 2 miles each way of this property also S Black Road is a neighborhood and listed as a subdivision and cannot withstand the traffic this would bring to this area also trying to enter on Clarks Bridge you have the same problem site visibility issues and would not meet.. dot standards we have consulted with our attorney and are prepared to file an amendment against members and hold them responsible and liable if injury occurs by allowing access of a business into a major highway that the Department of Transportation has deemed a Hazard area with not enough site visibility this would put families In Harm's Way just this year a Hall County Deputy in his patrol car was he hit in the same area pulling out into the road this is a bad intersection a very dangerous intersection and this is not the place for this type of business thank you for your time

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: DEAN & HEATHER SNYDER

REQUEST: REZONE FROM AR-N TO H-B FOR BOAT & RV STORAGE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 06-06-22
Time: 05:15PM

AND

COUNTY COMMISSION
Date: 07-14-2022
Time: 06:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 339/2022

SUBJECT: Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Approval, with conditions: Conditions: 1. The development shall conform substantially with the proposed narrative and site plan, with the exception of an entrance to the project to be off US-129. 2. Variance approved shall allow metal exposed posts in between the bays of each buildings, all other exterior material shall comply with Gateway Standards. 3. Decorative masonry fenced columns along US-129 and S Black Road shall be constructed of approved Gateway materials with ornamental metal fencing in between the columns.

Purpose of Request:
Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No

Has it been reviewed by the County Attorney? Yes
Is there a deadline for this item?

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:
Updated Board Memo - as of 7-7-22
Board Memo
Recommendation Report
Application
Narrative
Updated Site Plan - Submitted 6/30/2022
Site Plan
Maps
Renderings
Deed
Legal Description
Environmental Health Comments
GDOT Comments
Public Works Comments
Public Comments
Notice Sign Photos

Hall County Government
PLANNING & DEVELOPMENT

HALL COUNTY
GEORGIA
*We have it **all** in Hall*

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request with the following three (3) conditions:.

1. *The development shall conform substantially with the proposed narrative and site plan, with the exception of an entrance to the project to be off US-129.*
2. *Variance approved shall allow metal exposed posts in between the bays of each buildings, all other exterior material shall comply with Gateway Standards.*
3. *Decorative masonry fenced columns along US-129 and S Black Road shall be constructed of approved Gateway materials with ornamental metal fencing in between the columns.*

There were four (4) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition during the public hearing on May 2, 2022.

There have been no changes to the request since the Planning Commission took action.

Hall County Government
PLANNING & DEVELOPMENT

HALL COUNTY
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POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

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DIRECTOR
Randi Doveton

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. Commission District 3.

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2. *Variance approved shall allow metal exposed posts in between the bays of each buildings, all other exterior material shall comply with Gateway Standards.*
3. *Decorative masonry fenced columns along US-129 and S Black Road shall be constructed of approved Gateway materials with ornamental metal fencing in between the columns.*

There were four (4) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition during the public hearing on May 2, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant	Dean and Heather Snyder
Request	Use Subject to County Commission approval
Proposed Use	Boat and RV storage
Size	7.54± acres
Zoning	AR-IV
Location	On the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002.
Commission District	Three
Planning Commission Date	May 2, 2022 & June 6, 2022
Staff Recommendation	**Denial**

Planning Commission Recommendation: Approval, with conditions
Vote: 4-0 (Pilcher absent)

Conditions:

1. *The development shall conform substantially with the proposed narrative and site plan, with the exception of an entrance to the project to be off US-129.*
2. *Variance approved shall allow metal exposed posts in between the bays of each buildings, all other exterior material shall comply with Gateway Standards.*
3. *Decorative masonry fenced columns along US-129 and S Black Road shall be constructed of approved Gateway materials with ornamental metal fencing in between the columns.*

Applicant Proposal

The applicant is requesting a Use Subject to County Commission approval on a 7.54± acre tract, currently zoned Agricultural Residential-IV (AR-IV). The applicant's narrative states that there is a need for boat and RV storage in North Hall, which has led to this special use request. There is a concurrent application running to rezone the property to Highway Business.

The applicant has submitted a site plan which shows two rows of covered boat storage stalls. The boat storage is orientated towards Cleveland Highway. The row closest to Cleveland Highway contains 40 stalls and is 23,200 square feet in area. The second row contains 45 stalls and is 24,100 square feet in area. Customers will have access to the site 24/7, from S Black Road, accessible via online website and secured gate code. No access is proposed from Cleveland Highway. The applicant's narrative states that the site plan is for illustrative purposes and has requested that the rezoning not be site plan specific.

The site plan includes a landscape strip along Cleveland Highway, a 25 foot buffer to the northwest where it abuts Quillian Manor Subdivision. A decorative fence is also shown along Cleveland Highway and S Black Road.

The applicant's narrative has included specific sections from the Official Code of Hall County for certain site development standards:

- §17.420.050.C – Transition Buffers
    - Where property abuts single-family residential area a minimum width of 25 feet will apply using existing trees.
    - 10 foot wide landscape strip will be planted with trees 40 feet on center.
    - If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10 feet. The fence or wall shall be located on the inside of the vegetation required in paragraph 3.
- Landscaping
    - The narrative states that the landscaping will follow the standards outlined in the GCOD.
    - Street frontage shall be 10 foot wide landscape strip, continuous along the frontage except for perpendicular crossings and driveways and utilities.
- §17.420.050.F.1 – Streetlights.
    - Proposed street lights shall be provided and staggered, 300 feet on-center, along both sides of the roadway.
    - All street lighting shall be subject to review and approval of the Hall County Public Works Department.
    - Security lighting will use semi-cutoff luminaries.
- §17.420.60 – Signs
    - The proposed signage will be ground mounted monument sign no larger than 64 square feet with a maximum sign height of 10 feet above street grade.
    - The sign structure shall be constructed from some form of stucco, stone, or faux stone facades. Sign shall be illuminated by external lighting fixtures directed downward away from streets, adjacent property, and public streets.
    - Fencing would be decorative along 129 and down side of property while in Gateway, beyond Gateway will transition to a chain-link security fencing.

History and Existing Land Uses

This property is zoned Agricultural Residential-IV and totals 7.54± acres in size and is developed with a single family residence, constructed in 1962.

Zoning surrounding the subject property is a mixture of AR-IV and Residential-I (R-I) and is developed with both agricultural and residential uses. The subject parcel also falls within the Gateway Corridors Overlay District (GCOD) and is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards.

Comprehensive Plan Land Use Designation

The subject property is located with a “Mixed Use Corridor” and “Rural Residential” character area within the Future Development Guide of the Hall County Comprehensive Plan.

The Rural Residential Area is characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. ‘Conservation Subdivision’ design).

Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties

The applicant’s request is inconsistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health
In an email dated April 7, 2022, Emily McGahee with Hall County Environmental Health stated “Must meet all Environmental Health commercial septic system permitting requirements at time of development.”

Hall County Fire Services
The subject parcel is located approximately 1.4 miles from Hall County Fire Station #2, located at 6012 Cleveland Highway. The nearest fire hydrant is located across the street, in front of 5555 Cleveland Highway.

Hall County Public Works and Utilities
In a memo dated April 14, 2022, Bill Nash, Interim Director of Hall County Public Works and Utilities, provided the following comments:

> Engineering
> The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.
>
> Traffic
> Recommend access be on Cleveland Hwy (SR11/US129). If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.
>
> Utilities
> Septic system/no sewer.

Hall County Tax Assessors
No comments were provided.

Gainesville Water Resources

The Hall County GIS shows that public water and sewer is available to the subject property along Cleveland Highway from the City of Gainesville Water Resources Department.

Georgia Department of Transportation

In an email dated April 13, 2022, Parker Niebauer, DITO Traffic Operations Supervisor, stated: "The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required."

Zoning Analysis

- The applicant is requesting a Use Subject to County Commission approval for a self-storage boat and RV facility.
    - A self-storage facility such as boat and RV storage is a conditional use subject to county commissioner approval within the Gateway Corridors Overlay District. This application is a result of this requirement.
    - A request to rezone the property to H-B is running concurrent to this request.
- The subject property falls within the Rural Residential character area and in a Mixed-Use Corridor on the future land use map.
    - The Rural Residential Areas are characterized by low-density single-family residential uses with deep setbacks from the road. Future development should continue to reflect lower density detached single-family residential uses, and neighborhood design should incorporate a high percentage of open space (i.e. 'Conservation Subdivision' design).
    - Additionally, Mixed-Use Corridors generally consist of retail activities, office-based employment, civic uses, and single family residential developments. Low-impact industrial or higher density residential only where the same is found on adjacent properties
        - The proposed use of a self-storage facility is inconsistent with this land use classification.
- In 2007, the Hall County Board of Commissioners adopted the Gateway Corridors Overlay District standards as part of the Official Code of Hall County. The GCOD governs non-residential property development standards.
- The applicant's narrative has included specific sections from the Official Code of Hall County for certain site development standards:
    - §17.420.050.C – Transition Buffers
        - Where property abuts single-family residential area a minimum width of 25 feet will apply using existing trees.
            - This **meets** the standard but supplemental plants may be required if existing trees are not sufficient.
        - 10 foot wide landscape strip will be planted with trees 40 feet on center.
            - This **partially** meets the standard. The standard requires the area in between the trees to be planted with shrubbery to provide an intermittent hedge.

        - If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10 feet. The fence or wall shall be located on the inside of the vegetation required in paragraph 3.
            - It is unclear if the applicant intends to reduce the buffer width by 10 feet per the above standard.
    - Landscaping
        - The narrative states that the landscaping will follow the standards outlined in the GCOD.
        - Street frontage shall be 10 foot wide landscape strip, continuous along the frontage except for perpendicular crossings and driveways and utilities.
            - This **meets** the standard.
    - §17.420.050.F.1 – Streetlights.
        - Proposed street lights shall be provided and staggered, 300 feet on-center, along both sides of the roadway.
            - This **meets** the standard.
        - All street lighting shall be subject to review and approval of the Hall County Public Works Department.
        - Security lighting will use semi-cutoff luminaries.
            - This **meets** the standard.
    - §17.420.60 – Signs
        - The proposed signage will be ground mounted monument sign no larger than 64 square feet with a maximum sign height of 10 feet above street grade.
            - This **meets** the standard.
        - The sign structure shall be constructed from some form of stucco, stone, or faux stone facades. Sign shall be illuminated by external lighting fixtures directed downward away from streets, adjacent property, and public streets.
            - This **meets** the standard.
        - Fencing would be decorative along 129 and down side of property while in Gateway, beyond Gateway will transition to a chain-link security fencing.
            - This is not a requirement of the GCOD.
- §17.420.050.H. of the Official Code of Hall County provides detailed architectural standards for non-residential buildings, including the use of a common palette of building materials maintained for all sides of principal buildings.
    - Building materials used for all four sides of new or reconstructed buildings are restricted to the following: brick, stone, split-face block/concrete masonry unit (CMU, restricted to 50 percent of the surface area of each side of a principal building), stucco (restricted to 50 percent of the surface area of each side of a building), glass and glass block. Exposed metal is prohibited, as is exposed or painted concrete block and pre-cast concrete walls.
        - The applicant has not indicated the building materials and no renderings were submitted as part of the application.
- The applicant has requested that if the request is approved the approval not be site plan specific.

Staff Recommendation

Staff recommends **denial** of the applicant's request. If the board sees fit to approve the application, staff recommends the following conditions:

1. The development shall conform substantially with the proposed narrative and site plan, modified as necessary for compliance with current development standards at time of application.
2. The development shall be consistent with §17.420.050 of the Official Code of Hall County. No variances to the development are approved as a part of this request.

Excerpts from the minutes of the May 2, 2022 meeting

Applicant's Presentation:

David Webb, Principal Planner, presented a summary of the request.

Public Forum:

Terry Roberts, 5017 Clarks Bridge Road, Gainesville, spoke in opposition. Concerns were the entrance, traffic, and blind curbs.

Gabriel Bunch, 5618 Cottage Lane, Clermont, spoke in opposition. Concerns were the detention pond, pollution, and location.

Mary Ellen Prater, 5572 Tom Maynard Road, Clermont, spoke in opposition. Concerns were traffic flow.

Skye Perry, 5564 Tom Maynard Road, Clermont, spoke in opposition. Concerns were paving, draining, noise, and hours of operation.

Brian Kelly, Clermont, 5659 Ransom Free Road, Clermont, spoke in opposition. Concerns were traffic.

John Tinker 5505 Cleveland Highway, Clermont, spoke in opposition. Concerns were the number of bays, traffic, and runoff.

Kristie Perry, 5564 Tom Maynard Road, Clermont, spoke in opposition. Concerns were traffic and hours of operation.

Planning Commission Comments:

Mr. Bell questioned if there is enough frontage from the front of the building onto 129 highway. Mr. Hunt stated that that the planning commission needed an actual site plan with 100 foot undisturbed buffer, a move of the retention pond, elevations of the ends, and buildings facing 129 with a blow up of the entrance showing the accommodations for a right turn out only. Mr. Braswell stated that the public forum for this application was closed.

Motion: A motion to table to May 16, 2022 was made by Mr. Hunt and seconded by Mr. Bell. Vote: 5-0

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Dean Snyder, 5628 Allington Court, Clermont, presented the request. The applicant presented a rendering of the entrance and exit to the development. The applicant presented a map with the amount of storage units within the North Hall area. The applicant presented proposed vegetative buffers to help neighboring properties have low visibility to the property. The applicant stated they would like to have steel wrapped columns rather than brick wrapped columns.

Heather Snyder, 5628 Allington Court, Clermont, presented the request.

Dylan Lee, 66 Lothridge Road, Cleveland, presented the request. The applicant discussed engineering requirements.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell stated that the required intersection sight distance was 441 feet and with the curve on S Black Road it cannot be achieved therefor it would be preferable to have the entrance/exit off US-129. Mr. Hunt stated that it would be best to go back to the GDOT and get approval for an entrance/exit off US-129 rather than S Black Road. Mr. Hunt questioned the line of sight from Cottage Lane. Mr. Snyder presented a rendering of the proposed vegetative buffer along the security fence.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher Absent)

Conditions:

4. *The development shall conform substantially with the proposed narrative and site plan, with the exception of an entrance to the project to be off US-129.*
5. *Variance approved shall allow metal exposed posts in between the bays of each buildings, all other exterior material shall comply with Gateway Standards.*
6. *Decorative masonry fenced columns along US-129 and S Black Road shall be constructed of approved Gateway materials with ornamental metal fencing in between the columns.*

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

RECEIVED
MAR 14 2022
Planning & Zoning Department

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

+ USE CC

Applicant (Name & Mailing Address)
Heather Snyder or Dean Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Property Owner (Name & Mailing Address)
Heather or Dean Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Proposed Use Boat + RV Storage

Contact Person (Name & Mailing Address)
Heather Snyder
5628 Allington Ct.
Clermont, GA 30527
Phone 706-892-9016
Email Address hsnyder1995@gmail.com

Status of Applicant
- ☑ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action
Existing Zoning: AR-1
Rezone to: H-B
Fee:$ 550.00
Receipt #: 858909
Check #: 5316

Tax Parcel Number 120420000002 Tract 1
Acreage 7.54
Location Address 5501 S Black Rd Clermont, GA 30527

I hereby certify that the above information and all attached information are true and correct.

Sign Heather Snyder Date: 3/8/2022

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 3/14/22 Taken by: _____

Tentative Planning Commission Date: 5/2 Tentative County Commission Date: 6/9

County Commission District: 3

ZON2022-00025

PLANNING AND DEVELOPMENT DEPARTMENT
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CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: Heather Snyder **Date:** 3/8/2022

Applicant's/Owner's Name (Printed): Heather Sowinski Snyder

The North Hall - Clermont area is greatly underserved for Boat and RV storage. As boat owners, we have to travel to South Hall Co. or Forsyth Co. to find covered boat storage. We live in a subdivision off Bethel Rd, Avalon Hills and our HOA will not allow us to park these kind of recreation vehicles for any length of time in our subdivision not even overnight. There is a GREAT need for this type of storage for present and future growth within the Clermont and North Hall area.

This application is not to be sight pan specific only used for zoning proposed use

Description of use of property

- Boat and RV storage 24/7 access, accessible via online website and secured gate code.
- See sight plan for density (lot size), number of lots and setbacks.

Sign and specifications:

Proposed sign will adhere to 17.420.06 1 A:

- Sign will be ground mounted monument with size no larger than 64 sq. ft X 10 ft above street grade.
- Sign structure shall be constructed of some form of stucco, stone or faux stone facades. Sign shall be illuminated external lighting fixtures directed downward away of streets, adjacent property and public streets.
- Fencing would be decorative along 129 and down sides of property while in Gateway, the property beyond Gateway will transition to chain-link security fencing. --- **See attached photo example**

Street lighting 17.420.050 Section F

- Proposed street lights shall be provided and staggered no more than 300 across on-center along both sides of roadway.
- All lighting shall be subject to review of Hall Co Public Works Department.
- Lighting will be semi-cutoff type.
- Security lighting will use Semi-cutoff luminaries.

17.420.050 Section C Transitional Buffers 2A

Proposed standards for non-residential development

Width of transitional buffer

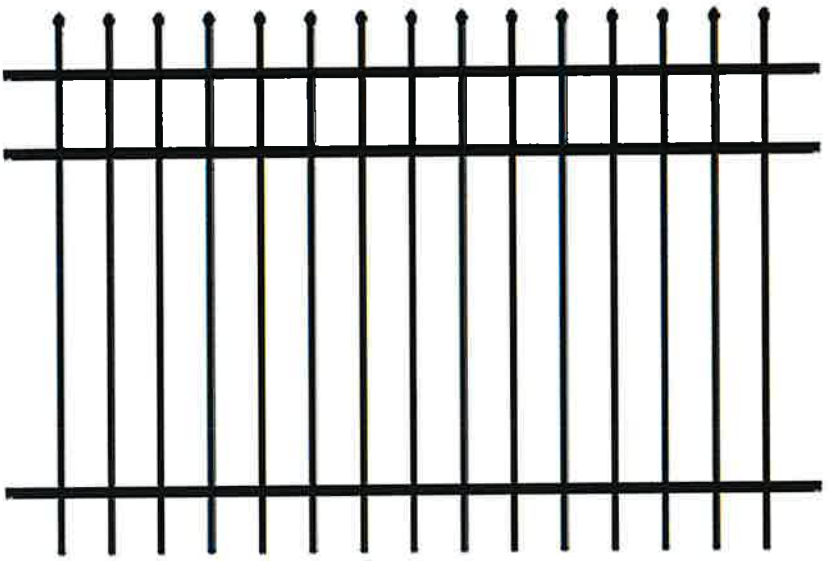
- Where property abuts single family residential area a minimum width of 25 will apply leaving with existing trees.
- 10 foot wide landscape strip will be planted with trees 40 feet on center.
- 4. Adjustments to buffer width
- If a 6 foot high solid wood fence is incorporated into the design of a transitional buffer, the width of the buffer may be reduced by 10ft. The fence shall be located inside the vegetation required in paragraph 3 under 17.420.050 C. with finished side facing the abutting property.

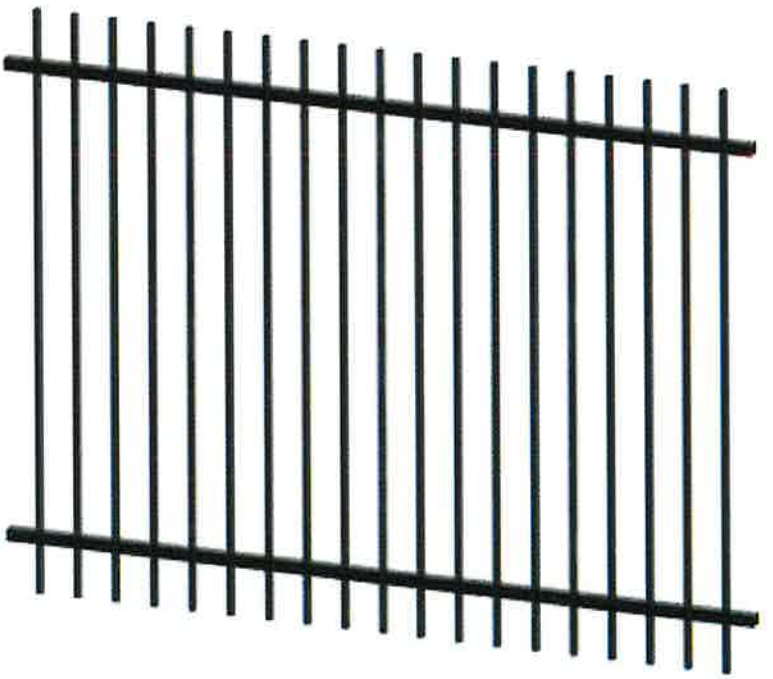
Landscaping

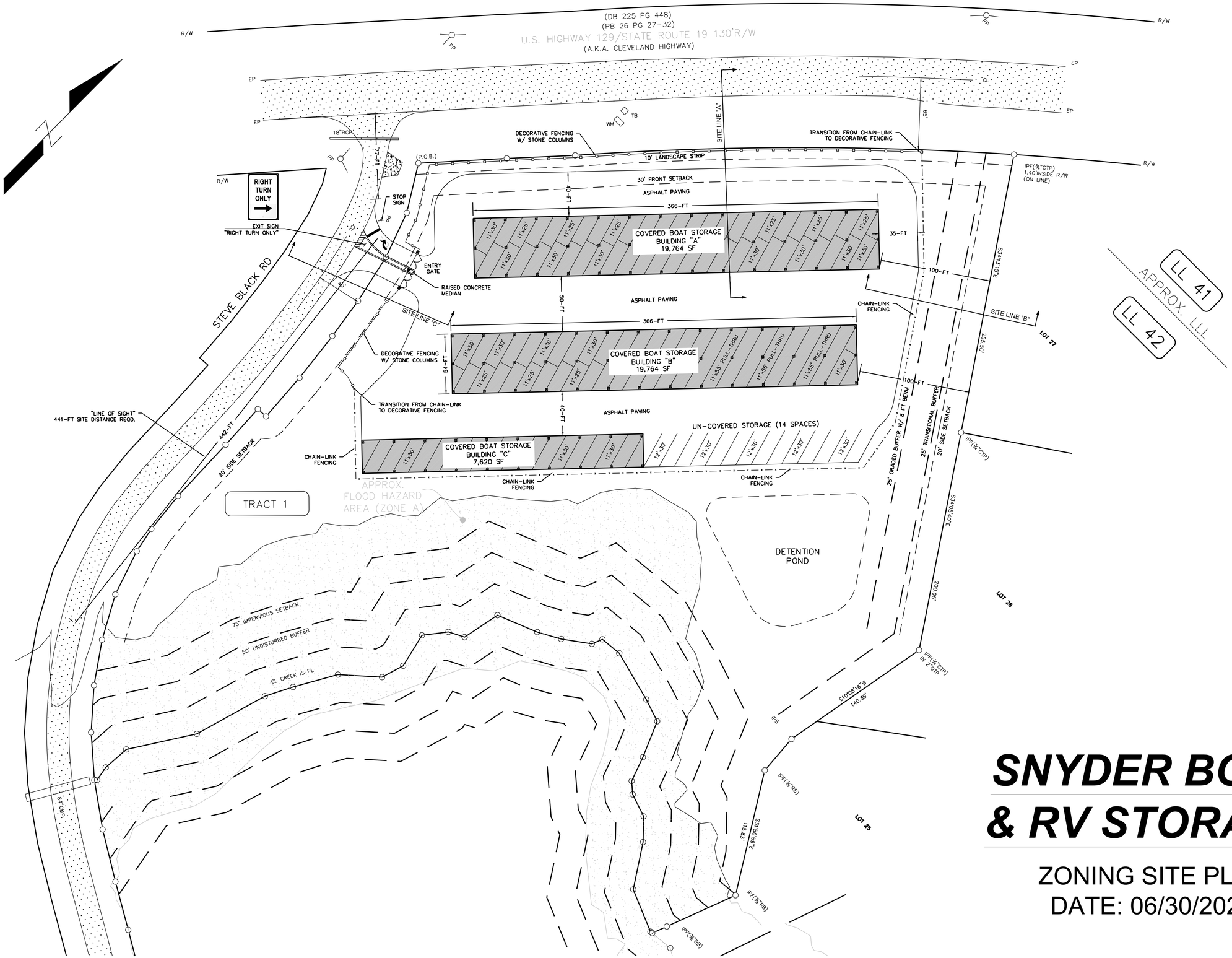
- Landscaping will follow standards outlined in the Gateway Corridor overlay.

- Street frontage shall be a 10 ft wide landscape strip, continuous along the frontage except for perpendicular crossings and driveway and utilities.

Proposed Fencing Options for Inside the Gateway Corridor

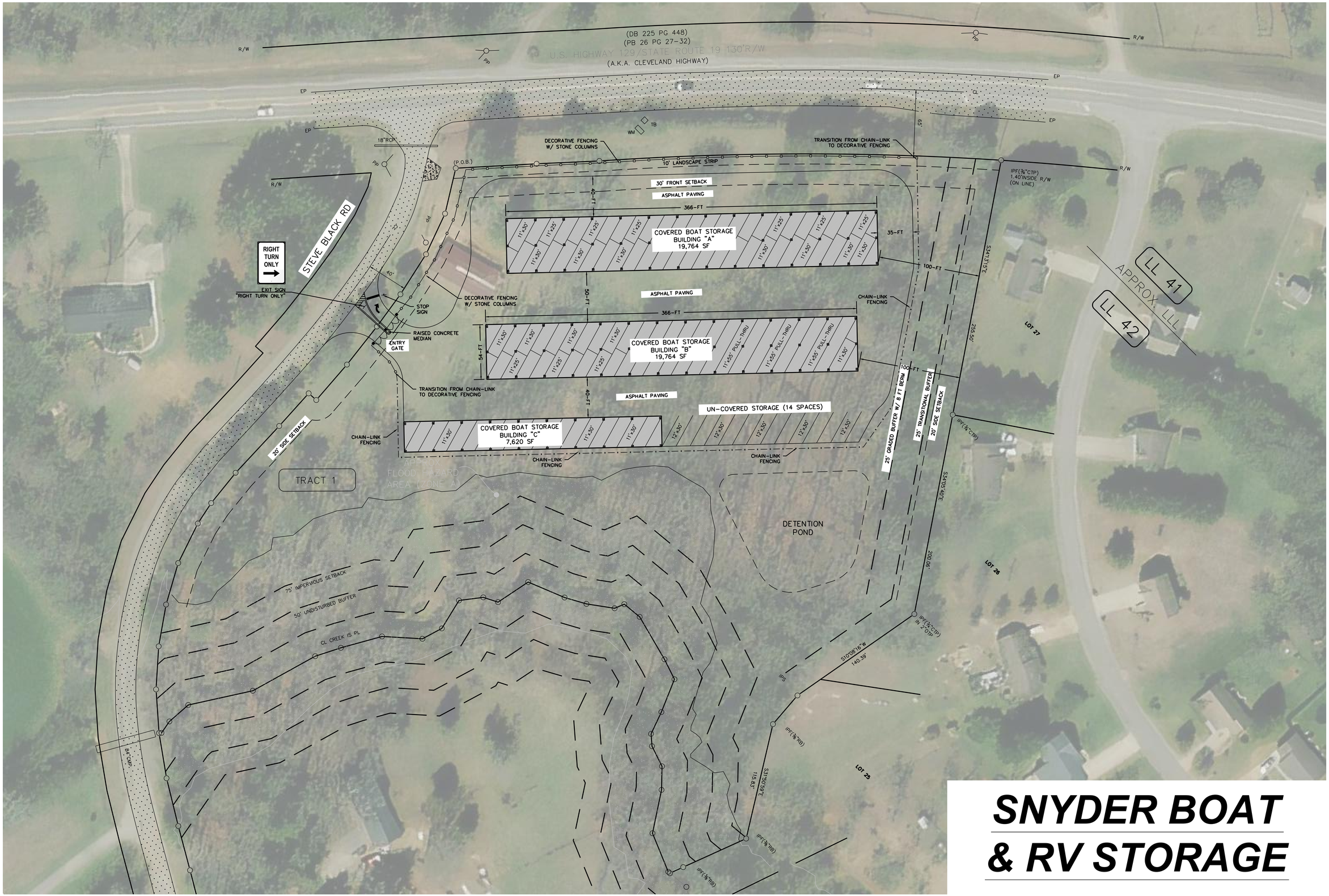




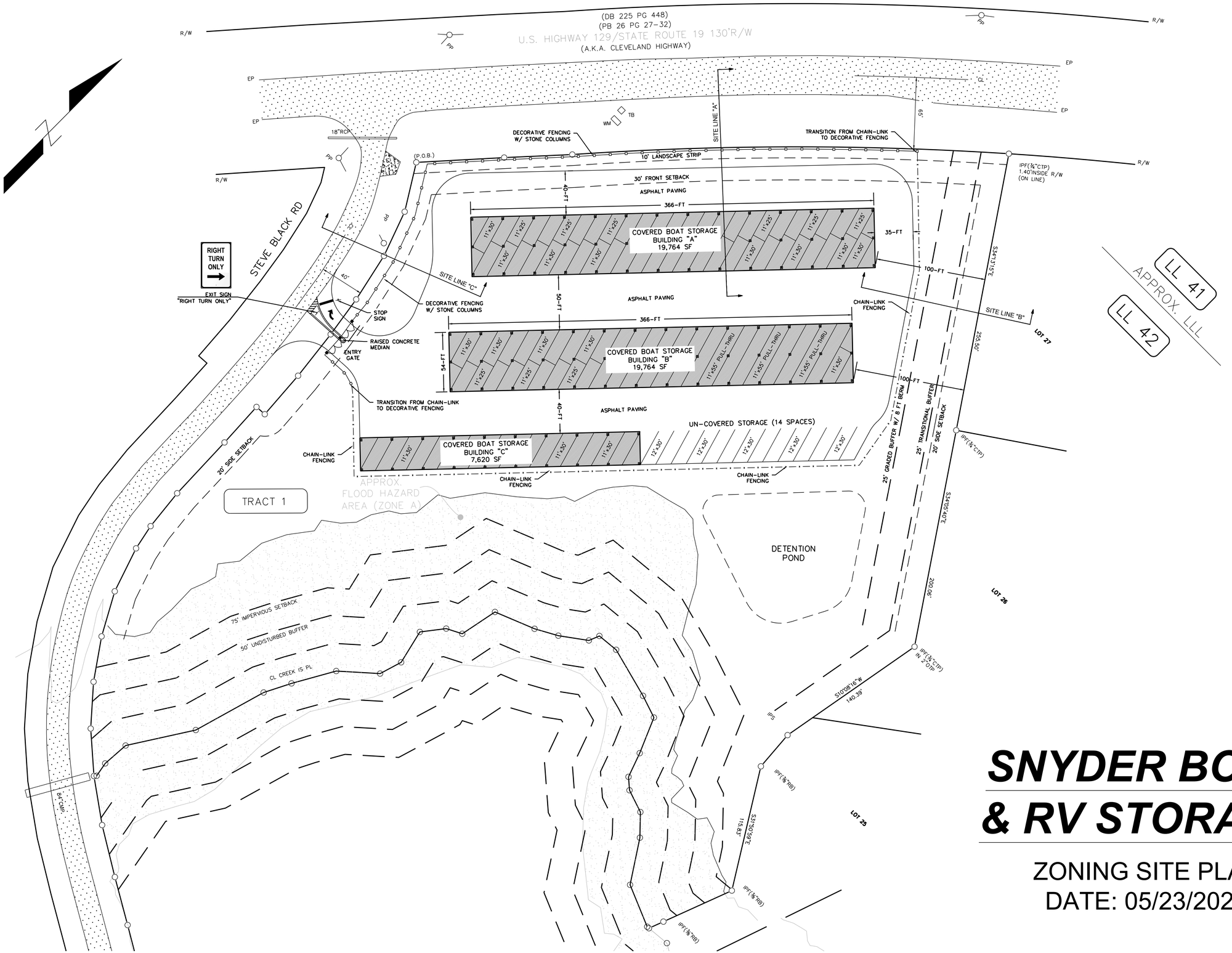


SNYDER BOAT & RV STORAGE

ZONING SITE PLAN
DATE: 06/30/2022

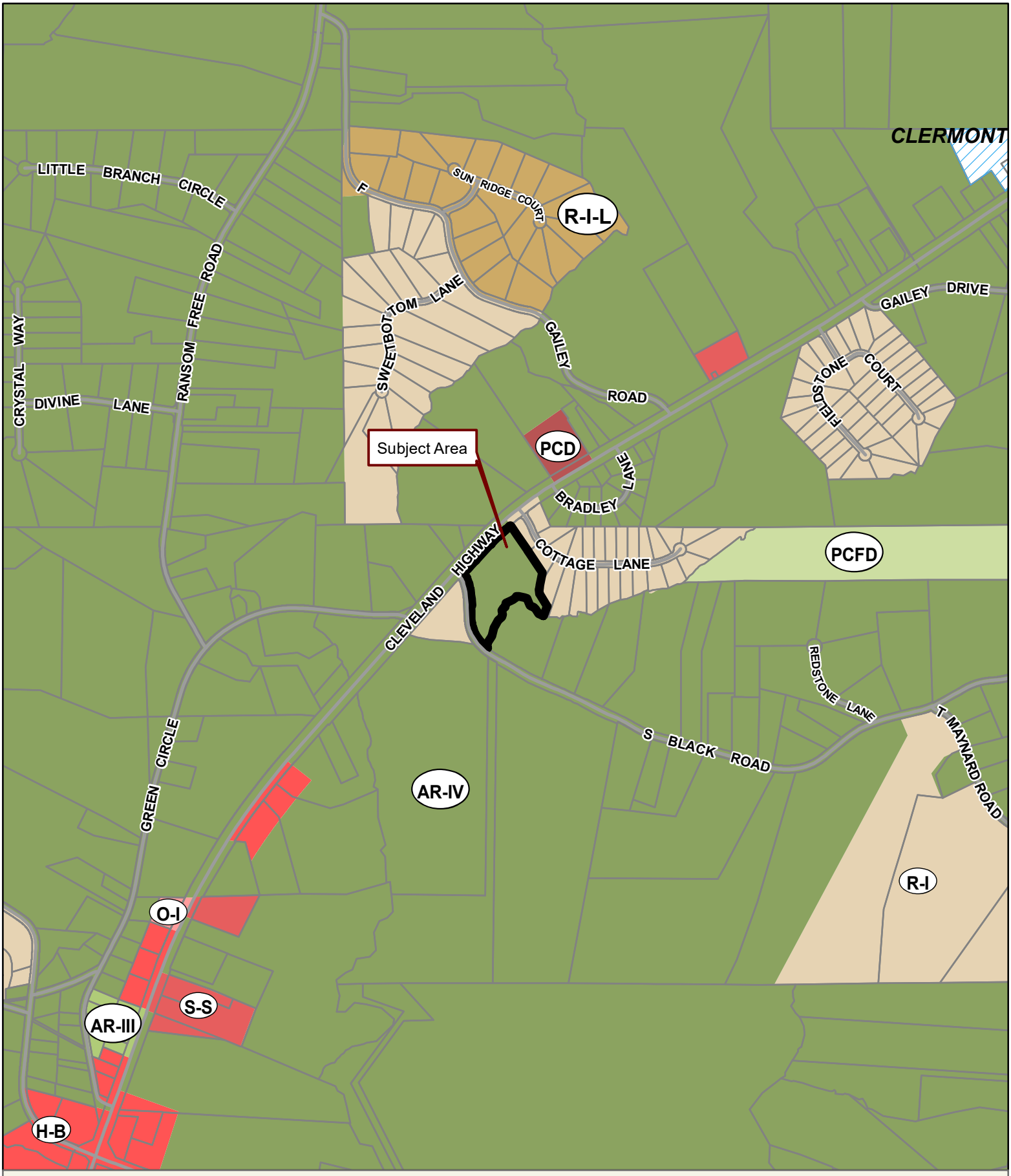


SNYDER BOAT & RV STORAGE



SNYDER BOAT & RV STORAGE

ZONING SITE PLAN
DATE: 05/23/2022

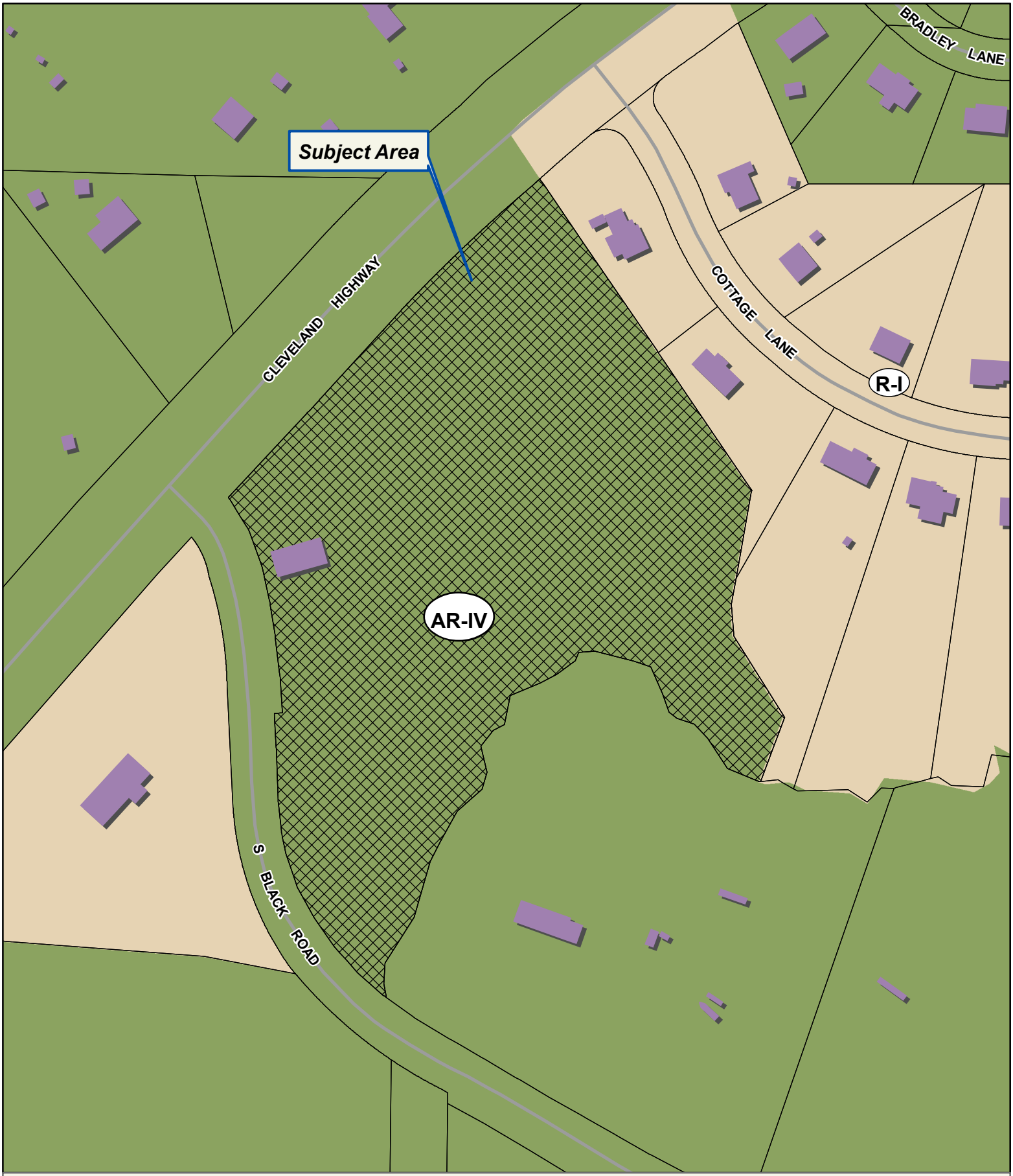


Applicant: DEAN & HEATHER SNYDER
Tax Parcel #: 12042 000002
Location: 5501 S BLACK ROAD, CLERMONT, GA 30527
Commission District 3 **PC Mtg. Date:** 05/02/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: DEAN & HEATHER SNYDER
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0 50 100 200
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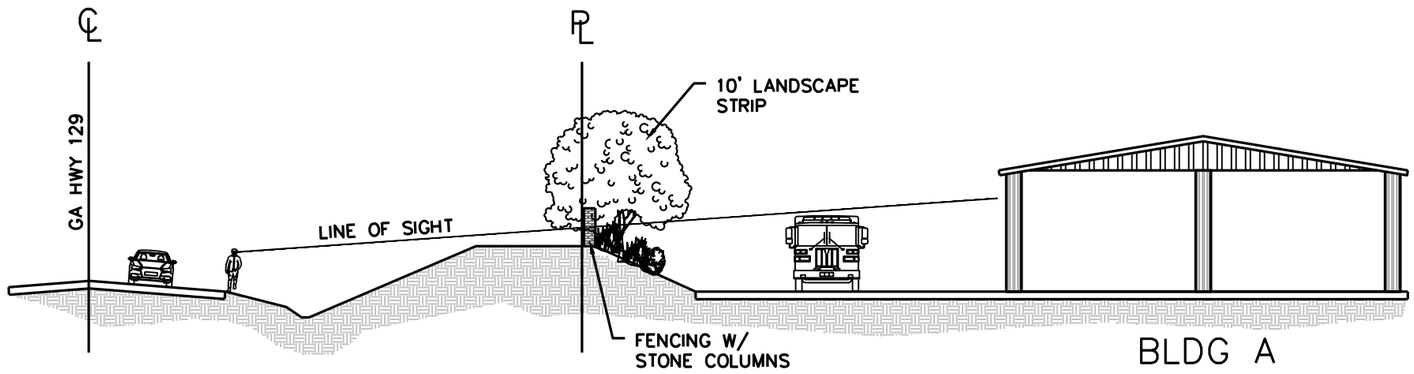
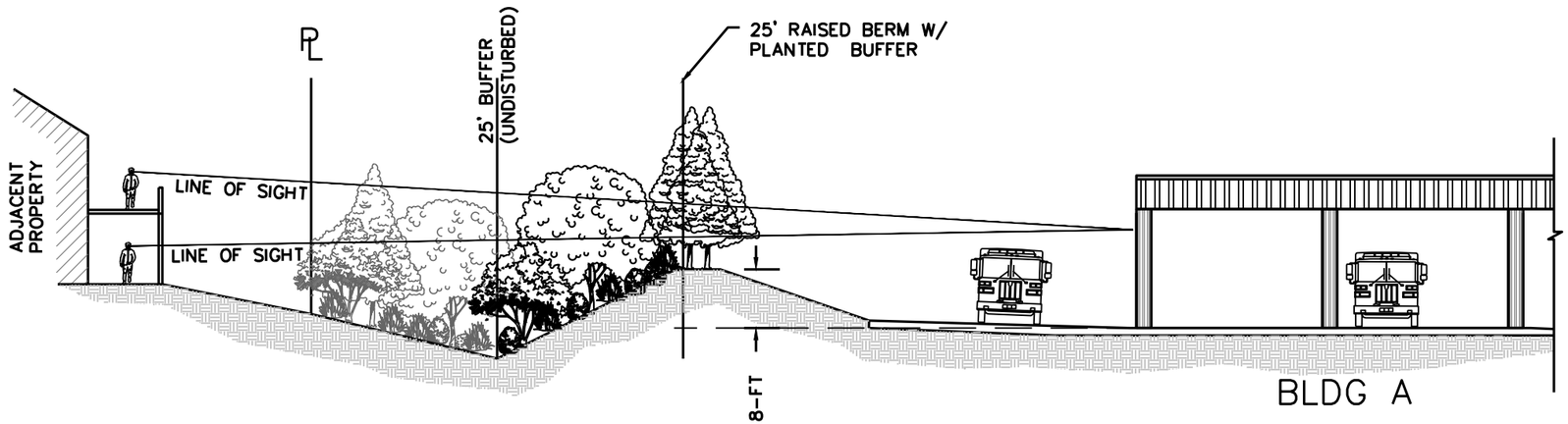
0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

