

RESOLUTION NO. _____

WHEREAS, the Mayor and City Council after certification from the City Staff that an unopened alley in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia shall be closed; and

WHEREAS, the notice and letter of acceptance by adjoining property owner, is attached hereto as Exhibit “A;” and

WHEREAS, the Certification from the Director of Public Works that an unopened alley in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia is no longer needed for public purposes as attached hereto as Exhibit “B”; and,

WHEREAS, the Mayor and City Council has determined that the surrounding streets in the corporate limits of the City of Cartersville provide substitute and adequate access and right of way; and,

WHEREAS, based upon the above, the Mayor and City Council feels it is in the best interest of the citizens of the City of Cartersville, and to provide for better traffic flow to protect the health, safety, and welfare of its inhabitants to abandon said right of way and transfer to the adjoining property owner; and,

WHEREAS, this property meets the requirements for the site, pursuant to O.C.G.A. § 32-7-4(a)(2)(b), being less than \$75,000.00 and O.C.G.A. § 32-7-4(b)(1)(a), and no public advertising is required.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and City Council of the City of Cartersville declares that the excess right of way in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia as indicated on Exhibit “C” is no longer necessary for the municipal street system and no substantial public purpose is served by it and that the City shall be relocating traffic in the adjacent area and as such; that said excess right of way in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia indicated on Exhibit “C” is declared to longer be part of the City of Cartersville Municipal Street System and the rights of the public in and to that section of the Municipal Street Section shall cease as of January 19, 2014, and quitclaimed as indicated on Exhibit “D.”

The City shall reserve any and all utility easements and prohibit structures from being built thereon. Said property is to be traded by the easement indicated on Exhibit “E.”

BE IT AND IT IS HEREBY RESOLVED this _____ day of _____, 2024.

/s/ _____
Matthew J. Santini, Mayor
City of Cartersville, Georgia

ATTEST:

/s/ _____
Julia Drake, City Clerk
City of Cartersville, Georgia

EXHIBIT "A" TO RESOLUTION

ARCHER & LOVELL, P.C.

ATTORNEYS AT LAW
102 LEAKE STREET
P. O. BOX 1024
CARTERSVILLE, GEORGIA 30120

David G. Archer
E. Keith Lovell

Phone: (770) 386-1116

January 11, 2024

Cecil B. Morris, Jr.
11 Waterford Drive
Cartersville GA 30120

VIA EMAIL: boydmorris@aol.com

RE: City of Cartersville – Abandonment of Excess Right of Way, Old Mill & Hwy
113, Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow
County, Georgia

Dear Mr. Morris:

This firm represents the City of Cartersville, Georgia. The City, pursuant to O.C.G.A. § 32-7-2, plans to abandon said right of way originally acquired from the property tracts you now own identified as Bartow County Tax Parcels C036-0004-007 and C036-0004-001. The City plans to abandon the 0.148 acres and/or 6,436 square feet of right of way as indicated on the attached survey referred to as Exhibit “A,” and in lieu of compensation, transfer said property to you in exchange for the easement attached as Exhibit “B.”

Very Truly Yours,

ARCHER & LOVELL, P.C.


E. Keith Lovell

EKL/slf
Attachments

ACCEPTANCE OF NOTICE OF ABANDONMENT

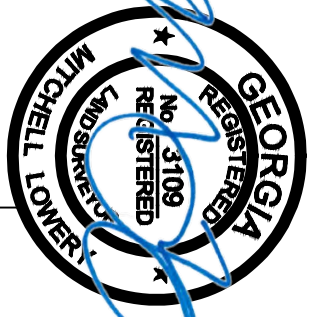
The undersigned hereby acknowledges receipt of this notice of abandonment and accepts said notice of abandonment by the City of Cartersville, and agrees to said trade of property as referred therein, this ____ day of January, 2024.

Cecil B. Morris, Jr.



