

**CITY OF DALTON  
ORDINANCE**

**ORDINANCE NO. 23-24**

To Make Findings Of Fact Concerning The Public Use And Necessity Of A Section Of Alabama Street For Public Transportation; To Declare The Closing Of Such Portion Of Alabama Street; To Authorize Delivery Of A Quitclaim Deed Of Any Interest Of The City Of Dalton Except Retention Of An Easement For Utility Infrastructure To Adjacent Property Owners; To Establish An Effective Date; And For Other Purposes

**BE IT ORDAINED** by the Mayor and Council of the City of Dalton and by authority of same IT IS HEREBY ORDAINED as follows:

**SECTION 1**

Upon inquiry and after public notice and hearing, the Mayor and Council find that the below described section of Alabama Street in the City of Dalton, Whitfield County, Georgia as shown on the plat for Loner Field Subdivision prepared for Crown Cotton Mills in 1948 and recorded in Plat Book 3, Page 97 (Plat Cabinet A, Slide 103) in Land Lot 183 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section and described in Exhibit "A" and made a part hereof, is no longer needed by the public for street or transportation purposes and to that extent no substantial public purpose is served thereby.

**SECTION 2**

Notification to the sole property owner located on and adjacent to the property described above to be closed has been given, acknowledged by such property owner who has filed the Petition to Close Road, and who consents thereto.

### **SECTION 3**

The section of Alabama Street to be closed shall no longer be a part of the municipal street system of the City of Dalton and the rights of the public in and to those sections for public street or road purposes shall cease upon the effective date of this Ordinance except that the City of Dalton reserves any portion thereof where it maintains an easement for electrical, natural gas, water, and sewer lines through the operations of Dalton Utilities.

### **SECTION 4**

This Ordinance shall become effective after it has been published in two (2) public places within the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council.

### **SECTION 5**

The Mayor and City Clerk are authorized to make and enter in the name and on behalf of the City of Dalton a quitclaim deed of all interest, except for utility easements, of the City of Dalton in and to the section to be closed to the contiguous owner and its successors and assigns.

### **SECTION 6**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

### **SECTION 7**

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such

unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance received its first reading on \_\_\_\_\_ and a second reading on \_\_\_\_\_. Upon second reading a motion for passage of the Ordinance was made by Councilmember \_\_\_\_\_, second by Councilmember \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of \_\_\_\_\_.

\_\_\_\_\_  
City Clerk  
City of Dalton

## **EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot No. 183 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia and being that portion of Alabama Street lying between Lot Nos. 1, 2, 3, of the Loner Field Subdivision and Lot Nos. 30, 31, 32 and 36 of the Loner Field Subdivision all as being more particularly shown on a plat of survey prepared by Crown Cotton Mills dated July 1948 and recorded in Plat Book 3, Page 97 (Plat Cabinet A Slide 103), Whitfield County, Georgia Land Records, which is hereby incorporated herein by reference.

## PETITION TO CLOSE ROAD

Comes now, **Hamilton Medical Center, Inc.**, a not for profit corporation, as Petitioner, and requests that the Mayor and Council of the City of Dalton, Georgia declare that the portion of Alabama Street described in the within Petition abandoned, so that said portion of said road will no longer be a part of the City Road System and the rights of the public in and to said section of road, as a public road, will cease, to-wit:

1. Petitioner is the owner of real estate contiguous and abutting both sides of said public road which are requested to be closed. The City has acquired title to the Property by implied dedication.

2. The road which Petitioner requests the Mayor and Council of the City of Dalton, Georgia to declare abandoned has been abandoned in fact for more than 20 years, and has not been a portion of City of Dalton road system for more than 20 years, nor has said road been expressly dedicated to the City of Dalton. The road which Petitioner requests the Mayor and Council of the City of Dalton to declare abandoned has not been maintained by the City of Dalton within the last 20 years.

3. The road which Petitioner requests the Mayor and Council of the City of Dalton, Georgia to declare abandoned is not used by the public and no substantial purpose is served by the road.