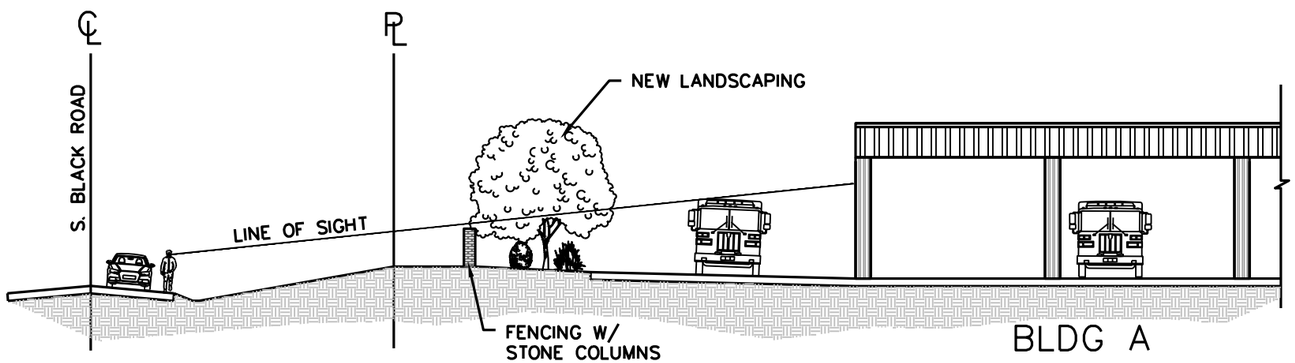
N



SIGHT LINE "A" PROFILE (HWY 129)

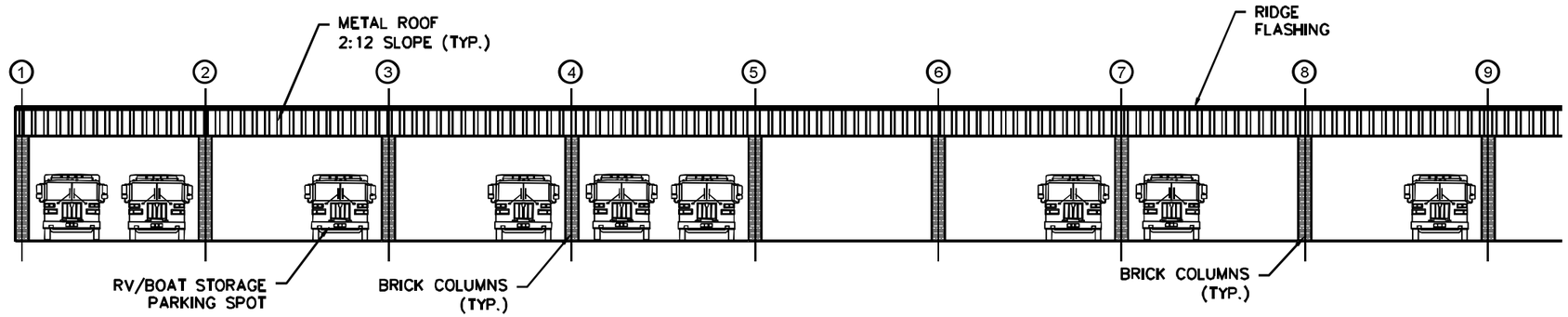


SIGHT LINE "B" PROFILE
(NORTHEAST RESIDENCES)

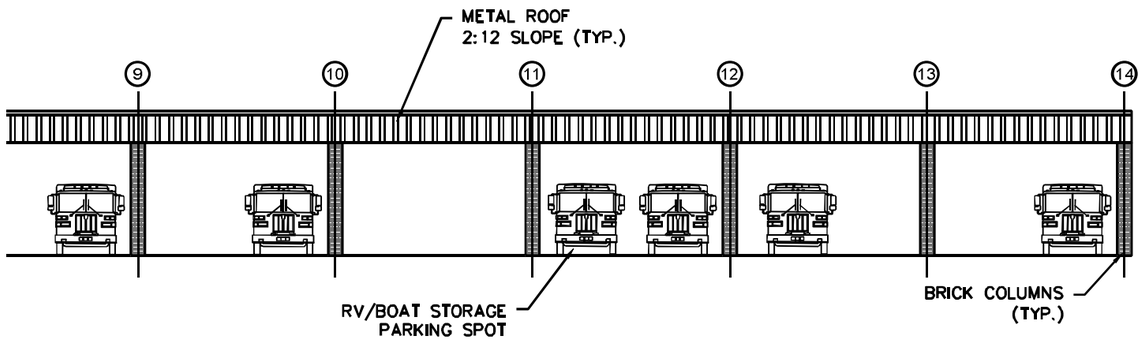


SIGHT LINE "C" PROFILE
(S. BLACK ROAD)

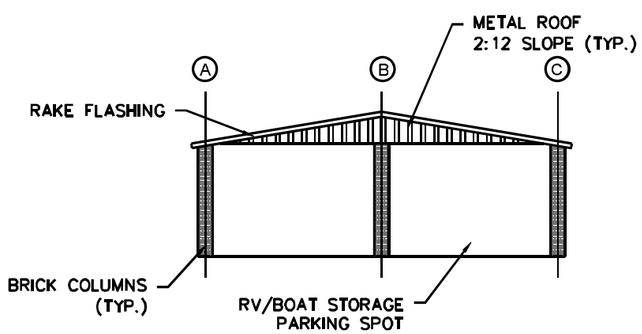
SNYDER BOAT & RV STORAGE



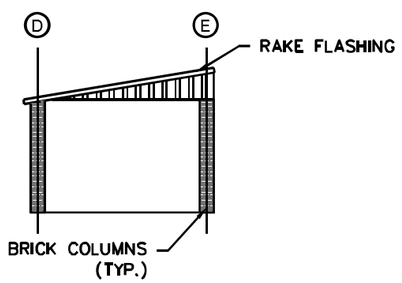
NORTH/SOUTH ELEVATION BLDG "A & B"



NORTH/SOUTH ELEVATION BLDG "A & B"

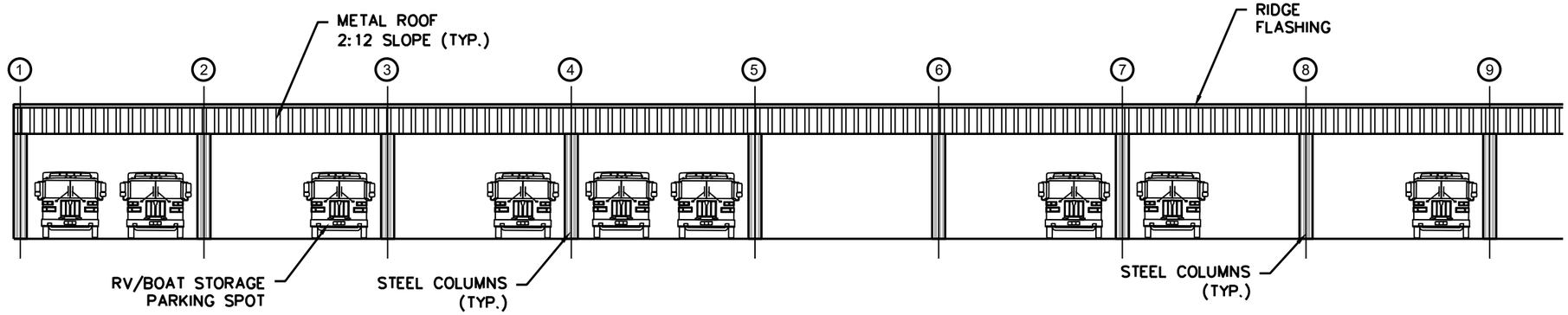


EAST/WEST ELEVATION
BLDG "A & B"

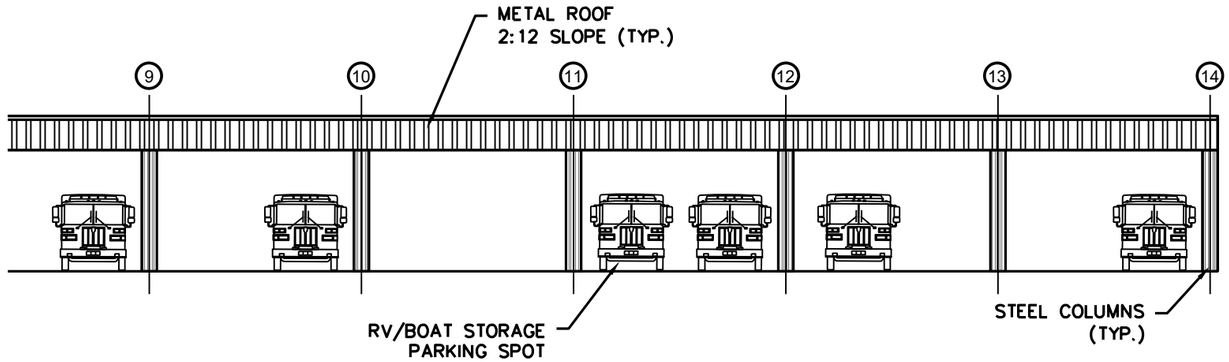


EAST/WEST ELEVATION
BLDG "C"

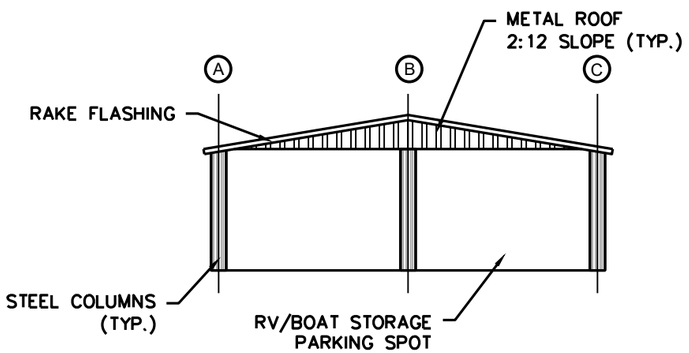
SNYDER BOAT & RV STORAGE



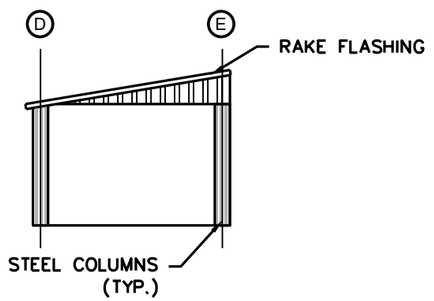
NORTH/SOUTH ELEVATION BLDG "A & B"



NORTH/SOUTH ELEVATION BLDG "A & B"



EAST/WEST ELEVATION
BLDG "A & B"



EAST/WEST ELEVATION
BLDG "C"

SNYDER BOAT & RV STORAGE

FILED & RECORDED 03/07/2022 12:30 PM
DEED BOOK 9075 PAGES 379 - 380
FILING FEES: $25.00
PT61: 069-2022-001768 TRANSFER TAX: $165.00
RECORDED BY: EAR
CLERK: Charles Baker, C.S.C Hall County, GA

Return Recorded Document to
The Law Office of Chad Knott, LLC
670 East Kytle Street
Cleveland, GA 30528

JOINT TENANCY WITH SURVIVORSHIP
LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF WHITE

FILE #: **22-049**

THIS INDENTURE made this **24th** day of **February, 2022,** between **Black Family Enterprises, L.P., Langston Family Investments, L.P. and Hickory Hills Land Company, L.P.** of the County of Hall and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **Dean A Snyder and Heather Souviron Snyder**, as joint tenants with survivorship and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires
or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 42 of the 12th Land District of Hall County, Georgia shown as Tract One containing 7.55 acres, more or less, as shown on a plat of survey prepared for Black Family Enterprises, L.P. by London Land Surveying & Associates, INC. dated August 21st, 2020, and recorded January 26th, 2021 in Plat Book 879, Page 467, Hall County, Georgia Deed Records. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

[SIGNITURES ON FOLLOWING PAGE]

22-049

EXHIBIT "A"

All that tract or parcel of land situate, lying and being in Land Lot 42 of the 12th Land District of Hall County, Georgia shown as Tract One containing 7.55 acres, more or less, as shown on a plat of survey prepared for Black Family Enterprises, L.P. by London Land Surveying & Associates, INC. dated August 21st, 2020, and recorded January 26th, 2021 in Plat Book 879, Page 467, Hall County, Georgia Deed Records. Said Plat and the record thereof are herein incorporated for a full and complete legal description.

Please Initial: _____ _____

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Thursday, April 7, 2022 1:37 PM
To: Srikanth Yamala (Public Works); Anael Dominguez (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 5.2.22

Please find Environmental Health comments below:

Item 1, 3621 Reece Circle, Whitlow: Must meet all Environmental Health residential septic system permitting requirements.

Item 2, 286 Crescent Drive, Paul: Must meet all Environmental Health commercial septic system permitting requirements.

Item 3, 4216 Winder Hwy, Stor Floga Winder: No comment. Public sewer.

Item 4, 6451 Snelling Mill Road: A version of the plat contained in the packet has been reviewed by Environmental Health and comments provided to the surveyor under HPZ2022-000417.

Item 5, 4670 Union Church Road, Ridgeline: No comment. Public sewer.

Items 6 & 9, 5501 S. Black Road, Snyder: Must meet all Environmental Health commercial septic system permitting requirements at time of development.

Item 7, 2701 Browns Bridge Road, Rojas: No comment. Public sewer per applicant.

Item 8, 8977 Skitts Mountain Road, Dale: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: existing septic system evaluation, or septic system installation/modification may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, April 13, 2022 8:55 AM
To: Anael Dominguez (Planning); Srikanth Yamala (Public Works)
Cc: Peevy, Jonathan; Dykes, Jason; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for May 2, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments in red below

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Wednesday, April 6, 2022 12:53 PM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; 'Dan Barnes' <Daniel.C.Barnes@usace.army.mil>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; 'Jeremy Wills' <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; 'Matt Cox' <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; nswafford <nswafford@gainesville.org>; 'Pam Cravero' <pam.cravero@hallco.org>; 'Rich Atkinson' <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; 'Stephen Cain' <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; 'Will Schofield' <will.schofield@hallco.org>; Nicole Griffin <nicole.griffin@hallcounty.org>
Subject: RE: Tentative Planning Agenda for May 2, 2022

The application of Dean and Heather Snyder will additionally be heard for a Use Subject to County Commission approval. This will be item #9. Please see link below.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

Thank you,

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

From: Anael Dominguez (Planning)
Sent: Wednesday, April 6, 2022 11:59 AM
Subject: Tentative Planning Agenda for May 2, 2022

Good morning –

Here is the Tentative Agenda and Maps for the **Monday, May 2, 2022** Hall County Planning Commission Meeting.

Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report.

When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by **Thursday, April 14.** Email comments to Srikanth (syamala@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you,

CALL TO ORDER

APPROVAL OF MINUTES – April 18, 2022

NEW BUSINESS

1. Application of Henry Whitlow for a Use Subject to County Commission approval on a 1.01± acre tract on the south side of Reece Circle at its intersection with A L Mangum Road; a.k.a. 3621 Reece Circle; Zoned R-II; Tac Parcel 15014 000056A. Purposed Use: hardship mobile home. ** Commission District 3.

2. Application of Joanne Paul for a Use Subject to County Commission approval on a .89± acre tract on the east side of Crescent Drive approximately 118 feet from its intersection with East Crescent Drive; a.k.a. 286 Crescent Drive; Zoned R-II; Tax Parcel 15033C000034A. Proposed Use: afterschool day program. ** Commission District 3.

3. Application of Stor Floga Winder, LLC. d/b/a Highline Storage Partners, LLC. for a Use Subject to County Commission approval on a 3.71± acre tract on the west side of Winder Highway at its intersection with Holcomb

Circle; a.k.a. 4216 Winder Highway; Zoned H-B; Tax Parcel 15044B000011. Proposed Use: self-storage. ** Commission District 1.
The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required.

4. Application of William and Veronica Nelson for a Use Subject to County Commission approval on a 2.86± acre tract located on Snelling Mill Road at its terminus; a.k.a. 6451 Snelling Mill Road; Zoned V-C; Tax Parcel 08161 002002. Proposed Use: two-lot subdivision. ** Commission District 2.

5. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.
Request trip gen, request counts for SR 53 @ Union Church Rd

6. Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.
The proposed layout does not appear to show any work in the state R/W and access on the local rd is far enough back to satisfy GDOT requirements. If the layout changes, or this assumption is incorrect, GDOT coordination will be required.

7. Application of Esteban Mosquera Rojas to rezone from Residential-I (R-I) to Highway Business (H-B) on a .46± acre tract located on the north side of Browns Bridge Road at its intersection with Cherry Lane; a.k.a. 2701 Browns Bridge Road; Zoned R-I; Tax Parcel 08015 005022. Proposed Use: office building. ** Commission District 4.
GDOT Coordination Required

8. Application of Helena Dale to rezone from Agricultural Residential-IV (AR-IV) to Suburban Shopping (S-S) on a 28.27± acre tract located on the north side of Skitts Mountain Road approximately 832 feet from its intersection with Skitts Mountain Drive; a.k.a. 8977 Skitts Mountain Road; Zoned AR-IV; Tax Parcel 12132 000022. Proposed Use: open air market. ** Commission District 3.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.
See #6 above

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, June 9, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, June 9, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government

2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

Hall County Government
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HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

INTERIM DIRECTOR
Bill Nash, P.E.

To: Srikanth Yamala, Interim Director of Planning and Zoning

From: Bill Nash, P.E., Interim Director of Public Works and Utilities

Date: April 14, 2022

Subject: May 2, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the May 2, 2022 meeting. Upon review, we provide the following comments:

1. Application of Henry Whitlow for a Use Subject to County Commission approval on a 1.01± acre tract on the south side of Reece Circle at its intersection with A L Mangum Road; a.k.a. 3621 Reece Circle; Zoned R-II; Tac Parcel 15014 000056A. Purposed Use: hardship mobile home. ** Commission District 3.

a) **Engineering**: No comments
b) **Traffic**: No comments
c) **Utilities**: No comments

2. Application of Joanne Paul for a Use Subject to County Commission approval on a .89± acre tract on the east side of Crescent Drive approximately 118 feet from its intersection with East Crescent Drive; a.k.a. 286 Crescent Drive; Zoned R-II; Tax Parcel 15033C000034A. Proposed Use: afterschool day program. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** No comments
c) **Utilities:** No comments

3. Application of Stor Floga Winder, LLC. d/b/a Highline Storage Partners, LLC. for a Use Subject to County Commission approval on a 3.71± acre tract on the west side of Winder Highway at its intersection with Holcomb Circle; a.k.a. 4216 Winder Highway; Zoned H-B; Tax Parcel 15044B000011. Proposed Use: self-storage. ** Commission District 1.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Public right-of-way along Northwestern boundary will need to be abandoned.
b) **Traffic:** Access proposed off a private road.
Property has a parcel tag from 2007 regarding a road determination.
c) **Utilities:** Sanitary sewer by others.

4.. Application of William and Veronica Nelson for a Use Subject to County Commission approval on a 2.86± acre tract located on Snelling Mill Road at its terminus; a.k.a. 6451 Snelling Mill Road; Zoned V-C; Tax Parcel 08161 002002. Proposed Use: two-lot subdivision. ** Commission District 2.

a) **Engineering:** Show County studied flood zone. Must have easement for driveway encroachment.
b) **Traffic:** Existing driveway will encroach on proposed new parcel, unsure if applicant intends to utilize as a common driveway. Access easement will be necessary.
c) **Utilities:** No comments.

5. Application of Ridgeline Land Planning, Inc. to rezone from Agricultural Residential-III (AR-III) to Planned Residential Development (PRD) on a 50.75± acre tract located on the east side of Union Church Road approximately 166 feet from its intersection with Steeple Chase Lane; a.k.a. 4670 Union Church Road; Zoned AR-III; Tax Parcel 15043 000001. Proposed Use: single family detached subdivision. ** Commission District 1.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Show stream buffer and impervious setback from wrested vegetation not centerline of stream.
Mail kiosk must meet Hall County standards.
No parking allowed in right-of-way.
Applicant is required to perform a historic and cultural evaluation before approval.
b) **Traffic:** Traffic impact study required prior to consideration (County Code 17.380.050 paragraph 4) additional comments/ recommendations may be necessary based on the study.
Left and right (decel) turn lanes will be required (County Code 16.60.290).
Recommend any proposed/required secondary access be gated, emergency access only.
Proposed northern access does not appear to meet spacing requirements with Steeple Chase Lane, location may need to be modified.
c) **Utilities:** All proposed developments requiring sanitary sewer shall be required to produce a preliminary layout and description of the proposed sanitary sewer provisions in order to connect to the existing Hall County sanitary sewer system. All provisions for sanitary sewer construction must be approved by the Director of Public Works prior to submitting for a land disturbance permit.

6. Application of Dean and Heather Snyder to rezone from Agricultural Residential-IV (AR-IV) to Highway Business (H-B) on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.
b) **Traffic:** Recommend access be on Cleveland Hwy (SR11/US129).
If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.
c) **Utilities:** Septic system/no sewer.

7. Application of Esteban Mosquera Rojas to rezone from Residential-I (R-I) to Highway Business (H-B) on a .46± acre tract located on the north side of Browns Bridge Road at its intersection with Cherry Lane; a.k.a. 2701 Browns Bridge Road; Zoned R-I; Tax Parcel 08015 005022. Proposed Use: office building. ** Commission District 4.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** Driveway must meet County commercial standards.
c) **Utilities:** No comments.

8. Application of Helena Dale to rezone from Agricultural Residential-IV (AR-IV) to Suburban Shopping (S-S) on a 28.27± acre tract located on the north side of Skitts Mountain Road approximately 832 feet from its intersection with Skitts Mountain Drive; a.k.a. 8977 Skitts Mountain Road; Zoned AR-IV; Tax Parcel 12132 000022. Proposed Use: open air market. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
b) **Traffic:** Driveway must meet County commercial standards.
c) **Utilities:** No comments.

9. Application of Dean and Heather Snyder for a Use Subject to County Commission approval on a 7.54± acre tract located on the east side of S Black Road at its intersection with Cleveland Highway; a.k.a. 5501 S Black Road; Zoned AR-IV; Tax Parcel 12042 000002. Proposed Use: boat and R-V storage. ** Commission District 3.

a) **Engineering:** The site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
Show stream buffer and impervious setback from wrested vegetation not centerline of stream, show flood.

b) **Traffic:** Recommend access be on Cleveland Hwy (SR11/US129).
If access on S. Black Road is considered, the driveway must meet County commercial requirements and applicant should verify that intersection and stopping sight distances can be achieved.

c) **Utilities:** Septic system/no sewer.

Here is what we have on file:

All

#1192

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/2/2022 2:30 PM
Source:	Website 172.70.175.102

SUBMITTER
Lindsey Smith
5580 Tom Maynard Rd.
Clermont, GA 30527

CONTACT
lindsey.smith@hallco.org
770-519-6341

1 Corner of 129/ S. Black Rd.
Clermont, GA 30527

REQUEST DETAILS

Description
Oppose Zoning for Boat/ RV lot at 129/ Cleveland Hwy and S. Black Rd. We live at 5580 T. Maynard Rd. off S. Black Rd. in Clermont. We DO NOT want a commercial RV/ Boat storage lot at the end of S. Black Rd. Turning on to Cleveland Hwy is already dangerous as it is. We also do not want the traffic of others pulling boats, and campers and RVs cutting through S. Black and T. Maynard Rd heading to Don Carter State Park and the lake. Our kids are runners and run along our little country roads, walk our dogs and ride their bikes. We truly don';t feel our rural farm community is the place for an RV/ Boat storage lot.

Your Information

Name
Lindsey Smith

Fax Number

Email Address
lindsey.smith@hallco.org

Preferred Contact Method
email

Print

Planning Commission Comments - May 2, 2022 - Submission #55755

Date Submitted: 4/30/2022

Comments completed in the form below will be submitted into the record for the May 2, 2022 meeting of the Hall County Planning Commission.

First Name*

Ronda

Last Name*

Rich

Address1*

5505 Cleveland Hwy

Address2

Clermont, GA 30527

City*

Clermont

State*

GA

Zip*

30527

Zoning Item for Comment*

5. & 6. Application of Dean and Heather Snyder

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

As a property owner with land near the proposed rezoning of S. Black and Cleveland Hwy, I oppose such an enormous commercial project because of the disruption of the soil and the environment. There is a nearby stream that flows into Little River, which meets the Chattahoochee and forms Lake Lanier, created for the primary reason of a drinking water supply to our area and Atlanta. Little River is a state-protected river and, normally, any water that flows into it -- such as the stream -- is under state protection and watched carefully by the EPD. The East Fork of Little River flows through our properties on Sweetbottom Lane and Green Circle. In the past six years, we have had unprecedented and damaging flooding from Little River, which exceeded the perimeters of the hundred-year floodplain. Three times in two years, our pasture fences and several large trees have been swept away in remarkable floods. I surmise, having known this land for all my life, that it is runoff caused by excessive building in our area and north of us. I respectfully ask that you deny this zoning request. Or, at minimum, delay until the EPD can do a careful study of the impact on the river and land. Thank you for your service to our community and your consideration of this matter.

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

southswomen@bellsouth.net

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Print

Planning Commission Comments - June 6, 2022 - Submission #57140

Date Submitted: 6/3/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

Kirk

Last Name*

Palmer

Address1*

5664 Cottage Lane

Address2

City*

Clermont

State*

GA

Zip*

30527

Zoning Item for Comment*

1. & 2. Previously tabled applications of Dean and Heather Snyder

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

June 3, 2022

Hall County Planning Commission
2875 Browns Bridge Road
Gainesville, GA 30504

RE: Zoning Change from AR-IV to HB at 5501 S. Black Road (Parcel # 12042 000002)

Dear Planning Commission:

My name is Kirk Palmer and I own property at 5664 Cottage Lane which is adjacent to the property in question. I am writing this correspondence to voice my opposition the proposed rezoning of the property at 5501 S. Black Road. As you're aware, the properties in this location are generally zoned AR-IV with a few tracts of R-3 thrown in. The closest commercial zoning is located at 5700 Cleveland Highway which is the Wayne Farms Hatchery. The residents of this immediate area are used to the relative peace and quiet that comes with a rural setting. The development of a commercial business, even though it's for RV/Boat Storage, will bring more traffic, more noise, possible light pollution, potentially lower property values and the potential for a possible increase in property related crime. In addition, there is a similar business located approximately one mile north of this location at 5924 Cleveland Highway. Is there really a need for a second similar business within a mile of this location?

As I'm sure you're aware, the traffic on US 129 is often heavy and most persons act as if the speed limit of 55 MPH is optional. There have been several accidents that I can recall at the intersection of Highway 129 and S. Black Road as well as the intersection of Green Circle and Highway 129, for the aforementioned reason. Adding a business at this location will just add fuel to that fire in my opinion.

Additionally, there is a large amount of wildlife in the area, and any development, however benign, will impact and destroy their habitat. There is also a small creek that feeds into the East Fork of Little River that will be adjacent to the property in question. Potential runoff from this location could have negative consequences, as this creek empties into a direct drainage basin of Lake Lanier. I think this is something the planning commission should consider.

Should this rezoning be approved, several things should be considered for the potential site plan. For example, there should be at least a 75' to 100' buffer (natural or otherwise) between this property and properties along Cottage Lane. A buffer of at least 50' feet, rather than the customary 25', should exist between this property and the creek on its Eastern boundary. A small retention pond should be utilized, if a 50' stream buffer isn't feasible. Outdoor lighting should be designed to minimize light spillage to not exceed more than one footcandle along any residential or agricultural property line, and two footcandles at any public street or right-of-way. What about egress? Will it add to the issues Highway 129 already has? Or will it potentially congest S. Black Road? Will people be able to access this business all hours of the day and night? Access hours should be limited to 7AM to 7PM daily.

I thank you for your time and consideration in this matter.

Respectfully submitted,

Kirk L. Palmer

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

northhalldawg@yahoo.com

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

Anael Dominguez (Planning)

From: Terry Roberts <roberts.terry1962@gmail.com>
Sent: Monday, June 6, 2022 4:56 PM
To: Anael Dominguez (Planning)
Subject: Schneider zoning request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is Terry Roberts 5517 Clarks Bridge Road I came to the first meeting regarding Schneider request for a boat and RV storage at the corner of s black and Highway 129. I have spoke with Shelly Echols regarding this along with the. D o t and I would like to make this known to whomever it may concern the. The DOT has told me this week they will not allow a drive into Highway 129 from this location due to visibility moving this down 50 to 75 ft to enter off of s Black Road makes no difference you still have a dangerous intersection and not enough site visibility Mr. and Miss Snyder told at the last meeting there was no RV and Boat Storage available in North Hall this is not true there are five facilities within 4 miles 2 miles each way of this property also S Black Road is a neighborhood and listed as a subdivision and cannot withstand the traffic this would bring to this area also trying to enter on Clarks Bridge you have the same problem site visibility issues and would not meet.. dot standards we have consulted with our attorney and are prepared to file an amendment against members and hold them responsible and liable if injury occurs by allowing access of a business into a major highway that the Department of Transportation has deemed a Hazard area with not enough site visibility this would put families In Harm's Way just this year a Hall County Deputy in his patrol car was he hit in the same area pulling out into the road this is a bad intersection a very dangerous intersection and this is not the place for this type of business thank you for your time

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: DEAN & HEATHER SNYDER

REQUEST: USE SUBJECT TO BOC FOR BOAT & RV STORAGE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 06-06-22
Time: 05:15 PM

AND

COUNTY COMMISSION
Date: 07-14-22
Time: 06:00 PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 342/2022

SUBJECT: Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Approval, with conditions: 1. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices." 2. All conditions of zoning shall be made part of any plats created for the property.

Purpose of Request:
Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

History:

Facts and Issues:

Options:

Funding Requested $ 0.00

Are funds within current budget? No

Source of Funds

Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Updated Board Memo - as of 7/8/2022
Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Renderings
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments
Notice Sign Photos

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: July 8, 2022

Subject: Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

On July 8, 2022 staff received an email from the applicant requesting to withdraw both the rezoning and conditional use applications.

Please vote on each withdrawal separately.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request with the following two (2) conditions:

1. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
2. *All conditions of zoning shall be made part of any plats created for the property.*

There were twelve (12) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition and one (1) person spoke in favor during the public hearing on June 6, 2022.

Hall County Government
PLANNING & DEVELOPMENT

HALL COUNTY
GEORGIA
*We have it **all** in Hall*

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request with the following two (2) conditions:

1. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
2. *All conditions of zoning shall be made part of any plats created for the property.*

There were twelve (12) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition and one (1) person spoke in favor during the public hearing on June 6, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Norris Development

Request..... Rezone from Vacation-Cottage (V-C) to Agricultural Residential-III (AR-III)

Proposed Use ..... Agri-entertainment venue

Size ..... 7.9± acres
Zoning ..... V-C

Location ..... On the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Tax Parcel 10128 000049.

Commission District ..... Three

Planning Commission Date ..... June 6, 2022

Staff Recommendation ..... **Approval, with conditions**

Planning Commission Recommendation: Approval, with conditions
Vote: 4-0 (Pilcher absent)

Conditions:

1. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
2. *All conditions of zoning shall be made part of any plats created for the property.*

Applicant Proposal

The applicant is requesting to rezone the property from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) for the purpose of operating an agri-entertainment venue on the 7.9± acre tract. The Official Code of Hall County only permits agri-entertainment venues within the Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) zoning districts when approved as a

conditional use by the Board of Commissioners. The applicant has submitted a concurrent application for the conditional use request.

According to the narrative, events to be held on the property may include weddings, corporate events, and film production events. The narrative continues to state that the operating hours will vary depending on the type of event, however, events will not go beyond 10:00pm if music is involved. Events will be limited to 125 guests on the day of the event, with no more than 16 people allowed to stay on the property overnight.

The narrative continues to describe the proposed parking for events, which limits this to the number of spaces available on the property and will prohibit parking along Shirley Road. Valet parking will be provided for the events, with the applicant/property owner providing the parking attendants and security services. Per the narrative, the property has extensive indoor and outdoor lighting in place to ensure the safety of guests. The property contains 10 bathrooms within the existing residence with additional facilities to be provided during scheduled events to accommodate the number of guests in attendance. Access to the property will be from Shirley Road, through the existing driveway, which is gated.

The site plan submitted with the application shows a heavily wooded property with a long driveway leading to the residence, located at the southernmost portion of the property, adjacent to U.S.A.C.E property and Lake Lanier. There are three areas on the property identified for proposed valet parking locations, providing a total of 58 spaces.

History and Existing Land Uses

The subject property consists of 7.9± acres and is zoned Vacation Cottage (V-C). According to Hall County records, the property is developed with a single-family residence built in 1994, consisting of 6,525 square feet per the floorplan submitted by the application. In addition to the residence, there are various accessory structures on the property, including an in ground swimming pool, outdoor seating area, and a 20 foot by 22 foot building.

The surrounding adjacent properties are also zoned V-C, with the properties located across Shirley Road being zoned Agricultural Residential-III (AR-III). The agriculturally zoned properties consist of low-density single-family residential and agricultural uses. The V-C zoning adjacent to the subject parcel consists of lot to moderate density single-family homes.

This appears to be the original zoning of the subject property per Hall County records.

The property has had two code enforcement complaints within the past two years. The first was in 2021 (COD2021-01090) relating to a complaint of trashcans being left in the yard and right-ofway. Upon the investigation the responding officer found the trashcans located approximately 50 feet up the driveway and found no evidence of violation, closing the case without issuing a citation. The second violation occurred in March 2022 (COD2022-00211) and relates to the use of the property as a short term rental and event venue without proper licensing. Since then, the applicant has filed these requests for rezoning and conditional use approval for an agri-entertainment venue and has applied for a short term rental license. At the time of writing, no business license has been obtained for the short term rental, though it appears that one could be applied for.

Comprehensive Plan Land Use Designation

The future land use designation for this parcel is "Lake Area Residential." The general characteristics of Lake Area Residential includes detached single-family low-density residential development, less intensive agricultural uses, greenways and trails, and civic benefits such as community centers, libraries, places of worship, and schools

The Community Vision section of the Comprehensive Plan indicates the following with regards to agri-entertainment/agritourism:

- **Social and Economic Development (SED) Goal 1.6:** Coordinate with the Lake Lanier Convention and Visitors Bureau to promote agritourism in the county.

Within the Implementation Program, the following recommendations are made to preserve the rural character of an area:

- Maintain residential use (or agricultural) as the primary land use along roadways that do not have a Corridor designation on the Future Development Map **(Development Patterns (DP) Strategy 3.2).**

This request is consistent with the Future Land Use Designation found in the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health
In an email dated May 13, 2022 Emily McGahee with Hall County Environmental Health stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Hall County Fire Services
The subject property is located approximately 2 miles from Hall County Fire Station #16, located at 4209 Shirley Road. There is a fire hydrant located in front of the subject property along Shirley Road.

On May 12, 2022, John Hornick, with Hall County Fire Rescue, provided the following comment: "The Hall County Fire Marshal's Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved."

Hall County Public Works and Utilities
A memorandum from Srikanth Yamala, Director of Public Works and Utilities, dated May 19, 2022 had the following comments in regards to this application:

Engineering

The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic Engineering
Recommend the driveway (shown as nine feet in width) be improved to accommodate twoway traffic.

Utilities
No comments.

Hall County Tax Assessors No comments were provided.

Gainesville Water Resources (per GIS records)
The Hall County GIS shows that public water is available to the subject property along Shirley Road.

Georgia Department of Transportation
This project will not require GDOT coordination.

Zoning Analysis

- The applicant is requesting to rezone the property from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) for the purpose of operating an agri-entertainment venue ○ This request is consistent with the Future Land Use Designation found in the Comprehensive Plan.
- Agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue.
    - ○ The applicant has indicated events to be held on the property may include weddings, corporate events, and film production events.
        - ▪ Properties within Hall County may be used as a filming location without approval from the Board of Commissioners. A permit can be obtained from the Business License division.
- The agri-entertainment district was developed as a mechanism for Hall County to permit land and business owners the ability to offer assembly events within an agricultural venue.