**PROFESSIONAL
LAND SURVEYORS**

317 GRASSDALE ROAD
CARTERSVILLE, GA 30120
770-334-8186
GEORGIA C.O.A.: LSF001380



RIGHT OF WAY DEDICATION EXHIBIT

1240 WEST AVENUE

LAND LOTS 633 & 634, 4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

JOB #: 244653 SCALE: 1"=50' DATE: JANUARY 3, 2024

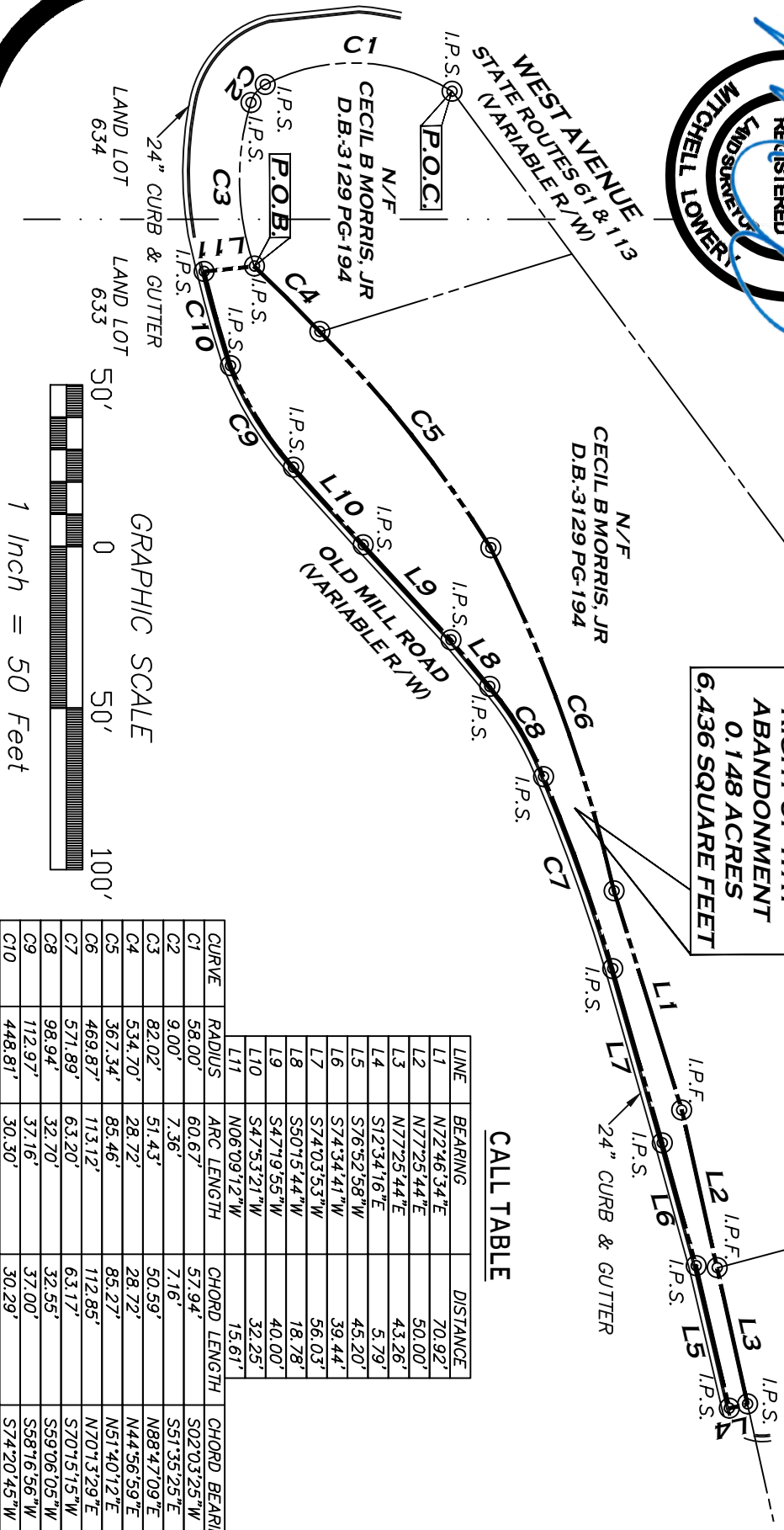
REFERENCE PLAT: PLAT BOOK 2019, PAGE 268, BARTOW COUNTY RECORDS

LEGEND

- PROPERTY LINE
- LAND LOT LINE
- I.P.F. 1/2" CAPPED REBAR FOUND
- I.P.S. 5/8" CAPPED REBAR SET

**RIGHT OF WAY
ABANDONMENT
0.148 ACRES
6,436 SQUARE FEET**

N/F
LISA C WALKER
D.B.:3136 PG-783



CALL TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	58.00'	60.67'	57.94'	S02°03'25"W
C2	9.00'	7.36'	7.16'	S51°35'25"E
C3	82.02'	51.43'	50.59'	N88°47'09"E
C4	534.70'	28.72'	28.72'	N44°56'59"E
C5	367.34'	85.46'	85.27'	N51°40'12"E
C6	469.87'	113.12'	112.85'	N70°13'29"E
C7	571.89'	63.20'	63.17'	S70°15'15"W
C8	98.94'	32.70'	32.55'	S59°06'05"W
C9	112.97'	37.16'	37.00'	S58°16'56"W
C10	448.81'	30.30'	30.29'	S74°20'45"W

LINE	BEARING	DISTANCE
L1	N72°46'34"E	70.92'
L2	N77°25'44"E	50.00'
L3	N77°25'44"E	43.26'
L4	S12°34'16"E	5.79'
L5	S76°52'58"W	45.20'
L6	S74°34'41"W	39.44'
L7	S74°03'53"W	56.03'
L8	S50°15'44"W	18.78'
L9	S47°19'55"W	40.00'
L10	S47°53'21"W	32.25'
L11	N06°09'12"W	15.61'

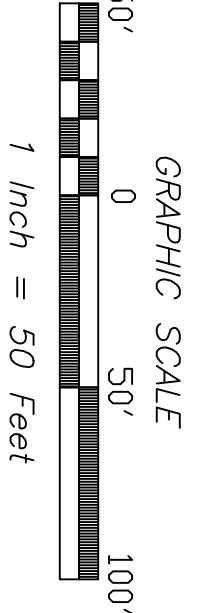


EXHIBIT "B" - NOTICE LETTER

ARCHER & LOVELL, PC
P. O. Box 1024
Cartersville, GA 30120
TITLE EXAM NOT PERFORMED

UTILITY EASEMENT

GEORGIA, BARTOW COUNTY

For and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the undersigned **CECIL B. MORRIS, JR.** (hereinafter "Grantor") does hereby grant and convey unto the **CITY OF CARTERSVILLE**, a municipal corporation of the State of Georgia, as Grantee, (hereinafter referred to as "City"), its successors and assigns, a permanent utility easement for the construction, and operation, maintenance and use of utilities on the following described property for use for utility infrastructure, related appurtenances and as a permanent utility easement to be constructed for, and installed over, above, across and upon the land owned by the undersigned which is described as follows:

All that tract or parcel of land lying and being in Land Lot 56, 4th District, 3rd Section, Bartow County, Georgia, being listed as permanent utility easement A containing 0.014 acres / 603 square feet and permanent utility easement B containing 0.001 acres / 45 square feet, per the plat entitled Utility Easement Exhibit, 1371 Joe Frank Harris Parkway, Bartow County Parcel C082-0007-001, prepared by prepared by Adan Thomas Bratton, G.R.L.S. No. 3489, dated January 4, 2023, and attached hereto and incorporated herein as Exhibit "A."

This Easement shall include the right of ingress and egress, at all times, for the purpose of installation, inspection, operation, repairs, renewal, maintenance, alteration, extension, removal and replacement of said easements and infrastructure therefore, together with the right to use and operate the same continuously and in perpetuity.

Grantor reserves the right to use the easement for purposes that will not interfere with the City's full enjoyment of the rights granted by this instrument. Grantor, however, must not erect or construct any building or other structure, or drill or operate any well, located any other utility

infrastructure therein, construct any reservoir or other obstruction of the easement or diminish or substantially add to the ground cover in the easement.

Grantor shall not construct a drive or road over the easement area except crossings approved by the City. It is expressly understood by Grantor that such crossings approved by the City will not be replaced, repaved or restored in any manner by the City in the event such crossings are to be removed by the City to exercise the rights of this easement.

The City shall pay all damages to fences, and crops which may be suffered by reason of installation, maintenance, or alteration of said public right of way and appurtenances thereto. If not mutually agreed upon, said damages are to be ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the City, and the third by the two so appointed as aforesaid, and the award of the two of such three persons shall be final and conclusive.

The granting of this easement shall not operate to vest in grantor(s) any title or interest in the equipment or installation made by the City and any property installed by the City shall remain the sole property of the City.