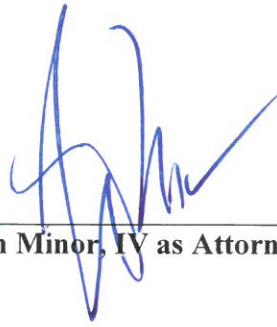
4. The Mayor and Council of the City of Dalton, Georgia has authority pursuant to O.C.G.A. § 32-7-2 (c) to declare said road abandoned for public purposes and to certify upon its minutes accompanied by a plat of the sketch of the road after notice to property owners located thereon that said road are no longer a part of the City of Dalton road system and the rights of the public in and to said section of road as public road shall cease.

5. No part of said road which Petitioner requests to be closed is located within a part of the State Highway System.

6. Petitioner shows that the aforesaid road and the general location of said road is shown in yellow by the sketch attached hereto and marked as Exhibit "A", for reference thereto.

**WHEREFORE**, Petitioner requests that any notice as required by law issued to property owners located on said road and that the public be notified of said petition; that the Mayor and Council of the City of Dalton, Georgia proceed to declare said road no longer a part of the City of Dalton road system and to certify the abandonment thereon upon its minutes accompanied by a plat or sketch of the section of the road to be closed; that the rights of the public in and to said section of road as a public road cease; and that a deed for said road to be delivered to the adjoining property owners.

This 10<sup>th</sup> day of October 2023.



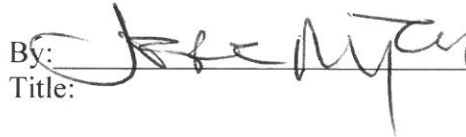
**J. Tom Minor, IV as Attorney for Petitioner**

The undersigned, being the person owning or having any interest in the lands through which and a portion of Alabama Street passes, as set forth in a Notice or Hearing pending before Mayor and Council of the City of Dalton, Georgia hereby acknowledges personal service of the Petition of Hamilton Medical Center, Inc., and hereby waives any and all further service and notice, and offer no objection to said portions of said road being discontinued or abandoned.

This 10<sup>th</sup> day of October 2023.