Staff Recommendation

Staff recommends **approval** of the applicant's request, with the following conditions:

1. Any future development of the parcel shall be subject to the Hall County Development Review process, including the driveway and stormwater requirements as re by Hall County Public Works.
2. Future development must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. .

Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

3. The proposed use as an agri-entertainment venue shall require a Conditional Use Permit to be approved by the Board of Commissioners.

4. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

5. All conditions of zoning shall be made part of any plats created for the property.

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

David Norris, 4726 Shirley Road, Gainesville, presented the request. The applicant stated that they got a permit for short term rental. The applicant stated that the home is very unique and for that reason it would be great for wedding events and filming productions. The applicant stated that if approved, it would have a capacity of 125 people, with 58 parking spaces, on duty police officer, owner on the premise at all times, and music to be shut off by 10:00 pm.

Pricilla Kendall, 310 Big Sky Drive, Hiawassee, presented the request. The applicant stated that she has been managing properties for the applicant in Hiawassee with similar accommodations as this request. The applicant stated that there are house rules as well as contracts that are signed before getting into the house. The applicant stated that the guests are required to have insurance for events and there will be staff on the property at all times.

Rebuttal

Mr. Norris stated that the noise is not as bad as it is being made out to be but they would comply with conditions. Ms. Kendall stated that the property was not listed as having ten rooms, it only has eight rooms available. Ms. Kendall stated that amplified music didn't have to be approved and they would follow conditions given by the board to get it approved.

Public Forum:

Sharon Ballinger, 4710 Shirley Road, Gainesville, spoke in favor. Stated there were no noise complaints and the event venue would be a good idea for the property.

Jack Gilsdorf, 4421 Wild Turkey Way, Gainesville, spoke in opposition. Concerns were commercial development, noise, traffic, and public safety.

Christy Moye, 4824 Shirley Road, Gainesville, spoke in opposition. Concerns were ordinance violations, noise, pollution, and traffic.

Michael Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic and public safety.

Chris Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic overflow, environmental health violation, and film production overflow.

Brett Mosugwitz, 4104 Willow Trace, Gainesville, spoke in opposition. Concerns were noise, legal issues, and crime.

Stephanie Braselton, 4734 Shirley Road, Gainesville, spoke in opposition. Concerns were lack of communication, traffic, and safety.

Jim Gilbertson, 5520 Little River Circe, Gainesville, spoke in opposition. Concerns were noise.

Planning Commission Comments:

Mr. Hunt questioned if there would be amplified music. Mr. Norris stated no. Mr. Hunt stated that it would be required to make the drive way a two-way road. Ms. Kendall stated that it has already been widened. Mr. Bell questioned if Mr. Norris was living at the home. Mr. Norris stated that he is. Mr. Hunt stated that the width of the property wasn't wide enough to allow a parking lot meeting the 200 feet requirement from the property line.

***Motion:* A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-0 (Pilcher Absent)**

Conditions:

1. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
2. *All conditions of zoning shall be made part of any plats created for the property.*

TOTAL: $800.00

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
GEORGIA
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ZONING APPLICATION

Applicant (Name & Mailing Address)
[redacted]. Norris Development LLC
P.O. Box 415
Evanston, WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com
Proposed Use event venue weddings (Agri-entertainment) AR3

Property Owner (Name & Mailing Address)
[redacted]. Norris Development LLC
P.O. Box 415
Evanston, WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com

Contact Person (Name & Mailing Address)
David L. Norris
P.O. Box 415
Evanston, WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com

Status of Applicant
☑ Owner
☐ Option to Purchase
☐ Area Resident
☐ Other

Requested Action
Existing Zoning: V-C
Rezone to: AR-3
Fee:$ 400.00
Receipt #: 858985
Check #:

Tax Parcel Number 10-0012B-00-049
Acreage 8.06
Location Address 4726 Shirley Rd Gainesville Ga 30506

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 3-21-22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby withdraw the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 4/13/22 Taken by: Micki

Tentative Planning Commission Date: 6/6/22 Tentative County Commission Date: 7/14

County Commission District: 3

Revised December 2019

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not ✓

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 04.13.2022

Applicant's/Owner's Name (Printed): David Norris

Revised December 2019

DESCRIPTION OF THE EXISTING AND PROPOSED USAGE OF THE PROPERTY located at 4726 Shirley Rd., Gainesville, Ga 30506

The current home has approximately 9,001 sf of heated space which consists of 8 bedrooms, 8 full baths and 2 half baths. Additional septic has been previously permitted on the property in 2020 by the previous owners. Our requests include the following plans for utilizing the 8.06-acre property to host weddings, corporate events and film production events. The operating hours shall vary depending on the type of event, however, will not exceed beyond 10 pm if music is part of the event.

We have attached a document describing our plans for additional development to the property to accommodate the future usage request along with the dimensions of the 8.06-acre property, a plat of the property, and a file containing the existing floorplan of the home. Restrictions on use of the property will include the following …. limited to 125 guests total on the day of the event, no more than 16 guests allowed to stay on the property overnight, time limit of 10 pm on any type of music or additional entertainment requiring outdoor speaker system. Parking of vehicles will be limited to the amount of spaces available on the property and no parking allowed on the exterior road entrance to the property. Security service attendants and valet parking attendants will be in place at every scheduled event at the expense of the property owner. The property has extensive indoor and outdoor lighting in place to ensure the safety of our guests while entertaining in all areas

of the property. In addition to the 10-bathroom facilities inside the home, the attached site plan provides a description and location of the additional facilities that will be available during the scheduled events to accommodate the number of guests in attendance. The property is not encroaching on or invasive to any other residences. There is one home that is adjacent to the 8.06-acre site and the space between the two homes is buffered by several trees and the homeowner should not feel any impact or have any concerns about our requested usage to schedule special events on the property.

Please review the attached drawn to scale site plan which identifies the area and displays the proposed plans to utilize specific locations on the property for additional parking of vehicles, additional water and wastewater disposal. Access to the home will be from Shirley Rd. which currently has gated access and security cameras in place at the front gate location. There are no other roads that access the property.

Since purchasing this unique property in October 2021, the interest received for the opportunity to hosts events and provide as a short-term rental has been overwhelming! I have also been approached by several individuals from the film producing industry requesting use of the property for future filming of movies and commercials.

Upon your approval of this application to re-zone, I plan to brand the property as “Bellissimo Castle Venue”. I believe that this property has the potential to become a future

“Location of Interest” in Gainesville, Ga. and hopefully bring additional tourism revenue into Hall County as an event venue and possible future film production location.

Thank you for your consideration of this application!

David L. Norris

Norris Development, LLC

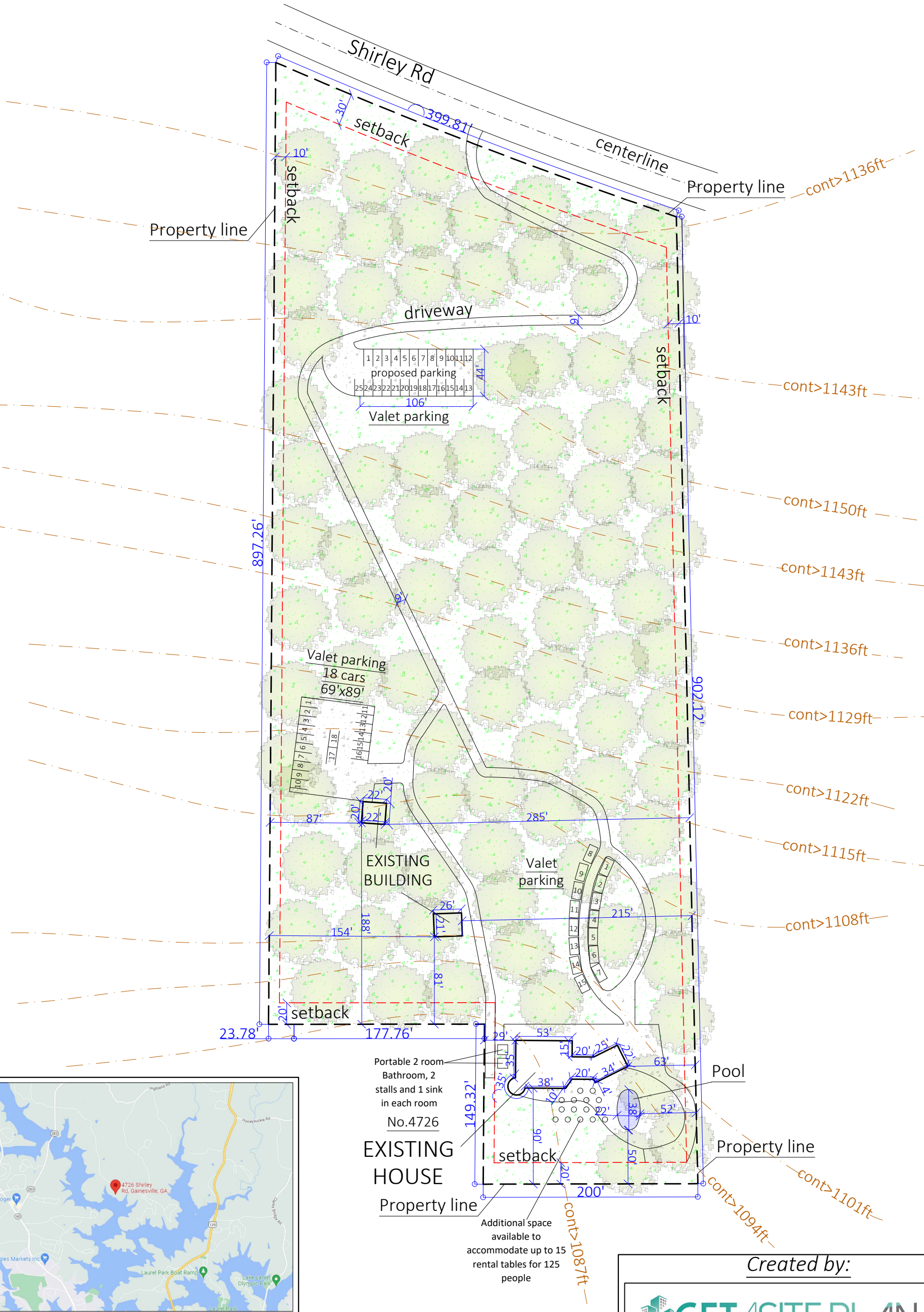
SITE PLAN

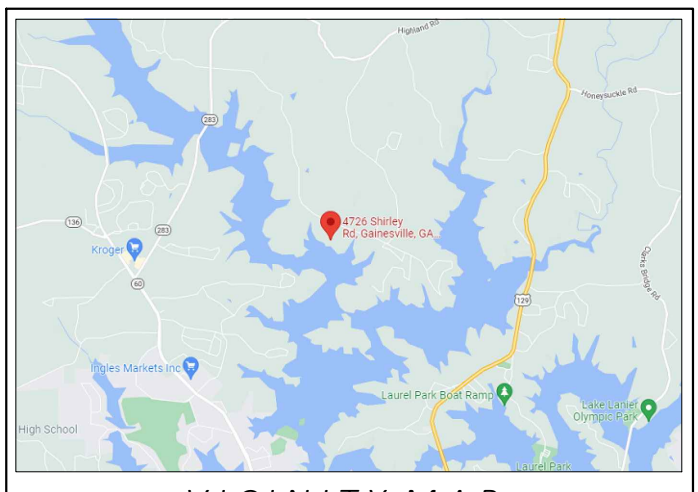
4726 Shirley Rd
Gainesville, Ga 30506
Parcel ID: 10-128 -000-049
Lot area: 8.06 Acres
Plot Size: 11"x17"

N

scale 1"=90'

Graphic scale: 0 50 100 200

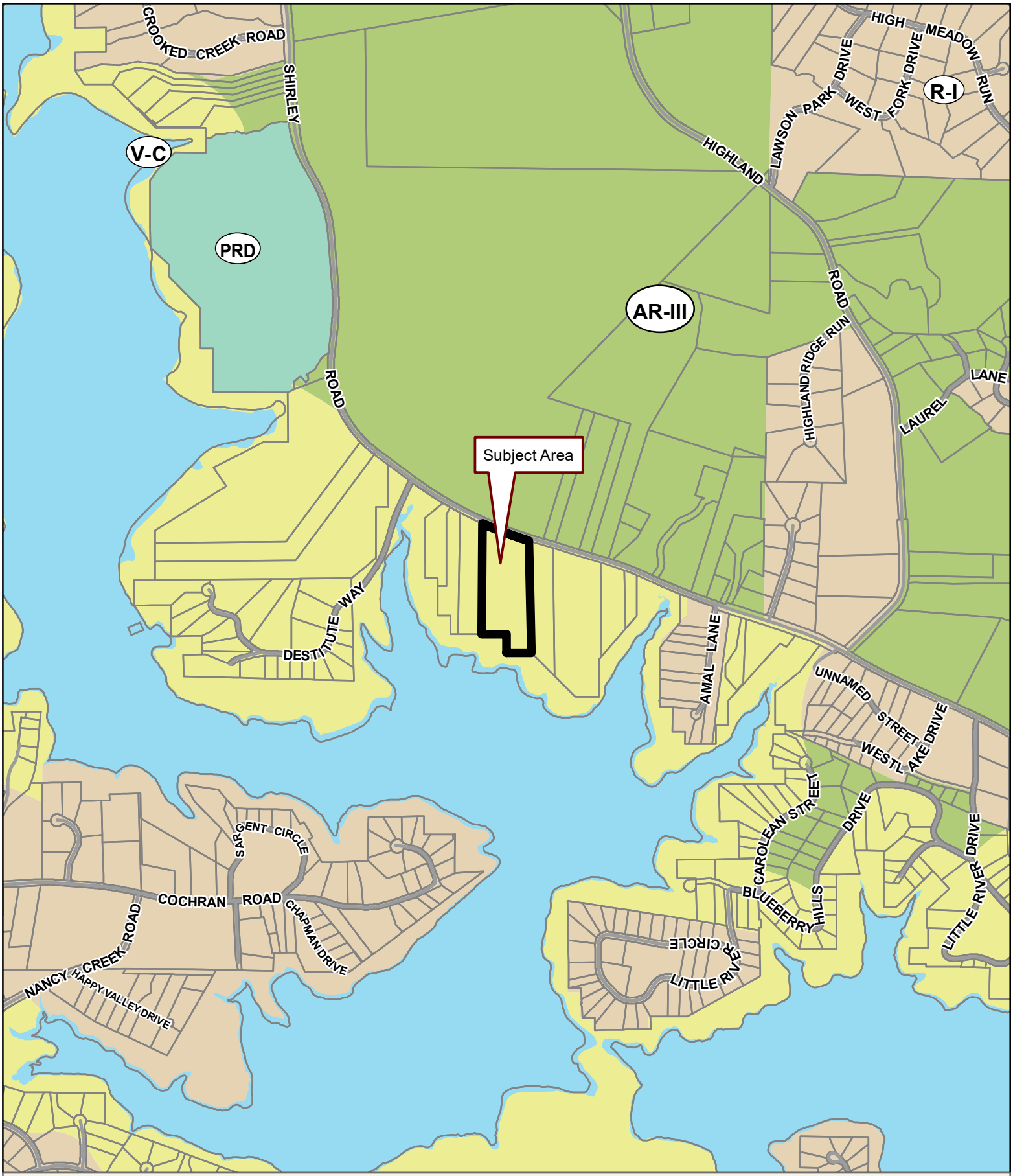




VICINITY MAP

Created by:

GETASITEPLAN.COM
WITH BEST QUALITY IN SHORT TIME

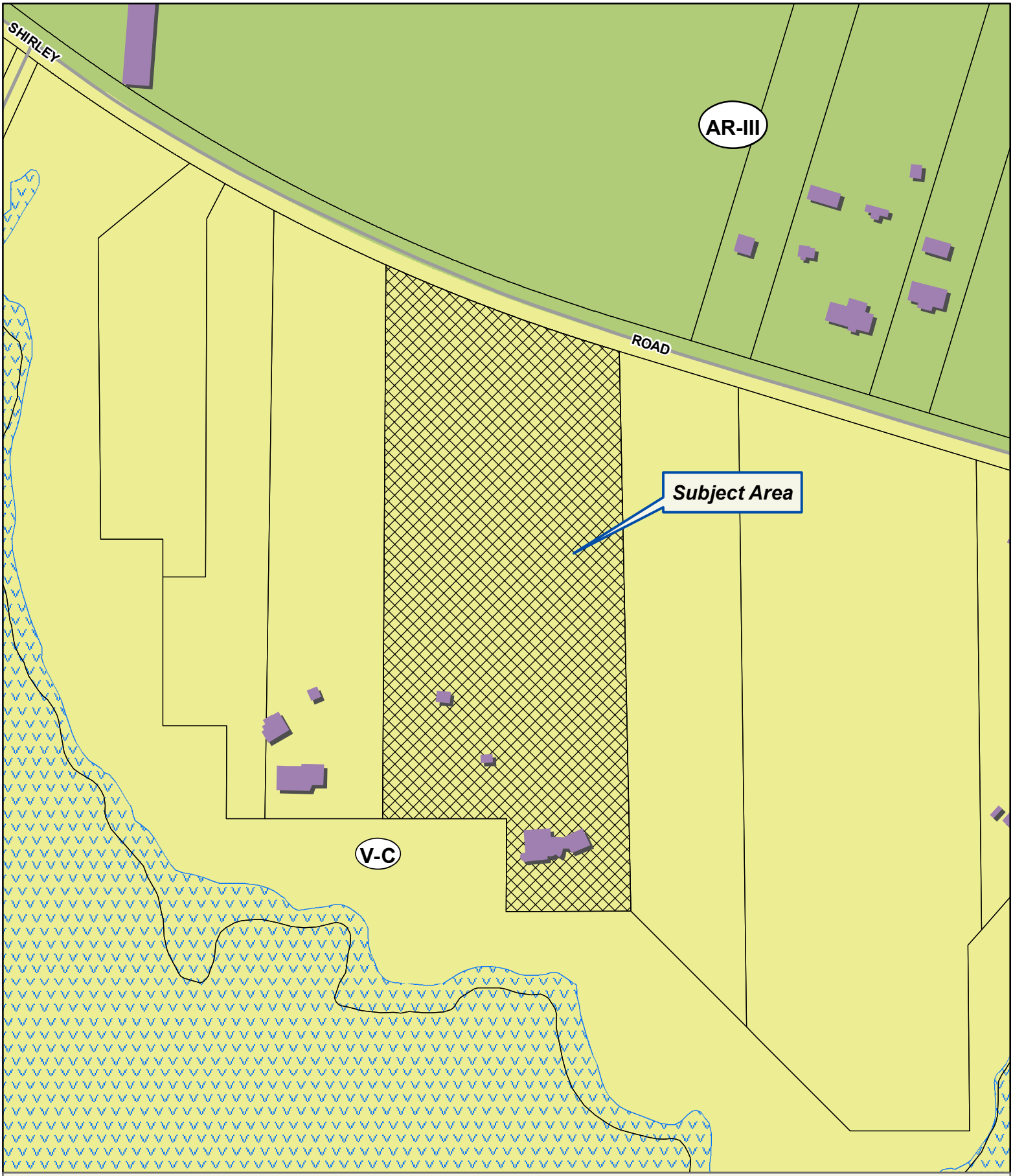


Applicant: NORRIS DEVELOPMENT
Tax Parcel #: 10128 000049
Location: 4726 SHIRLEY ROAD, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 06/06/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Commission District 3 **PC Mtg. Date:** 06/06/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

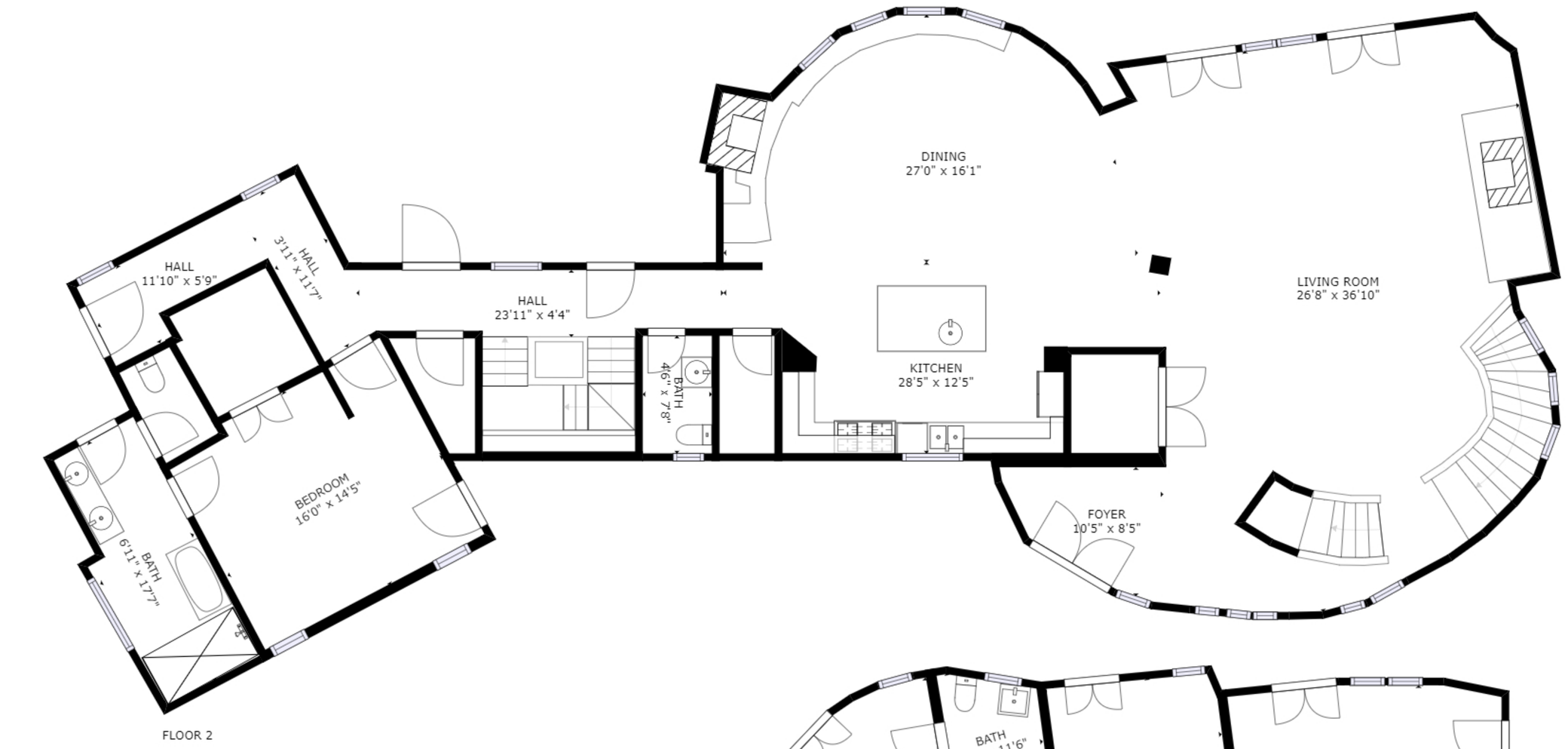
N

Applicant: NORRIS DEVELOPMENT
Tax Parcel #: 10128 000049
Location: 4726 SHIRLEY ROAD, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 06/06/2022

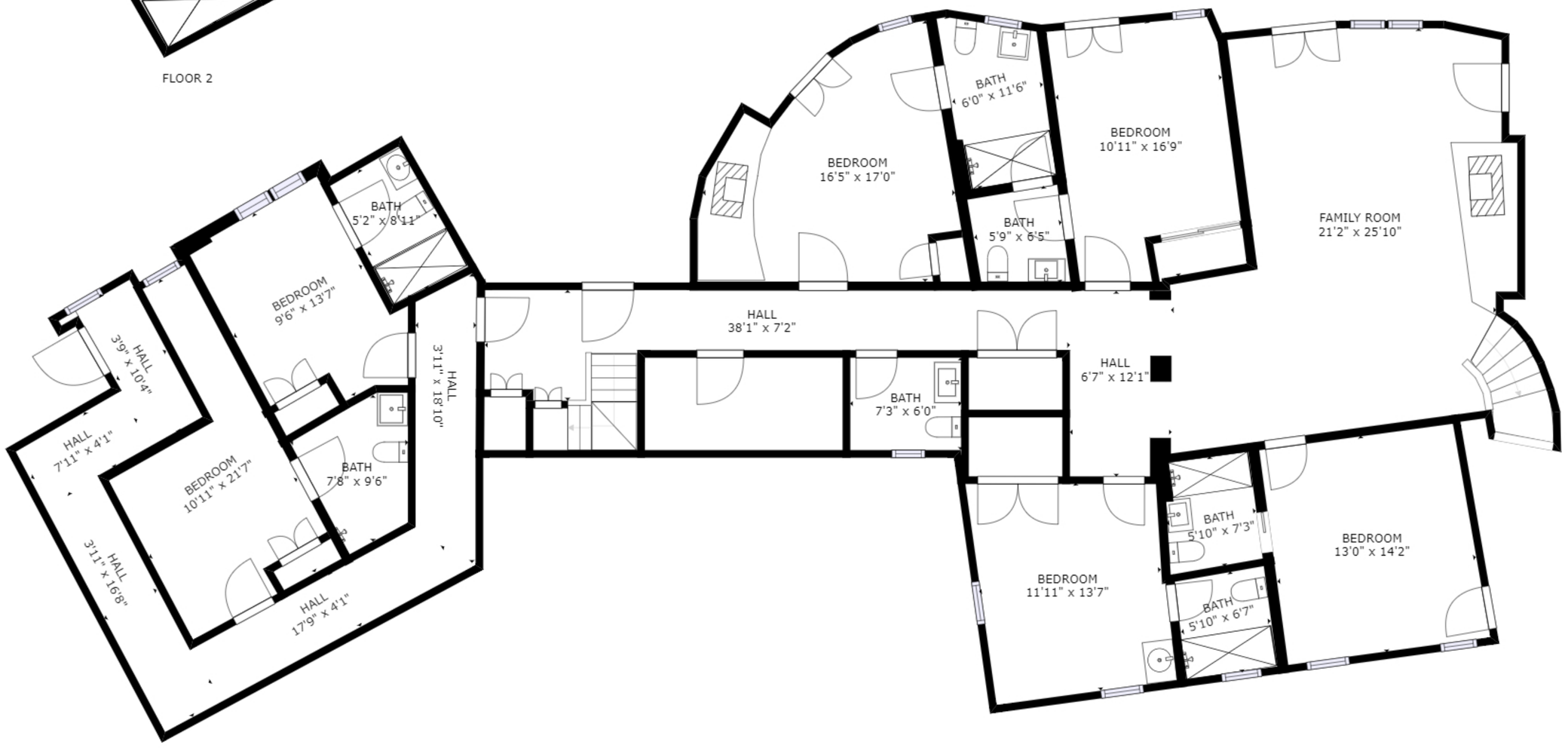
0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

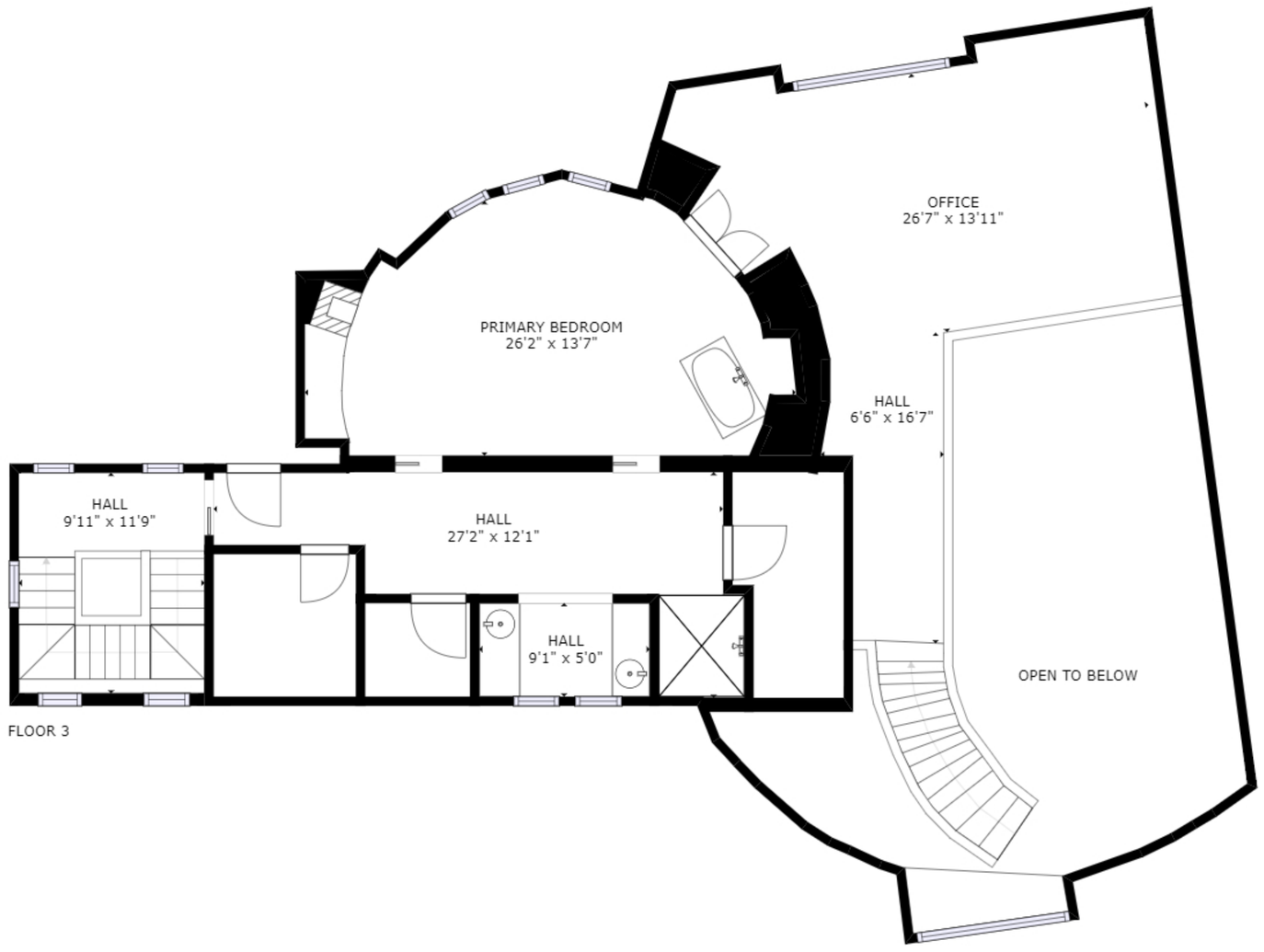
N



FLOOR 2



FLOOR 1



FLOOR 3

GROSS INTERNAL AREA
FLOOR 1: 2750 sq. ft, FLOOR 2: 2456 sq. ft
FLOOR 3: 1319 sq. ft
TOTAL: 6525 sq. ft
SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

4726 Shirley RD site plan for Wedding/Event Venue

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, May 13, 2022 1:18 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 6.6.22

Please find Environmental Health comments below:

Item 1, 7015 Kempton Court, Dixon: No comment. Public sewer.

Item 2, 3479 Chestatee Road, Draffin: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022.

Items 3 & 4, 5747 Holiday Road, Reeves: No comment.

Item 5 & 6, 4726 Shirley Road, Norris Development: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, May 18, 2022 8:55 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for June 6, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments below in red

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, May 12, 2022 10:18 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for June 6, 2022

Good morning,
Here is the Tentative Agenda and Maps for the Monday, June 6, 2022 Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report. When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by Thursday, May 19, 2022. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you–

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – May 16, 2022

NEW BUSINESS

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.
   GDOT Coordination unlikely, though I could not tell what is proposed for the property

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.
   No GDOT Coordination required

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 14, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 14, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: May 19, 2022

Subject: June 6, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the June 6, 2022 meeting. Upon review, we provide the following comments:

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.

    a) **Engineering:** No comments.
    b) **Traffic:** No comments.
    c) **Utilities:** No comments.

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.

    a) **Engineering:** Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.
    b) **Traffic:** Proposed driveway will need to meet County Driveway Regulations.
    c) **Utilities:** No comments.

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

    a) **Engineering:** The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
    b) **Traffic:** Driveway will need to be permitted by the City of Buford.
    c) **Utilities:** No comments.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Driveway will need to be permitted by the City of Buford.
   c) Utilities: No comments.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Thursday, May 12, 2022 4:55 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Subject: Fire Comments

Good Afternoon,

The Hall County Fire Marshal's Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

All

#1205

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 2:08 PM
Source:	Website 172.70.210.233

SUBMITTER

Brian Babcock
5203 Shirley Road
Gainesville, GA 30503

CONTACT

Brian.babcock@outlook.com
770-287-4344

4760 Shirley Road
Gainesville , Ga 30506

REQUEST DETAILS

Description

We have lived at the end of Shirley Road for 26 years and hate the thought of a “Wedding Venue” in our quiet residential area. This would increase noise, traffic, and likely cause dangerous driving situations on an already difficult road. Please keep our wonderful neighborhood as it is. Thank you for your consideration. Brian Babcock

Your Information

Name
Brian Babcock

Fax Number

Email Address
Brian.babcock@outlook.com

Preferred Contact Method
email

Print

Planning Commission Comments - June 6, 2022 - Submission #57171

Date Submitted: 6/5/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

Jack

Last Name*

Gilsdorf

Address1*

PO box 1414

Address2

City*

Gainesville

State*

GA

Zip*

30503

Zoning Item for Comment*

7. & 8. Applications of Norris Development

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am the President of the Country Owners Assoc. Inc. which is a neighborhood comprised of 21 properties on Shirley Rd.. Our owners are unanimously against the proposed rezoning of the property at 4726 Shirley Road based on the following:
1. Changing the zoning to commercial usage in an area that has been exclusivily Agricultural and Residencial. Allowing commercial development along Shirley Road will most certainly degrade our property values.
2. Avtivity proposed will certainly result in noise and increased traffic nuissance.
3. Several event sights around the Atlanta area are in contentious battles with surrounding neighborhoods due to public safety problems resulting from parties getting out of control with violent confrontations amoung quests. We do not need to take a chance on this happening in our quiet peacefull neighborhood.
I will be attending the meeting with the Planning Commission at 5:15 onJune 6 to present our position to the members.

Please write your comments in the box above.

All

#1208

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/28/2022 6:56 PM
Source:	Website 172.71.26.75

SUBMITTER

James Scott Hamblen
4628 Highland Road
Gainesville, 4922326489159984804
30506

CONTACT

jhamblen@charter.net
16784001234

4726 Shirley Road
Gainesville, Georgia 30506

REQUEST DETAILS

Description
We are opposed to the proposed Agri Entertainment Venue being proposed on Shirley Road. This part of Hall County is rural and should not be bothered by noisy venues that last many hours on a regular basis. Tractors making rare noises are one thing, this is more a bother to the neighbors and those across the lake!

Your Information

Name
James Scott Hamblen

Fax Number

Email Address
jhamblen@charter.net

Preferred Contact Method
email

Print

Planning Commission Comments - June 6, 2022 - Submission #57098

Date Submitted: 6/2/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

John

Last Name*

Cleveland

Address1*

PO Box 2958

Address2

City*

GAINESVILLE

State*

GA

Zip*

30503

Zoning Item for Comment*

7. & 8. Applications of Norris Development

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am writing in opposition to the Norris Development application on Shirley Road. My family owns the property one lot away from the subject property, generally east of the subject property.

This area has developed into one of the more desirable areas in the county for a general lifestyle characterized by high quality residential properties and farms, benefitting from being near or on one of the quieter arms of Lake Lanier, a highly regarded high school and elementary school, and developments that respect the quiet and quality of the environment in the area. Consequently property valuations are high, reflecting these advantages and the peaceful and relaxing life style they afford. Anything that is inconsistent with that will have a negative impact on the investments in homes and property people have already made because they value those qualities. Such a degradation tends to spread as the area accedes to changes its character.

It is impossible for a venue such as is proposed to be consistent with those qualities. By their very nature, the events to be held will involve large numbers of people intent on celebrating, including loud music, loud singing and boisterous conduct. It will involve high traffic volume concentrated in specific times, likely when residents are returning home or in residence away from work. These are the times that residents would be looking forward to enjoying the peace and relaxing benefits of their own properties after a hard day or week of work.

We have all experienced the disruptions to such times when neighbors have had large parties, but accept and endure them as occasional disruptions consistent with the rights of each of our neighbors and ourselves to use our properties for personal events and celebrations. Respect for each other dictates that such disruptions are only occasional and that the impacts on neighbors are mitigated.

On the other hand, events at such a venue would of economic necessity be frequent. The participants would have no connection to the neighborhood or neighbors, would be self-focused and unlikely to have much concern for the surrounding homes and people. The impact would be magnified because sound carries great distances over the lake.

Such events, by their nature, usually involve significant consumption of alcoholic beverages in an environment characterized by the “partying” mood accompanying celebrations, which tends to offset moderation. Consequently, departing participants would tend to have an above normal level of impaired driving ability, driving on a narrow and curvy road. This would increase the risk of dangerous accidents to traveling residents going about their regular lives.

These are but a few of the negative impacts such a venue would have in an area such as Shirley Road, but they are more than enough to deny approval of the application. Please do so.

Thank you.
John Cleveland

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

All

#1204

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 1:00 PM
Source:	Website 172.71.22.73

SUBMITTER

Mark Ardagna

Little River Cir 5497 5497 Little River Cir

Gainesville, GA 30506

CONTACT

markardagna@gmail.com

6785216785

4726 Shirley Road 4726 Shirley Road
gainesville, ga 30506

REQUEST DETAILS

Description

rezoning of property at 4726 Shirley Road. Allowing for a wedding venue and filming location would create an extremely undesirable element to the quiet and tranquil environment for the residence on and near shriley rd and wahoo creek. Sound travels very easily at the lake. Music for wedding, either live or by a dj, would create unacceptable noise levels late into the evenings. Also, the traffic on Shirley Rd would create a dangerous situation on what is currently a very rural, and not frequently traveled road. I live next to a wedding venue prior to moving to Little River Circle, and we had to put up with all kinds of inconvenience. Noise from intoxicated guests, live and recorded music, fireworks, traffic, and cars honking horns late into the evening were common place. Shirley Rd is not suited for this type of business as it would disrupt the quiet enjoyment that the residents currently experience.

Your Information

Name

Mark Ardagna

Fax Number

Email Address

markardagna@gmail.com

Preferred Contact Method

email

All

#1207

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 8:38 PM
Source:	Website 172.70.42.73

SUBMITTER
Marty and Kay Thomas
4814 Amal Lane
Gainesville, GA 30506

CONTACT
kthomas706@charter.net

4726 Shirley Road
Gainesville , Georgia

REQUEST DETAILS

Description
Zoning to have events and weddings across the lake in a residential subdivision will cause noise pollution and traffic problems https://inspiringscience.net/2013/08/14/no-secrets-by-the-lakeside-how-water-affects-sound/

Your Information

Name
Marty and Kay Thomas

Fax Number

Email Address
kthomas706@charter.net

Preferred Contact Method
email

All

#1206

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 6:34 PM
Source:	Website 162.158.187.126

SUBMITTER
Maureen Smith
5208 Driftwood Point
Gainesville, Georgia 30506

CONTACT
mosmith5208@yahoo.com
17702877654

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description
This is to let you know that I am totally opposed to the prospect of a wedding venue or any other type of venue on Shirley Road. This is a residential area. The lot is too small and has close neighbors. There is a venue doing the same thing on Jim Hood Road. We do not want this destroying the peace and quiet we have and increasing traffic on a road that is dangerous at the best of times. Please deny this application. Thank you.