SPECIAL STIPULATIONS: None.

TO HAVE AND TO HOLD all and singular the aforesaid rights, privileges, and easements hereinabove set out to the proper use and enjoyment by the City, its successors and assigns.

The said City shall not be liable for any statements, agreement, or understanding not herein expressed.

IN WITNESS WHEREOF, the said undersigned has hereunto set his hand and seal this _____ day of _____, 2024.

Signed, sealed and delivered
in the presence of:

GRANTOR:

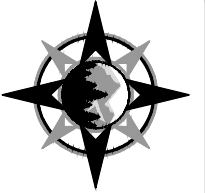
Witness

Cecil B. Morris, Jr.

Notary Public

My Commission Expires: _____

[SEAL]

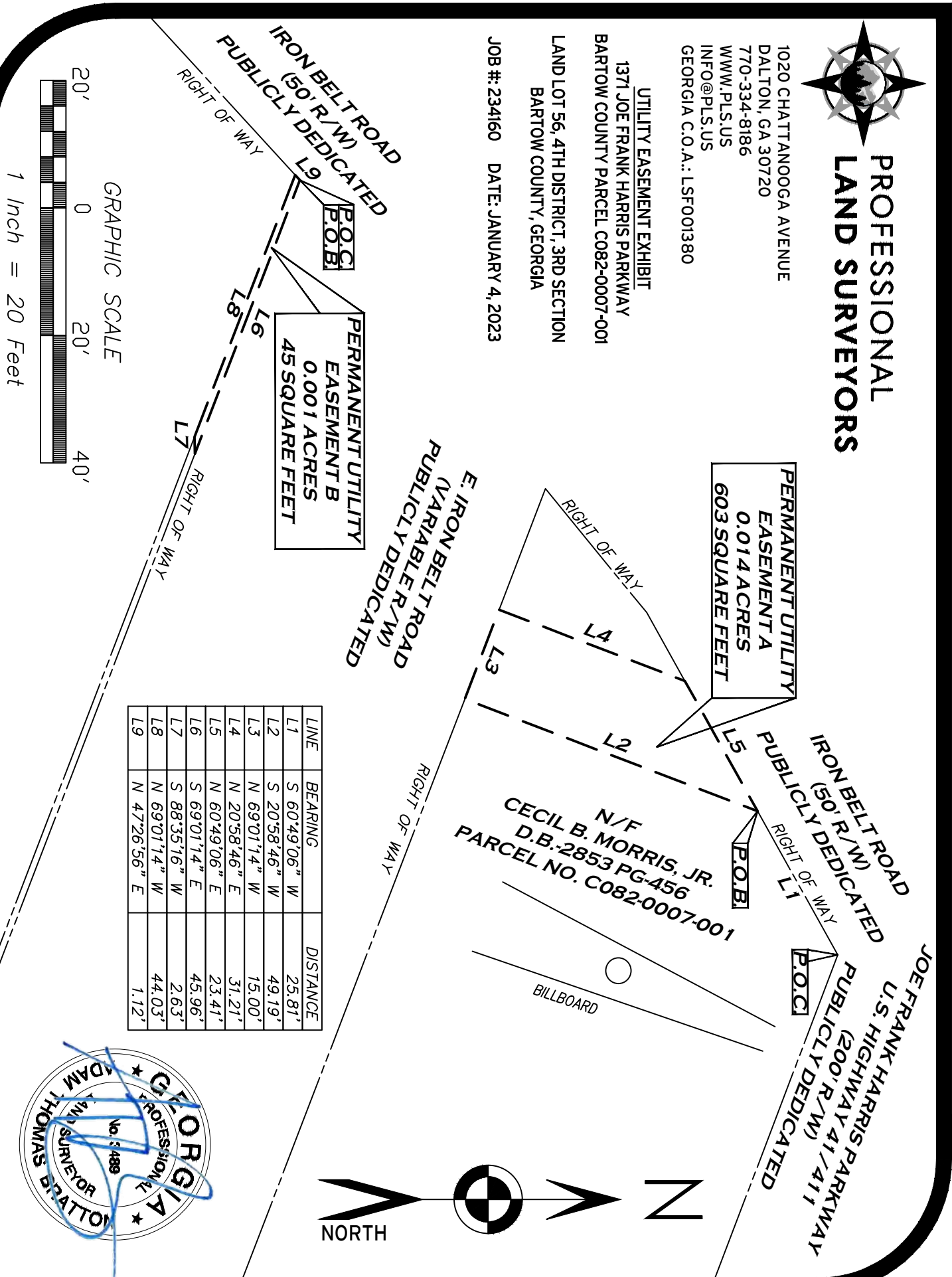


**PROFESSIONAL
LAND SURVEYORS**

1020 CHATTANOOGA AVENUE
DALTON, GA 30720
770-334-8186
WWW.PLS.US
INFO@PLS.US
GEORGIA C.O.A.: LSF001380

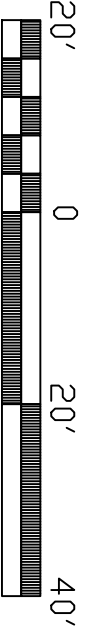
UTILITY EASEMENT EXHIBIT
1371 JOE FRANK HARRIS PARKWAY
BARTOW COUNTY PARCEL C082-0007-001
BARTOW COUNTY, GEORGIA

JOB #: 234160 DATE: JANUARY 4, 2023



LINE	BEARING	DISTANCE
L1	S 60°49'06" W	25.81'
L2	S 20°58'46" W	49.19'
L3	N 69°01'14" W	15.00'
L4	N 20°58'46" E	31.21'
L5	N 60°49'06" E	23.41'
L6	S 69°01'14" E	45.96'
L7	S 88°35'16" W	2.63'
L8	N 69°01'14" W	44.03'
L9	N 47°26'56" E	1.12'

GRAPHIC SCALE



1 Inch = 20 Feet

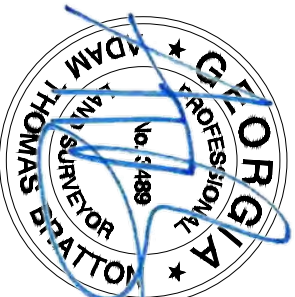
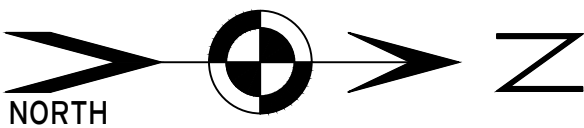


EXHIBIT "B" TO RESOLUTION

CERTIFICATION

I am the Public Works Director of the City of Cartersville, pursuant to the City of Cartersville Code of Ordinances, Section 2-101(b)(5) my duties are as follows:

(5) *Public works director.* The public works director shall supervise the personnel and be responsible for building and maintenance of all city streets, sidewalks, storm drainage, bridges, city buildings, and the city cemetery. His duties also include collection of residential and commercial garbage, and trash collection and disposal. In addition, his duties shall also include the maintenance of city-owned buildings. The position is under the direction of the city manager.

