



Search The Times

Home News Classifieds Coupons Homes Cars Jobs Customer Service

Place your Classified ad online today! [Click Here](#)

- Home
- News
 - Local News
 - Local Sports
 - Obituaries
 - Opinion
 - Entertainment
 - Georgia News
 - Nation/World
 - Outdoors

- Classifieds
 - Legals
 - Coupons
 - Homes
 - Cars
 - Jobs
 - Customer Service
 - Subscribe!

Local News - Saturday, February 24, 2007

[Email this story](#)

Jury says DOT appraisal was off

By **STEPHEN GURR**
The Times

A Hall County jury decided that the Georgia Department of Transportation offered a landowner \$2.2 million less than it should have for a tract of land it condemned for an interchange improvement.

The jury sided with Gwinnett County developer Milton Bowen, the brother of DOT board member Rudy Bowen, in setting a price of \$3.5 million for 14.9 undeveloped acres at U.S. 129 near the Interstate 985 interchange. The DOT had appraised the land at \$1.3 million. Bowen's attorney, Frank Armstrong, asked the jury to consider a price of \$6.7 million.

Friday's verdict marked the apparent end to a legal battle that goes back to 1999. Much of the delay came in disagreements over whether the property would have had access to U.S. 129 if developed. That question was decided by the Georgia Supreme Court, which upheld Superior Court Judge Bonnie Chessher Oliver's decision that the land was accessible from the highway.

The litigation has not prevented the project from going forward. The DOT has owned the land since condemning it in 1999.

Attorneys for the DOT argued that the land was unsuitable for a high-dollar commercial development. Armstrong, arguing on behalf of the land owner, said the property was situated in a "pin corner," a high-traffic connection between a major highway and an interstate, that could attract a shopping center.

Jurors spent four days hearing 13 witnesses testify about the property and visited the site, adjacent to a QuikTrip convenience store, on Wednesday. The panel took about three hours to reach a verdict.

Jury foreman Tony Scarborough said jurors considered other developed properties in Hall County when setting the price.

"We thought the argument that the land could be developed was a viable argument," Scarborough said.

He said the jury did not feel the DOT was wrong to condemn the land for the interchange improvement. The DOT plans to add two "cloverleaf" ramps at the location to improve safety and capacity at Exit 22.

Beverly Williams & Company
ASSOCIATE BROKER
LLC, GRI, ASR

Selling
Lake Lanier
and Hall County

SPELLING BEE
Coming Tuesday,
March 27 2007
Sponsored by
The Times &
The Gainesville-Hall
Alliance for Literacy
770-531-4337

"We all agreed we needed an interchange there," Scarborough said.

"The DOT was not cast in a bad light in any way, but we came to a consensus that the property was worth more than it was appraised for."

Armstrong said his clients were satisfied.

"They thought it was fair," he said.

Either side can appeal within 30 days, but Armstrong said there was "no talk of an appeal at this time."

DOT spokeswoman Teri Pope said the agency was "glad that this case is settled and that we can move forward with the project."

Currently there is no set timetable for the improvements, seven years after right of way acquisition began. Pope said the project is not listed in the DOT's current six-year, long-range budget.

Contact: scurr@gainesvilletimes.com, (770) 718-3428

Originally published Saturday, February 24, 2007



[Home](#) | [News](#) | [Communities](#) | [Customer Service](#) | [Subscribe!](#)
[Classifieds](#) | [Legals](#) | [Coupons](#) | [Homes](#) | [Cars](#) | [Jobs](#)

[Contact Us](#) | [Subscribe](#) | [Place an ad](#)
Copyright ©2004-2007 The Times. All rights reserved.
Use of this site indicates your agreement to the [Terms of Service](#)
(Terms updated 12/20/02)