Your Information

Name
Maureen Smith

Fax Number

Email Address
mosmith5208@yahoo.com

Preferred Contact Method
email

All

#1203

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 9:53 AM
Source:	Website 172.71.22.73

SUBMITTER

michael Lebow
Shirley rd 4763 4763 Shirley rd
Gainesville, GA 30506

CONTACT

mhlebow@gmail.com
5047104634

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description

Dear Planning Commission

Please hear my concern regarding the rezoning request for 4726 Shirley road. I live almost directly across the street and strongly opposed to resuming to AG entertainment venue. I believe that the request is inappropriate for multiple reasons and should not be approved. This area is a residential area and not an agricultural area. Local residents will be severely inconvenienced by noise and additional traffic on our small and winding road. We are concerned about the potential for drunk drivers leaving a venue that serves alcohol to a large number of people from out of town. Shirley Road is narrow, dark and windy and has no shoulder at all. Every year I see accidents on this road and cars that accidentally drive off into a ditch with someone';s yard. The commission recently approved a similar venue only a few miles away. Mt Vernon is a significantly larger road and the venue is on a significantly larger property that will be less intrusive to neighboring residents. There would be significant congestion at the intersection of Mount Vernon Rd. and Shirley Rd. on weekend days during events. There is a fire station at this intersection which would also be affected with traffic congestion.
Please do not Recommend approval of resuming.
Thank you.

Respectfully
Michael H. Lebow.

Your Information

Name
michael Lebow

Fax Number

Email Address
mhlebow@gmail.com

Preferred Contact Method
email

All

#1216

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/6/2022 9:39 AM
Source:	Website 172.71.22.73

SUBMITTER

Paul Groth
4802 Shirley Raod
Gainesville, GA 30506

CONTACT

4726 Shirley Road
gainesville, ga

REQUEST DETAILS

Description
I live a few doors away from the subject property. I do not believe Shirley Road is conducive to commercial traffic. When the "Accountant" was filmed at that location, Shirley Road was lined with trucks for which created significant traffic problems.

Your Information

Name
Paul Groth

Fax Number

Email Address

Preferred Contact Method
email

All

#1215

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/5/2022 12:48 PM
Source:	Website 172.71.22.83

SUBMITTER

Carmen Watson
4441 Shirley Rd
Gainesville, GA 30506

CONTACT

cfwatson@bellsouth.net
7706548571

4726 Shirley Rd
Gainesville, GA 30506

REQUEST DETAILS

Description
I am a resident on Shirley Rd and vote NO to rezoning residential property at the end of the road for a commercial event venue. This would undoubtedly cause excessive noise and increase traffic. It is inevitable that the venue would lead to intoxicated drivers after events on Shirley Rd putting residents at high risk. Please vote NO!

Your Information

Name
Carmen Watson

Fax Number

Email Address
cfwatson@bellsouth.net

Preferred Contact Method
email

All

#1214

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/5/2022 10:04 AM
Source:	Website 108.162.237.71

SUBMITTER

Dr. and Mrs. J. Tim Fulenwider
4443 Shirley Road
Gainesville, GA 30506

CONTACT

pamfulenwider@gmail.com
770 654-6882

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description
We vote NO for rezoning property located at 4726 Shirley Road, Gainesville, GA 30506. We are concerned for the noise control and road safety for all neighbors concerned. Please consider a NO vote for the well being of our quiet and peaceful neighborhood for the retired and young families.

Your Information

Name
Dr. and Mrs. J. Tim Fulenwider

Fax Number

Email Address
pamfulenwider@gmail.com

Preferred Contact Method
email

Shaw
5181 Little River Dr
Gainesville, GA 30506

Rcd 6-13-22

Scanned to Vera & Bill

Hall County Board of Commissioners
2875 Browns Bridge Rd
Gainesville, GA 30504

Hall County Board of Commissioners

2875 Browns Bridge Rd
Gainesville, GA 30504

June 9, 2022

The many Hall County residents who will be negatively impacted by the proposed venue would like to thank the Board of Commissioners for the opportunity to express our concerns.

The owner, David Norris, of 4726 Shirley Road through his development company Norris Development has requested a zoning change and Use Subject for a wedding venue. In his original application, Mr. Norris mentions music venues and film location uses as well. During the Planning Commission meeting, he stated that having all 3 approvals are his long term objective.

We had over 50 people in attendance at the Planning Commission meeting on June 6 to voice our objections. I've included copies of two petitions, one online and one hard copy. Between them we have well over 300 signatures of Hall County residents who oppose this venue. The online petition continues to grow as more people learn about the venue.

This venue will impact every resident on Shirley Road, all the adjoining streets and across the lake from it. We are not imagining or exaggerating the increased noise and traffic, the reduction in safety, the loss of privacy and the simple ability to enjoy the homes that we cherish.

The rezoning request talks about increased tax revenue. What about the reduction in each of our home values and the resulting reduction in taxes?

Some of the residents on the petition are life long residents of Hall County. Some of us have moved here more recently. If this venue existed when some of us purchased our homes we very well might not have purchased them. There is no doubt that this venue will impact all of our ability to sell our homes.

Many of these long time residents have shared the horror story of the last movie company that used this same home as a movie set. Shirley Road blocked by movie vehicles, Sheriff deputies preventing residents from traveling their normal routes home, forced to drive miles out of their way simply to get home.

There are already a number of wedding venues in Hall County. In fact one has been approved on a 65 acre location only a few miles away. There are many places in Hall County where live music is available. We do not need or want this venue.

Mr. Norris bought a residence through his development company in a peaceful and beautiful area

with the sole intention of making it a commercial venture. Since that was clearly his intention he should have bought a site that was already zoned and approved for that purpose.

There's a saying that for every voice that speaks up 10 more are in silent agreement. We are literally the tip of the iceberg of opposition and will show up again in numbers at the Board meeting.

We ask that the Board deny this zoning change so that none of the proposed uses will be allowed.

Thank you for your time and attention to this critical issue.

Raymond Shaw
5181 Little River Dr
Gainesville, GA 30506
678-429-1715
raymondwshaw@yahoo.com

~~#6~~ 125 21

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
Cheryl Brown	Cheryl Brown	5121 Little River Dr.		5/26/22
BOBBY Brown	Bobby Brown	5121 Little River DR.		5/26/22
Lynette Berry	Lynette Berry	5043 Little River Dr		5/26/22

Printed Name	Signature	Address	Comment	Date
William Berry	William Berry	5043 Little River Dr		5/26/22
Blake Berry	Blake Berry	5043 Little River Dr		5/26/22
CYNTHIA TODD	Cynthia Carney Todd	5019 LITTLE RIVER DR		5/26/22
Marion Todd	Marion H. Todd	5019 Little River Dr		
Chris Smith	Chris Smith	5011 Little Ri DR		5-26-22
Amy Smith	Amy Smith	5011 Little Ri Dr		5-26-22
Michelle Shaw	Michelle Shaw	5181 Little River DR		5-26-22
MARK RUSSELL	Mark Russell	5241 Blueberry Hills Dr		5-27
Michele Smith	Michele Smith	5292 Blueberry Hills Dr		5-27-22
Shane Smith	Shane Smith	5292 Blueberry Hills Dr		5-27-22
Floyd Brown	Floyd D Brown	5258 Blueberry Hills Dr		
Katrina Dearman	Katrina Dearman	5031 Little River Dr.		6/1/22
Stephen Richey	Stephen Richey	5242 Blueberry Hills Dr.		6/1/22
MAUREEN SMITH	M Smith	5208 DRIFTWOOD POINT		6/1/22
Peggy Holland	Peggy Holland	5220 Driftwood Point		6/1/22
Michelle Estell	Michelle Estell	5217 Driftwood Pt		6/1/22

Printed Name	Signature	Address	Comment	Date
Jason Estell		5217 Driftwood Pt		6/1/22
VINCE BUNN		5273 BLUEBERRY HILLS		6/2/22
Kimberly Williams		5211 Driftwood Pt		6/2/22
Christy & Zack Maye		4824 Shirley Rd		6/2/22
SANDY & [illegible]		4640 SHIRLEY D		6/2/22
Julia Jenkins		5217 blueberry hills		6/2/22
Cody Stephens		5217 blueberry Hill D		6/2/22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment ~~Comment~~	Date
Annette Robertson	Annette H. Robertson	1527 Berkeley Ct.		5-24-22
James C Vaughan	James C Vaughan	5006 High Meadow Run		5-24-22
William D. Brown	William D Brown	4757 Shirley Rd.		5-26-22

Printed Name	Signature	Address	Comment EMAIL	Date
Brian				
Katie Graden	Katie Graden	4771 Destitute		6.4.22
Mark Montgomery	Mark Montgomery	4848 Destitute		
Paula Barrett	Paula Barrett			

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment / Email	Date
Polly Bennett	Polly Bennett	4779 Shirley Rd	polsbennett@gmail.com	5-25-22
Kathy Ward	Kathy Ward	4768 Shirley Rd	KnWard50@gmail	5-25-22
FRANCES BUONO	Frances Buono	4082 Cochran Rd	fran.buono@yahoo.com	5-25-22

Printed Name	Signature	Address	Comment	Date
Carol MacIntyre	Carol MacIntyre	4123 Willow Trace	carolmacintyre@outlook.com	5-25-22
Cheryl Usher	Cheryl Usher	4061 Cochran Rd, Gainesville	cherylc.usher@gmail.com	5-25-22
Vickie Ward	Vickie Ward	4789 Shirley Rd	VickieWard06@yahoo.com	
Elizabeth Vanning	Elizabeth Vanning	4787 Shirley Rd. Gainesville	momsgotahotrod@hotmail	5/25/22
David Bennett	David Bennett	4779 Shirley Rd, Gainesville	dbennett500@aol.com	5-25-22
Cathy Brown	Cathy Brown	4757 Shirley Rd	do not approve	6-3-22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
STUART BEAMAN		4823 PLANTATION OVERLOOK	NO !!	5/25/22
Alex Wilbanks		4832 Plantation Overlook		5/25/22
Matt Askounis		4824 Plantation Overlook		5/25/22

Printed Name	Signature	Address	Comment	Date
Erin Askounis	Erin Ch	4824 plantation Overlook		5/24
Zach Balest	ZKL	4844 Plantation Overlook		5/25/22
Cody Scee	Cody A Sc	4843 plantation overlook		6/5/22
Mandy Scee	Mandy Scee	4843 Plantation Overlook		
ROBERT BROWN	R Brown	4839 PLANTATION OVERLOOK		6/5/22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
Tim Lawson	Tim Lawson	5168 High Meadow RUN	Object to Rezoning	June 4, 2022
Shirley Lawson	Shirley Lawson	5168 High Meadow Run	objection!	June 4, 2022
Russ Crain	[illegible]	5162 High Meadow Run		6-4-22

Printed Name	Signature	Address	Comment	Date
DARRYL SMALLWOOD	Darryl Smallwood	4551 FAWN PATH		6-4-22
Janice Smallwood	Janice Smallwood	4551 Fawn Path		6-4-22
WES ALEXANDER	Wes Alexander	4555 FAWN PATH		6-4-22
Norma Alexander	Norma Alexander	4555 Fawn Path		6-4-22
Beverly Williams	Beverly Williams	4538 Callie Downs Dr.		6-4-22
Steve Williams	Steve Williams	4538 Callie Downs DR		6-4-22
CYNTHIA Lovingood	Cynthia Lovingood	4539 Callie Downs Dr.		6-4-22
Bryan Lovingood	Bryan Lovingood	4539 Callie Downs Dr.		6-4-22
William Maffel		5115 High Meadow Run		6-4-22
LISA Maffel		5115 High Meadow Run		6-4-22
ANNA Maffel		5115 High Meadow RUN		6-4-22
Judy Sewell	Judy Sewell	5130 High Meadow Run		6-5-22
Mike Sewell	Mike Sewell	5130 High Meadow Run		6-5-22
CHRIS LUNG		5138 HIGH MEADOW RUN		6-5-22
Sylvia Peck	Sylvia Peck	5018 WESTFORK Dr		6-5-22
GARY PECK	Gary Peck	5018 WESTFORK Dr		6-5-22

Printed Name	Signature	Address	Comment	Date
Lesley Gough	L. Gough	5825 West Fork Dr.	traffic is a concern	6/5/22
Nikki Law	Nikki Law	5113 Twelve Oaks Ct.	noise across late + traffic	6/5/22
Griff Law	[illegible]	5113 Twelve Oaks Ct	traffic	6/5/22
Cathy Anderson	Cathy H. Anderson	5118 High Meadow Run	traffic dangers	6/5/2022
Edward E. Anderson	Edward E. Anderson	5118 High Meadow Run	Not enough acreage TRAFFIC!	6/5/2022
Margorie Kesler	Margorie Kesler	5056 Lawson Pk Dr	not appropriate	6/5/2022
Phillip Kesler	[illegible]	5056 Lawson Park Drive	noise + traffic	6/5/2022
Thomas D. Geary	Thomas D Geary	1717 15th Ave S Minneapolis, MN	too close to families	6/5/2022

Printed Name	Signature	Address	Comment	Date
Vanessa Jones		5157 High Meadow Run	No to Norris Development & rezoning	6/4/22
Jennifer Reinhardt		5694 Old Wilkie	No to Norris Devel & rezoning -	6/4/22
John Reinhardt		5694 Old Wilkie	~~ABSOLUTELY~~ NOT TO NORRIS Devel rezoning	6/4/22
Melissa Allen		5269 Laurel Ln	No to Norris Dev. & rezoning	6/4/22
Chris Allen		5269 Laurel Ln	No to Norris Dev & rezoning	6/4/22
Doug Rapley		5106 Laurel Ln.	No to Norris Development & rezoning	6-5-22
Dr. Bert West		5265 Laurel Ln	No to Norris Dev & rezoning	6-5-22
Bobby Krommer		5121 laurel lane gainsville ga	no to norris Drive & rezoning	6-5-22
Nick Jones		5210 Laurel Ln	No to Norris Dr & re-Zoning	6-5-22
Tiffani Jones		5210 Laurel Ln	No to rezoning lack of access	6-5-22
Patty West		5265 Laurel LN	NO to rezoning	6-5-22

Name	City	State	Postal Code	Country	Signed On
Sharon Hartis	Gainesville	GA		US	########
Mary Jane Ables	Gainesville	GA	30506	US	########
Wilma Kidd	Gainesville	GA	30501	US	########
Janice Graham	Gainesville	GA	30506	US	########
Laura Drury	Gainesville	GA	30506	US	########
Raymond Shaw	Gainesville	GA	30504	US	########
Tessa Shirley	Gainesville	GA	30504	US	########
Jessics Wood	Cleveland	GA	30528	US	########
Jan Lovell	Gainesville	GA	30506	US	########
Sally Smith	Gainesville	GA	30506	US	########
Elizabeth Lebow	Gainesville	GA	30506	US	########
Erin Askounis	Gainesville	GA	30506	US	########
Matt Askounis	Gainesville	GA	30506	US	########
Brian Kelley	Clermont	GA	30527	US	########
Himmy Hope	Gainesville	GA	30506	US	########
Zach B	Gainesville	GA	30504	US	########
Kristin Varnadore	Gainesville	GA	30506	US	########
Clayton Blehm	Gainesville	GA	30501	US	########
Judy Mooney	Toccoa	GA	30577	US	########
Angela Blehm	Gainesville	GA	30501	US	########
Joe Mooney	Toccoa	GA	30577	US	########
Wayne Varnadore	Thomaston	GA	30286	US	########
Monie Shope	Gainesville	GA	30506	US	########
Audrey Allison	Gainesville	GA	30506	US	########
Cindy Askounis	Gainesville	GA	30504	US	########
Michelle Shaw	Gainesville	GA	30501	US	########
Meredith McWhirter	Gainesville	GA	30506	US	########
Linda M Markert	Gainesville	GA	30506	US	########
Lisa Lotus	Carrollton	GA	30117	US	########
Lauren Dalton	Flowery Branch	GA	30542	US	########
Gary Pierce	GAINESVILLE	GA	30506	US	########
Casey Abernathy	Gainesville	GA	30506	US	########
Wanda Dalton	Gainesville	GA	30506	US	########
Ashley Balest	Gainesville	GA	30504	US	########
Ashton BBBBB	Gainesville	GA	30506	US	########
solange theodule	MIAMI		33177	US	########
Bobby Shoemaker	Gainesville	GA	30506	US	########
Dee Scarpellino	Murrayville	GA	30564	US	########
Amdi Savage	Flowery Branch	GA	30542	US	########
Mandy holcomb	West Palm Beach	FL	33411	US	########
Kay Roberts	London		SE18 2BS	US	########
Jack Chapman	Gainesville	GA	30501	US	########
ANGELA CALLAHAN	Atlanta	GA	30342	US	########
Angela Calvert	Gainesville	GA	30506	US	########
EMILY LEBOW	Greensboro	GA	30642	US	########
Barbara Fleming	Colotado Springs		80907	US	########

Andrew Thurmond	Gainesville	GA	30506 US	########
Clayton Varnadore	Gainesville	GA	30506 US	########
MILLICENT ROSENBERG	Gainesville	GA	30506 US	########
Robert Johnson	Cumming	GA	30041 US	########
lonnie Lebow	Lawrenceville	GA	30044 US	########
Brenda Lee	Gainesville	GA	30506 US	########
Jerry Page	Gainesville	GA	30501 US	########
gabriele willis	san diego		92130 US	########
LINDA ARNOLD	Gainesville	GA	30501 US	########
Zac Addison	Tampa	FL	33618 US	########
Christy Moye	Gainesville	GA	30506 US	########
Carolyn Bagwell	Gainesville	GA	30506 US	########
Adam Kaluba	Burleson		76028 US	########
Gina Petty	Lexington		40544 US	########
Elaine Williams	Gainesville	GA	30501 US	########
Gabriella Kumor	Dahlonega		30533 US	########
Laura Engel	Fallbrook		92028 US	########
Naite Mitai	Los Angeles		90003 US	########
Katie Dionne	Gainesville	GA	30501 US	########
Myisha Ar-Rahmaan	Lilburn		30047 US	########
Bridgett Aleman	Dallas		75227 US	########
Lori Floyd	Lawrenceville	GA	30044 US	########
Layne Saliba	Gainesville	GA	30506 US	########
Laurel Gibson	Gainesville	GA	30506 US	########
Emily Swanson	Savannah	GA	31406 US	########
Alex Walker	Gainesville	GA	30507 US	########
Debbie Davis	Gainesville	GA	30506 US	########
Carly Terblanche	Gainesville	GA	30504 US	########
Michele Piucci	Gainesville	GA	30501 US	########
Susan Ward	Highlands	NC	28741 US	########
Darlene Long	Gainesville	GA	30542 US	########
Gary Long	Flowery Branch	GA	30542 US	########
Shaleena Beacham	Gainesville	GA	30506 US	########
April Kemp	Gainesville	GA	30506 US	########
Ashley Davis	Gainesville	GA	30506 US	########
Travis Davis	Gainesville	GA	30506 US	########
Greer Martin	Cumming	GA	30040 US	########
Joyce Tempchin	Stone Mountain	GA	30083 US	########
Andrea Brock	Gainesville	GA	30506 US	########
Vicki Davis	Gainesville	GA	30506 US	########
Michelle Thomas	Gainesville	GA	30506 US	########
Harry Bagwell	Gainesville	GA	30506 US	########
Kimberly Grindle	Flowery Branch	GA	30542 US	########
Trevor Thomas	Gainesville	GA	30506 US	########
Spears Mallis	Atlanta	GA	30324 US	########
Doug Rapley	Gainesville	GA	30506 US	########
Robert Krohmer	Gainesville	GA	30506 US	########

Carol Macintyre	Gainesville	GA	30506	US	########
Heather Crain	Gainesville	GA	30501	US	########
Nikki Law	Gainesville	GA	30506	US	########
Macie Lee Reeves	Gainesville	GA	30506	US	########
Stephen Howard	Gainesville	GA	30506	US	########
Mike Mihalick	Gainesville	GA	30506	US	########
Anna Mattel	Gainesville	GA	30506	US	########
Fran Buono	Gainesville	GA	30506	US	########
Teresa Underwood	Gainesville	GA	30506	US	########
Henry Lawson	Gainesville	GA	30506	US	########
Angela Vickery	Gainesville	GA	30506	US	########
Judy Scupin	Gainesville	GA	30506	US	########
Amy Smith	Gainesville	GA	30501	US	########
Vanessa Jones	Gainesville	GA	30506	US	########
Maggie Reeves	Surprise	AZ	85379	US	########
Melissa Allen	Atlanta	GA	30506	US	########
Valarie Reeves	Fernandina Beach	FL	32034	US	########
sarah krouse	Murrayville	GA	30564	US	########
Melissa Pittman	Gainesville	GA	30506	US	########
Tina Montrois	Gainesville	GA	30506	US	########
Brian Rogers	Lula	GA	30575	US	########
Michelle McCrum	Gainesville	GA	30506	US	########
Claudine Smith	Commerce	GA	30529	US	########
Nicole Spear	Atlanta	GA	30339	US	########
Aimee Underwood	Gainesville	GA	30506	US	########
Suzanne Eppling	Gainesville	GA	30506	US	########
Kathy Burke	Gainesville	GA	30501	US	########
Gloria Pilkington	Terre Haute		47803	US	########
Hazen Quezada	Bell Gardens		90201	US	########
Lara Vaughan				US	########
Jennifer Erickson	Gainesville	GA	30501	US	########
Brian Babcock	Gainesville	GA	30506	US	6/1/2022
Stuart Stephens	Gainesville	GA	30506	US	6/2/2022
Larry Massey	Dawsonville	GA	30534	US	6/2/2022
James Harrington	Gainesville	GA	30506	US	6/2/2022
Amy Mattasolio	Gainesville	GA	30506	US	6/2/2022
Richard Bock	Dawsonville	GA	30534	US	6/2/2022
Edi Cronin	Dawsonville	GA	30534	US	6/2/2022
Gail Dechellis	Suwanee	GA	30024	US	6/2/2022
Stacey Beasley	Cumming	GA	30040	US	6/2/2022
Tovah Choudhury	Gainesville	GA	30524	US	6/2/2022
Melissa Mitchell	Gainesville	GA	30504	US	6/2/2022
Gary Singletary	Gainesville	GA	30506	US	6/2/2022
LaJuan Jones	Gainesville	GA	30504	US	6/2/2022
Rhonda staton	Decatur	GA	30032	US	6/2/2022
Cathy Dlugokinski	Gainesville	GA	30506	US	6/2/2022
Susan Wagner	Dawsonville	GA	30534	US	6/2/2022

Robert Wagner	Dawsonville	GA	30534 US	6/2/2022
Lauren Senft	Gainesville	GA	30506 US	6/2/2022
Cheryl Hall	Gainesville	GA	30507 US	6/2/2022
Debbie Pulley	Gainesville	GA	30504 US	6/2/2022
Richard Searles	Flowery Branch	GA	30542 US	6/2/2022
Ramona Mitchell	Flowery Branch	GA	30542 US	6/2/2022
Rebecca Nix	Gainesville	GA	30501 US	6/2/2022
Craig Jones	Gainesville	GA	30506 US	6/2/2022
Te Lee	Gainesville	GA	30506 US	6/2/2022
Jill Baugus	Cumming	GA	30041 US	6/2/2022
Jill Kenny	Bethlehem	GA	30620 US	6/3/2022
Kelly Dunlap	Cumming	GA	30041 US	6/3/2022
Robin Kemper	Cumming	GA	30041 US	6/3/2022
Rebecca Bell	Gainesville	GA	30506 US	6/3/2022
Jeanine Gallagher	Cumming	GA	30040 US	6/3/2022
Joe Hoopaugh	Gainesville	GA	30506 US	6/3/2022
E Crain	Gainesville	GA	30506 US	6/3/2022
Robert Simmons	Alpharetta	GA	30022 US	6/3/2022
Bonnie Hunt	Dawsonville	GA	30534 US	6/3/2022
Drew Carter	Gainesville	GA	30506 US	6/3/2022
Paula Barrett	Gainesville	GA	30504 US	6/3/2022
Dale Erwin	Gainesville	GA	30506 US	6/3/2022
Craig Sanders	Gainesville	GA	30506 US	6/3/2022
Robert Hawkins	Gainesville	GA	30504 US	6/3/2022
Jessica Garrish	Gainesville	GA	30506 US	6/3/2022
Teresa Elliott	Cumming	GA	30041 US	6/3/2022
George Jackson	Gainesville	GA	30506 US	6/3/2022
Greg Maloney	Atlanta	GA	30337 US	6/3/2022
Ron Hollis	Gainesville	GA	30505 US	6/3/2022
Kenneth Harn	Gainesville	GA	30506 US	6/3/2022
Janet L Coleman	Cumming	GA	30518 US	6/4/2022
David Woo	Gainesville	GA	30504 US	6/4/2022
John Riker	Gainesville	GA	30501 US	6/4/2022
Kira Gray	Marietta	GA	30068 US	6/4/2022
Kay Thomas	Gainesville	GA	30506 US	6/4/2022
Tina Montrois	Gainesville	GA	30506 US	6/4/2022
Ann Marie Hynes	Gainesville	GA	30506 US	6/4/2022
Marty Thomas	Gainesville	GA	30506 US	6/4/2022
Ron Beck	Gainesvile	GA	30501 US	6/4/2022
Stephen Morgan	Gainesville	GA	30501 US	6/4/2022
Douglas Mannheimer			US	6/4/2022
Zack Moye	Gainesville	GA	30506 US	6/4/2022
Craig Cappy	Gainesville	GA	30504 US	6/4/2022
John LeDuc	Gainesville	GA	30506 US	6/4/2022
Josh Schoeller	Alpharetta	GA	30004 US	6/4/2022
Tara Schoeller	Alpharetta	GA	30004 US	6/4/2022
Wes Carlton	Gainesville	GA	30506 US	6/4/2022

Jessica Buxton	Alpharetta	GA	30004 US	6/4/2022
Natalie Jarvis	Gainesville	GA	30506 US	6/4/2022
Marcia Diane Ferguson	Gainesville	GA	30506 US	6/4/2022
ALLISON ELLIS	Gainesville	GA	30506 US	6/4/2022
Maureen Smith	Gainesville	GA	30501 US	6/5/2022
Jody Sewell	Gainesville	GA	30504 US	6/5/2022
Jim Staub	Marietta	GA	30067 US	6/5/2022
Marsha Scott	Gainesville	GA	30506 US	6/5/2022
Wanda Bulloch	Flowery Branch	GA	30542 US	6/5/2022
Ashley Carter	Lula	GA	30554 US	6/5/2022
Nevaeh Jordan	Cincinnati		45240 US	6/5/2022
Frances Hamrick	Atlanta	GA	30342 US	6/5/2022
James Bohannon	Gainesville	GA	30504 US	6/5/2022
Denise Beck	Athens	GA	30605 US	6/6/2022
Mark Ham	Gainesville	GA	30506 US	6/6/2022
Brian Norton	Gainesville	GA	30501 US	6/6/2022
Charles Bryant	Flowery Branch	GA	30542 US	6/6/2022
Sandra Cornelius	Gainesville	GA	30506 US	6/6/2022
Rebecca Drolet	Derry		3038 US	6/6/2022
David Eppling	Gainesville	GA	30506 US	6/6/2022
Judy Stovall	Gainesville	GA	30506 US	6/6/2022
Phillip Johnson	Sanford	FL	32771 US	6/6/2022
Rodney Stephens	Gainesville	GA	30506 US	6/6/2022

4726

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: NORRIS DEVELOPMENT

REQUEST: USE SUBJECT TO BOC FOR AGRI ENTERTAINMENT VENUE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 6-6-22
Time: 5:15PM AND

COUNTY COMMISSION
Date: 7.14.22
Time: 6:00P.M.

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: NORRIS DEVELOPMENT

REQUEST: REZONE FROM V-C TO AR-III FOR AGRI ENTERTAINMENT VENUE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 6-6-22
Time: 5:15pm

AND

COUNTY COMMISSION
Date: 7-14-22
Time: 6:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO:	**Work Session (07/11/22)**
REPORT TO:	**Voting Meeting (07/14/22)**
ITEM NO:	343/2022
SUBJECT:	Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Denial.

Purpose of Request:
Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Renderings
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments
Notice Sign Photos
Updated Board Memo - as of 7/8/2022

HALL COUNTY
GEORGIA
We have it all in Hall

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend denial (4-0) of this request.

There were twelve (12) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition and one (1) person spoke in favor during the public hearing on June 6, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Norris Development

Request..... Use Subject to County Commission approval

Proposed Use ..... Agri-entertainment venue

Size ..... 7.9± acres

Zoning ..... V-C (applied for rezoning to AR-III)

Location ..... On the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Tax Parcel 10128 000049.

Commission District ..... Three

Planning Commission Date ..... June 6, 2022

Staff Recommendation ..... **Approval, with conditions**

Planning Commission Recommendation: Denial
Vote: 4-0 (Pilcher absent)

Applicant Proposal

The applicant is requesting a use subject to County Commission approval for the purpose of operating an agri-entertainment venue on the 7.9± acre tract. The Official Code of Hall County only permits agri-entertainment venues within the Agricultural Residential-III (AR-III) and Agricultural Residential-IV (AR-IV) zoning districts with Board of Commissioners approval. The applicant has submitted a concurrent application to rezone the property to AR-III.

According to the narrative, events to be held on the property may include weddings, corporate events, and film production events. The narrative continues to state that the operating hours will vary depending on the type of event, however, events will not go beyond 10:00pm if music is involved. Events will be limited to 125 guests on the day of the event, with no more than 16 people allowed to stay on the property overnight.

The narrative continues to describe the proposed parking for events, which limits this to the number of spaces available on the property and will prohibit parking along Shirley Road. Valet parking will be provided for the events, with the applicant/property owner providing the parking attendants and security services. Per the narrative, the property has extensive indoor and outdoor lighting in place to ensure the safety of guests. The property contains 10 bathrooms within the existing residence with

additional facilities to be provided during scheduled events to accommodate the number of guests in attendance. Access to the property will be from Shirley Road, through the existing driveway, which is gated.

The site plan submitted with the application shows a heavily wooded property with a long driveway leading to the residence, located at the southernmost portion of the property, adjacent to U.S.A.C.E property and Lake Lanier. There are three areas on the property identified for proposed valet parking locations, providing a total of 58 spaces.

History and Existing Land Uses

The subject property consists of 7.9± acres and is zoned Vacation Cottage (V-C). According to Hall County records, the property is developed with a single-family residence built in 1994, consisting of 6,525 square feet per the floorplan submitted by the application. In addition to the residence, there are various accessory structures on the property, including an in ground swimming pool, outdoor seating area, and a 20 foot by 22 foot building.

The surrounding adjacent properties are also zoned V-C, with the properties located across Shirley Road being zoned Agricultural Residential-III (AR-III). The agriculturally zoned properties consist of low-density single-family residential and agricultural uses. The V-C zoning adjacent to the subject parcel consists of low to moderate density single-family homes.

This appears to be the original zoning of the subject property per Hall County records.

The property has had two code enforcement complaints within the past two years. The first was in 2021 (COD2021-01090) relating to a complaint of trashcans being left in the yard and right-ofway. Upon the investigation the responding officer found the trashcans located approximately 50 feet up the driveway and found no evidence of violation, closing the case without issuing a citation. The second violation occurred in March 2022 (COD2022-00211) and relates to the use of the property as a short term rental and event venue without proper licensing. Since then, the applicant has filed these requests for rezoning and conditional use approval for an agri-entertainment venue and has applied for a short term rental license. At the time of writing, no business license has been obtained for the short term rental, though it appears that one could be applied for.

Comprehensive Plan Land Use Designation

The future land use designation for this parcel is “Lake Area Residential.” The general characteristics of Lake Area Residential includes detached single-family low-density residential development, less intensive agricultural uses, greenways and trails, and civic benefits such as community centers, libraries, places of worship, and schools

The Community Vision section of the Comprehensive Plan indicates the following with regards to agri-entertainment/agritourism:

- **Social and Economic Development (SED) Goal 1.6:** Coordinate with the Lake Lanier Convention and Visitors Bureau to promote agritourism in the county.

Within the Implementation Program, the following recommendations are made to preserve the rural character of an area:

- Maintain residential use (or agricultural) as the primary land use along roadways that do not have a Corridor designation on the Future Development Map **(Development Patterns (DP) Strategy 3.2).**

This request is consistent with the Future Land Use Designation found in the Comprehensive Plan. The agri-entertainment special use requested is consistent with the use pattern and zoning designations for properties within close proximity.

Development Support and Constraints

Hall County Environmental Health
In an email dated May 13, 2022 Emily McGahee with Hall County Environmental Health stated, "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Hall County Fire Services
The subject property is located approximately 2 miles from Hall County Fire Station #16, located at 4209 Shirley Road. There is a fire hydrant located in front of the subject property along Shirley Road.

On May 12, 2022, John Hornick, with Hall County Fire Rescue, provided the following comment:
"The Hall County Fire Marshal's Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved."

Hall County Public Works and Utilities
A memorandum from Srikanth Yamala, Director of Public Works and Utilities, dated May 19, 2022 had the following comments in regards to this application:

Engineering
The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.

Traffic Engineering
Recommend the driveway (shown as nine feet in width) be improved to accommodate twoway traffic.

Utilities
No comments.

Hall County Tax Assessors No comments were provided.

Gainesville Water Resources (per GIS)
The Hall County GIS shows that public water is available to the subject property along Shirley Road.

Georgia Department of Transportation
This project will not require GDOT coordination.

Zoning Analysis

- The applicant is requesting a Conditional Use Permit for the purpose of operating an agrientertainment venue ○ This request is consistent with the Future Land Use Designation found in the Comprehensive Plan. The agri-entertainment special use requested is consistent with the use pattern and zoning designations for properties within close proximity.
- Agri-entertainment is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural location (venue) located in an agricultural district, wherein a fee is charged by the owner or representative of the property for the use of the venue.
    - ○ The applicant has indicated events to be held on the property may include weddings, corporate events, and film production events.
        - Properties within Hall County may be used as a filming location without approval from the Board of Commissioners. A permit can be obtained from the Business License division.
- The agri-entertainment district was developed as a mechanism for Hall County to permit land and business owners the ability to offer assembly events within an agricultural venue.
- §17.215.040. of the Official Code of Hall County outlines 16 conditions and regulations for agri-entertainment venues:
    A. A Hall County Business License shall be required if the zoning request is approved for the agri-entertainment events.
        - If approved, the applicant would be required to obtain a business license prior to any events being held on site.
    B. The property shall be used for the purpose of providing an agri-entertainment venue, as provided for in section 17.215.030(A).
        - The applicant has stated the property would be used for weddings, corporate events, or film production events.
    C. The structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
        - The existing residence is located 63 feet from the adjacent property to the east. **A variance will be required.**
    D. All parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner.
        - The proposed parking areas do not include setback information but it does not appear that the parking areas meet the 200 foot separation requirement. **A variance will be required.** E. Parking shall be permitted on grass or gravel.
        - The applicant and site plan do not state the material to be used for the parking areas.

F. The agri-entertainment event barn or primary event structure shall be permitted to be constructed only on the property described.
    - The residence is existing and no modifications to the structure are proposed.

G. The maximum number of attendees to occupy any agri-entertainment event barn or structure on the premises shall be regulated by the Hall County Fire Marshal.
    - The Fire Marshal has stated further review will be required if the applications are approved.

H. The occupancy of the agri-entertainment event barn or primary event structure shall not exceed the occupancy load provisions of the Uniform Building Code and those occupancy load limits shall be posted on the premises by the Hall County Building Inspection Department.
    - This will be completed in conjunction with the Hall County Fire Marshal.

I. The use of the premises for an agri-entertainment venue shall be permitted only after the issuance of a certificate of occupancy by the Hall County Building Inspection Department.
    - This will be completed prior to issuance of a Business License.

J. Any improvements required to support the property as an agri-entertainment venue shall be made only after the issuance of a building permit by the Hall County Building Inspection Department.
    - There are no proposed structural improvements though the addition of the parking areas may require further review through the Development Review process.

K. Outdoor activities within the agri-entertainment event barn or primary event structure shall not involve the outside amplification of voice, music and/or instruments except during a wedding ceremony.
    - The applicant has not provided information regarding amplification of voice, music, and/or instruments or if events are to be held indoors or outside, but has stated that if an event includes music it will not go past 10:00pm.

L. Agri-entertainment events shall commence no earlier than 9:00 a.m. and shall terminate no later than 10:00 p.m. on Sunday through Thursday and no later than 12:00 a.m. on Friday and Saturday.1.For [the] purpose of this section, termination shall mean the termination of food, drinks, service and entertainment with the understanding that attendees will need a reasonable amount of time after termination to exit the premises.
    - The applicant has not provided hours of operation, with the exception that events with music will not go past 10:00pm.

M. All agri-entertainment events shall be provided with adequate potable water and sanitary waste disposal systems as approved by the Hall County Environmental Health Department.
    - Hall County Environmental Health has stated additional information will be required during the Development Review process.

N. All agri-entertainment events shall provide for adequate access and egress for emergency vehicles as determined through the development review process.
    - The Fire Marshal has stated that further review will be needed for fire apparatus accessibility and life safety if the request is approved.

O. All agri-entertainment events shall be provided with adequate personnel to assist with parking, emergency and other potential impacts of each event.

        - The applicant has stated that valet parking attendants and security will be provided for all events.

    P. If the property being considered for agri-entertainment use is "bona-fide conservation use property" as defined under O.C.G.A. §§ 48-5-7.1 through 48-57.4, caution should be used to insure that the proposed agri-entertainment use of the property does not constitute a breach of the conservation covenants applicable to the property.
        - The property is not under the conservation covenant.

- The use of the property as an event venue may have traffic and noise impacts on the general area.
- §17.380.060 of the Official Code of Hall County provides the criteria for considering a conditional use. The application meets all these standards based on the following analysis:
    - The zoning proposal is consistent with the Comprehensive Land Use designation by maintaining low density residential and agricultural uses in the area of the lake.
    - Due to the low density development within this area, a conditional use, if granted, would not cause substantial detriment to the public good.

Variances to the Official Code of Hall County

Staff recommends **approval** of the following variances:

1. §§17.215.040.C requires the structure that will house the agri-entertainment event shall be located a minimum of 300 feet from any property lines of a different owner.
2. §17.215.040.D requires that all parking for an agri-entertainment event shall be located a minimum of 200 feet from any property lines of a different owner

Staff Recommendation

Staff recommends **approval** of the applicant's request, with the following conditions:

1. The issuance of the Conditional Use Permit is contingent on the Board of Commissioners granting the request to rezone the property to AR-III.
2. The development shall occur as described in the narrative and meet all standards set forth by §17.215 of the Official Code of Hall County.
    a. A variance to §17.215.040.C and §17.215.040.D shall be granted for the existing residence and proposed parking areas.
3. The applicant shall meet all permitting and requirements of county departments including, but not limited to: Hall County Building Inspections, Engineering, Environmental Health, Fire Services, and Planning to make sure the structure and property meets commercial occupancy requirements, stormwater management, fire apparatus accessibility, and life safety requirements, and other applicable regulations.
4. Any future development of the parcel shall be subject to the Hall County Development Review process.
5. Future development must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. . Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of

business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

6. All conditions of zoning shall be made part of any plats created for the property.
7. This use is approved for the applicant only. Any change in property ownership or business ownership shall require approval of the Hall County Board of Commissioners to continue operation of the agri-entertainment venue.
8. The proposed use shall operate within the parameters of the Hall County Noise Ordinance. Wedding receptions and other outdoor events may have unamplified music outdoors with limited amplification permitted during wedding ceremonies.
9. Lighting shall be no spill lighting.
10. Any tents used for an event shall obtain a zoning verification for each event. A site plan for the zoning verification review shall include the location of parking, the tent, maximum occupancy approved by the Fire Marshal and locations of additional toilet facilities as required by Environmental Health. The inspection of the tent by the Fire Marshal shall occur a minimum of 48 hours prior to the event on a regular county business day.
11. The events shall be limited to 125 guests, subject to approval of the Fire Marshal, on the day of the event with no more than 16 people allowed to stay on the property overnight.
12. No event with any outdoor sound amplification or music shall continue past 10:00 PM.
13. The applicant shall identify the location of any off-site parking and receive separate approval of the site if required by Hall County Ordinances.
14. No parking for events shall be allowed on Shirley Road.

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

David Norris, 4726 Shirley Road, Gainesville, presented the request. The applicant stated that they got a permit for short term rental. The applicant stated that the home is very unique and for that reason it would be great for wedding events and filming productions. The applicant stated that if approved, it would have a capacity of 125 people, with 58 parking spaces, on duty police officer, owner on the premise at all times, and music to be shut off by 10:00 pm.