In my capacity of being responsible for all City streets, I have reviewed the excess right of way along Old Mill Road in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia, is no longer needed as part of the municipal street system and may be abandoned.

Therefore, pursuant to O.C.G.A. § 32-7-2(c) I have determined and hereby certify that a portion of the right of way along Old Mill Road in Land Lots 633 and 634, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia indicated on Exhibit "A" attached hereto and incorporated herein by reference is no longer needed and no substantial public purpose is served by it and that this portion of the City of Cartersville Municipal Street System should be abandoned, excepting any utility easements thereon should be reserved for the City.

This _____ day of January, 2024.

D. Wade Wilson, Public Works Director



**PROFESSIONAL
LAND SURVEYORS**

317 GRASSDALE ROAD
CARTERSVILLE, GA 30120
770-334-8186
GEORGIA C.O.A.: LSF001380



RIGHT OF WAY DEDICATION EXHIBIT

1240 WEST AVENUE

LAND LOTS 633 & 634, 4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

JOB #: 244653 SCALE: 1"=50' DATE: JANUARY 3, 2024

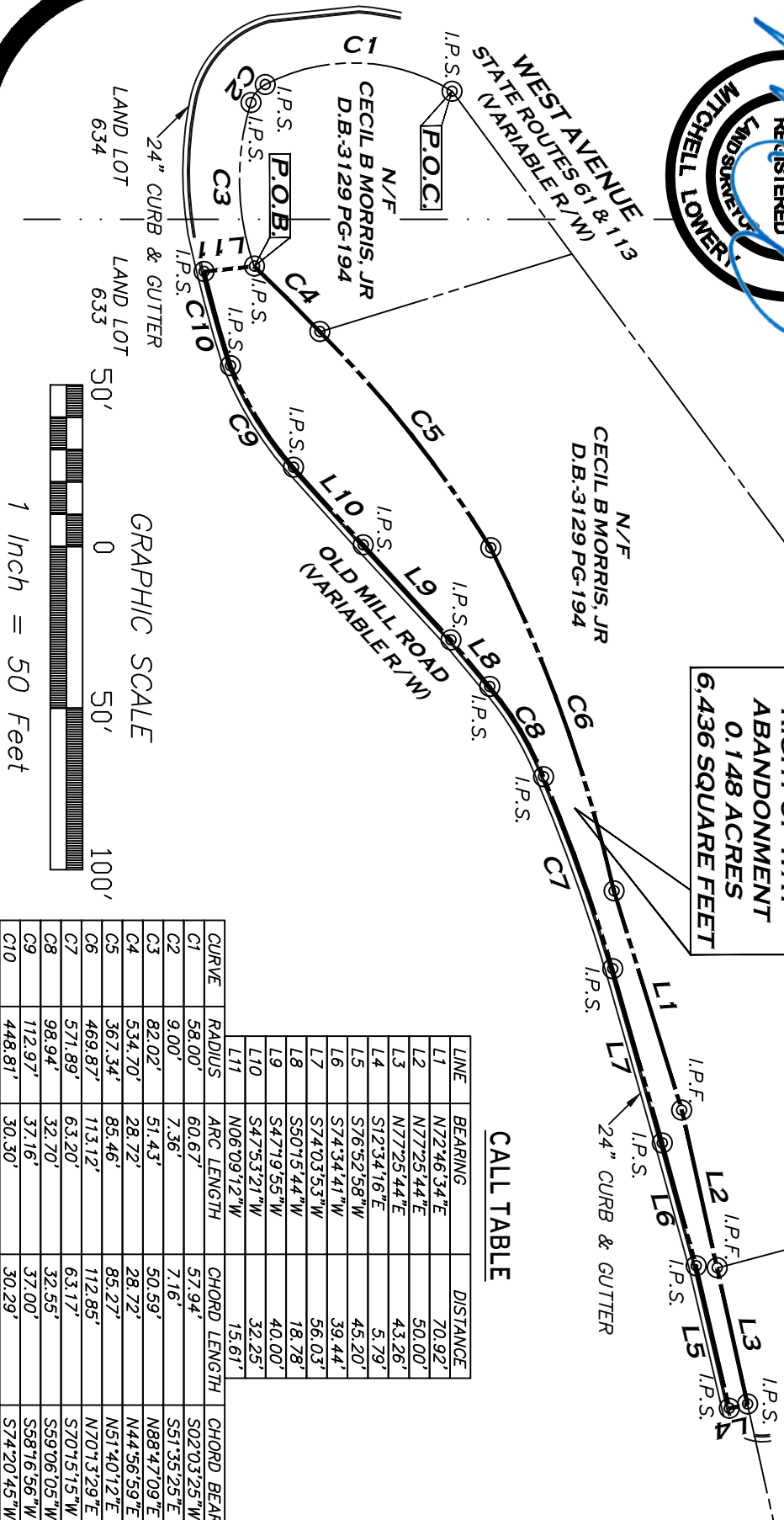
REFERENCE PLAT: PLAT BOOK 2019, PAGE 268, BARTOW COUNTY RECORDS

LEGEND

- PROPERTY LINE
- LAND LOT LINE
- I.P.F. 1/2" CAPPED REBAR FOUND
- I.P.S. 5/8" CAPPED REBAR SET

**RIGHT OF WAY
ABANDONMENT
0.148 ACRES
6,436 SQUARE FEET**

N/F
LISA C WALKER
D.B.:3136 PG-783



CALL TABLE

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C2	9.00'	7.36'	7.16'	S51°35'25"E
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L4	S12°34'16"E	5.79'
L5	S76°52'58"W	45.20'
L6	S74°34'41"W	39.44'
L7	S74°03'53"W	56.03'
L8	S50°15'44"W	18.78'
L9	S47°19'55"W	40.00'
L10	S47°53'21"W	32.25'
L11	N06°09'12"W	15.61'