Pricilla Kendall, 310 Big Sky Drive, Hiawassee, presented the request. The applicant stated that she has been managing properties for the applicant in Hiawassee with similar accommodations as this request. The applicant stated that there are house rules as well as contracts that are signed before getting into the house. The applicant stated that the guests are required to have insurance for events and there will be staff on the property at all times.

Rebuttal

Mr. Norris stated that the noise is not as bad as it is being made out to be but they would comply with conditions. Ms. Kendall stated that the property was not listed as having ten rooms, it only has eight rooms available. Ms. Kendall stated that amplified music didn't have to be approved and they would follow conditions given by the board to get it approved.

Public Forum:

Sharon Ballinger, 4710 Shirley Road, Gainesville, spoke in favor. Stated there were no noise complaints and the event venue would be a good idea for the property.

Jack Gilsdorf, 4421 Wild Turkey Way, Gainesville, spoke in opposition. Concerns were commercial development, noise, traffic, and public safety.

Christy Moye, 4824 Shirley Road, Gainesville, spoke in opposition. Concerns were ordinance violations, noise, pollution, and traffic.

Michael Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic and public safety.

Chris Slate, 5215 Shirley Road, Gainesville, spoke in opposition. Concerns were traffic overflow, environmental health violation, and film production overflow.

Brett Mosugwitz, 4104 Willow Trace, Gainesville, spoke in opposition. Concerns were noise, legal issues, and crime.

Stephanie Braselton, 4734 Shirley Road, Gainesville, spoke in opposition. Concerns were lack of communication, traffic, and safety.

Jim Gilbertson, 5520 Little River Circe, Gainesville, spoke in opposition. Concerns were noise.

Planning Commission Comments:

Mr. Hunt questioned if there would be amplified music. Mr. Norris stated no. Mr. Hunt stated that it would be required to make the drive way a two-way road. Ms. Kendall stated that it has already been widened. Mr. Bell questioned if Mr. Norris was living at the home. Mr. Norris stated that he is. Mr. Hunt stated that the width of the property wasn't wide enough to allow a parking lot meeting the 200 feet requirement from the property line.

Motion: ***A motion to deny was made by Mr. Hunt and seconded by Mr. Varner. Vote: 4-0*** **(Pilcher Absent)**

sent to Brittany 4.8.22 AR3? Agri entertainment? ABC licensing also?

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
We have it all in Hall

CONDITIONAL USE APPLICATION

Applicant (Name & Mailing Address)
David L. Norris
P.O. Box 415
Evanston, WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com

Property Owner (Name & Mailing Address)
David L. Norris
P.O. Box 415
Evanston WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com

Proposed Use event venue weddings

Contact Person (Name & Mailing Address)
David L. Norris
P.O. Box 415
Evanston WY 82931
Phone 307 677 6729
Email Address davenorrisconsulting@gmail.com

Status of Applicant
- ☑ Owner
- ☐ Option to Purchase
- ☐ Area Resident
- ☐ Other

Requested Action
Permissive Use:
☐ HCPC ☒ HCC
Fee:$ 400.00
Receipt #: 858985
Check #: _____

Zoning: _____
Acreage 8.06

Tax Parcel Number 10-00128-00-049
Location Address 4726 Shirley Rd Gainesville Ga 30506

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 3-21-22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ Tentative County Commission Date: _____

County Commission District: _____

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE. GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have** ___ I have not ✓ ___

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

Applicant's/Owner's Signature: _____ **Date:** 04.13.22

Applicant's/Owner's Name (Printed): David Norris

Revised December 2019

DESCRIPTION OF THE EXISTING AND PROPOSED USAGE OF THE PROPERTY located at 4726 Shirley Rd., Gainesville, Ga 30506

The current home has approximately 9,001 sf of heated space which consists of 8 bedrooms, 8 full baths and 2 half baths. Additional septic has been previously permitted on the property in 2020 by the previous owners. Our requests include the following plans for utilizing the 8.06-acre property to host weddings, corporate events and film production events. The operating hours shall vary depending on the type of event, however, will not exceed beyond 10 pm if music is part of the event.

We have attached a document describing our plans for additional development to the property to accommodate the future usage request along with the dimensions of the 8.06-acre property, a plat of the property, and a file containing the existing floorplan of the home. Restrictions on use of the property will include the following .... limited to 125 guests total on the day of the event, no more than 16 guests allowed to stay on the property overnight, time limit of 10 pm on any type of music or additional entertainment requiring outdoor speaker system. Parking of vehicles will be limited to the amount of spaces available on the property and no parking allowed on the exterior road entrance to the property. Security service attendants and valet parking attendants will be in place at every scheduled event at the expense of the property owner. The property has extensive indoor and outdoor lighting in place to ensure the safety of our guests while entertaining in all areas

of the property. In addition to the 10-bathroom facilities inside the home, the attached site plan provides a description and location of the additional facilities that will be available during the scheduled events to accommodate the number of guests in attendance. The property is not encroaching on or invasive to any other residences. There is one home that is adjacent to the 8.06-acre site and the space between the two homes is buffered by several trees and the homeowner should not feel any impact or have any concerns about our requested usage to schedule special events on the property.

Please review the attached drawn to scale site plan which identifies the area and displays the proposed plans to utilize specific locations on the property for additional parking of vehicles, additional water and wastewater disposal. Access to the home will be from Shirley Rd. which currently has gated access and security cameras in place at the front gate location. There are no other roads that access the property.

Since purchasing this unique property in October 2021, the interest received for the opportunity to hosts events and provide as a short-term rental has been overwhelming! I have also been approached by several individuals from the film producing industry requesting use of the property for future filming of movies and commercials.

Upon your approval of this application to re-zone, I plan to brand the property as "Bellissimo Castle Venue". I believe that this property has the potential to become a future

"Location of Interest" in Gainesville, Ga. and hopefully bring additional tourism revenue into Hall County as an event venue and possible future film production location.

Thank you for your consideration of this application!

David L. Norris

Norris Development, LLC

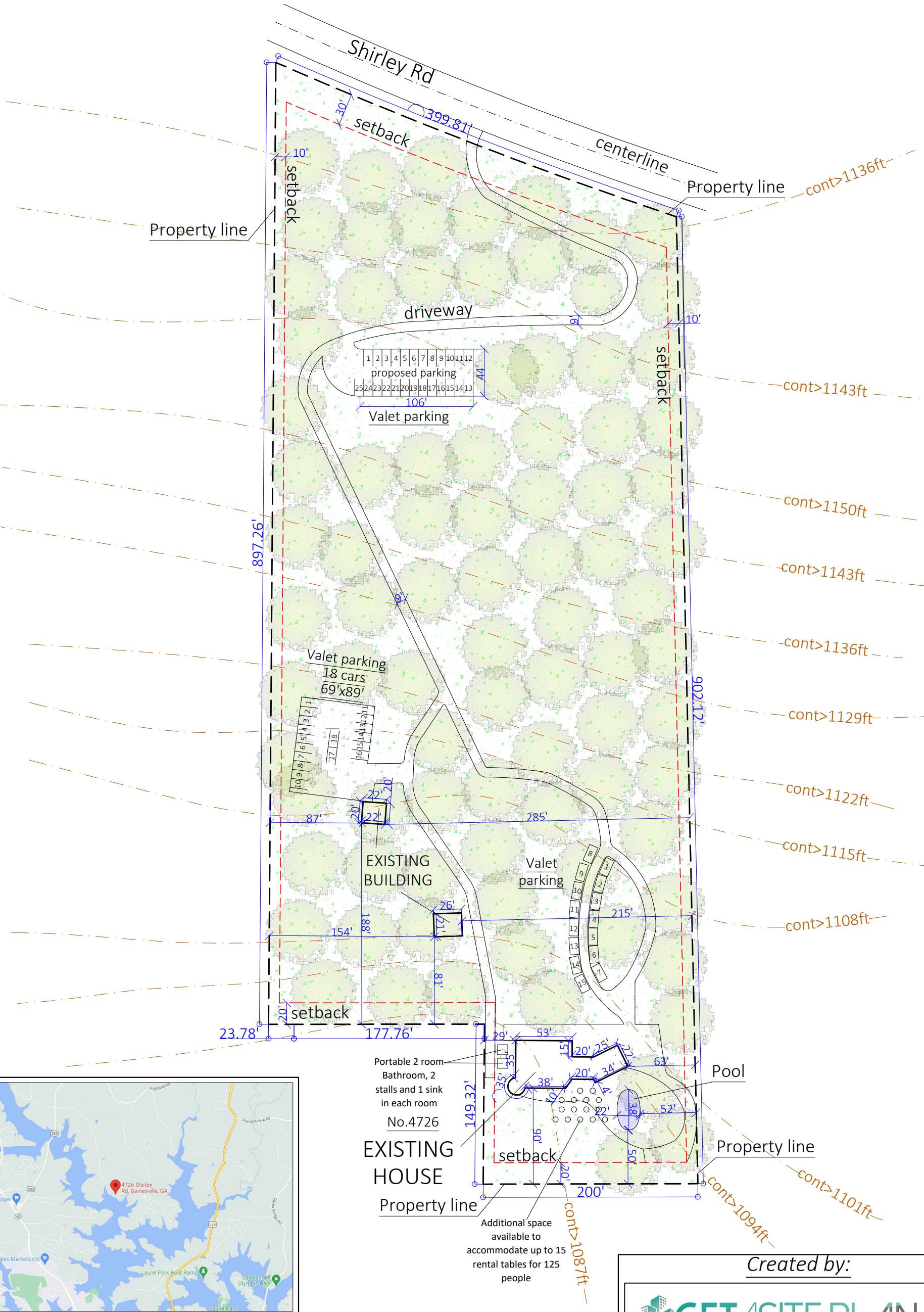
SITE PLAN

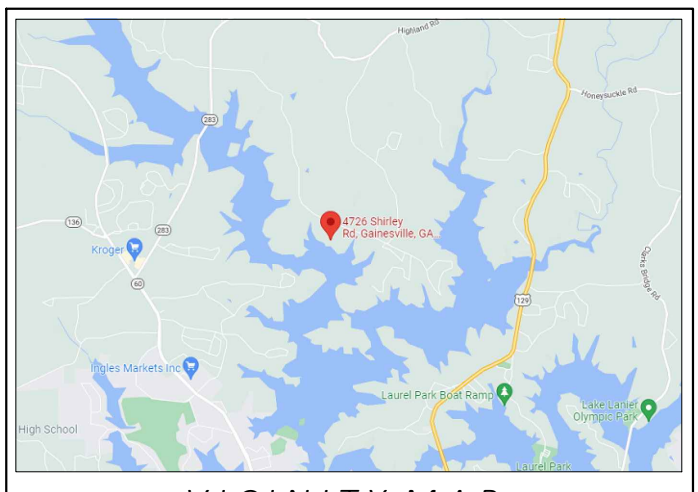
4726 Shirley Rd
Gainesville, Ga 30506
Parcel ID: 10-128 -000-049
Lot area: 8.06 Acres
Plot Size: 11"x17"

N

scale 1"=90'

Graphic scale: 0 50 100 200

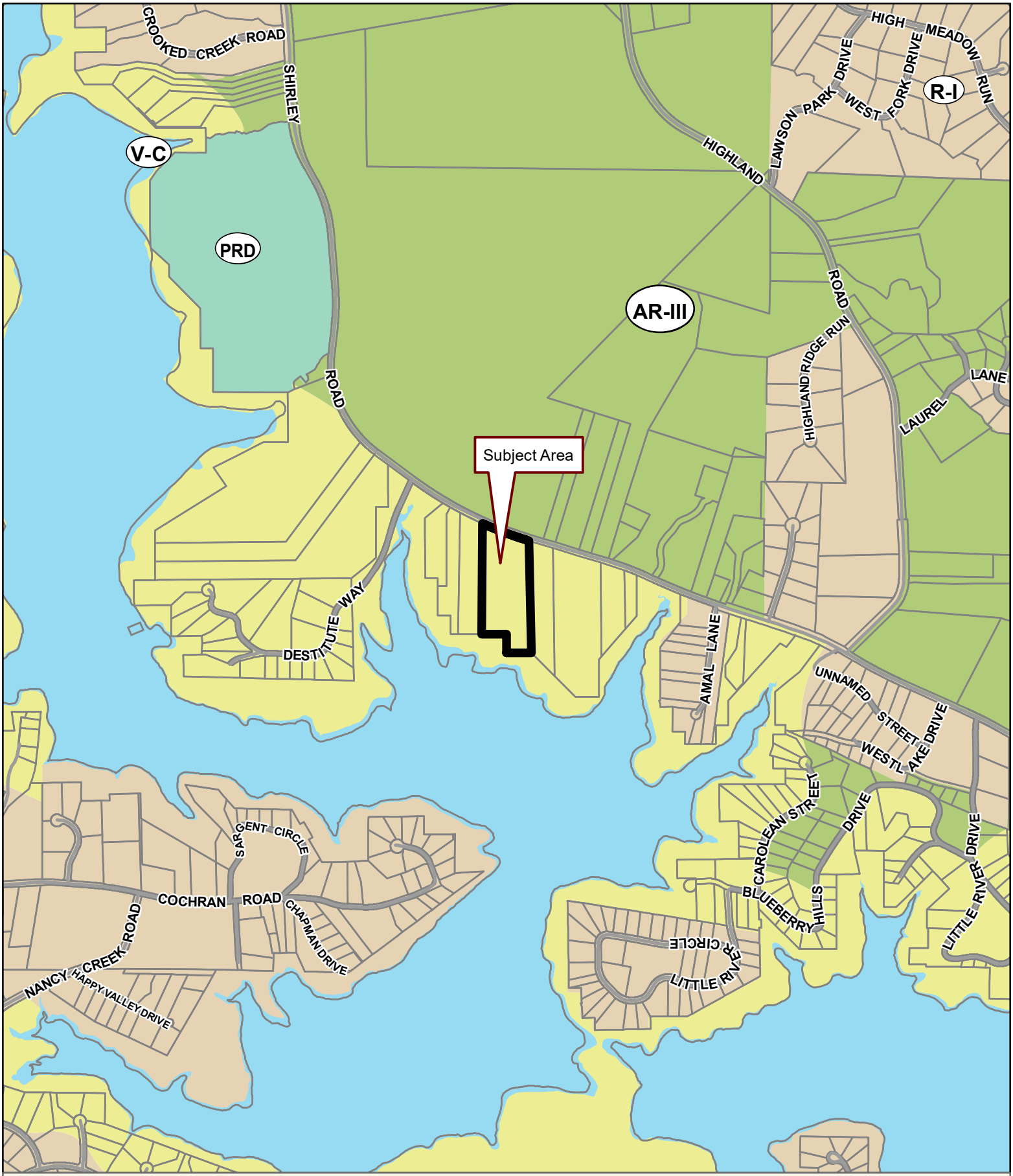




VICINITY MAP

Created by:

GETASITEPLAN.COM
WITH BEST QUALITY IN SHORT TIME

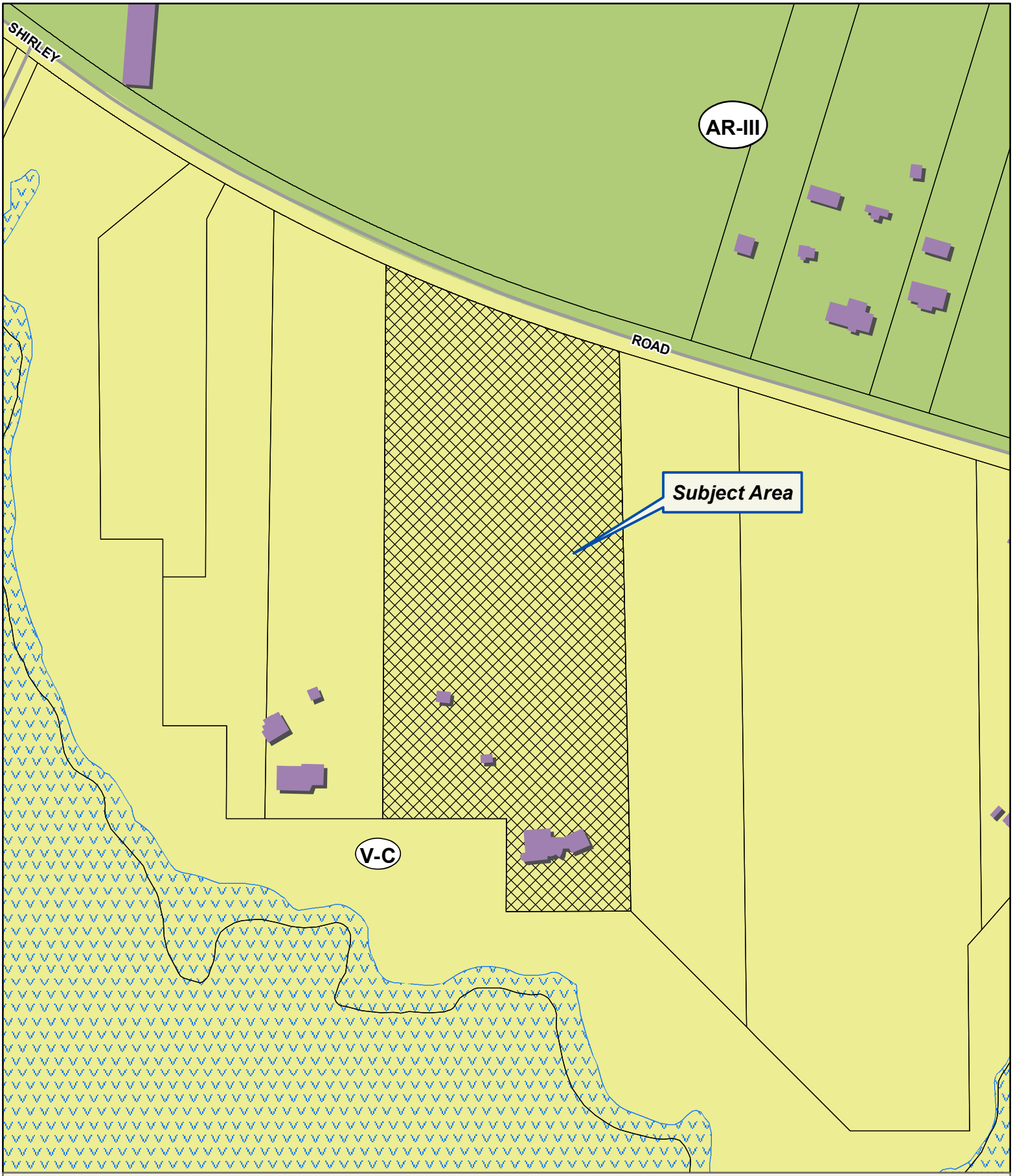


Applicant: NORRIS DEVELOPMENT
Tax Parcel #: 10128 000049
Location: 4726 SHIRLEY ROAD, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 06/06/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



Applicant: NORRIS DEVELOPMENT
Tax Parcel #: 10128 000049
Location: 4726 SHIRLEY ROAD, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 06/06/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

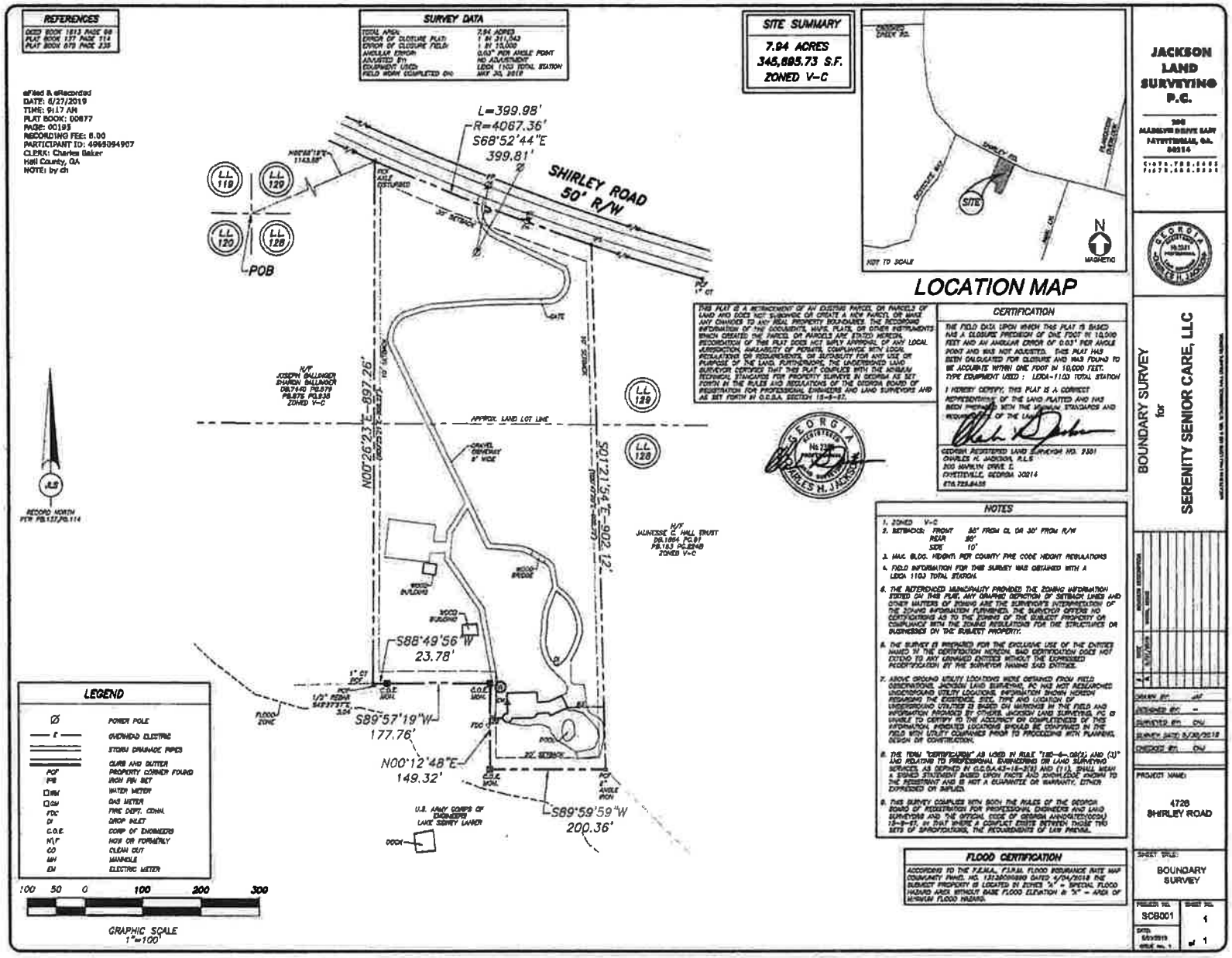
Applicant: NORRIS DEVELOPMENT
Tax Parcel #: 10128 000049
Location: 4726 SHIRLEY ROAD, GAINESVILLE, GA 30506
Commission District 3 **PC Mtg. Date:** 06/06/2022

0 50 100 200
Feet

Zoning Boundary
City Limits
Subject Area

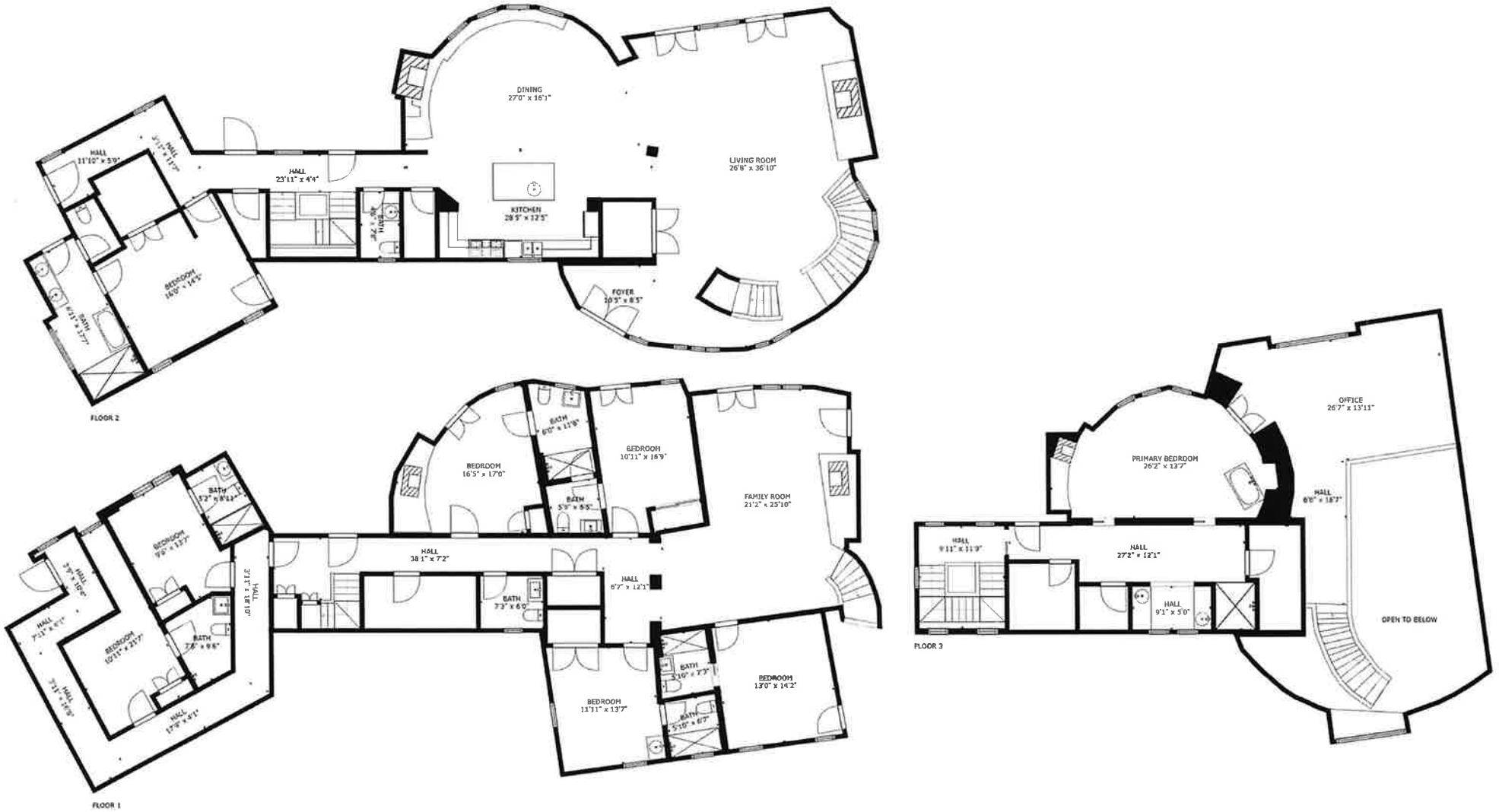
N

4726 Shirley Rd., Gainesville, Ga 30506 PARCEL # 10128000049 PLAT BK 137 , PG 114



GSCCCA.org - Image Index

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=2563989&key1=877&key2=195... 9/5/2019



GROSS INTERNAL AREA
FLOOR 1: 2750 sq. ft, FLOOR 2: 2456 sq. ft
FLOOR 3: 1319 sq. ft
TOTAL: 6525 sq. ft
SIZES AND DIMENSIONS ARE APPROXIMATE, ACTUAL MAY VARY.

4726 Shirley RD site plan for Wedding/Event Venue

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, May 13, 2022 1:18 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 6.6.22

Please find Environmental Health comments below:

Item 1, 7015 Kempton Court, Dixon: No comment. Public sewer.

Item 2, 3479 Chestatee Road, Draffin: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022.

Items 3 & 4, 5747 Holiday Road, Reeves: No comment.

Item 5 & 6, 4726 Shirley Road, Norris Development: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, May 18, 2022 8:55 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for June 6, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments below in red

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, May 12, 2022 10:18 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for June 6, 2022

Good morning,
Here is the Tentative Agenda and Maps for the Monday, June 6, 2022 Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report. When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by Thursday, May 19, 2022. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you–

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – May 16, 2022

NEW BUSINESS

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.
   GDOT Coordination unlikely, though I could not tell what is proposed for the property

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.
   No GDOT Coordination required

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 14, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 14, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at http://keepgaclean.com/.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: May 19, 2022

Subject: June 6, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the June 6, 2022 meeting. Upon review, we provide the following comments:

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.

    a) **Engineering:** No comments.
    b) **Traffic:** No comments.
    c) **Utilities:** No comments.

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.

    a) **Engineering:** Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.
    b) **Traffic:** Proposed driveway will need to meet County Driveway Regulations.
    c) **Utilities:** No comments.

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

    a) **Engineering:** The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
    b) **Traffic:** Driveway will need to be permitted by the City of Buford.
    c) **Utilities:** No comments.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Driveway will need to be permitted by the City of Buford.
   c) Utilities: No comments.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Thursday, May 12, 2022 4:55 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Subject: Fire Comments

Good Afternoon,

The Hall County Fire Marshal's Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

All

#1205

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 2:08 PM
Source:	Website 172.70.210.233

SUBMITTER

Brian Babcock
5203 Shirley Road
Gainesville, GA 30503

CONTACT

Brian.babcock@outlook.com
770-287-4344

4760 Shirley Road
Gainesville , Ga 30506

REQUEST DETAILS

Description

We have lived at the end of Shirley Road for 26 years and hate the thought of a “Wedding Venue” in our quiet residential area. This would increase noise, traffic, and likely cause dangerous driving situations on an already difficult road. Please keep our wonderful neighborhood as it is. Thank you for your consideration. Brian Babcock

Your Information

Name
Brian Babcock

Fax Number

Email Address
Brian.babcock@outlook.com

Preferred Contact Method
email

Print

Planning Commission Comments - June 6, 2022 - Submission #57171

Date Submitted: 6/5/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

Jack

Last Name*

Gilsdorf

Address1*

PO box 1414

Address2

City*

Gainesville

State*

GA

Zip*

30503

Zoning Item for Comment*

7. & 8. Applications of Norris Development

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am the President of the Country Owners Assoc. Inc. which is a neighborhood comprised of 21 properties on Shirley Rd.. Our owners are unanimously against the proposed rezoning of the property at 4726 Shirley Road based on the following:
1. Changing the zoning to commercial usage in an area that has been exclusivily Agricultural and Residencial. Allowing commercial development along Shirley Road will most certainly degrade our property values.
2. Avtivity proposed will certainly result in noise and increased traffic nuissance.
3. Several event sights around the Atlanta area are in contentious battles with surrounding neighborhoods due to public safety problems resulting from parties getting out of control with violent confrontations amoung quests. We do not need to take a chance on this happening in our quiet peacefull neighborhood.
I will be attending the meeting with the Planning Commission at 5:15 onJune 6 to present our position to the members.

Please write your comments in the box above.

All

#1208

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/28/2022 6:56 PM
Source:	Website 172.71.26.75

SUBMITTER

James Scott Hamblen
4628 Highland Road
Gainesville, 4922326489159984804
30506

CONTACT

jhamblen@charter.net
16784001234

4726 Shirley Road
Gainesville, Georgia 30506

REQUEST DETAILS

Description
We are opposed to the proposed Agri Entertainment Venue being proposed on Shirley Road. This part of Hall County is rural and should not be bothered by noisy venues that last many hours on a regular basis. Tractors making rare noises are one thing, this is more a bother to the neighbors and those across the lake!

Your Information

Name
James Scott Hamblen

Fax Number

Email Address
jhamblen@charter.net

Preferred Contact Method
email

Print

Planning Commission Comments - June 6, 2022 - Submission #57098

Date Submitted: 6/2/2022

Comments completed in the form below will be submitted into the record for the June 6, 2022 meeting of the Hall County Planning Commission.

First Name*

John

Last Name*

Cleveland

Address1*

PO Box 2958

Address2

City*

GAINESVILLE

State*

GA

Zip*

30503

Zoning Item for Comment*

7. & 8. Applications of Norris Development

Select from the list below which zoning item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

I am writing in opposition to the Norris Development application on Shirley Road. My family owns the property one lot away from the subject property, generally east of the subject property.

This area has developed into one of the more desirable areas in the county for a general lifestyle characterized by high quality residential properties and farms, benefitting from being near or on one of the quieter arms of Lake Lanier, a highly regarded high school and elementary school, and developments that respect the quiet and quality of the environment in the area. Consequently property valuations are high, reflecting these advantages and the peaceful and relaxing life style they afford. Anything that is inconsistent with that will have a negative impact on the investments in homes and property people have already made because they value those qualities. Such a degradation tends to spread as the area accedes to changes its character.

It is impossible for a venue such as is proposed to be consistent with those qualities. By their very nature, the events to be held will involve large numbers of people intent on celebrating, including loud music, loud singing and boisterous conduct. It will involve high traffic volume concentrated in specific times, likely when residents are returning home or in residence away from work. These are the times that residents would be looking forward to enjoying the peace and relaxing benefits of their own properties after a hard day or week of work.

We have all experienced the disruptions to such times when neighbors have had large parties, but accept and endure them as occasional disruptions consistent with the rights of each of our neighbors and ourselves to use our properties for personal events and celebrations. Respect for each other dictates that such disruptions are only occasional and that the impacts on neighbors are mitigated.

On the other hand, events at such a venue would of economic necessity be frequent. The participants would have no connection to the neighborhood or neighbors, would be self-focused and unlikely to have much concern for the surrounding homes and people. The impact would be magnified because sound carries great distances over the lake.

Such events, by their nature, usually involve significant consumption of alcoholic beverages in an environment characterized by the “partying” mood accompanying celebrations, which tends to offset moderation. Consequently, departing participants would tend to have an above normal level of impaired driving ability, driving on a narrow and curvy road. This would increase the risk of dangerous accidents to traveling residents going about their regular lives.

These are but a few of the negative impacts such a venue would have in an area such as Shirley Road, but they are more than enough to deny approval of the application. Please do so.

Thank you.
John Cleveland

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Would you like follow-up communication?

Please leave an email address and/or phone number if you would like a Hall County staff member to follow-up with you.

All

#1204

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 1:00 PM
Source:	Website 172.71.22.73

SUBMITTER

Mark Ardagna

Little River Cir 5497 5497 Little River Cir

Gainesville, GA 30506

CONTACT

markardagna@gmail.com

6785216785

4726 Shirley Road 4726 Shirley Road
gainesville, ga 30506

REQUEST DETAILS

Description

rezoning of property at 4726 Shirley Road. Allowing for a wedding venue and filming location would create an extremely undesirable element to the quiet and tranquil environment for the residence on and near shriley rd and wahoo creek. Sound travels very easily at the lake. Music for wedding, either live or by a dj, would create unacceptable noise levels late into the evenings. Also, the traffic on Shirley Rd would create a dangerous situation on what is currently a very rural, and not frequently traveled road. I live next to a wedding venue prior to moving to Little River Circle, and we had to put up with all kinds of inconvenience. Noise from intoxicated guests, live and recorded music, fireworks, traffic, and cars honking horns late into the evening were common place. Shirley Rd is not suited for this type of business as it would disrupt the quiet enjoyment that the residents currently experience.

Your Information

Name

Mark Ardagna

Fax Number

Email Address

markardagna@gmail.com

Preferred Contact Method

email

All

#1207

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 8:38 PM
Source:	Website 172.70.42.73

SUBMITTER
Marty and Kay Thomas
4814 Amal Lane
Gainesville, GA 30506

CONTACT
kthomas706@charter.net

4726 Shirley Road
Gainesville , Georgia

REQUEST DETAILS

Description
Zoning to have events and weddings across the lake in a residential subdivision will cause noise pollution and traffic problems https://inspiringscience.net/2013/08/14/no-secrets-by-the-lakeside-how-water-affects-sound/

Your Information

Name
Marty and Kay Thomas

Fax Number

Email Address
kthomas706@charter.net

Preferred Contact Method
email

All

#1206

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 6:34 PM
Source:	Website 162.158.187.126

SUBMITTER
Maureen Smith
5208 Driftwood Point
Gainesville, Georgia 30506

CONTACT
mosmith5208@yahoo.com
17702877654

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description
This is to let you know that I am totally opposed to the prospect of a wedding venue or any other type of venue on Shirley Road. This is a residential area. The lot is too small and has close neighbors. There is a venue doing the same thing on Jim Hood Road. We do not want this destroying the peace and quiet we have and increasing traffic on a road that is dangerous at the best of times. Please deny this application. Thank you.

Your Information

Name
Maureen Smith

Fax Number

Email Address
mosmith5208@yahoo.com

Preferred Contact Method
email

All

#1203

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	5/26/2022 9:53 AM
Source:	Website 172.71.22.73

SUBMITTER

michael Lebow
Shirley rd 4763 4763 Shirley rd
Gainesville, GA 30506

CONTACT

mhlebow@gmail.com
5047104634

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description

Dear Planning Commission

Please hear my concern regarding the rezoning request for 4726 Shirley road. I live almost directly across the street and strongly opposed to resuming to AG entertainment venue. I believe that the request is inappropriate for multiple reasons and should not be approved. This area is a residential area and not an agricultural area. Local residents will be severely inconvenienced by noise and additional traffic on our small and winding road. We are concerned about the potential for drunk drivers leaving a venue that serves alcohol to a large number of people from out of town. Shirley Road is narrow, dark and windy and has no shoulder at all. Every year I see accidents on this road and cars that accidentally drive off into a ditch with someone';s yard. The commission recently approved a similar venue only a few miles away. Mt Vernon is a significantly larger road and the venue is on a significantly larger property that will be less intrusive to neighboring residents. There would be significant congestion at the intersection of Mount Vernon Rd. and Shirley Rd. on weekend days during events. There is a fire station at this intersection which would also be affected with traffic congestion.
Please do not Recommend approval of resuming.
Thank you.

Respectfully
Michael H. Lebow.

Your Information

Name
michael Lebow

Fax Number

Email Address
mhlebow@gmail.com

Preferred Contact Method
email

All

#1216

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/6/2022 9:39 AM
Source:	Website 172.71.22.73

SUBMITTER

Paul Groth
4802 Shirley Raod
Gainesville, GA 30506

CONTACT

4726 Shirley Road
gainesville, ga

REQUEST DETAILS

Description
I live a few doors away from the subject property. I do not believe Shirley Road is conducive to commercial traffic. When the "Accountant" was filmed at that location, Shirley Road was lined with trucks for which created significant traffic problems.

Your Information

Name
Paul Groth

Fax Number

Email Address

Preferred Contact Method
email

All

#1215

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/5/2022 12:48 PM
Source:	Website 172.71.22.83

SUBMITTER

Carmen Watson
4441 Shirley Rd
Gainesville, GA 30506

CONTACT

cfwatson@bellsouth.net
7706548571

4726 Shirley Rd
Gainesville, GA 30506

REQUEST DETAILS

Description
I am a resident on Shirley Rd and vote NO to rezoning residential property at the end of the road for a commercial event venue. This would undoubtedly cause excessive noise and increase traffic. It is inevitable that the venue would lead to intoxicated drivers after events on Shirley Rd putting residents at high risk. Please vote NO!

Your Information

Name
Carmen Watson

Fax Number

Email Address
cfwatson@bellsouth.net

Preferred Contact Method
email

All

#1214

View Request

Category:	Planning & Zoning
Priority:	3
Assigned To:	Stewart Brian
Submitted:	6/5/2022 10:04 AM
Source:	Website 108.162.237.71

SUBMITTER

Dr. and Mrs. J. Tim Fulenwider
4443 Shirley Road
Gainesville, GA 30506

CONTACT

pamfulenwider@gmail.com
770 654-6882

4726 Shirley Road
Gainesville, GA 30506

REQUEST DETAILS

Description
We vote NO for rezoning property located at 4726 Shirley Road, Gainesville, GA 30506. We are concerned for the noise control and road safety for all neighbors concerned. Please consider a NO vote for the well being of our quiet and peaceful neighborhood for the retired and young families.

Your Information

Name
Dr. and Mrs. J. Tim Fulenwider

Fax Number

Email Address
pamfulenwider@gmail.com

Preferred Contact Method
email

Shaw
5181 Little River Dr
Gainesville, GA 30506

Rcd 6-13-22

Scanned to Vera & Bill

Hall County Board of Commissioners
2875 Browns Bridge Rd
Gainesville, GA 30504

Hall County Board of Commissioners

2875 Browns Bridge Rd
Gainesville, GA 30504

June 9, 2022

The many Hall County residents who will be negatively impacted by the proposed venue would like to thank the Board of Commissioners for the opportunity to express our concerns.

The owner, David Norris, of 4726 Shirley Road through his development company Norris Development has requested a zoning change and Use Subject for a wedding venue. In his original application, Mr. Norris mentions music venues and film location uses as well. During the Planning Commission meeting, he stated that having all 3 approvals are his long term objective.

We had over 50 people in attendance at the Planning Commission meeting on June 6 to voice our objections. I've included copies of two petitions, one online and one hard copy. Between them we have well over 300 signatures of Hall County residents who oppose this venue. The online petition continues to grow as more people learn about the venue.

This venue will impact every resident on Shirley Road, all the adjoining streets and across the lake from it. We are not imagining or exaggerating the increased noise and traffic, the reduction in safety, the loss of privacy and the simple ability to enjoy the homes that we cherish.

The rezoning request talks about increased tax revenue. What about the reduction in each of our home values and the resulting reduction in taxes?

Some of the residents on the petition are life long residents of Hall County. Some of us have moved here more recently. If this venue existed when some of us purchased our homes we very well might not have purchased them. There is no doubt that this venue will impact all of our ability to sell our homes.

Many of these long time residents have shared the horror story of the last movie company that used this same home as a movie set. Shirley Road blocked by movie vehicles, Sheriff deputies preventing residents from traveling their normal routes home, forced to drive miles out of their way simply to get home.

There are already a number of wedding venues in Hall County. In fact one has been approved on a 65 acre location only a few miles away. There are many places in Hall County where live music is available. We do not need or want this venue.

Mr. Norris bought a residence through his development company in a peaceful and beautiful area

with the sole intention of making it a commercial venture. Since that was clearly his intention he should have bought a site that was already zoned and approved for that purpose.

There's a saying that for every voice that speaks up 10 more are in silent agreement. We are literally the tip of the iceberg of opposition and will show up again in numbers at the Board meeting.

We ask that the Board deny this zoning change so that none of the proposed uses will be allowed.

Thank you for your time and attention to this critical issue.

Raymond Shaw
5181 Little River Dr
Gainesville, GA 30506
678-429-1715
raymondwshaw@yahoo.com

~~#6~~ 125 21

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
Cheryl Brown	Cheryl Brown	5121 Little River Dr.		5/26/22
BOBBY Brown	Bobby Brown	5121 Little River DR.		5/26/22
Lynette Berry	Lynette Berry	5043 Little River Dr		5/26/22

Printed Name	Signature	Address	Comment	Date
William Berry	William Berry	5043 Little River Dr		5/26/22
Blake Berry	Blake Berry	5043 Little River Dr		5/26/22
CYNTHIA TODD	Cynthia Carney Todd	5019 LITTLE RIVER DR		5/26/22
Marion Todd	Marion H. Todd	5019 Little River Dr		
Chris Smith	Chris Smith	5011 Little Ri DR		5-26-22
Amy Smith	Amy Smith	5011 Little Ri Dr		5-26-22
Michelle Shaw	Michelle Shaw	5181 Little River DR		5-26-22
MARK RUSSELL	Mark Russell	5241 Blueberry Hills Dr		5-27
Michele Smith	Michele Smith	5292 Blueberry Hills Dr		5-27-22
Shane Smith	Shane Smith	5292 Blueberry Hills Dr		5-27-22
Floyd Brown	Floyd D Brown	5258 Blueberry Hills Dr		
Katrina Dearman	Katrina Dearman	5031 Little River Dr.		6/1/22
Stephen Richey	Stephen Richey	5242 Blueberry Hills Dr.		6/1/22
MAUREEN SMITH	M Smith	5208 DRIFTWOOD POINT		6/1/22
Peggy Holland	Peggy Holland	5220 Driftwood Point		6/1/22
Michelle Estell	Michelle Estell	5217 Driftwood Pt		6/1/22

Printed Name	Signature	Address	Comment	Date
Jason Estell		5217 Driftwood Pt		6/1/22
VINCE BUNN		5273 BLUEBERRY HILLS		6/2/22
Kimberly Williams		5211 Driftwood Pt		6/2/22
Christy & Zack Maye		4824 Shirley Rd		6/2/22
SANDY & [illegible]		4640 SHIRLEY D		6/2/22
Julia Jenkins		5217 blueberry hills		6/2/22
Cody Stephens		5217 blueberry Hill D		6/2/22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment ~~Comment~~	Date
Annette Robertson	Annette H. Robertson	1527 Berkeley Ct.		5-24-22
James C Vaughan	James C Vaughan	5006 High Meadow Run		5-24-22
William D. Brown	William D Brown	4757 Shirley Rd.		5-26-22

Printed Name	Signature	Address	Comment EMAIL	Date
Brian				
Katie Graden	Katie Graden	4771 Destitute		6.4.22
Mark Montgomery	Mark Montgomery	4848 Destitute		
Paula Barrett	Paula Barrett			

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment / Email	Date
Polly Bennett	Polly Bennett	4779 Shirley Rd	polsbennett@gmail.com	5-25-22
Kathy Ward	Kathy Ward	4768 Shirley Rd	KnWard50@gmail	5-25-22
FRANCES BUONO	Frances Buono	4082 Cochran Rd	fran.buono@yahoo.com	5-25-22

Printed Name	Signature	Address	Comment	Date
Carol MacIntyre	Carol MacIntyre	4123 Willow Trace	carolmacintyre@outlook.com	5-25-22
Cheryl Usher	Cheryl Usher	4061 Cochran Rd, Gainesville	cherylc.usher@gmail.com	5-25-22
Vickie Ward	Vickie Ward	4789 Shirley Rd	VickieWard06@yahoo.com	
Elizabeth Vanning	Elizabeth Vanning	4787 Shirley Rd. Gainesville	momsgotahotrod@hotmail	5/25/22
David Bennett	David Bennett	4779 Shirley Rd, Gainesville	dbennett500@aol.com	5-25-22
Cathy Brown	Cathy Brown	4757 Shirley Rd	do not approve	6-3-22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
STUART BEAMAN		4823 PLANTATION OVERLOOK	NO !!	5/25/22
Alex Wilbanks		4832 Plantation Overlook		5/25/22
Matt Askounis		4824 Plantation Overlook		5/25/22

Printed Name	Signature	Address	Comment	Date
Erin Askounis	Erin Ch	4824 plantation Overlook		5/24
Zach Balest	ZKL	4844 Plantation Overlook		5/25/22
Cody Scee	Cody A Sc	4843 plantation overlook		6/5/22
Mandy Scee	Mandy Scee	4843 Plantation Overlook		
ROBERT BROWN	R Brown	4839 PLANTATION OVERLOOK		6/5/22

Petition to object to the Shirley Road Rezoning

Petition summary and background	The citizens of the Shirley Road area in North Hall County object to the rezoning of 4726 Shirley to "AGRI Entertainment" for the purpose of being an event/wedding venue and movie location. We believe the rezoning will adversely affect the quality of the life of local residents by creating excessive noise and traffic 1) Noise – Lakeside noise carries a long distance across the lake and along the shoreline as well as inland. Neighboring homes off both sides of Shirley Drive and across the lake on Cochran Road will be negatively affected by an event venue using outdoor loudspeakers. 2) Traffic – The venue would cause significant additional traffic through our residential neighborhood. With the recent approval of a venue just past Shirley Rd on Mt. Vernon Rd weekend traffic would be increased by hundreds of vehicles at the Shirley & Mt Vernon intersection. Events could cause significant congestion at this intersection and potentially impede EMS vehicles which leave the station on the corner. The additional traffic at this intersection could necessitate a stop light which would inconvenience all cars traveling on Mt. Vernon Rd. 3) Safety – Shirley is a narrow road with multiple blind turns and hills as well as deer crossings. There is no lighting on the road after dark. It is not a safe location for a venue that serves alcohol to large gatherings and would put local residents at risk of being involved in an accident.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to prevent this Rezoning.

Printed Name	Signature	Address	Comment	Date
Tim Lawson	Tim Lawson	5168 High Meadow RUN	Object to Rezoning	June 4, 2022
Shirley Lawson	Shirley Lawson	5168 High Meadow Run	objection!	June 4, 2022
Russ Crain	[illegible]	5162 High Meadow Run		6-4-22

Printed Name	Signature	Address	Comment	Date
DARRYL SMALLWOOD	Darryl Smallwood	4551 FAWN PATH		6-4-22
Janice Smallwood	Janice Smallwood	4551 Fawn Path		6-4-22
WES ALEXANDER	Wes Alexander	4555 FAWN PATH		6-4-22
Norma Alexander	Norma Alexander	4555 Fawn Path		6-4-22
Beverly Williams	Beverly Williams	4538 Callie Downs Dr.		6-4-22
Steve Williams	Steve Williams	4538 Callie Downs DR		6-4-22
CYNTHIA Lovingood	Cynthia Lovingood	4539 Callie Downs Dr.		6-4-22
Bryan Lovingood	Bryan Lovingood	4539 Callie Downs Dr.		6-4-22
William Maffel		5115 High Meadow Run		6-4-22
LISA Maffel		5115 High Meadow Run		6-4-22
ANNA Maffel		5115 High Meadow RUN		6-4-22
Judy Sewell	Judy Sewell	5130 High Meadow Run		6-5-22
Mike Sewell	Mike Sewell	5130 High Meadow Run		6-5-22
CHRIS LUNG		5138 HIGH MEADOW RUN		6-5-22
Sylvia Peck	Sylvia Peck	5018 WESTFORK Dr		6-5-22
GARY PECK	Gary Peck	5018 WESTFORK Dr		6-5-22

Printed Name	Signature	Address	Comment	Date
Lesley Gough	L. Gough	5825 West Fork Dr.	traffic is a concern	6/5/22
Nikki Law	Nikki Law	5113 Twelve Oaks Ct.	noise across late + traffic	6/5/22
Griff Law	[illegible]	5113 Twelve Oaks Ct	traffic	6/5/22
Cathy Anderson	Cathy H. Anderson	5118 High Meadow Run	traffic dangers	6/5/2022
Edward E. Anderson	Edward E. Anderson	5118 High Meadow Run	Not enough acreage TRAFFIC!	6/5/2022
Margorie Kesler	Margorie Kesler	5056 Lawson Pk Dr	not appropriate	6/5/2022
Phillip Kesler	[illegible]	5056 Lawson Park Drive	noise + traffic	6/5/2022
Thomas D. Geary	Thomas D Geary	1717 15th Ave S Minneapolis, MN	too close to families	6/5/2022

Printed Name	Signature	Address	Comment	Date
Vanessa Jones		5157 High Meadow Run	No to Norris Development & rezoning	6/4/22
Jennifer Reinhardt		5694 Old Wilkie	No to Norris Devel & rezoning -	6/4/22
John Reinhardt		5694 Old Wilkie	~~ABSOLUTELY~~ NOT TO NORRIS Devel rezoning	6/4/22
Melissa Allen		5269 Laurel Ln	No to Norris Dev. & rezoning	6/4/22
Chris Allen		5269 Laurel Ln	No to Norris Dev & rezoning	6/4/22
Doug Rapley		5106 Laurel Ln.	No to Norris Development & rezoning	6-5-22
Dr. Bert West		5265 Laurel Ln	No to Norris Dev & rezoning	6-5-22
Bobby Krommer		5121 laurel lane gainsville ga	no to norris Drive & rezoning	6-5-22
Nick Jones		5210 Laurel Ln	No to Norris Dr & re-Zoning	6-5-22
Tiffani Jones		5210 Laurel Ln	No to rezoning lack of access	6-5-22
Patty West		5265 Laurel LN	NO to rezoning	6-5-22

Name	City	State	Postal Code	Country	Signed On
Sharon Hartis	Gainesville	GA		US	########
Mary Jane Ables	Gainesville	GA	30506	US	########
Wilma Kidd	Gainesville	GA	30501	US	########
Janice Graham	Gainesville	GA	30506	US	########
Laura Drury	Gainesville	GA	30506	US	########
Raymond Shaw	Gainesville	GA	30504	US	########
Tessa Shirley	Gainesville	GA	30504	US	########
Jessics Wood	Cleveland	GA	30528	US	########
Jan Lovell	Gainesville	GA	30506	US	########
Sally Smith	Gainesville	GA	30506	US	########
Elizabeth Lebow	Gainesville	GA	30506	US	########
Erin Askounis	Gainesville	GA	30506	US	########
Matt Askounis	Gainesville	GA	30506	US	########
Brian Kelley	Clermont	GA	30527	US	########
Himmy Hope	Gainesville	GA	30506	US	########
Zach B	Gainesville	GA	30504	US	########
Kristin Varnadore	Gainesville	GA	30506	US	########
Clayton Blehm	Gainesville	GA	30501	US	########
Judy Mooney	Toccoa	GA	30577	US	########
Angela Blehm	Gainesville	GA	30501	US	########
Joe Mooney	Toccoa	GA	30577	US	########
Wayne Varnadore	Thomaston	GA	30286	US	########
Monie Shope	Gainesville	GA	30506	US	########
Audrey Allison	Gainesville	GA	30506	US	########
Cindy Askounis	Gainesville	GA	30504	US	########
Michelle Shaw	Gainesville	GA	30501	US	########
Meredith McWhirter	Gainesville	GA	30506	US	########
Linda M Markert	Gainesville	GA	30506	US	########
Lisa Lotus	Carrollton	GA	30117	US	########
Lauren Dalton	Flowery Branch	GA	30542	US	########
Gary Pierce	GAINESVILLE	GA	30506	US	########
Casey Abernathy	Gainesville	GA	30506	US	########
Wanda Dalton	Gainesville	GA	30506	US	########
Ashley Balest	Gainesville	GA	30504	US	########
Ashton BBBBB	Gainesville	GA	30506	US	########
solange theodule	MIAMI		33177	US	########
Bobby Shoemaker	Gainesville	GA	30506	US	########
Dee Scarpellino	Murrayville	GA	30564	US	########
Amdi Savage	Flowery Branch	GA	30542	US	########
Mandy holcomb	West Palm Beach	FL	33411	US	########
Kay Roberts	London		SE18 2BS	US	########
Jack Chapman	Gainesville	GA	30501	US	########
ANGELA CALLAHAN	Atlanta	GA	30342	US	########
Angela Calvert	Gainesville	GA	30506	US	########
EMILY LEBOW	Greensboro	GA	30642	US	########
Barbara Fleming	Colotado Springs		80907	US	########

Andrew Thurmond	Gainesville	GA	30506 US	########
Clayton Varnadore	Gainesville	GA	30506 US	########
MILLICENT ROSENBERG	Gainesville	GA	30506 US	########
Robert Johnson	Cumming	GA	30041 US	########
lonnie Lebow	Lawrenceville	GA	30044 US	########
Brenda Lee	Gainesville	GA	30506 US	########
Jerry Page	Gainesville	GA	30501 US	########
gabriele willis	san diego		92130 US	########
LINDA ARNOLD	Gainesville	GA	30501 US	########
Zac Addison	Tampa	FL	33618 US	########
Christy Moye	Gainesville	GA	30506 US	########
Carolyn Bagwell	Gainesville	GA	30506 US	########
Adam Kaluba	Burleson		76028 US	########
Gina Petty	Lexington		40544 US	########
Elaine Williams	Gainesville	GA	30501 US	########
Gabriella Kumor	Dahlonega		30533 US	########
Laura Engel	Fallbrook		92028 US	########
Naite Mitai	Los Angeles		90003 US	########
Katie Dionne	Gainesville	GA	30501 US	########
Myisha Ar-Rahmaan	Lilburn		30047 US	########
Bridgett Aleman	Dallas		75227 US	########
Lori Floyd	Lawrenceville	GA	30044 US	########
Layne Saliba	Gainesville	GA	30506 US	########
Laurel Gibson	Gainesville	GA	30506 US	########
Emily Swanson	Savannah	GA	31406 US	########
Alex Walker	Gainesville	GA	30507 US	########
Debbie Davis	Gainesville	GA	30506 US	########
Carly Terblanche	Gainesville	GA	30504 US	########
Michele Piucci	Gainesville	GA	30501 US	########
Susan Ward	Highlands	NC	28741 US	########
Darlene Long	Gainesville	GA	30542 US	########
Gary Long	Flowery Branch	GA	30542 US	########
Shaleena Beacham	Gainesville	GA	30506 US	########
April Kemp	Gainesville	GA	30506 US	########
Ashley Davis	Gainesville	GA	30506 US	########
Travis Davis	Gainesville	GA	30506 US	########
Greer Martin	Cumming	GA	30040 US	########
Joyce Tempchin	Stone Mountain	GA	30083 US	########
Andrea Brock	Gainesville	GA	30506 US	########
Vicki Davis	Gainesville	GA	30506 US	########
Michelle Thomas	Gainesville	GA	30506 US	########
Harry Bagwell	Gainesville	GA	30506 US	########
Kimberly Grindle	Flowery Branch	GA	30542 US	########
Trevor Thomas	Gainesville	GA	30506 US	########
Spears Mallis	Atlanta	GA	30324 US	########
Doug Rapley	Gainesville	GA	30506 US	########
Robert Krohmer	Gainesville	GA	30506 US	########

Carol Macintyre	Gainesville	GA	30506	US	########
Heather Crain	Gainesville	GA	30501	US	########
Nikki Law	Gainesville	GA	30506	US	########
Macie Lee Reeves	Gainesville	GA	30506	US	########
Stephen Howard	Gainesville	GA	30506	US	########
Mike Mihalick	Gainesville	GA	30506	US	########
Anna Mattel	Gainesville	GA	30506	US	########
Fran Buono	Gainesville	GA	30506	US	########
Teresa Underwood	Gainesville	GA	30506	US	########
Henry Lawson	Gainesville	GA	30506	US	########
Angela Vickery	Gainesville	GA	30506	US	########
Judy Scupin	Gainesville	GA	30506	US	########
Amy Smith	Gainesville	GA	30501	US	########
Vanessa Jones	Gainesville	GA	30506	US	########
Maggie Reeves	Surprise	AZ	85379	US	########
Melissa Allen	Atlanta	GA	30506	US	########
Valarie Reeves	Fernandina Beach	FL	32034	US	########
sarah krouse	Murrayville	GA	30564	US	########
Melissa Pittman	Gainesville	GA	30506	US	########
Tina Montrois	Gainesville	GA	30506	US	########
Brian Rogers	Lula	GA	30575	US	########
Michelle McCrum	Gainesville	GA	30506	US	########
Claudine Smith	Commerce	GA	30529	US	########
Nicole Spear	Atlanta	GA	30339	US	########
Aimee Underwood	Gainesville	GA	30506	US	########
Suzanne Eppling	Gainesville	GA	30506	US	########
Kathy Burke	Gainesville	GA	30501	US	########
Gloria Pilkington	Terre Haute		47803	US	########
Hazen Quezada	Bell Gardens		90201	US	########
Lara Vaughan				US	########
Jennifer Erickson	Gainesville	GA	30501	US	########
Brian Babcock	Gainesville	GA	30506	US	6/1/2022
Stuart Stephens	Gainesville	GA	30506	US	6/2/2022
Larry Massey	Dawsonville	GA	30534	US	6/2/2022
James Harrington	Gainesville	GA	30506	US	6/2/2022
Amy Mattasolio	Gainesville	GA	30506	US	6/2/2022
Richard Bock	Dawsonville	GA	30534	US	6/2/2022
Edi Cronin	Dawsonville	GA	30534	US	6/2/2022
Gail Dechellis	Suwanee	GA	30024	US	6/2/2022
Stacey Beasley	Cumming	GA	30040	US	6/2/2022
Tovah Choudhury	Gainesville	GA	30524	US	6/2/2022
Melissa Mitchell	Gainesville	GA	30504	US	6/2/2022
Gary Singletary	Gainesville	GA	30506	US	6/2/2022
LaJuan Jones	Gainesville	GA	30504	US	6/2/2022
Rhonda staton	Decatur	GA	30032	US	6/2/2022
Cathy Dlugokinski	Gainesville	GA	30506	US	6/2/2022
Susan Wagner	Dawsonville	GA	30534	US	6/2/2022

Robert Wagner	Dawsonville	GA	30534 US	6/2/2022
Lauren Senft	Gainesville	GA	30506 US	6/2/2022
Cheryl Hall	Gainesville	GA	30507 US	6/2/2022
Debbie Pulley	Gainesville	GA	30504 US	6/2/2022
Richard Searles	Flowery Branch	GA	30542 US	6/2/2022
Ramona Mitchell	Flowery Branch	GA	30542 US	6/2/2022
Rebecca Nix	Gainesville	GA	30501 US	6/2/2022
Craig Jones	Gainesville	GA	30506 US	6/2/2022
Te Lee	Gainesville	GA	30506 US	6/2/2022
Jill Baugus	Cumming	GA	30041 US	6/2/2022
Jill Kenny	Bethlehem	GA	30620 US	6/3/2022
Kelly Dunlap	Cumming	GA	30041 US	6/3/2022
Robin Kemper	Cumming	GA	30041 US	6/3/2022
Rebecca Bell	Gainesville	GA	30506 US	6/3/2022
Jeanine Gallagher	Cumming	GA	30040 US	6/3/2022
Joe Hoopaugh	Gainesville	GA	30506 US	6/3/2022
E Crain	Gainesville	GA	30506 US	6/3/2022
Robert Simmons	Alpharetta	GA	30022 US	6/3/2022
Bonnie Hunt	Dawsonville	GA	30534 US	6/3/2022
Drew Carter	Gainesville	GA	30506 US	6/3/2022
Paula Barrett	Gainesville	GA	30504 US	6/3/2022
Dale Erwin	Gainesville	GA	30506 US	6/3/2022
Craig Sanders	Gainesville	GA	30506 US	6/3/2022
Robert Hawkins	Gainesville	GA	30504 US	6/3/2022
Jessica Garrish	Gainesville	GA	30506 US	6/3/2022
Teresa Elliott	Cumming	GA	30041 US	6/3/2022
George Jackson	Gainesville	GA	30506 US	6/3/2022
Greg Maloney	Atlanta	GA	30337 US	6/3/2022
Ron Hollis	Gainesville	GA	30505 US	6/3/2022
Kenneth Harn	Gainesville	GA	30506 US	6/3/2022
Janet L Coleman	Cumming	GA	30518 US	6/4/2022
David Woo	Gainesville	GA	30504 US	6/4/2022
John Riker	Gainesville	GA	30501 US	6/4/2022
Kira Gray	Marietta	GA	30068 US	6/4/2022
Kay Thomas	Gainesville	GA	30506 US	6/4/2022
Tina Montrois	Gainesville	GA	30506 US	6/4/2022
Ann Marie Hynes	Gainesville	GA	30506 US	6/4/2022
Marty Thomas	Gainesville	GA	30506 US	6/4/2022
Ron Beck	Gainesvile	GA	30501 US	6/4/2022
Stephen Morgan	Gainesville	GA	30501 US	6/4/2022
Douglas Mannheimer			US	6/4/2022
Zack Moye	Gainesville	GA	30506 US	6/4/2022
Craig Cappy	Gainesville	GA	30504 US	6/4/2022
John LeDuc	Gainesville	GA	30506 US	6/4/2022
Josh Schoeller	Alpharetta	GA	30004 US	6/4/2022
Tara Schoeller	Alpharetta	GA	30004 US	6/4/2022
Wes Carlton	Gainesville	GA	30506 US	6/4/2022

Jessica Buxton	Alpharetta	GA	30004 US	6/4/2022
Natalie Jarvis	Gainesville	GA	30506 US	6/4/2022
Marcia Diane Ferguson	Gainesville	GA	30506 US	6/4/2022
ALLISON ELLIS	Gainesville	GA	30506 US	6/4/2022
Maureen Smith	Gainesville	GA	30501 US	6/5/2022
Jody Sewell	Gainesville	GA	30504 US	6/5/2022
Jim Staub	Marietta	GA	30067 US	6/5/2022
Marsha Scott	Gainesville	GA	30506 US	6/5/2022
Wanda Bulloch	Flowery Branch	GA	30542 US	6/5/2022
Ashley Carter	Lula	GA	30554 US	6/5/2022
Nevaeh Jordan	Cincinnati		45240 US	6/5/2022
Frances Hamrick	Atlanta	GA	30342 US	6/5/2022
James Bohannon	Gainesville	GA	30504 US	6/5/2022
Denise Beck	Athens	GA	30605 US	6/6/2022
Mark Ham	Gainesville	GA	30506 US	6/6/2022
Brian Norton	Gainesville	GA	30501 US	6/6/2022
Charles Bryant	Flowery Branch	GA	30542 US	6/6/2022
Sandra Cornelius	Gainesville	GA	30506 US	6/6/2022
Rebecca Drolet	Derry		3038 US	6/6/2022
David Eppling	Gainesville	GA	30506 US	6/6/2022
Judy Stovall	Gainesville	GA	30506 US	6/6/2022
Phillip Johnson	Sanford	FL	32771 US	6/6/2022
Rodney Stephens	Gainesville	GA	30506 US	6/6/2022

4726

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: NORRIS DEVELOPMENT

REQUEST: USE SUBJECT TO BOC FOR AGRI ENTERTAINMENT VENUE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 6-6-22
Time: 5:15PM AND

COUNTY COMMISSION
Date: 7.14.22
Time: 6:00P.M.

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

ZONING NOTICE

AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

APPLICANT: NORRIS DEVELOPMENT

REQUEST: REZONE FROM V-C TO AR-III FOR AGRI ENTERTAINMENT VENUE

PUBLIC HEARINGS WILL BE HELD ON:

PLANNING COMMISSION
Date: 6-6-22
Time: 5:15pm

AND

COUNTY COMMISSION
Date: 7-14-22
Time: 6:00PM

HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA

FOR MORE INFORMATION CALL: (770) 531-6809

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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: July 8, 2022

Subject: Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. Commission District 3.

On July 8, 2022 staff received an email from the applicant requesting to withdraw both the rezoning and conditional use applications.

Please vote on each withdrawal separately.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend denial (4-0) of this request.

There were twelve (12) written comments in opposition submitted in advance of the Planning Commission meeting and seven (7) people spoke in opposition and one (1) person spoke in favor during the public hearing on June 6, 2022.

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 341/2022

SUBJECT: Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Approval.

Purpose of Request:
Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	TS	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Board Memo
Recommendation Report
Application
Narrative
Site Plan
Maps
Renderings
Environmental Health Comments
GDOT Comments
Public Works Comments
Fire Comments
Public Comments - Opposition (2)
Notice Sign Photos

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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

DIRECTOR
Randi Doveton

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: June 23, 2022

Subject: Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; Tax Parcel 07329 001006. Proposed use: parking lot. Commission District 2.

At their June 6, 2022 meeting, the Hall County Planning Commission voted to recommend approval (4-0) of this request.

There were zero (0) written comments in opposition submitted in advance of the Planning Commission meeting and zero (0) people spoke in opposition during the public hearing on June 6, 2022.

There have been no changes to the request since the Planning Commission took action.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant ..... Cameron Reeves

Request ..... Rezone from Agricultural Residential-III (AR-III) to Highway-Business (H-B)

Proposed Use ..... Parking Lot

Size ..... 2.07± acres
Zoning ..... AR-III

Location ..... On the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Tax Parcel 07329 001006.

Commission District ..... Two

Planning Commission Date ..... June 6, 2022

Staff Recommendation ..... **Approval, with conditions**

Planning Commission Recommendation: Approval
Vote: 4-0 (Pilcher absent)

Applicant Proposal

The applicant is seeking to rezone a 2.07± acre parcel from Agricultural-Residential-III (AR-III) to Highway Business (H-B) for development as an overflow parking area for his businesses in the area. The applicant has also submitted a conditional use request to be considered concurrently with the rezoning application for additional parking on other than the principal lot.

The narrative states that the property is currently a gravel lot on which he would like to park equipment, vehicles, trucks and trailers. Employees will use the lot to pick up the vehicles stored there, leaving their personal vehicles on-site during the day. Employees will typically access the property between 6:00am and 5:00pm but may need to access the site earlier at times. The narrative continues that there will be no work conducted onsite and it is for storage of vehicles only.

The applicant is also requesting a variance from §17.420.050.E of the Official Code of Hall County. §17.420 provides development standards for properties within the Gateway Corridors Overlay District (GCOD). The GCOD is supplemental to the underlying zoning district classifications and governs non-residential property development standards, including parking lot materials. Properties which fall within the GCOD requires that parking areas shall be paved with asphalt, concrete (or pervious materials

approved by the director.) A variance from the paving requirement has been requested as this property is not visible from Lanier Islands Parkway. Additionally, access to the property is from Holiday Road.

The applicant's narrative states that no other relief from the GCOD standards are requested, and plans to install a privacy fence all the way around the property, landscape and buffers, but paving would be cost-prohibitive. The applicant says that the intention is to further develop the property either commercially or residentially in the future.

History and Existing Land Uses

The subject property is zoned AR-III and is undeveloped. The parcel is recorded with the Hall County Clerk of Court in Plat Book 862 page 144. The property is bounded to the east by Holiday Road, with both residential and commercial properties located across the right-of-way. To the north is a commercial property located within the City of Buford and Lanier Islands Parkway. To the south is a Highway Business (H-B) zoned property, developed with a single-family residential home, located in unincorporated Hall County.

Part of the property also falls within the Gateway Corridors Overlay District (GCOD). The GCOD is supplemental to the underlying zoning district classifications and governs nonresidential property development standards, including signage.

Comprehensive Plan Land Use Designation

The future land use map shows the subject property as "Lake Area Residential" and within the Lake Supportive Corridor which includes low-density residential development and neighborhoods. Land use patterns are similar to Residential Areas, and there is orientation toward Lake Lanier in terms of development and flexibility in use of singlefamily homes. The area includes the 500-feet buffer around the lake, wherein properties have the potential to be zoned Vacation Cottage District in order for single-family homes to be used as short-term vacation rentals.

Future development will continue to be detached, single family homes at low densities in addition to less intensive agricultural uses that are found in the northwestern part of the area.

The primary land uses within the Lake Supportive Corridor are commercial uses that are boat related (boat sales, storage and equipment sales) or complement recreational use of Lake Lanier (such as non-franchise restaurants). The intent of the corridors in the Comprehensive Plan are to enhance and maintain well-functioning, attractive corridors that facilitate vehicular traffic flow and pedestrian/bicycle connectivity, serve local needs, and coordinate land use patterns without encroaching on adjacent neighborhoods.

This use request is inconsistent with the Future Land Use Designation found in the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health
In an email dated May 13th 2022, Emily McGahee stated that there were no comments for this request.

Hall County Fire Services
The property is located approximately 2.7 miles from Hall County Fire Station #8, located at 6175 Gaines Ferry Road. The nearest fire hydrant is located to the rear of the subject property on Lanier Islands Parkway.

Hall County Public Works and Utilities
A memo dated May 19, 2022 from Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

> Engineering
> The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
>
> Traffic Engineering
> Driveway will need to be permitted by the City of Buford.
>
> Utilities
> No comment.

Hall County Tax Assessors No comments were provided.

Gainesville Water Resources (per GIS)
Per Hall County GIS, Public water is available to the property along Holiday Road and Lanier Islands Parkway

Georgia Department of Transportation
Parker Niebauer, District 1 Traffic Operations Supervisor, provided the following comment via and email dated May 18, 2022: "If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required."

Zoning Analysis

- The proposed use is not residential in nature and is not within the character described for the Lake Supportive Corridor designation.
    - The proposed use **is not** consistent with the Hall County Comprehensive Plan.
        - The request will provide additional parking for nearby businesses owned by the applicant for associated equipment and employees, in accordance with a conditional use permit as outlined in §17.350.100.
- Within the Highway Business (H-B) zoning district any retail or retail service establishment, including the making of articles sold at retail on the premises providing the conditions of chapter §17.210 are met.
    - The applicant is requesting to use the property of additional storage of equipment and vehicles related to his businesses.

- Within the Highway Business (H-B) zoning district parking on additional parking on other than principal lot is a conditional use subject to the approval of the Planning Commission. ○ The applicant has submitted a concurrent request for a conditional use permit.
- Per §17.240 of the Official Code of Hall County, the required setbacks for H-B are: 55 feet from center line of road or 30 feet from property line, whichever is greater, 20 feet from side property lines, and 10 feet from the rear property line.
    - No structures are proposed at this time.
- The subject property falls within the Gateway Corridor Overlay District (GCOD) and is subject to design standard for non-residential development including: architectural, buffering, landscaping and signage requirements.
- The GCOD provides guidelines for non-residential property development. The guidelines apply to both permitted uses and development standards. Within the GCOD, the following uses are prohibited: adult entertainment, junk yards, and billboard signs. Uses subject to the approval of the Hall County Board of commissioners (BOC) include self-storage warehouses, vehicle sales lots (new or used), automobile repair and maintenance, commercial outdoor recreation, car washes and outdoor storage.
    - The applicant has requested a variance from §17.420.050.E, which requires the paving of properties which fall within the GCOD to be asphalt, concrete (or pervious materials approved by the director.)
        - The applicant has requested this relief as this property is not visible from Lanier Islands Parkway and because access to the property is from Holiday Road.
        - The applicant's narrative states that no other relief from the GCOD standards are requested, and plans to install a privacy fence all the way around the property, landscape and buffers
        - The applicant says that the intention is to further develop the property either commercially or residentially in the future.
- Per §17.420.050.D.2.a of the Official Code of Hall County, along each street frontage there shall be a ten-foot wide landscape strip, continuous along the frontage except for perpendicular crossings for driveways and utilities. The adjacent properties are commercially zoned and as such no buffer is required.
    - The applicant's site plan shows a 10 foot landscape strip adjacent to both Lanier Islands Parkway and Holiday Road. ▪ This standard **is met.**
- Per §17.420.050.D.4.d of the Official Code of Hall County, outdoor storage or sales displays shall be prohibited from front yards except when permitted in the underlying zoning district and further authorized by a conditional use permit pursuant to the procedures of the Hall County Zoning Ordinance. Outdoor storage or sales displays shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight-foot high solid fence or wall.
    - The applicant's narrative states that they intend to install a privacy fence around the entire property.
        - This standard **is met.**
- Per §17.420.050.E.3 of the Official Code of Hall County, all parking areas shall be paved with asphalt, or concrete.
    - The site plan shows a central gravel parking area for equipment, trailer, and truck parking with 96 standard vehicular parking spaces around the borders of the property. No specific spaces have been depicted within the gravel area.
    - The material for the 96 parking spaces is not labeled.
        - A **variance is necessary** for the use of gravel as a parking material.

- Per §17.420.050.E.4 of the Official Code of Hall County, each parking area of over 50 spaces shall include landscaped islands within the parking area equivalent to not less than five to ten percent with planning director discretion of the total paved area of the parking lot, not including pervious paving surfaces.
    - The site plan does not depict any parking lot landscape islands. ▪ This standard **is not met.**

Variances to the Official Code of Hall County

Staff recommends **denial** to the following variances:

1. §17.420.050.E.3 requires all parking areas to be paved with asphalt or concrete.

Staff Recommendation

Staff recommends **approva**l of the applicant's request subject to the following conditions:

1. The development shall conform substantially with the proposed site plan and narrative, modified as necessary for compliance with current development standards at time of site plan approval.
2. Development shall conform to the standards set forth by the Gateway Corridors Overlay District. No variances are granted as part of this application.
3. The development shall be subject to the Hall County Development Review process and any improvements required shall be installed prior to the lot being used for parking and the storage of equipment.
4. The applicant shall coordinate with the City of Buford regarding commercial driveway permitting from Holiday Road.
5. The parking lot shall be approved for use by the applicant for overflow storage of business related equipment and materials and employee parking only. There shall be no leasing of spots for boats or RV storage.
6. There shall be no more than 9 semi-trucks parked on the site as 10 truck parking spaces requires review as a Development of Regional Impact (DRI) according to Rules of Georgia Department of Community Affairs, Chapter 110-12-3, Development of Regional Impact.
7. All conditions of zoning shall be made part of any plat created for the property.

Excerpts from the minutes of the June 6, 2022 meeting

Applicant's Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Cameron Reeves, 5750 Holiday Road, Buford, presented the request. The applicant stated that he would like to park trailers from other businesses he's involved with onto the property or lease it out to neighboring businesses to extend their parking space. The applicant stated that there was no visibility from Lake Lanier Boulevard since the property is up on a hill. The applicant stated he is willing to keep the number of tractor trailer parking under ten. The applicant stated that he is requesting for a variance for a gravel parking lot.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments:

Mr. Braswell questioned what kind of vehicles would be parked there. The applicant stated cars, trucks, and trailers. Mr. Braswell questioned if there were any issues following Gateway standards. The applicant stated that he will follow Gateway Standards with the exception of his request for a gravel parking lot if granted. Mr. Varner questioned if there would be reefer trucks and if so, will they be pulling loads. The applicant stated there could be depending who it's leased out to. Mr. Braswell questioned if the Use Subject could be applicant specific and expire in twelve months. Ms. Doveton stated that could be a condition if approved.

***Motion:* A motion to approve was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher Absent)**

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 I f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

ZONING APPLICATION

Applicant (Name & Mailing Address)

Cameron Reeves
5750 Holiday Rd
Buford GA 30518

Phone 770-861-3780

Email Address privateeyeproperties@gmail.com

Property Owner (Name & Mailing Address)

Private Eye Properties
5750 Holiday Rd
Buford GA 30518

Phone 770-861-3780

Email Address privateeyeproperties@gmail.com

Proposed Use Parking lot

Contact Person (Name & Mailing Address)

Cameron Reeves
5750 Holiday Rd
Buford GA 30518

Phone 770-861-3780

Email Address privateeyeproperties@gmail.com

Status of Applicant

- [x] Owner
- [ ] Option to Purchase
- [ ] Area Resident
- [ ] Other

Requested Action

Existing Zoning: AR-III
Rezone to: H-B
Fee:$ 450.00
Receipt #: BS89486
Check #: _____

Tax Parcel Number 07329 001006
Acreage 2.15
Location Address 5747 Holiday Rd, Buford, GA 30518

I hereby certify that the above information and all attached information are true and correct.

Sign _____ Date: 2/5/22

Applicant must complete all information above. Failure to complete this section will result in the refusal of the application. The Planning Department has 15 days to review all applications and will set the dates for each application. If the application is found insufficient, an agenda date will not be set until the required information is submitted. Please note that the Planning Commission and County Commission dates are tentative.

Application Withdrawal: I hereby **withdraw** the application.

Sign _____ Date: _____

Staff Use Only

Application Date: 4/14 Taken by: Michelle

Tentative Planning Commission Date: 6/6 Tentative County Commission Date: 7/14

County Commission District: 2

Revised December 2019

ZON2022-00039

PLANNING AND DEVELOPMENT DEPARTMENT
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HALL COUNTY
GEORGIA
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AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) Cameron Reeves

Address 5747 Holiday Rd
Buford, GA 30518

Phone Number 770-861-3780

Name of applicant(s) Cameron Reeves

Address 5750 Holiday Rd
Buford, GA 30518

Phone Number 770-861-3780

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me

Christen Brown

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

2-9-2022
Date

OFFICIAL SEAL
CHRISTEN BROWN
NOTARY PUBLIC-GEORGIA
GWINNETT COUNTY
My Comm. Expires Feb. 11, 2025

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902

HALL COUNTY
GEORGIA
We have it all in Hall

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating $250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have**____ I have not X

within the two years immediately preceding this date, made any contribution(s) aggregating $250.00 or more to any local government official involved in the review or consideration of this application.