EXHIBIT "C" TO RESOLUTION



**PROFESSIONAL
LAND SURVEYORS**

317 GRASSDALE ROAD
CARTERSVILLE, GA 30120
770-334-8186
GEORGIA C.O.A.: LSF001380



RIGHT OF WAY DEDICATION EXHIBIT

1240 WEST AVENUE

LAND LOTS 633 & 634, 4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

JOB #: 244653 SCALE: 1"=50' DATE: JANUARY 3, 2024

REFERENCE PLAT: PLAT BOOK 2019, PAGE 268, BARTOW COUNTY RECORDS

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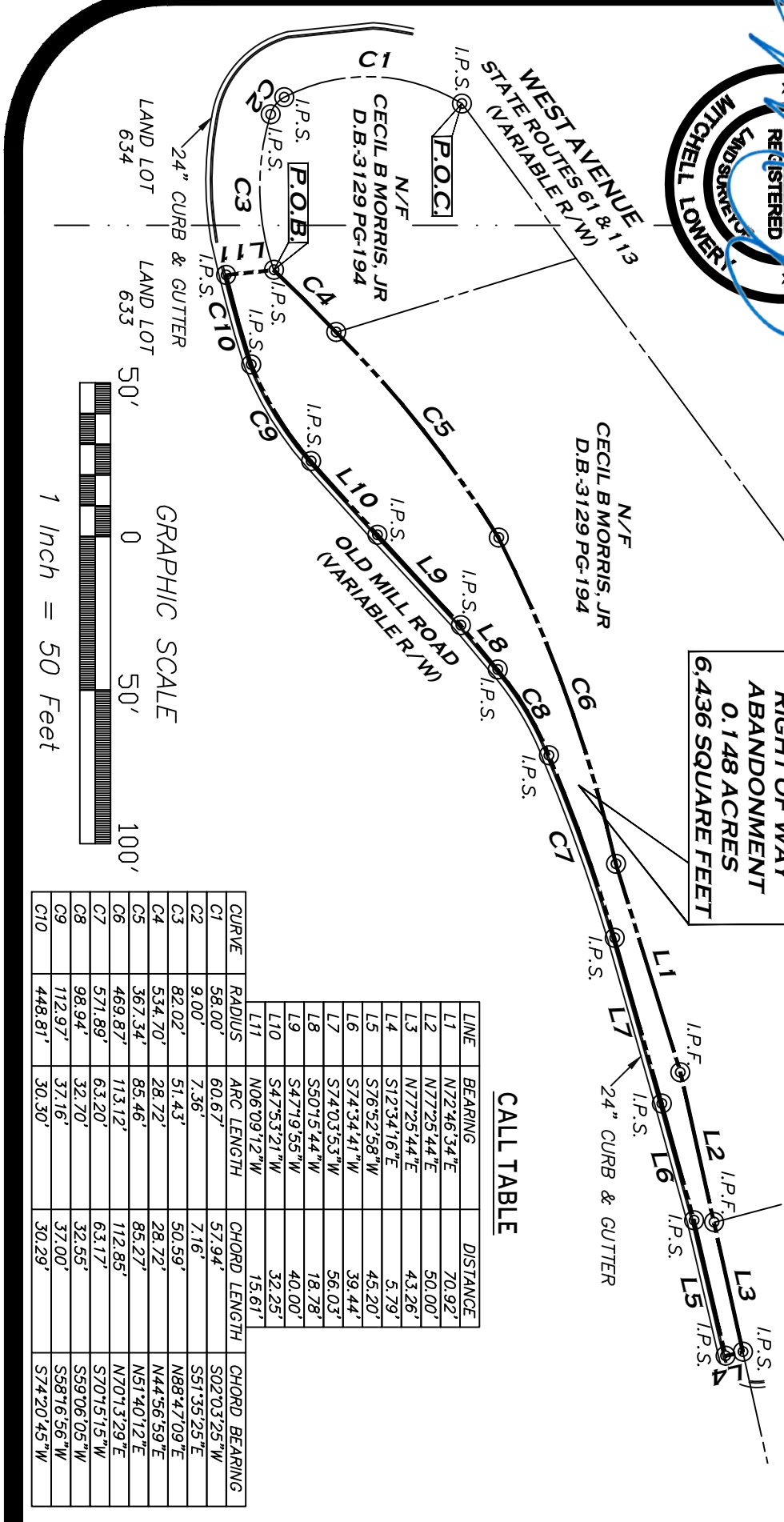
**RIGHT OF WAY
ABANDONMENT
0.148 ACRES
6,436 SQUARE FEET**

N/F
LISA C WALKER
D.B.:3136 PG-783

WEST AVENUE
STATE ROUTES 61 & 113
(VARIABLE/W)

N/F
CECIL B MORRIS, JR
D.B.:3129 PG-194

OLD MILL ROAD
(VARIABLE/W)



CALL TABLE

LINE	BEARING	DISTANCE
L1	N72°46'34"E	70.92'
L2	N77°25'44"E	50.00'
L3	N77°25'44"E	43.26'
L4	S12°34'16"E	5.79'
L5	S76°52'58"W	45.20'
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CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
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C10	448.81'	30.30'	30.29'	S74°20'45"W

GRAPHIC SCALE



1 Inch = 50 Feet

LAND LOT 634
24" CURB & GUTTER
LAND LOT 633

EXHIBIT "D" TO RESOLUTION

AFTER RECORDING RETURN TO:
Archer & Lovell, PC
PO Box 1024
Cartersville, GA 30120
Title Examination Not Performed

STATE OF GEORGIA
COUNTY OF BARTOW

QUITCLAIM DEED

THIS INDENTURE, made this ____ day of _____, 2024, between, **CITY OF CARTERSVILLE**, a municipal corporation of the State of Georgia. (hereinafter referred to as “Grantor”) and **CECIL B. MORRIS, JR** (hereinafter called “Grantee”). (The words “Grantor” and “Grantee” shall include their respective heirs, successors and assigns, where the context requires or permits, and shall include the singular and plural, and the masculine, feminine, and neuter, as the context requires.)

WITNESSETH that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the Grantee, and their successors and assigns, the following described property, to wit:

All that tract or parcel of land lying in and being in Land Lots 633 & 634 of the 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia and being more particularly described as follows:

Commencing at a 5/8-inch capped rebar set at the intersection of the southeasterly right of way of West Avenue (State Routes 61 & 113)(having a variable width right of way) and the current northwesterly right of way of Old Mill Road (having a variable width right of way), thence leaving said right of way of West Avenue and continuing along said current right of way of Old Mill Road the following courses and distances: along a curve to the left, said curve having a radius of 58.00 feet, with an arc distance of 60.67 feet, with a chord bearing of South 02 degrees 03 minutes 25 seconds West and a chord length of 57.94 feet to a 5/8-inch capped rebar set; along a curve to the

left, said curve having a radius of 9.00 feet, with an arc distance of 7.36 feet, with a chord bearing of South 51 degrees 35 minutes 25 seconds East and a chord length of 7.16 feet to a 5/8-inch capped rebar set; along a curve to the left, said curve having a radius of 82.02 feet, with an arc distance of 51.43 feet, with a chord bearing of North 88 degrees 47 minutes 09 seconds East and a chord length of 50.59 feet to a 5/8-inch capped rebar set at the intersection of said current right of way of Old Mill Road and the proposed right of way of Old Mill Road, said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said proposed right of way of Old Mill Road and continuing along said current right of way of Old Mill Road the following courses and distances: along a curve to the right, said curve having a radius of 534.70 feet, with an arc distance of 28.72 feet, with a chord bearing of North 44 degrees 56 minutes 59 seconds East and a chord length of 28.72 feet to a point; along a curve to the right, said curve having a radius of 367.34 feet, with an arc distance of 85.46 feet, with a chord bearing of North 51 degrees 40 minutes 12 seconds East and a chord length of 85.27 feet to a point; along a curve to the right, said curve having a radius of 469.87 feet, with an arc distance of 113.12 feet, with a chord bearing of North 70 degrees 13 minutes 29 seconds East and a chord length of 112.85 feet to a point; North 72 degrees 46 minutes 34 seconds East a distance of 70.92 feet to a 1/2-inch rebar found; North 77 degrees 25 minutes 44 seconds East a distance of 50.00 feet to a 1/2-inch rebar found; North 77 degrees 25 minutes 44 seconds East a distance of 43.26 feet to a 5/8-inch capped rebar set at the intersection of the current right of way of Old Mill Road and the proposed right of way of Old Mill Road; Thence leaving said current right of way of Old Mill Road and continuing along said right of way of Old Mill Road the following courses and distances: South 12 degrees 34 minutes 16 seconds East a distance of 5.79 feet to a 5/8-inch capped rebar set; South 76 degrees 52 minutes 58 seconds West a distance of 45.20 feet to a 5/8-inch capped rebar set; South 74 degrees 34 minutes 41 seconds West a distance of 39.44 feet to a 5/8-inch capped rebar set; South 74 degrees 03 minutes 53 seconds West a distance of 56.03 feet to a 5/8-inch capped rebar set; along a curve to the left, said curve having a radius of 571.89 feet, with an arc distance of 63.20 feet, with a chord bearing of South 70 degrees 15 minutes 15 seconds West and a chord length of 63.17 feet to a 5/8-inch capped rebar set; along a curve to the left, said curve having a radius of 98.94 feet, with an arc distance of 32.70 feet, with a chord bearing of South 59 degrees 06 minutes 05 seconds West and a chord length of 32.55 feet to a 5/8-inch capped rebar set; South 50 degrees 15 minutes 44 seconds West a distance of 18.78 feet to a 5/8-inch capped rebar set; South 47 degrees 19 minutes 55 seconds West a distance of 40.00 feet to a 5/8-inch capped rebar set; South 47 degrees 53 minutes 21 seconds West a distance of 32.25 feet to a 5/8-inch capped rebar set; along a curve to the right, said curve having a radius of 112.97 feet, with an arc distance of 37.16 feet, with a chord bearing of South 58 degrees 16 minutes 56 seconds West and a chord length of 37.00 feet to a 5/8-inch capped rebar set; along a curve to the right, said curve having a radius of 448.81 feet, with an arc distance of 30.30 feet, with a chord bearing of South 74 degrees 20 minutes 45 seconds West and a chord length of 30.29 feet to a 5/8-inch capped rebar set; North 06 degrees 09 minutes 12 seconds West a distance of 15.61 feet to a 5/8-inch capped rebar set at the intersection of said proposed right of way of Old Mill Road and said current right of way of Old Mill Road, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.148 acres (6,436 square feet).

The same is also depicted on the Right of Way Dedication Exhibit for 1240 West Avenue, listed as a Right of Way Abandonment, prepared by Mitchell Lowery, G.R.L.S. No. 3109 dated January 3, 2024 and attached hereto and incorporated herein as Exhibit "A."

SPECIAL STIPULATIONS: All easement rights with the property being transferred, are hereby reserved. No buildings may be placed upon the property; however, paving may occur within the area.

This quitclaim is given subject to any restrictions and easements of record, if any.

TOGETHER WITH all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever in fee simple.

AND THE SAID Grantor, for its successors and assigns, will warrant and forever defend the right and title to the above described property unto the Grantee, its successors and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said Grantor has signed and sealed this Deed the day and year above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

CITY OF CARTERSVILLE, GEORGIA

Witness

By: _____
Matthew J. Santini, Mayor

Notary Public

My Commission Expires: _____

Attest: _____
Julia Drake, City Clerk

[SEAL]