**If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.

Name of Official(s): _____ Office: _____

Dollar Amount: _____ Date of Contribution: _____

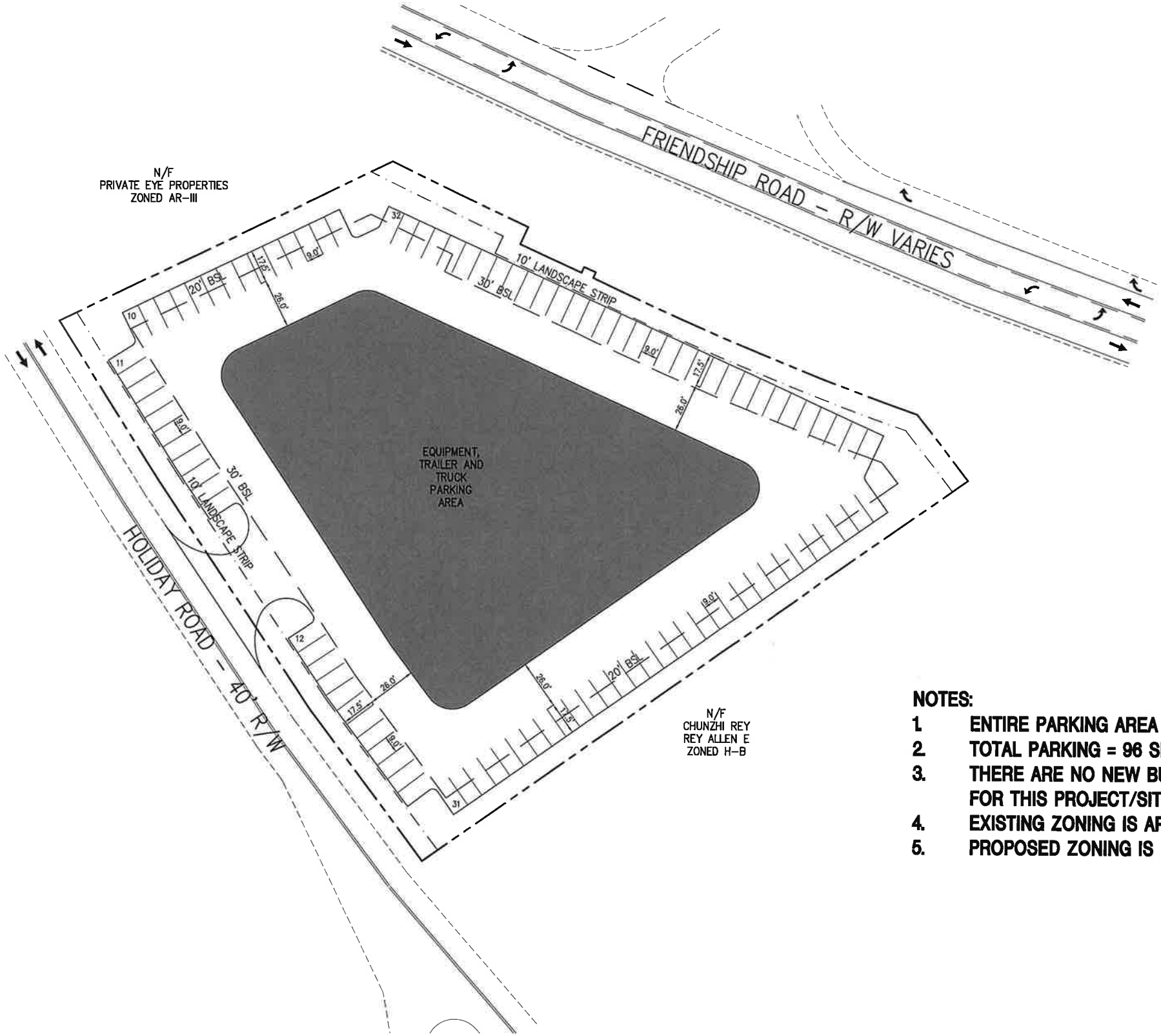
Applicant's/Owner's Signature: _____ **Date:** 3/25/22

Applicant's/Owner's Name (Printed): Cameron Reeves

CAMERON REEVES
5747 Holiday Rd, Buford, GA 30518

Narrative:
The property is currently an open gravel lot. I own all but 1n of the properties surrounding this property. I own several companies and would like to use my property to park equipment, vehicles, trucks and trailers. Most of the time employees are out working 6a-5p but could be earlier or later picking up trucks or equipment. There will be no "working" on this property; it is strictly to park vehicles.

I know this property is in the gateway corridor but please note that you are not able to see this property from the main road "Lake Lanier Islands Parkway." The only entrance to the property is on Holiday Rd. (across the street from my current residence, 5750 Holiday Rd). I have no problem with any of the guidelines laid out for the gateway corridor including a privacy fence all the way around the property, landscape and buffers but to pave this lot would cost north of $250,000. Because I intend to develop this into a very nice commercial or residential property later down the road, I would ask the board to grant me the opportunity to use my property without having to pave the lot for the time being.
ARIII… 17.110.030.
A. Parking Lot Use



NOTES:

1. ENTIRE PARKING AREA TO BE GRAVEL.
2. TOTAL PARKING = 96 SPACES.
3. THERE ARE NO NEW BUILDINGS PLANNED. FOR THIS PROJECT/SITE.
4. EXISTING ZONING IS AR-III.
5. PROPOSED ZONING IS H-B.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

Principled Engineering
1157 Evans Cook Rd
Canton, GA 30115
770-815-2622
Email: davidafoster1986@gmail.com

GEORGIA REGISTERED No. 25059 PROFESSIONAL ENGINEER DAVID A. FOSTER
GSWCC LEVEL II
CERTIFICATION #: 865

Client
CAMERON REEVES
5750 HOLIDAY ROAD
BUFORD, GA
770-861-3780
privateeyeproperties@gmail.com

HOLIDAY RD PARKING PLAN
5747 HOLIDAY RD
HALL COUNTY, GA

NO.	DATE	BY	DESCRIPTION

DATE
4-13-22

SHEET TITLE
REZONING PLAN

SHEET NO.

LEGEND

CTP = CRIMP TOP PIPE
IPF = IRON PIN FOUND
OTP = OPEN TOP PIPE
RBF = REBAR PIN FOUND
IPS = 1/2" REBAR PIN SET
R/W = RIGHT OF WAY
LL = LAND LOT
LLL = LAND LOT LINE
SSE = SANITARY SEWER EASEMENT
DE = DRAINAGE EASEMENT
UE = UTILITY EASEMENT
℄ = PROPERTY LINE
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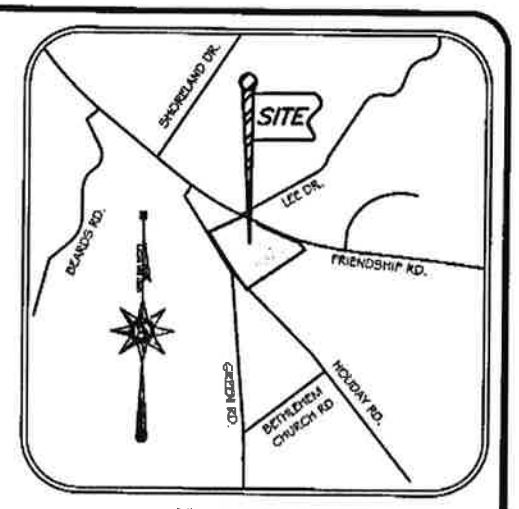
CB = CATCH BASIN
JB = JUNCTION BOX
DI = DROP INLET
HW = HEAD WALL
PP = POWER POLE
FH = FIRE HYDRANT
IE = INVERT ELEVATION
FFE = FINISHED FLOOR ELEVATION
-S- = SANITARY SEWER LINE/PIPE
=== = STORM SEWER LINE/PIPE
-X- = FENCE LINE
oooo FLOOD HAZARD ZONE LINE
N/F = NOW OR FORMERLY

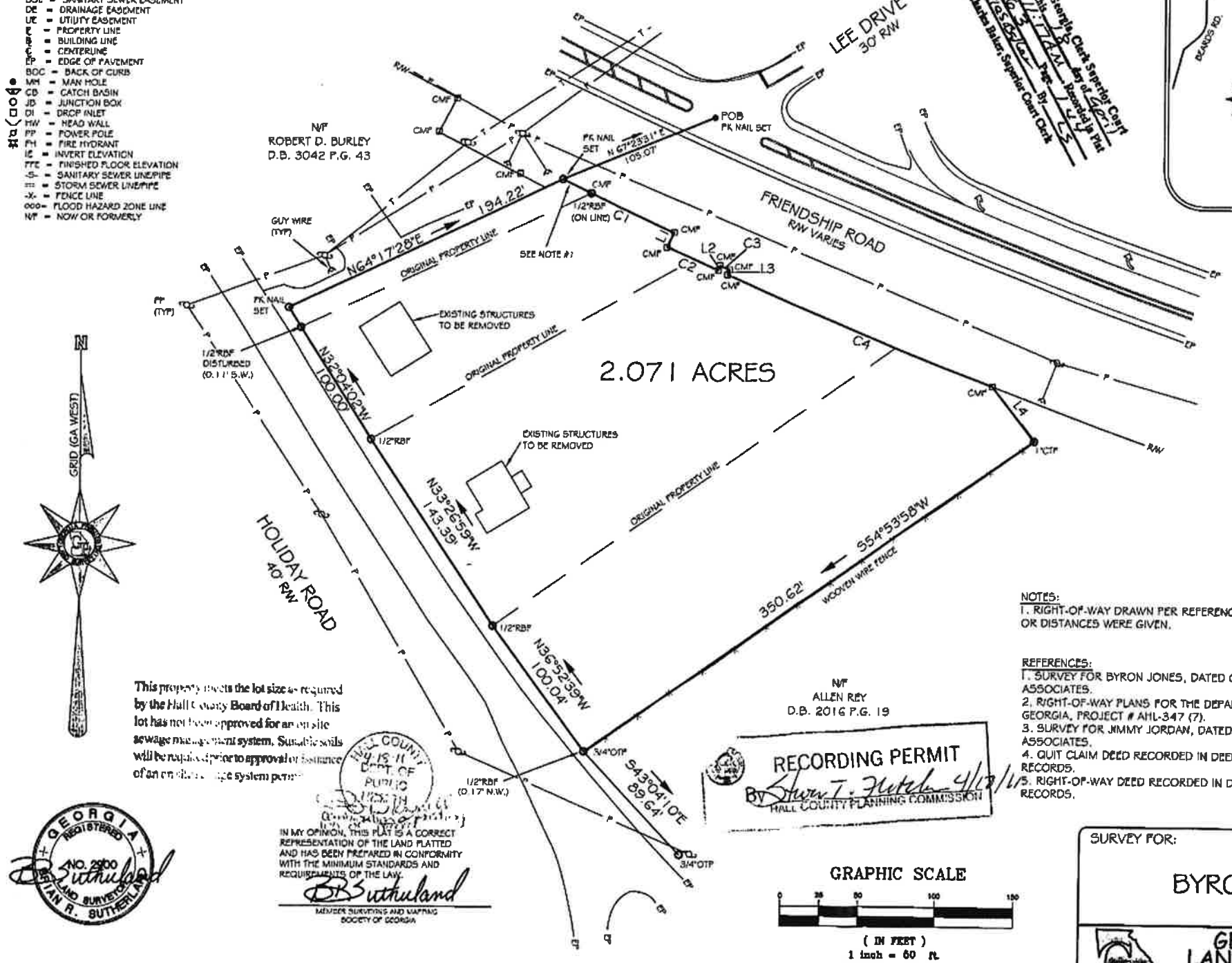
LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00	S24°54'30"W
L2	3.30	N24°18'01"E
L3	3.30	S24°11'05"W
L4	44.05	S37°40'58"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	78.07	3554.04	S64°25'33"E	78.07
C2	35.71	3364.04	S65°23'44"E	35.71
C3	6.77	3360.74	S65°45'27"E	6.77
C4	185.62	3364.04	S67°23'45"E	185.59

Hall County, Georgia Clerk Superior Court
Filed in office this 7th day of April 11
at 2:46 o'clock PM Recorded in Plat
Book 96 Page 43 By
Clerk Superior Court Clerk



VICINITY MAP
(NOT TO SCALE)



This property meets the lot size as required by the Hall County Board of Health. This lot has not been approved for an on site sewage management system. Suitable soils will be required prior to approval or issuance of an on site sewage system permit.

HALL COUNTY DEPT. OF PUBLIC HEALTH

GEORGIA REGISTERED NO. 2900 LAND SURVEYOR BRIAN R. SUTHERLAND

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

BB Sutherland
MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

RECORDING PERMIT
By Sharon T. Hutcheson 4/13/11
HALL COUNTY PLANNING COMMISSION

A TOPCON GTS-235 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 44,090 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 318,480 FEET AND CONTAINS 2.071 ACRES.

NOTES:
1. RIGHT-OF-WAY DRAWN PER REFERENCE #4, HOWEVER NO BEARINGS OR DISTANCES WERE GIVEN.

REFERENCES:
1. SURVEY FOR BYRON JONES, DATED 05-03-05, PREPARED BY CONROY & ASSOCIATES.
2. RIGHT-OF-WAY PLANS FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, PROJECT # AHL-347 (7).
3. SURVEY FOR JIMMY JORDAN, DATED 05-29-1980, PREPARED BY BORDERS AND ASSOCIATES.
4. QUIT CLAIM DEED RECORDED IN DEED BOOK 2984 PAGE 350, HALL COUNTY RECORDS.
5. RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 2326 PAGE 56, AFORESAID RECORDS.

GRAPHIC SCALE
0 30 60 100 150
(IN FEET)
1 inch = 60 ft.

SURVEY FOR:
BYRON H. JONES

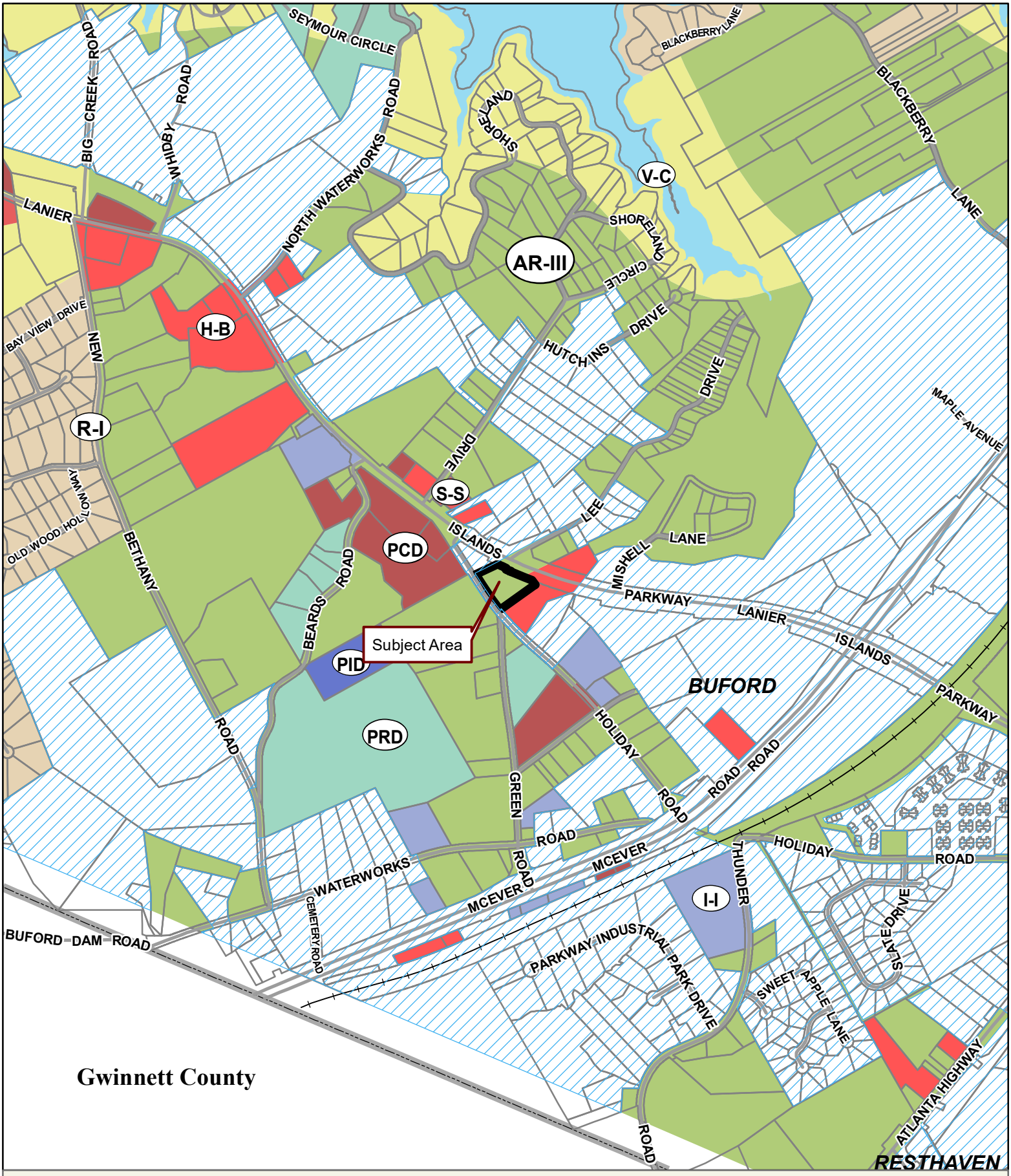
GEORGIA PREMIER LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYING SERVICES
859 PEEVY STREET
BUFORD, GEORGIA 30518
(770) 614-3004 FAX (770) 614-3956

No.	By	Date	Revision
1	RR	4/15/11	ADDRESS COUNTY COMMENTS

ACAD FILE: 09\09053\BOUNDARY.DWG 09053.CRD

Date: 06/06/09 Land Lot: 329 District: 7TH
County: HALL, GEORGIA Scale: 1"=50'
Project: 09053 Drawn By: JM
Sheet No. 1 OF 1

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

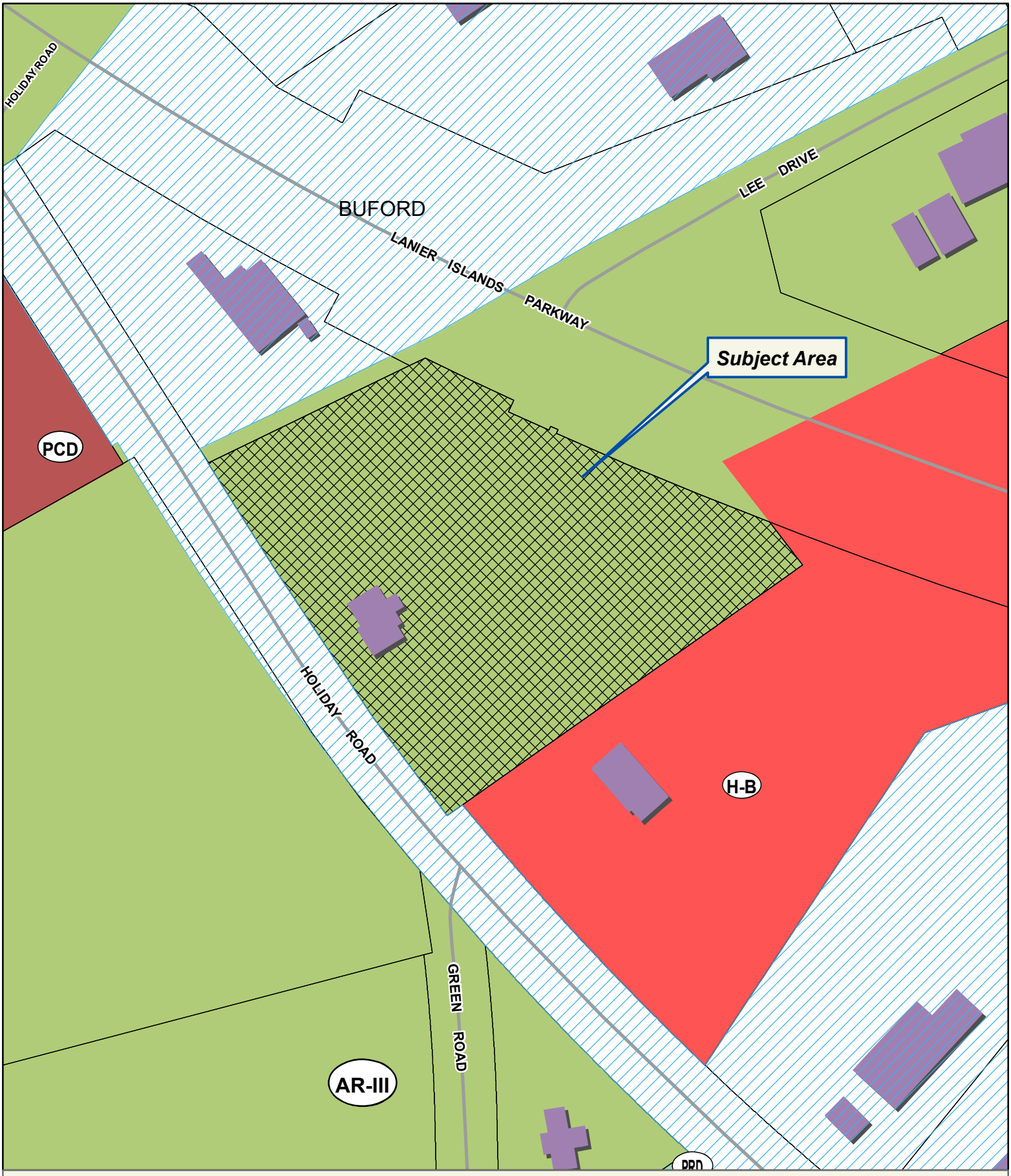


Applicant: CAMERON REEVES
Tax Parcel #: 07329 001006
Location: 5747 HOLIDAY ROAD, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date:** 06/06/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N



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Location: 5747 HOLIDAY ROAD, BUFORD, GA 30518
Commission District 2 **PC Mtg. Date:** 06/06/2022

0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

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Location: 5747 HOLIDAY ROAD, BUFORD, GA 30518
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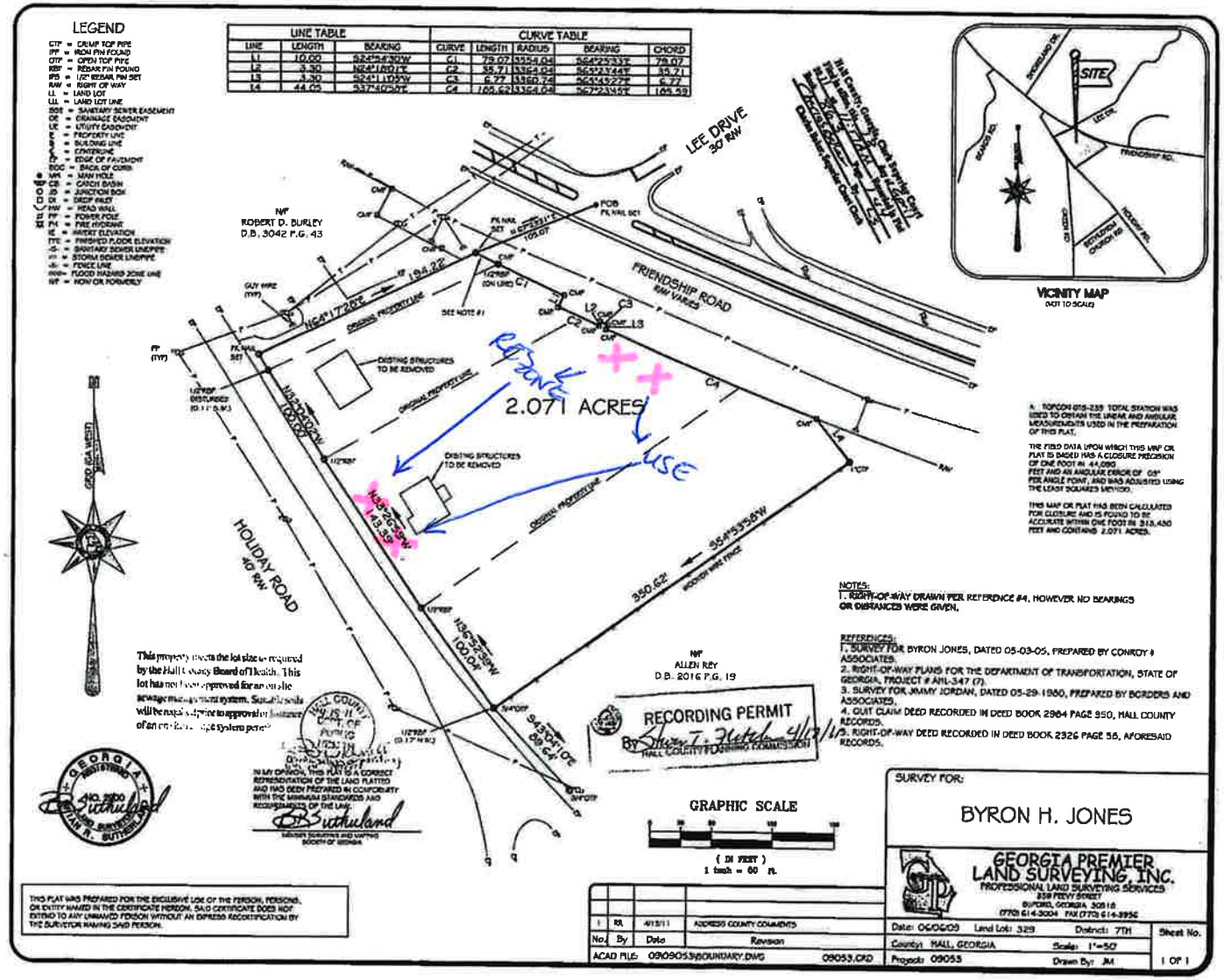
0 25 50 100
Feet

Zoning Boundary
City Limits
Subject Area

N


LEGEND
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FENCE LINE
FLOOD HAZARD ZONE LINE
N/F = NOW OR FORMERLY
LINE TABLE
CURVE TABLE
LEE DRIVE
30' R/W
FRIENDSHIP ROAD
R/W VARIES
HOLIDAY ROAD
40' R/W
N/F
ROBERT D. BURLEY
D.B. 3042 P.G. 43
N/F
ALLEN REY
D.B. 2016 P.G. 19
2.071 ACRES
REZONE
TO
USE
EXISTING STRUCTURES TO BE REMOVED
ORIGINAL PROPERTY LINE
POB
PK NAIL SET
IPF
IPS
CTP
RBF
N64°17'20"E 194.22'
N25°42'40"W 100.00'
N64°17'20"E 143.39'
N36°32'59"W 100.00'
S54°53'56"W 350.62'
S43°04'10"E 89.64'
SEE NOTE #1
GUY WIRE
WOOD/WIRE FENCE
VICINITY MAP
(NOT TO SCALE)
SITE
SHOREWOOD DR.
LEE DR.
FRIENDSHIP RD.
HOLIDAY RD.
SCHUMPERT CHURCH RD
GRID (GA WEST)
This property meets the lot size as required by the Hall County Board of Health. This lot has not been approved for use on the sewage management system. Suitable soils will be required prior to approval for issuance of an on-site sewage disposal system permit.
HALL COUNTY DEPT. OF PUBLIC HEALTH
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
GEORGIA REGISTERED NO. 2800 BRYAN R. SUTHERLAND
RECORDING PERMIT
By Sharon T. Hatch 4/13/11
HALL COUNTY PLANNING COMMISSION
GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.
NOTES:
1. RIGHT-OF-WAY DRAWN PER REFERENCE #4, HOWEVER NO BEARINGS OR DISTANCES WERE GIVEN.
REFERENCES:
1. SURVEY FOR BYRON JONES, DATED 05-03-05, PREPARED BY CONROY & ASSOCIATES.
2. RIGHT-OF-WAY PLANS FOR THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, PROJECT # ANL-347 (7).
3. SURVEY FOR JIMMY JORDAN, DATED 05-29-1980, PREPARED BY BORDERS AND ASSOCIATES.
4. QUIT CLAIM DEED RECORDED IN DEED BOOK 2984 PAGE 950, HALL COUNTY RECORDS.
5. RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 2326 PAGE 56, AFORESAID RECORDS.
A TOPCON GTS-235 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 44,080 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 313,450 FEET AND CONTAINS 2.071 ACRES.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR MAKING SAID PERSON.
SURVEY FOR:
BYRON H. JONES
GEORGIA PREMIER LAND SURVEYING, INC.
PROFESSIONAL LAND SURVEYING SERVICES
338 PEAVY STREET
BUFORD, GEORGIA 30518
(770) 614-3004 FAX (770) 614-3956
1 RR 4/13/11 ADDRESS COUNTY COMMENTS
No. By Date Revision
ACAD FILE: 090905S\BOUNDARY.DWG 09053.CRD
Date: 04/06/09 Land Lot: 329 District: 7TH
County: HALL, GEORGIA Scale: 1"=50'
Project: 09053 Drawn By: JM
Sheet No. 1 OF 1

Anael Dominguez (Planning)

From: Emily McGahee (Environmental Health)
Sent: Friday, May 13, 2022 1:18 PM
To: Anael Dominguez (Planning); Randi Doveton (Planning); Kevin McOmber (Planning)
Cc: Kelly Hairston (Environmental Health); Chad Harper (Environmental Health)
Subject: HCPC Tentative Agenda 6.6.22

Please find Environmental Health comments below:

Item 1, 7015 Kempton Court, Dixon: No comment. Public sewer.

Item 2, 3479 Chestatee Road, Draffin: All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements. Applicant was notified of Environmental Health requirements for plat approval on April 4, 2022.

Items 3 & 4, 5747 Holiday Road, Reeves: No comment.

Item 5 & 6, 4726 Shirley Road, Norris Development: Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, existing septic system evaluation, or septic system installation/modification may be required after review of business plan. Tourist Accommodation permit/plan review and/or Food Service permit/plan review may be required after review of business plan.

Emily McGahee
Hall County Environmental Health
Hall County Government Center – 3rd Floor
2875 Browns Bridge Road
Mailing: PO Box 5901
Gainesville, GA 30504
(770) 531-3973
(770) 531-6767 (fax)

http://dph.georgia.gov/environmental-health (State Website)
http://www.phdistrict2.org/HallCounty.htm (District Website)
http://www.hallcounty.org/devserv/environmental.asp (County Website & Forms)

Anael Dominguez (Planning)

From: Niebauer, Parker J <PNiebauer@dot.ga.gov>
Sent: Wednesday, May 18, 2022 8:55 AM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Cc: Peevy, Jonathan; Chavers, Veronica E
Subject: RE: Tentative Planning Agenda for June 6, 2022

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see comments below in red

Thank you,

Parker Niebauer
D1TO Traffic Operations Supervisor

GDOT Georgia Department of Transportation

District 1 Division of Field Services
1475 Jesse Jewell Pkwy
Suite 100
Gainesville, GA, 30501
770.533.8275 office
770.519.3223 cell

From: Anael Dominguez (Planning) <adominguez@hallcounty.org>
Sent: Thursday, May 12, 2022 10:18 AM
To: Becky Ruffner (Parks & Leisure) <bruffner@hallcounty.org>; Bill Nash (Public Works) <bnash@hallcounty.org>; Brandi Smith (Business License) <bsmith@hallcounty.org>; Bryan Cash (Fire Services) <bcash@hallcounty.org>; Chad Harper (Environmental Health) <charper@hallcounty.org>; Chris Braswell (Planning) <cbraswell@hallcounty.org>; Christopher Armstrong (Fire Services) <carmstrong@hallcounty.org>; Dan Barnes <Daniel.C.Barnes@usace.army.mi>; Emily McGahee (Environmental Health) <emcgahee@hallcounty.org>; Frank Miller (Engineering) <fmiller@hallcounty.org>; Dykes, Jason <jdykes@dot.ga.gov>; Jason Skarda (Engineering) <jskarda@hallcounty.org>; Jeremy Wills <jeremy.wills@gainesville.org>; John Hornick (Fire Services) <jhornick@hallcounty.org>; Peevy, Jonathan <jpeevy@dot.ga.gov>; Kelly Hairston (Environmental Health) <khairston@hallcounty.org>; Lamar Carver (Building Inspection) <lcarver@hallcounty.org>; Matt Cox <matt.cox@hallco.org>; Mike Little (Parks and Leisure) <mlittle@hallcounty.org>; Nicole Griffin (Tax Assessors) <nicole.griffin@hallcounty.org>; nswafford <nswafford@gainesville.org>; Pam Cravero <Pam.Cravero@hallco.org>; PlanningDirectorTemp <planningdirectortemp@hallcounty.org>; Niebauer, Parker J <PNiebauer@dot.ga.gov>; Randi Doveton (Planning) <rdoveton@hallcounty.org>; rich <rich@flowerybranchga.org>; Scott Puckett <spuckett@hallcounty.org>; Srikanth Yamala (Public Works) <syamala@hallcounty.org>; Stephen Cain <troy.s.cain@usace.army.mil>; Steve Watson (Real Property) <rswatson@hallcounty.org>; Tammie Croy (Engineering) <tcroy@hallcounty.org>; Tracy Gilreath (Tax Assessors) <tgilreath@hallcounty.org>; Wanda Moreno (Engineering) <wmoreno@hallcounty.org>; will schofield <will.schofield@hallco.org>
Subject: Tentative Planning Agenda for June 6, 2022

Good morning,
Here is the Tentative Agenda and Maps for the Monday, June 6, 2022 Hall County Planning Commission Meeting. Please use the links to review the documents and respond with comments to Hall County Planning and Development. Failure to provide comments in a timely manner may result in the information not being included in the staff report. When submitting comments, please include the name of the applicant along with the address of the property with the corresponding comment.

Comments are due by Thursday, May 19, 2022. Email comments to Randi (rdoveton@hallcounty.org) and Ana (adominguez@hallcounty.org).

Thank you–

CALL TO ORDER

AGENDA REVIEW

APPROVAL OF MINUTES – May 16, 2022

NEW BUSINESS

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.
   GDOT Coordination unlikely, though I could not tell what is proposed for the property

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.
   No GDOT Coordination required

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.
   If access is from Holiday Rd and no work is being done in GDOT R/W – no further coordination is required. If either of these conditions are not met, GDOT Coordination will be required.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.
   No GDOT Coordination required

*The Planning Commission's decision will be the final action taken unless appealed to the Board of Commissioners. To do so, file an application with the Planning Department within five working days of the Planning Commission's decision.

The Hall County Board of Commissioners will hear appeals at a public hearing Thursday, July 14, 2022 at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

**The Planning Commission's recommendation will be forwarded to the Board of Commissioners for final action at a public hearing on Thursday, July 14, 2022. The Board will meet at 6:00 p.m. at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia.

Ana Dominguez
Planning Commission Clerk
Hall County Government
2875 Browns Bridge Road, Gainesville, GA 30504
www.hallcounty.org | 770-531-6810

HALL COUNTY
GEORGIA
We have it all in Hall

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HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

M E M O R A N D U M

To: Randi Doveton, Director of Planning and Development

From: Srikanth Yamala, Director of Public Works and Utilities

Date: May 19, 2022

Subject: June 6, 2022 Hall County Planning Commission Agenda

Please be advised that our office has reviewed the Hall County Planning Commission agenda for the June 6, 2022 meeting. Upon review, we provide the following comments:

1. Application of Clint Dixon for a front yard setback variance from 25 feet to 24 feet on a .29± acre tract located on the south side of Kempton Court at its terminus; a.k.a. 7015 Kempton Court; Zoned PRD; Tax Parcel 15042 000491. Proposed Use: single family home. * Commission District 1.

    a) **Engineering:** No comments.
    b) **Traffic:** No comments.
    c) **Utilities:** No comments.

2. Application of James and Linda Draffin for a Use Subject to County Commission approval on a 6.7± acre tract located on the south side of Chestatee Road approximately 232 feet from its intersection with North Harbour Court; a.k.a. 3479 Chestatee Road; Zoned R-I; ; Tax Parcel 10048 000013. Proposed use: 2-lot minor subdivision. ** Commission District 2.

    a) **Engineering:** Further subdivision of these lots will result in the necessity of a stormwater management plan, if the total number of lots reaches more than six. Show flood zone.
    b) **Traffic:** Proposed driveway will need to meet County Driveway Regulations.
    c) **Utilities:** No comments.

3. Application of Cameron Reeves to rezone from Agriculture Residential-III (AR-III) to Highway Business (H-B) on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

    a) **Engineering:** The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
    b) **Traffic:** Driveway will need to be permitted by the City of Buford.
    c) **Utilities:** No comments.

HALL COUNTY
GEORGIA

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.531.6800 | f: 770.531.3945

SRIKANTH YAMALA
Director

BILL NASH, P.E.
Assistant Director

FRANKLIN P. MILLER, P.E.
County Engineer

Hall County Government

PUBLIC WORKS AND UTILITIES
ENGINEERING DIVISION

4. Application of Cameron Reeves for a Use Subject to County Commission approval on a 2.07± acre tract located on the north side of Holiday Road approximately 547 feet from its intersection with Lanier Islands Parkway; a.k.a. 5747 Holiday Road; Zoned AR-III; ; Tax Parcel 07329 001006. Proposed use: parking lot. ** Commission District 2.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Driveway will need to be permitted by the City of Buford.
   c) Utilities: No comments.

5. Application of Norris Development to rezone from Vacation Cottage (V-C) to Agricultural Residential-III (AR-III) on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

6. Application of Norris Development for a Use Subject to County Commission approval on a 7.9± acre tract located on the south side of Shirley Road approximately 653 feet from its intersection with Destitute Way; a.k.a. 4726 Shirley Road; Zoned V-C; Tax Parcel 10128 000049. Proposed use: event venue. ** Commission District 3.

   a) Engineering: The site may require a stormwater management report, should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage.
   b) Traffic: Recommend the driveway (shown as nine feet in width) be improved to accommodate two-way traffic.
   c) Utilities: No comments.

Anael Dominguez (Planning)

From: John Hornick (Fire Services)
Sent: Thursday, May 12, 2022 4:55 PM
To: Randi Doveton (Planning); Anael Dominguez (Planning)
Subject: Fire Comments

Good Afternoon,

The Hall County Fire Marshal's Office will have comments regarding fire apparatus accessibility and life safety on items 4 & 5 if approved.

Regards,

John Hornick, NPQ Fire Inspector 1, Plans Review
Lieutenant, Hall County Fire Rescue
Hall County Government
Main: 770-531-6838 | Cell: 404-597-0083
Website: www.Hallcounty.org

Print

Board of Commissioners Voting Meeting Comments - July 14, 2022 - Submission #57818

Date Submitted: 7/12/2022

Comments completed in the form below will be submitted into the record for the July 14, 2022 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Bethany

Last Name*

Alberto

Address1*

5730 Holiday road

Address2

City*

Buford

State*

ga

Zip*

30518

Item for Comment*

Application of Cameron Reeves

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

This property has been a serious nuisance ever since it started in January. Semi trucks run constantly every night making a static vibration in our home. The truck lot has increased amounts of littering, and debris on road. I have them on video dumping in the lot across from our property. There is also a lot of semi truck traffic on Green road. They use their Jimmy brakes frequently, making it extremely irritating to be outside. The large trucks are also destroying Green road that is residential. Large potholes and destructing to the road that is never fixed properly. Cameron has been running this illegally for months and is still doing so. I have called authorities on multiple occasions and it seems to not solve the problem. Cameron has also failed to put up any sort of buffer such as trees. There are also mechanics working constantly at the truck lot and it there is never a pause during the weekends, making this a constant commotion in our neighborhood.

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

lake.lawns.buford@gmail.com

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

Print

Board of Commissioners Voting Meeting Comments - July 14, 2022 - Submission #57784

Date Submitted: 7/11/2022

Comments completed in the form below will be submitted into the record for the July 14, 2022 Voting Meeting of the Hall County Board of Commissioners.

First Name*

Kelly

Last Name*

Jamieson

Address1*

5724 Green Road

Address2

City*

Buford

State*

GA

Zip*

30518

Item for Comment*

Application of Cameron Reeves

Select from the list below which item you would like to register a comment on. Items are listed in the order in which they appear on the agenda.

Your Comments*

This property was already being used as 18 wheeler parking lot in the last few months, bringing additional traffic and noise all hours of the days. We as adjacent property owners we are opposed to further commercial zoning that will increase this activity. We have new residential houses going up as it is to further our residential street.

Please write your comments in the box above.

File Upload

Choose File No file chosen

If you have files, such as photos, videos or text documents to include with your comments, upload them in the box above.