**PROFESSIONAL
LAND SURVEYORS**

317 GRASSDALE ROAD
CARTERSVILLE, GA 30120
770-334-8186
GEORGIA C.O.A.: LSF001380



RIGHT OF WAY DEDICATION EXHIBIT

1240 WEST AVENUE

LEGEND

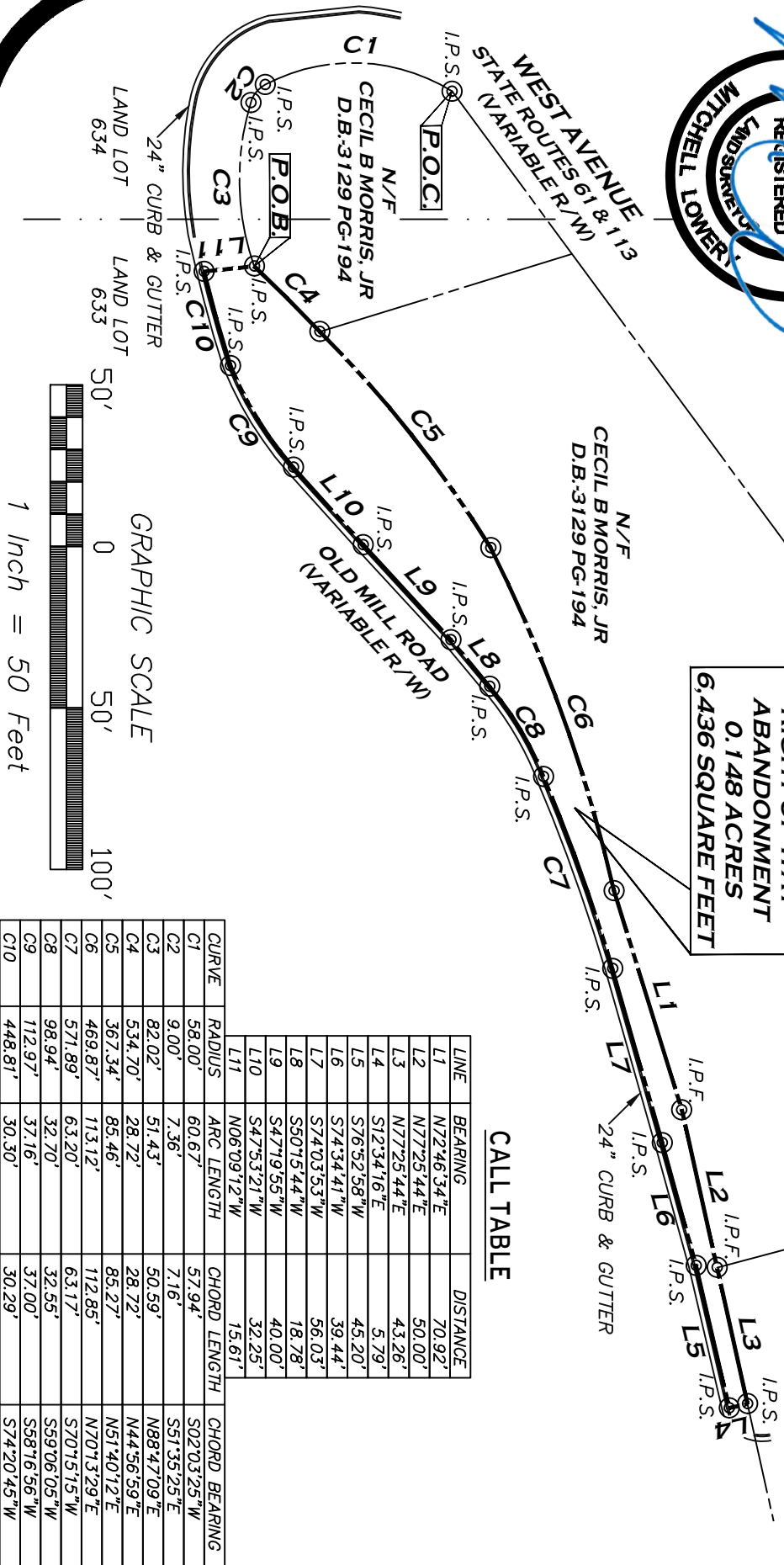
- PROPERTY LINE
- - - LAND LOT LINE
- I.P.F. 1/2" CAPPED REBAR FOUND
- I.P.S. 5/8" CAPPED REBAR SET

JOB #: 244653 SCALE: 1"=50' DATE: JANUARY 3, 2024

REFERENCE PLAT: PLAT BOOK 2019, PAGE 268, BARTOW COUNTY RECORDS

**RIGHT OF WAY
ABANDONMENT
0.148 ACRES
6,436 SQUARE FEET**

N/F
LISA C WALKER
D.B.:3136 PG-783



CALL TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	58.00'	60.67'	57.94'	S02°03'25"W
C2	9.00'	7.36'	7.16'	S51°35'25"E
C3	82.02'	51.43'	50.59'	N88°47'09"E
C4	534.70'	28.72'	28.72'	N44°56'59"E
C5	367.34'	85.46'	85.27'	N51°40'12"E
C6	469.87'	113.12'	112.85'	N70°13'29"E
C7	571.89'	63.20'	63.17'	S70°15'15"W
C8	98.94'	32.70'	32.55'	S59°06'05"W
C9	112.97'	37.16'	37.00'	S58°16'56"W
C10	448.81'	30.30'	30.29'	S74°20'45"W

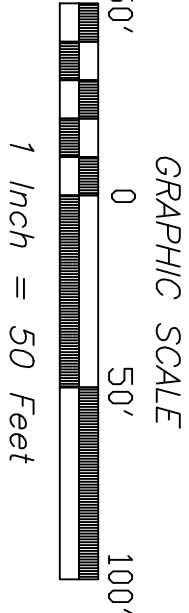


EXHIBIT "E" TO RESOLUTION

ARCHER & LOVELL, PC
P. O. Box 1024
Cartersville, GA 30120
TITLE EXAM NOT PERFORMED

UTILITY EASEMENT

GEORGIA, BARTOW COUNTY

For and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the undersigned **CECIL B. MORRIS, JR.** (hereinafter “Grantor”) does hereby grant and convey unto the **CITY OF CARTERSVILLE**, a municipal corporation of the State of Georgia, as Grantee, (hereinafter referred to as “City”), its successors and assigns, a permanent utility easement for the construction, and operation, maintenance and use of utilities on the following described property for use for utility infrastructure, related appurtenances and as a permanent utility easement to be constructed for, and installed over, above, across and upon the land owned by the undersigned which is described as follows:

All that tract or parcel of land lying and being in Land Lot 56, 4th District, 3rd Section, Bartow County, Georgia, being listed as permanent utility easement A containing 0.014 acres / 603 square feet and permanent utility easement B containing 0.001 acres / 45 square feet, per the plat entitled Utility Easement Exhibit, 1371 Joe Frank Harris Parkway, Bartow County Parcel C082-0007-001, prepared by prepared by Adan Thomas Bratton, G.R.L.S. No. 3489, dated January 4, 2023, and attached hereto and incorporated herein as Exhibit “A.”

This Easement shall include the right of ingress and egress, at all times, for the purpose of installation, inspection, operation, repairs, renewal, maintenance, alteration, extension, removal and replacement of said easements and infrastructure therefore, together with the right to use and operate the same continuously and in perpetuity.