Follow-up Communication

Would you like a Hall County staff member to follow up with you? If so, please leave your email address or phone number in the box above. Otherwise, leave this box blank.

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: CAMERON REEVES
REQUEST: USE SUBJECT TO BOC FOR ADDITIONAL PARKING ON OTHER THAN PRINCIPAL LOT
PUBLIC HEARINGS WILL BE HELD ON:
PLANNING COMMISSION
Date: 6.6.22
Time: 5:15PM
AND
COUNTY COMMISSION
Date: 7.14.22
Time: 6:00 PM
HALL COUNTY GOVERNMENT CENTER, 2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA
FOR MORE INFORMATION CALL: (770) 531-6800
ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: CAMERON REEVES
REQUEST: REZONE FROM AR III TO H-B FOR ADDITIONAL PARKING ON OTHER THAN PRINCIPAL LOT
Date: 6.6.22
Time: 5:15PM
AND
Date: 7.14.22
Time: 6:00 PM
FOR MORE INFORMATION CALL: (770) 531-6800

ZONING NOTICE
ZONING NOTICE

AGENDA ITEM

Public Hearing to amend Hall County's Zoning Map as follows:

REPORT TO: **Work Session (07/11/22)**

REPORT TO: **Voting Meeting (07/14/22)**

ITEM NO: 347/2022

SUBJECT: Public Hearing to consider variance for Glen Motes from Hall County common access driveway requirements on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

Meetings:

Work Session Date: 07/11/22 **Voting Meeting Date:** 07/14/22

Executive Summary:

Presenter: RD

Recommendation:
Approve.

Purpose of Request:
Public Hearing to consider variance for Glen Motes from Hall County common access driveway requirements on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

History:

Facts and Issues:

Options:

Funding Requested	$ 0.00
Are funds within current budget?	No
Source of Funds	
Does the action involve a Resolution, Ordinance, Contract, Agreement, etc.?	No
Has it been reviewed by the County Attorney?	Yes
Is there a deadline for this item?	

Approvals:

Submit	Approve	Budget	Finance
AD	RD	EW	NB

Attorney	Administration	Clerk
WLI	LJ	JR

Attachments:

Board Memo
Recommendation Report
BOC Letter
Plat
Maps
Legal Ad
Notice Sign Photo

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GAINESVILLE, GA 30503

t: 770.531.6809 | f: 770.531.3902

INTERIM DIRECTOR
Srikanth Yamala

Hall County Government
PLANNING & DEVELOPMENT

To: Richard Higgins, Chairman
Kathy Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

From: Randi Doveton, Director

Date: July 7, 2022

Subject: Public Hearing to consider variance from Hall County common access driveway requirements on a five (5) lot subdivision located on a 46.86± acre tract on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Commission District 3.

At the February 24, 2022 meeting, the Hall County Board granted approval of a minor subdivision. The request included lot width variances but did not specify that the existing drive would be allowed to remain the only access to all 5 newly created parcels.

There have been no changes to the request since the Planning Commission took action. **This is a variance to correct a staff report omission and allow approval of the plat.** The lot configuration remains the same.

During plat review it was discovered that the minimum common access drive requirements as found in Section 12.40.220, were not being met and a variance from the Board of Commissioners for that standard would be required prior to plat approval.

The following language will be added to the plat as well as the deed for each lot created:

Purchaser understands that to the extent that the property is accessed through the current common access driveway, the current common access driveway is not maintained by Hall County, does not meet Hall County's common driveway standards, and may not be accessible to emergency vehicles.

All other conditions of approval imposed on February 24, 2022, and provided in the action letter dated March 1, 2022, remain in effect.

HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT

Applicant	Glenn Motes
Request	Use Subject to County Commission Approval
Proposed Use	5-lot subdivision
Size	46.86± acres
Zoning	AR-IV
Location	On the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Tax Parcel 11078 000004.
Commission District	Three
Planning Commission Date	January 18, 2022
Staff Recommendation	**Approval, with conditions**

Planning Commission Recommendation – Approve, with conditions
Vote: 4-0 (Varner absent)

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
2. *A road frontage variance of 50' shall be granted for tract 2 and 3.*
3. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
4. *All conditions of zoning shall be made part of any plat created for the subdivision.*

Applicant Proposal

The applicant is seeking approval for a use subject to County Commission for the subdivision of 46.86± acres into five lots. The applicant did not submit a narrative, but did provide a site plan showing the proposed subdivision of the property into five lots measuring approximately 5.00± acres for Tract 1 and Tract 5, 18.18± acres for Tract 2, 10.52± acres for Tract 3, and 8.61± acres for Tract 4.

According to Georgia Department of Transportation (GDOT) road classifications, Old Dahlonega Highway is as a major collector road; §16.50.040 of the Official Code of Hall County states that in any subdivision not involving the construction of new roads and in any minor subdivision (as defined by the Hall County zoning regulations), all new lots accessing a road designated as an arterial or collector shall have a minimum frontage of 150 feet. Of the five new tracts, only Tracts 1, 4, and 5 meet the road frontage requirement of a minimum of 150 feet for Old Dahlonega Highway. A variance for a reduced road frontage should be required for Tract 2 from 150 feet to 50 feet and Tract 3 from 150 feet to 50 feet. All three tracts meet minimum lot area requirements for property zoned AR-IV.

History and Existing Land Uses

The subject property is approximately 46.86± acres, is zoned Agricultural-Residential-IV (AR-IV), and is inundated by the FEMA and Future County floodplains at the northern property line. It is currently developed with a single-family residence built in 2001, an inground pool built in 2018, a horse arena, and multiple agricultural accessory buildings. As depicted on the proposed site plan, Tract 2 will include the single-family residence, pool, and a majority of the agricultural accessory structures and Tract 4 will include the horse arena and two sheds. Tracts 1, 3, and 5 is proposed as vacant lots. Adjacent zoning is also designated as AR-IV and is a mix of vacant and developed properties with agricultural and residential uses.

This appears to be the original zoning for the subject property; no previous zoning actions have been identified.

Comprehensive Plan Land Use Designation

The subject property is located within the “Rural Residential” land use designation. These designations are characterized by low density single-family residential uses with deep setbacks from the road. The primary future land uses include: agricultural/forestry uses; low-density detached single-family residences, including the use of Conservation Subdivision design that sets aside a high percentage of open space within a new neighborhood; civil benefit uses such as parks, places of worship, schools, community centers, and county services; and greenways and trails.

This use is consistent with the Comprehensive Plan.

Significant Factors

§17.380.130 of the Hall County Zoning Regulations states that the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.

Hall County Environmental Health
In an email dated December 30, 2021, Emily McGahee stated, “All proposed lots must meet Hall County Board of Health Lot Size Resolution requirements.”

Hall County Public Works and Utilities
In a memo dated December 30, 2021, Srikanth Yamala, Director of Hall County Public Works and Utilities, provided the following comments:

Engineering
No comment.

Traffic
If the existing driveway is to be utilized as a common drive, then it will need to meet Hall County Common Access Driveway requirements.

Utilities
No comments.

Hall County Tax Assessors
In an email dated December 23, 2021, Nicole Griffin, Appraisal Systems Coordinator of Hall County Tax Assessors, stated, "Under new business #4 will result in a breach of the CUVA. They are wanting to create a 5 lot subdivision on parcel 11078 000004. This CUVA started in 2017."

Zoning Analysis

- The proposed use request is consistent with the Comprehensive Plan.
- §17.20.1210 of the Hall County Zoning Regulations defines a *subdivision* as the division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale, legacy, a new street or a change in existing streets, and includes resubdivision.
    - Within the AR-IV zoning district, subdivisions of land are recognized as a permitted Use Subject to approval of the Hall County Board of Commissioners.
- §17.240.010 of the Official Code of Hall County designates lots within AR-IV zoning districts with public water supply to be a minimum 43,560 square feet (1 acre) in size or with well water supply to be a minimum 63,340 square feet (1.5 acres) in size.
    - Each of the proposed lots **meet** this standard.
- §16.50.040 of the Official Code of Hall County designates lots within all zoning districts to have a minimum 150 feet of lot frontage when along roads designated arterials or collectors. Old Dahlonega Highway is designated as a major collector according to the Georgia Department of Transportation (GDOT).
    - Tracts 1, 4, and 5 **meets** the minimum road frontage requirements. Tracts 2 and 3 **do not meet** the minimum road frontage requirements.

Staff Recommendation

Staff recommends **approval** of the applicant's request with the following conditions:

1. Prior to the issuance of any building permits, a recorded plat shall be required.
2. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:

"Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."

3. All conditions of zoning shall be made part of any plat created for the subdivision.

Excerpts from minutes of Planning Commission meeting on January 18, 2022:

Background Information:

The applicant is seeking approval for a use subject to County Commission for the subdivision of 46.86± acres into five lots. The applicant did not submit a narrative, but did provide a site plan showing the proposed subdivision of the property into five lots measuring approximately 5.00± acres for Tract 1 and Tract 5, 18.18± acres for Tract 2, 10.52± acres for Tract 3, and 8.61± acres for Tract 4.

Applicant's Presentation:

Srikanth Yamala, Interim Director, presented a summary of the request.

Payton Davis, 133 Prominence Court, Suite 210, Dawsonville, presented the request. Mr. Braswell questioned if the site plan has been updated. Stated the property line between tract 2 and 3 may alter some, due to including an open pasture with tract 2. Mr. Davis stated all tracts would access the driveway.

Zach Tibbs, Norton Commercial (address not provided) also presented the request.

Public Forum:

There were no comments in favor or opposition.

Planning Commission Comments:

Mr. Hunt questioned if the lot size requirements were met and if a variance was still needed for tract 2 and 3. Mr. Braswell questioned on tract 2 and 3, the 50' variance requests. Mr. Hunt questioned the driveway.

***Motion:* A motion to approve with conditions, was made by Mr. Hunt and seconded by Mr. Bell, per amended site plan shown today. Vote: 4-0**

Conditions:

1. *Prior to the issuance of any building permits, a recorded plat shall be required.*
2. *A road frontage variance of 50' shall be granted for tract 2 and 3.*
3. *The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property:*
   "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
4. *All conditions of zoning shall be made part of any plat created for the subdivision.*

HALL COUNTY
GEORGIA
*We have it **all** in Hall*

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8288 | f: 770.531.3972

CHAIRMAN
Richard P. Higgins

Kathy L. Cooper, District 1
Billy Powell, District 2
Shelly Echols, District 3
Jeff Stowe, District 4

COUNTY ADMINISTRATOR
Jock A. Connell

ASSISTANT
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Marty Nix

ASSISTANT
COUNTY ADMINISTRATOR
Zachary T. Propes

COUNTY CLERK
Lisa A. Ritchie

Hall County Government
BOARD OF COMMISSIONERS

March 1, 2022

Glenn Motes
6526 Old Dahlonega Highway
Dahlonega, GA 30533

RE: **Application for a Use Subject**

Glenn Motes:

Please be advised that in its Meeting on February 24, 2022, the Hall County Board of Commissioners voted to approve the following application with the listed conditions:

Application of Glenn Motes for a Use Subject to County Commission approval on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

CONDITIONS:

1. Prior to the issuance of any building permits, a recorded plat shall be required.
2. A road frontage variance of 50' shall be granted for tract 2 and 3.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
4. All conditions of zoning shall be made part of any plat created for the subdivision.

"Pursuant to section 17.380.13 of the Official Code of Hall County, the approval of any application for a use subject to approval of the County Commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to

implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business."

Please contact me if you have questions or if you require any additional information concerning this action of the Board.

Sincerely,

Lisa A. Ritchie
Hall County Commission Clerk

cc: Davis Engineering & Surveying
Attn: Payton Anderson
133 Prominence Court, Suite 210
Dawsonville, GA 30534

Srikanth Yamala, Interim Planning & Development Director

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

~LEGEND~

O	CALCULATED POSITION	RB	REBAR
●	IRON PIN FOUND/SET (IPF/IPS)	SR	SOLID ROD
⊠	MONUMENT	OCS	OUTLET CONTROL STRUCTURE
C/L	CENTERLINE	CPP	CORRUGATED PLASTIC PIPE
CTP	CRIMPED TOP PIPE	GI	GRATE INLET
DB	DEED BOOK	DI	DROP INLET
N/F	NOW OR FORMERLY		SANITARY SEWER MANHOLE (SSMH)
OTP	OPEN TOP PIPE		LIGHTPOLE
PB	PLAT BOOK		CLEANOUT
PG	PAGE		
P/L	PROPERTY LINE		
⊠	TELEPHONE PED. (T.P.)	(ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)	
	FIRE HYDRANT (FH)		ADJOINER
	WATER METER (WM)		LAND LOT LINE (L.L.L.)
	WATER VALVE (WV)		RIGHT OF WAY (R/W)
	POWER BOX (PBX)		FENCE
	POWER POLE (PP)	OHP	OVERHEAD POWER

~ZONING INFORMATION~

COUNTY: HALL
ZONE: AR-IV
SETBACK REQUIREMENTS:
FRONT: 40'
REAR: 25'
SIDE: 15'

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.

FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 17,415 FEET, AND AN ANGULAR ERROR OF 3 SECOND PER ANGLE.

FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 504,205 FEET.

THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND THUS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT.

THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

TYPE OF SURVEY: DIVISION

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB 6627, PG 489

PROPERTY OWNERS AS OF SURVEY DATE:
NOLIE J. MOTES

PARCEL NUMBER: 11078 000004

~SURVEY NOTES~

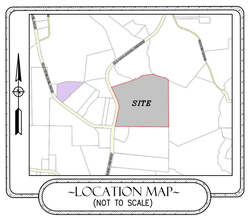
PREPARED BY
DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT
SUITE 210
DAWSONVILLE, GA 30534
PHONE: (706) 265-1234
DAVISENGINEERS.COM

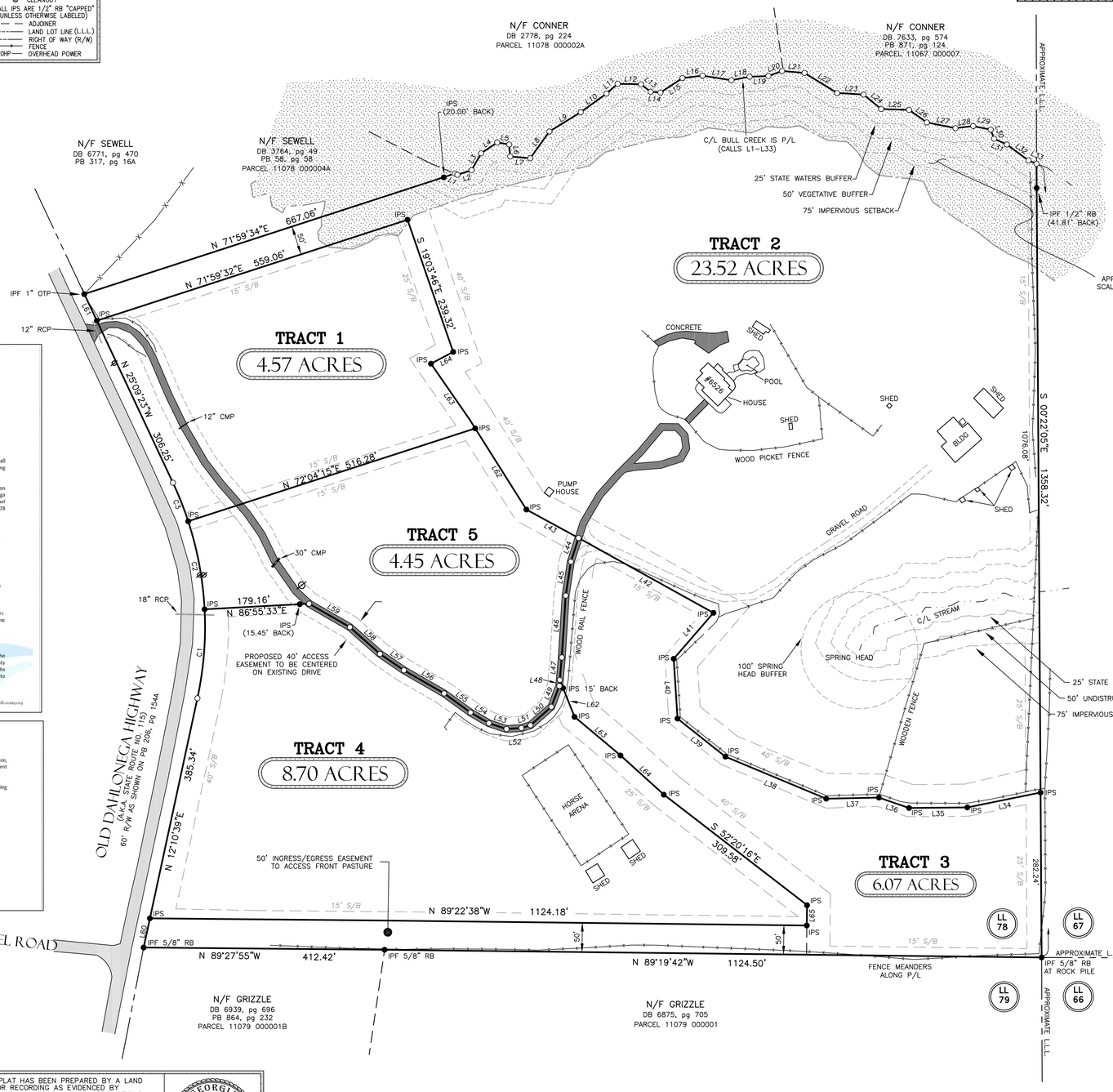
CERTIFICATE OF AUTHORIZATION NUMBER - LSF 000509

DIVISION SURVEY FOR: NOLIE & GLENN MOTES

PARCEL ID: 11078 000004

~LOCATION MAP~
(NOT TO SCALE)





LINE	BEARING		DISTANCE
L1	S 82°11'45"	E	4.59'
L2	N 71°55'23"	E	25.59'
L3	N 29°28'10"	E	33.14'
L4	N 58°01'24"	E	33.26'
L5	S 80°35'10"	E	20.78'
L6	S 04°38'28"	E	20.66'
L7	S 84°54'05"	E	34.40'
L8	N 25°40'04"	E	56.48'
L9	N 58°22'21"	E	62.90'
L10	N 54°12'33"	E	54.38'
L11	N 48°33'51"	E	25.37'
L12	S 88°46'20"	E	40.04'
L13	S 51°58'24"	E	20.87'
L14	S 85°29'05"	E	16.74'
L15	N 56°39'16"	E	45.23'
L16	N 83°13'34"	E	34.62'
L17	S 80°58'41"	E	50.02'
L18	N 79°01'10"	E	31.67'
L19	N 87°50'39"	E	32.19'
L20	N 69°48'54"	E	24.91'
L21	S 85°05'14"	E	38.54'
L22	S 58°27'25"	E	65.57'
L23	S 86°31'57"	E	45.28'
L24	S 50°36'20"	E	38.95'
L25	S 88°12'39"	E	47.85'
L26	S 54°44'11"	E	37.12'
L27	S 78°56'15"	E	50.06'
L28	N 83°09'42"	E	30.65'
L29	S 78°12'04"	E	30.64'
L30	S 20°10'43"	E	16.40'
L31	S 51°06'56"	E	22.38'
L32	S 60°48'13"	E	47.58'
L33	S 87°17'59"	E	14.83'
L34	S 78°29'43"	W	127.88'
L35	S 89°28'53"	W	99.85'
L36	N 70°57'17"	W	54.43'
L37	S 88°48'22"	W	90.28'
L38	N 67°21'38"	W	186.86'
L39	N 51°31'43"	W	104.75'
L40	N 03°38'51"	W	102.54'
L41	N 40°51'57"	E	103.92'
L42	N 60°57'30"	W	264.08'
L43	N 61°23'56"	W	101.56'
L44	S 17°58'00"	W	42.67'
L45	S 08°42'19"	W	58.51'
L46	S 03°33'06"	W	106.28'
L47	S 05°02'00"	W	38.61'
L48	S 05°39'41"	W	10.24'
L49	S 20°41'20"	W	38.23'
L50	S 48°29'18"	W	47.72'
L51	S 72°48'19"	W	16.21'
L52	S 86°23'12"	W	25.58'
L53	N 71°52'33"	W	31.63'
L54	N 59°47'43"	W	36.52'
L55	N 54°03'41"	W	55.75'
L56	N 60°05'41"	W	79.33'
L57	N 55°36'16"	W	49.78'
L58	N 48°24'56"	W	68.72'
L59	N 60°01'28"	W	80.56'
L60	N 12°10'39"	E	51.05'
L61	N 25°09'23"	W	50.40'
L62	N 32°14'48"	W	164.20'
L63	N 34°21'50"	W	134.19'
L64	N 62°04'25"	E	43.01'

Curve	Radius	Length	Chord	Chord Bear.
C1	580.00'	153.18'	152.73'	N 04°36'42" E
C2	580.00'	153.68'	153.23'	N 10°32'41" W
C3	580.00'	71.06'	71.01'	N 21°38'42" W

NOTES:

FUTURE FLOOD NOTE:
FLOOD NOTE: BASED ON AN INTERPRETATION OF FLOOD INSURANCE RATE MAP NO. 13139C0059G, EFFECTIVE DATE 4/4/2018, A PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD PRONE AREA. IF THE ACCURATE LOCATION AND/OR ELEVATION OF THE FLOOD HAZARD IS REQUIRED A DETAILED STUDY MAY BE NECESSARY..

MUST NOTIFY HALL COUNTY ENVIRONMENTAL HEALTH DEPARTMENT BEFORE BURIAL OF MULCH, ORGANIC DEBRIS, TRASH OR OTHER MATERIAL, AND WHEN SETTING UP BURN PITS.

IF THE PROPERTY IS LOCATED IN THE NORTH OCONEE WATERSHED DISTRICT, THEN ADDITIONAL STREAM BUFFERS AND IMPERVIOUS SETBACKS MAY BE REQUIRED FOR COMPLIANCE (HALL COUNTY CODE § 17.225.040)

ANY STREAM OR STATE WATER LOCATED ON THIS PROPERTY MAY BE SUBJECT TO A 50 FOOT UNDISTURBED NATURAL VEGETATIVE BUFFER AND A 75 FOOT IMPERVIOUS SURFACE SETBACK. (HALL COUNTY CODE § 8.170.070)

IF THE RESIDENTIAL PROPERTY IS SUBDIVIDED INTO SEVEN LOTS OR MORE WITH ALL LOTS ACCESSING EXISTING HALL COUNTY, GEORGIA ROADS, THEN STORMWATER MANAGEMENT IS REQUIRED FOR COMPLIANCE. (HALL COUNTY CODE § 8.180.120 AND § 8.180.130)

NO MOBILE HOMES ALLOWED ON LOTS.

NO MORE THAN ONE HOME AND FOUR ACCESSORY STRUCTURES PLACED ON THE SUBJECT PROPERTY PRIOR TO JANUARY 1ST, 2050. A CARRIAGE HOUSE OR DETACHED GARAGE FOR THE HOME WILL NOT BE COUNTED AS AN ACCESSORY STRUCTURE BUT RATHER A PART OF THE HOME. AN ACCESSORY STRUCTURE WILL BE DEFINED AS ANY STRUCTURE EXCEEDING 12' x 16' FOOTPRINT (192 SF) AND/OR NORMALLY REQUIRING A BUILDING PERMET. THESE MINIMUM RESTRICTIONS SHALL BE PLACED ON TRACTS 1.3.4. AND 5.

PURCHASER UNDERSTANDS THAT TO THE EXTENT THAT THE PROPERTY IS ACCESSED THROUGH THE CURRENT COMMON ACCESS DRIVEWAY, THE CURRENT COMMON ACCESS DRIVEWAY IS NOT MAINTAINED BY HALL COUNTY, DOES NOT MEET HALL COUNTY'S COMMON DRIVEWAY STANDARDS, AND MAY NOT BE ACCESSIBLE TO EMERGENCY VEHICLES.

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"We know it all in Hall"

Hall County Government
BOARD OF COMMISSIONERS

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GAINESVILLE, GA 30503
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ADDISTANT COUNTY ADMINISTRATOR
Zachary T. Propes

COUNTY CLERK
Lisa A. Ritchie

March 1, 2022

Glenn Motes
6526 Old Dahlonega Highway
Dahlonega, GA 30533

RE: **Application for a Use Subject**

Glenn Motes:

Please be advised that in its Meeting on February 24, 2022, the Hall County Board of Commissioners voted to approve the following application with the listed conditions:

Application of Glenn Motes for a Use Subject to County Commission approval on a 46.86± acre tract located on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Proposed use: five (5) lot subdivision. Commission District 3.

CONDITIONS:
1. Prior to the issuance of any building permits, a recorded plat shall be required.
2. A road frontage variance of 50' shall be granted for tract 2 and 3.
3. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
4. All conditions of zoning shall be made part of any plat created for the subdivision.

"Pursuant to section 17.580.13 of the Official Code of Hall County, the approval of any application for a use subject to approval of the County Commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to

www.hallcounty.org

implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business."

Please contact me if you have questions or if you require any additional information concerning this action of the Board.

Sincerely,

Lisa A. Ritchie
Hall County Commission Clerk

cc: Davis Engineering & Surveying
Attn: Payton Anderson
133 Prominence Court, Suite 230
Dawsonville, GA 30534

Srikanth Yamala, Interim Planning & Development Director

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

DUSTY L. LOWMAN PLS# 3216

~SURVEYOR CERTIFICATION~

GEORGIA PROFESSIONAL LAND SURVEYOR NO. 3216 DUSTY L. LOWMAN

DIVISION SURVEY FOR:
NOLIE & GLENN MOTES
LAND LOT 78
11th DISTRICT
HALL COUNTY, GEORGIA

REVISIONS BY: MS/DS
REVISION DATE: 6/21/2022

DRAWING BY: DS
DRAWING DATE: 2/9/2022
FIELD CREW: JCM
FIELD DATE: 7/22/2021

SHEET NO. 1 OF 2

PROJECT NO. 21-243

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

~LEGEND~

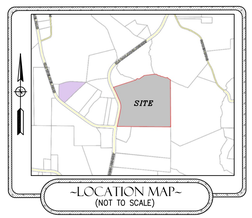
O	CALCULATED POSITION	RB	REBAR
●	IRON PIN FOUND/SET (IPF/IPS)	SR	SOLID ROD
⊠	MONUMENT	OCS	OUTLET CONTROL STRUCTURE
C/L	CENTERLINE	CPP	CORRUGATED PLASTIC PIPE
CTP	CRIMPED TOP PIPE	GI	GRATE INLET
DB	DEED BOOK	DI	DROP INLET
N/F	NOW OR FORMERLY	SS	SANITARY SEWER MANHOLE (SSMH)
OTP	OPEN TOP PIPE	☼	LIGHTPOLE
PB	PLAT BOOK	⊗	CLEANOUT
PG	PAGE		
P/L	PROPERTY LINE		
☒	TELEPHONE PED. (T.P.)	(ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)	
☿	FIRE HYDRANT (FH)	— — —	ADJOINER
ⓘ	WATER METER (WM)	———	LAND LOT LINE (L.L.L.)
⋈	WATER VALVE (WV)	———	RIGHT OF WAY (R/W)
☐	POWER BOX (PBX)	-+-+-+-	FENCE
⌀	POWER POLE (PP)	—OHP—	OVERHEAD POWER

~ZONING INFORMATION~

COUNTY: HALL
ZONE: AR-IV
SETBACK REQUIREMENTS:
FRONT: 40'
REAR: 25'
SIDE: 15'

~SOILS NOTE~

SOILS DATA FROM LEVEL 3 SOILS EVALUATION REPORT PREPARED BY SOUTHERN GEOTECHNICAL CONSULTANTS DATED APRIL 13, 2022.



~LOCATION MAP~
(NOT TO SCALE)

DIVISION SURVEY

FOR:

NOLIE & GLENN MOTES

PARCEL ID: 11078 000004

N/F CONNER
DB 2778, pg 224
PARCEL 11078 000002A

N/F CONNER
DB 7633, pg 574
PB 871, pg 124
PARCEL 11067 000007

N/F SEWELL
DB 6771, pg 470
PB 317, pg 16A

N/F SEWELL
DB 3764, pg 49
PB 58, pg 58
PARCEL 11078 000004A

IPS (20.00' BACK)

C/L BULL CREEK IS P/L (CALLS L1–L33)

25' STATE WATERS BUFFER
50' VEGETATIVE BUFFER
75' IMPERVIOUS SETBACK

APPROXIMATE L.L.L.

IPF 1/2" RB (41.81' BACK)

APPROX. LOCATION OF FLOOD ZONE "A" AS SCALED FROM F.E.M.A. FIRMETTE 13139C0059G; DATED 4/4/2018

TRACT 1
4.57 ACRES

TRACT 2
23.52 ACRES

TRACT 3
6.07 ACRES

TRACT 4
8.70 ACRES

TRACT 5
4.45 ACRES

N 71°59'34"E 667.06'
N 71°59'32"E 559.06'
S 18°03'46"E 239.32'
N 25°09'23"W 306.25'
N 72°04'15"E 516.28'
S 00°22'05"E 1358.32'
N 12°10'39"E 385.34'
S 52°20'16"E 309.58'
N 89°22'38"W 1124.18'
N 89°27'55"W 412.42'
N 89°19'42"W 1124.50'
N 86°55'33"E 179.16'

IPF 1" OTP
12" RCP
12" CMP
30" CMP
18" RCP
IPF 5/8" RB

PACOLET (ROCKY) 44"
PACOLET
PACOLET 10–15%
PACOLET 2–6 %
LIMIT OF SURVEY 1 ACRE

TEST PIT-1
TEST PIT-2

B-1 B-2 B-3 B-4

CONCRETE
SHED
#6526
HOUSE
POOL
WOOD PICKET FENCE
BLDG
PUMP HOUSE
GRAVEL ROAD
WOOD RAIL FENCE
C/L STREAM
SPRING HEAD
100' SPRING HEAD BUFFER
WOODEN FENCE
HORSE ARENA
25' STATE WATERS BUFFER
50' UNDISTRUBED BUFFER
75' IMPERVIOUS SETBACK
FENCE MEANDERS ALONG P/L
APPROXIMATE L.L.L.
IPF 5/8" RB AT ROCK PILE

50' INGRESS/EGRESS EASEMENT TO ACCESS FRONT PASTURE

PROPOSED 40' ACCESS EASEMENT TO BE CENTERED ON EXISTING DRIVE

OLD DAHLONEGA HIGHWAY
(AKA STATE ROUTE NO. 115)
60' R/W AS SHOWN ON PB 206, pg 154A

OLD WHELCHEL ROAD

LL 78 LL 67 LL 79 LL 66

N/F CONNER
DB 7633, pg 571
PB 871, pg 124
PARCEL 11067 000006

N/F GRIZZLE
DB 6939, pg 696
PB 864, pg 232
PARCEL 11079 000001B

N/F GRIZZLE
DB 6875, pg 705
PARCEL 11079 000001

LINE	BEARING	DISTANCE
L1	S 62°11'45" E	4.59'
L2	N 71°55'23" E	25.59'
L3	N 29°28'10" E	33.14'
L4	N 56°01'24" E	33.26'
L5	S 80°35'10" E	20.78'
L6	S 04°38'28" E	20.66'
L7	S 84°54'05" E	34.40'
L8	N 35°40'04" E	56.48'
L9	N 58°22'21" E	62.90'
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L21	S 85°05'14" E	38.54'
L22	S 58°27'25" E	65.57'
L23	S 86°31'57" E	45.28'
L24	S 50°36'20" E	38.95'
L25	S 88°12'39" E	47.85'
L26	S 54°44'11" E	37.12'
L27	S 78°36'15" E	50.06'
L28	N 83°09'42" E	30.65'
L29	S 78°12'04" E	30.64'
L30	S 20°10'43" E	16.40'
L31	S 51°06'56" E	22.38'
L32	S 60°48'13" E	47.58'
L33	S 67°37'59" E	14.83'
L34	S 78°29'43" W	127.88'
L35	S 89°28'53" W	99.85'
L36	N 70°57'17" W	54.43'
L37	S 88°48'22" W	90.28'
L38	N 67°21'38" W	186.86'
L39	N 51°31'43" W	104.75'
L40	N 03°38'51" W	102.54'
L41	N 40°51'57" E	103.92'
L42	N 60°57'30" W	264.08'
L43	N 61°23'56" W	101.56'
L44	S 17°58'00" W	42.67'
L45	S 08°42'19" W	58.51'
L46	S 03°33'06" W	106.28'
L47	S 05°02'00" W	38.61'
L48	S 05°39'41" W	10.24'
L49	S 20°41'20" W	38.23'
L50	S 48°29'18" W	47.72'
L51	S 72°48'19" W	16.21'
L52	S 86°23'12" W	25.58'
L53	N 71°52'33" W	31.63'
L54	N 59°47'43" W	36.52'
L55	N 54°03'41" W	55.75'
L56	N 60°05'41" W	79.33'
L57	N 55°36'16" W	49.78'
L58	N 48°24'56" W	68.72'
L59	N 60°01'28" W	80.56'
L60	N 12°10'39" E	51.05'
L61	N 25°09'23" W	50.40'
L62	N 32°14'48" W	164.20'
L63	N 34°21'50" W	134.19'
L64	N 62°04'25" E	43.01'

Curve	Radius	Length	Chord	Chord Bear.
C1	580.00'	153.18'	152.73'	N 04°36'42" E
C2	580.00'	153.68'	153.23'	N 10°32'41" W
C3	580.00'	71.06'	71.01'	N 21°38'42" W

PREPARED BY
DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT
SUITE 210
DAWSONVILLE, GA 30534
PHONE: (706) 265-1234
DAVISENGINEERS.COM
CERTIFICATE OF AUTHORIZATION NUMBER - LSF 000909

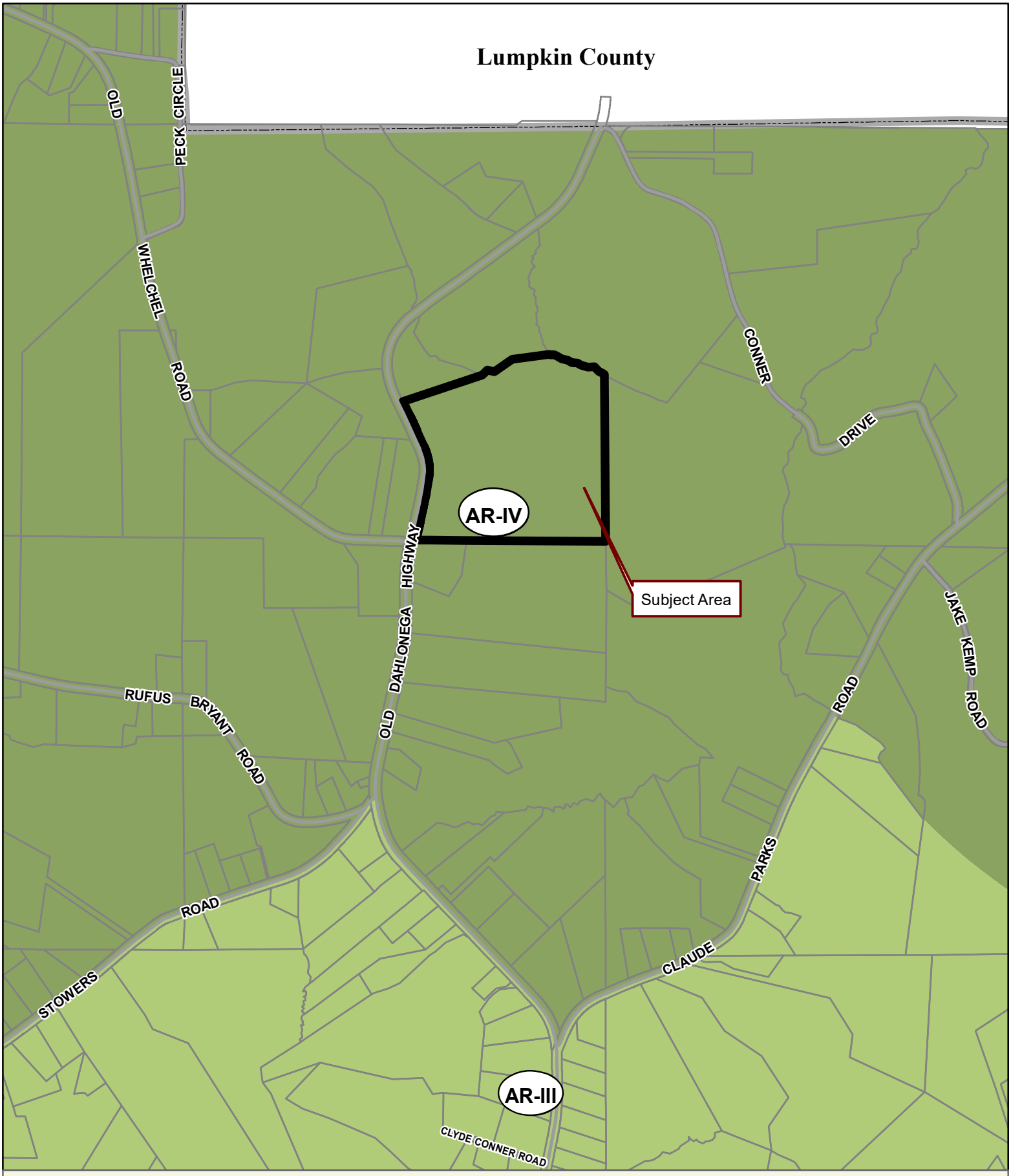
SOILS DATA FOR:
NOLIE & GLENN MOTES
LAND LOT 78
11th DISTRICT
HALL COUNTY, GEORGIA

REVISIONS BY: DS
REVISION DATE: 6/21/2022

DRAWING BY: DS
DRAWING DATE: 2/9/2022
FIELD CREW: JCM
FIELD DATE: 7/22/2021

SHEET NO.
2 OF 2

PROJECT NO.
21-243



Applicant: GLENN MOTES
Tax Parcel #: 11078 000004
Location: 6526 OLD DAHLONEGA HIGHWAY, DAHLONEGA, GA 30533
Commission District 3 **PC Mtg. Date:** 01/18/2022

0 300 600 1,200
Feet

Zoning Boundary
City Limits
Subject Area
Structure

N

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0 75 150 300
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0 75 150 300
Feet

Zoning Boundary
City Limits
Subject Area

N

PUBLISH Wednesday, June 29, 2022

TO: Trent Sexton [tsexton@gainesvilletimes.com]
CLASSIFIEDS 770-535-6336
FAX: 770/532-8187

FROM: Ana Dominguez PO# ADominguez
HALL CO. PLANNING DEPT.
Customer # 4303 379217
PHONE: 770/531-6809 FAX: 770/531-3902

BILLING AND TEARSHEET for the following legal ad should be mailed to:
Hall County Planning Department
P.O. Box 1435
Gainesville, GA 30503

NOTICE is hereby given that the **Hall County Board of Commission** shall conduct a public hearing at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, Georgia, at 6:00 p.m. on **Thursday, July, 14, 2022** to consider the following:

1. Public Hearing to consider variance from Hall County common access driveway requirements on a five (5) lot subdivision located on a 46.86± acre tract on the west side of Old Dahlonega Highway approximately 47 feet from its intersection with Old Whelchel Road; a.k.a. 6526 Old Dahlonega Highway; Zoned AR-IV; Tax Parcel 11078 000004. Commission District 3

NOTE: In accordance with Georgia law, anyone who
(a) wishes to express opposition to the proposed rezoning and
(b) has made, within two years immediately preceding the filing of the proposed rezoning, campaign contributions aggregating $250 or more to a member of the County Commission shall file a disclosure of contributions with the Planning Department at least five (5) days prior to the first hearing of the proposed rezoning by the County Commission. (OCGA § 36-67A-3[C]).

ZONING NOTICE
AN APPLICATION HAS BEEN FILED WITH HALL COUNTY IN REGARD TO THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY
APPLICANT: GLEN MOTES
REQUEST: VARY HALL COUNTY COMMON ACCESS DRIVEWAY REQUIREMENTS
Date:
Time:
Date: 01-10-2022
06:00PM