Grantor reserves the right to use the easement for purposes that will not interfere with the City’s full enjoyment of the rights granted by this instrument. Grantor, however, must not erect or construct any building or other structure, or drill or operate any well, located any other utility

infrastructure therein, construct any reservoir or other obstruction of the easement or diminish or substantially add to the ground cover in the easement.

Grantor shall not construct a drive or road over the easement area except crossings approved by the City. It is expressly understood by Grantor that such crossings approved by the City will not be replaced, repaved or restored in any manner by the City in the event such crossings are to be removed by the City to exercise the rights of this easement.

The City shall pay all damages to fences, and crops which may be suffered by reason of installation, maintenance, or alteration of said public right of way and appurtenances thereto. If not mutually agreed upon, said damages are to be ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the City, and the third by the two so appointed as aforesaid, and the award of the two of such three persons shall be final and conclusive.

The granting of this easement shall not operate to vest in grantor(s) any title or interest in the equipment or installation made by the City and any property installed by the City shall remain the sole property of the City.

SPECIAL STIPULATIONS: None.

TO HAVE AND TO HOLD all and singular the aforesaid rights, privileges, and easements hereinabove set out to the proper use and enjoyment by the City, its successors and assigns.

The said City shall not be liable for any statements, agreement, or understanding not herein expressed.

IN WITNESS WHEREOF, the said undersigned has hereunto set his hand and seal this _____ day of _____, 2024.

Signed, sealed and delivered
in the presence of:

GRANTOR:

Witness

Cecil B. Morris, Jr.

Notary Public

My Commission Expires: _____

[SEAL]

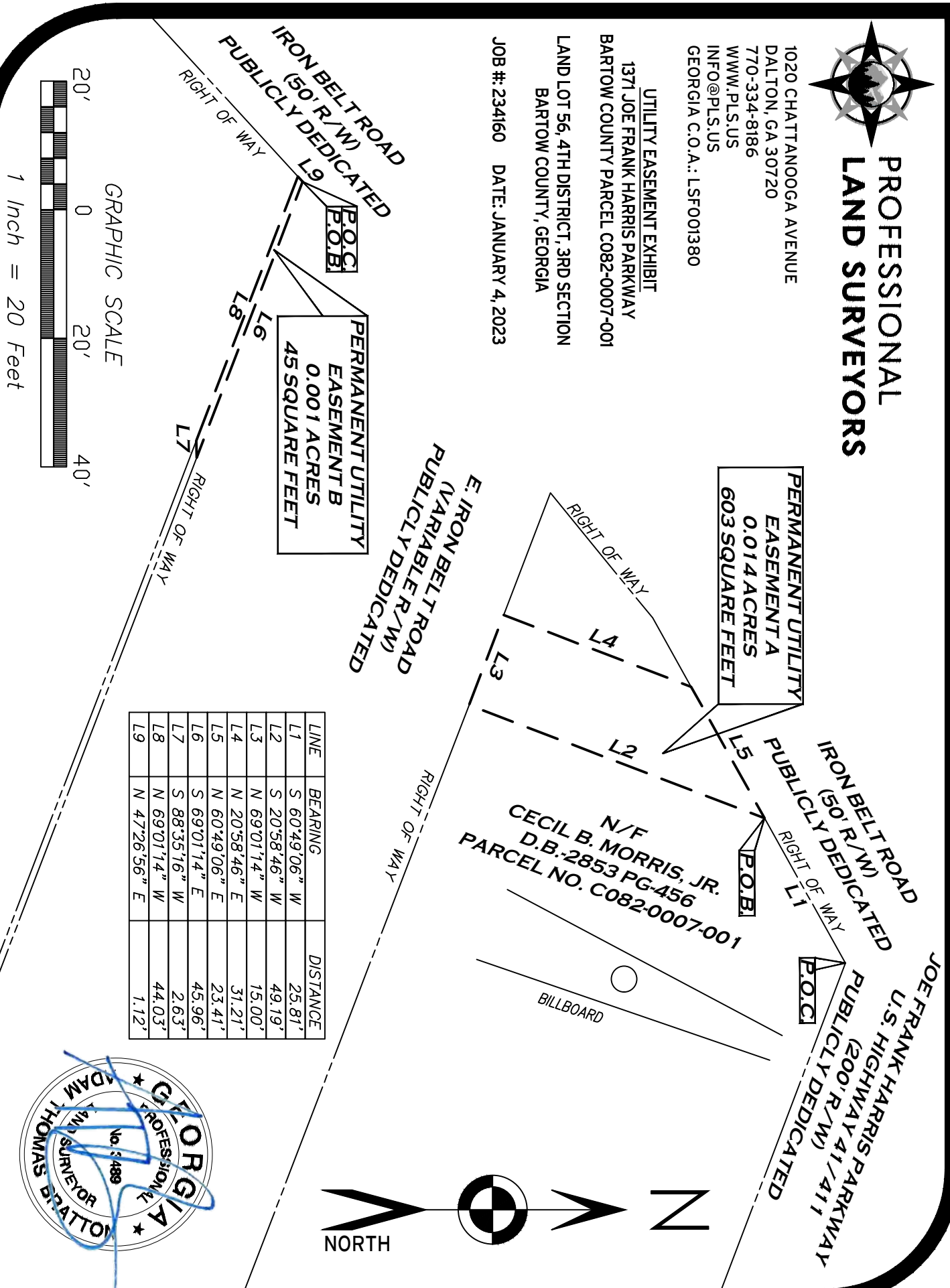


**PROFESSIONAL
LAND SURVEYORS**

1020 CHATTANOOGA AVENUE
DALTON, GA 30720
770-334-8186
WWW.PLS.US
INFO@PLS.US
GEORGIA C.O.A.: LSF001380

UTILITY EASEMENT EXHIBIT
1371 JOE FRANK HARRIS PARKWAY
BARTOW COUNTY PARCEL C082-0007-001
LAND LOT 56, 4TH DISTRICT, 3RD SECTION
BARTOW COUNTY, GEORGIA

JOB #: 234160 DATE: JANUARY 4, 2023



LINE	BEARING	DISTANCE
L1	S 60°49'06" W	25.81'
L2	S 20°58'46" W	49.19'
L3	N 69°01'14" W	15.00'
L4	N 20°58'46" E	31.21'
L5	N 60°49'06" E	23.41'
L6	S 69°01'14" E	45.96'
L7	S 88°35'16" W	2.63'
L8	N 69°01'14" W	44.03'
L9	N 47°26'56" E	1.12'