**Hamilton Medical Center, Inc.**

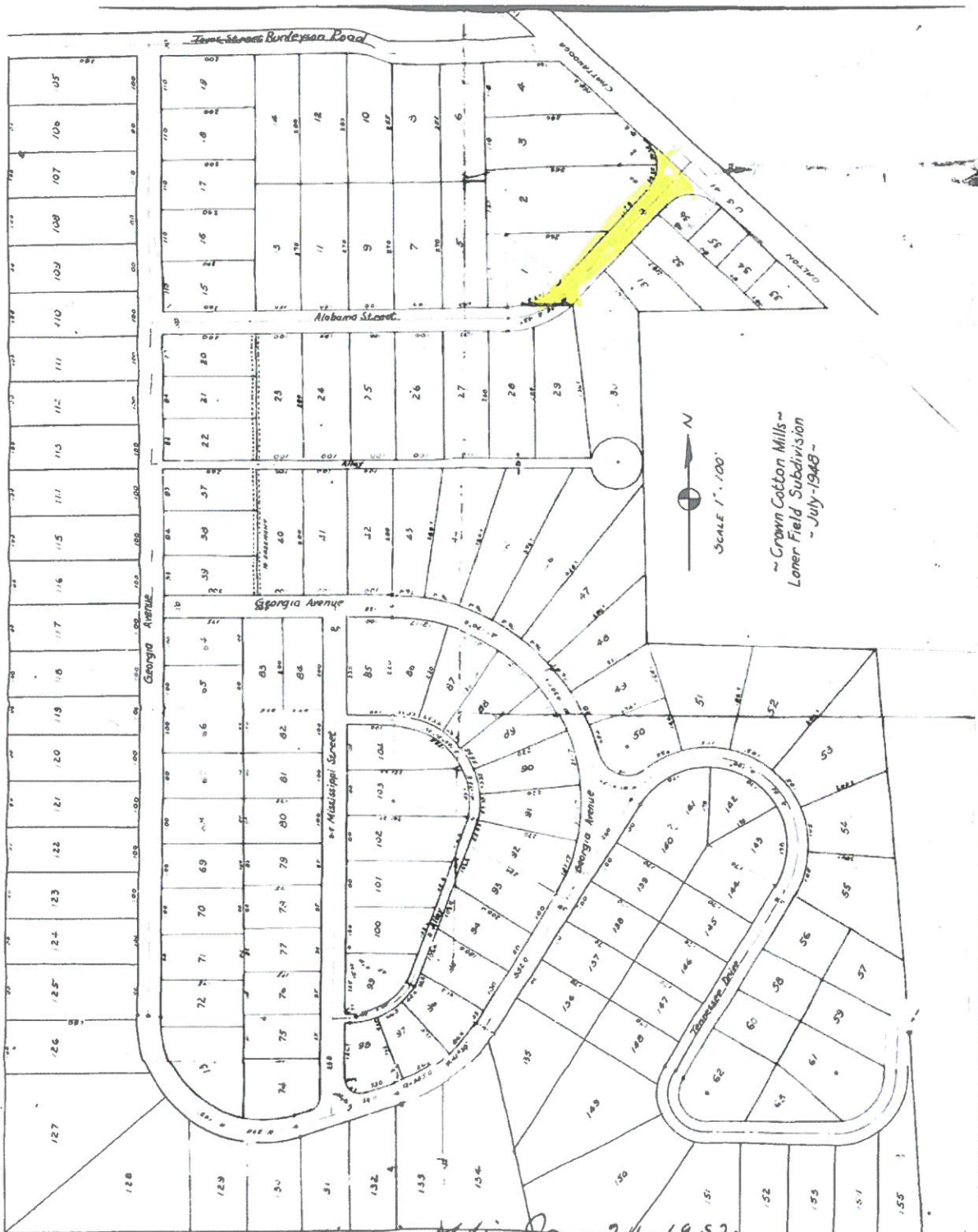
By:  
Title:



## **EXHIBIT "A"**

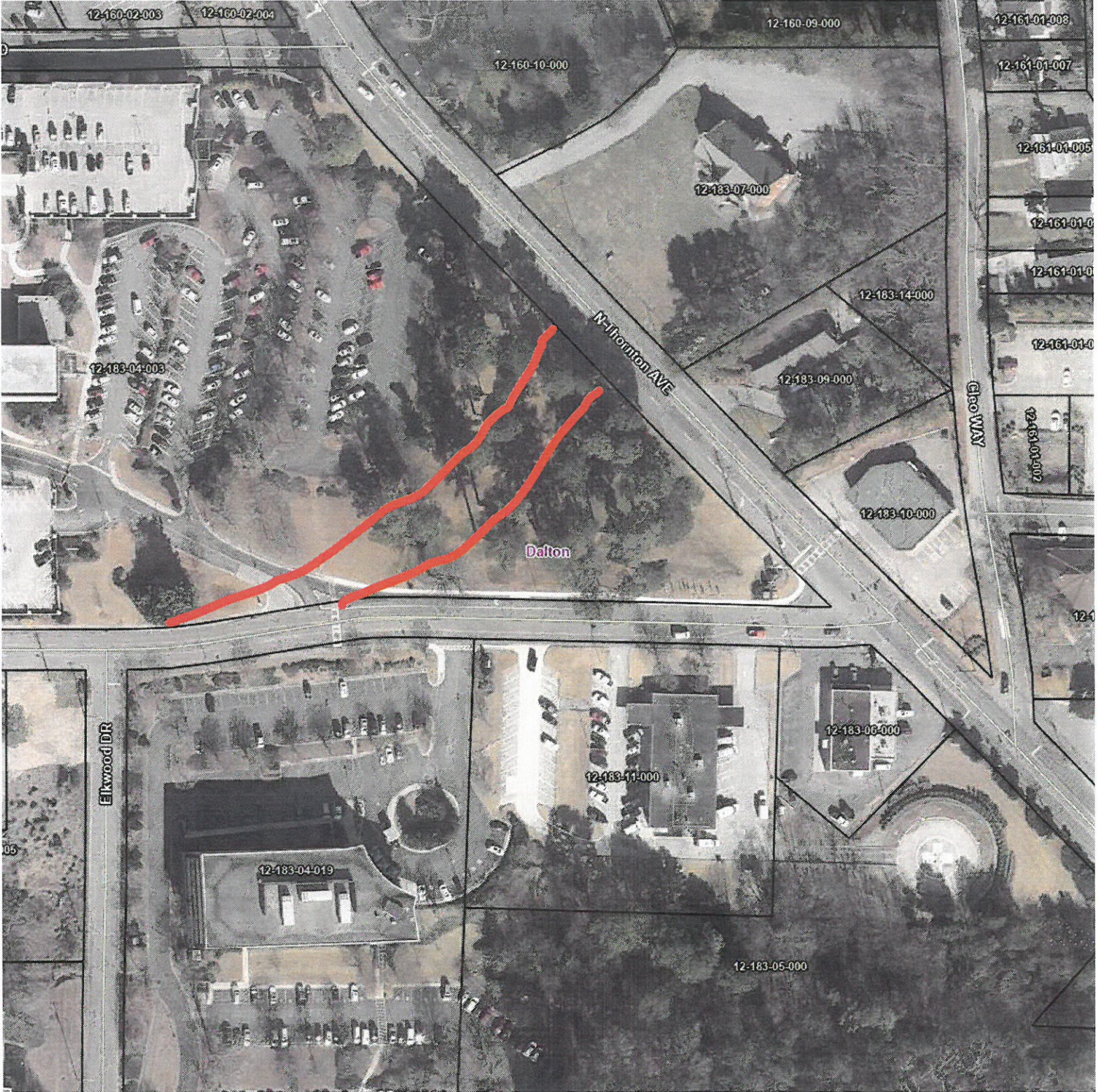
All that tract or parcel of land lying and being in Land Lot No. 183 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia and being that portion of Alabama Street lying between Lot Nos. 1, 2 and 3 of the Loner Field Subdivision and Lot Nos 30, 31, 32 and 36 of the Loner Field Subdivision all as being more particularly shown on a plat of survey prepared by Crown Cotton Mills dated July 1948 and recorded in Plat Book 3 Page 97 (Plat Cabinet A Slide 103), Whitfield County, Georgia Land Records, reference to which is hereby made and incorporated herein by reference.

A



Filed in office Jan. 24, 1952.  
J.C. Cooper, etc







[Space above this line for recording data.]

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Please Record and Return To:

J. Tom Minor, IV  
The Minor Firm  
P.O. Box 2586  
Dalton, GA 30722-2586

## QUIT CLAIM DEED

**Georgia, Whitfield County**

**THIS INDENTURE** made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between the **City of Dalton, Georgia, a municipal corporation of the State of Georgia**, Grantor, and **Hamilton Medical Center, Inc.**, a Georgia non profit corporation, Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

**THE GRANTOR**, for and in consideration of the sum of one dollar and other valuable considerations, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, convey, remise, release and forever quit claim unto the said Grantee, all the right, title, interest, claim or demand which the Grantor may have in and to the land as more particularly described in Exhibit "A" attached hereto, reference to which is hereby made and incorporated herein by reference.

**TO HAVE AND TO HOLD** the said tract of land, 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 said Grantee so that neither Grantor nor any other person claiming under him shall at any time, claim or demand any right, title or interest to the said tract of land, or its appurtenances.

**IN WITNESS WHEREOF**, this deed has been duly executed and sealed by Grantor the day and year first above written.

Signed, sealed and delivered  
in the presence of:

**City of Dalton, Georgia**

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Clerk

My commission expires:

[Notarial Seal]

[Seal]

**CITY ADMINISTRATOR**

P. ANDREW PARKER  
P.O. BOX 1205  
DALTON, GEORGIA 30722  
PHONE: 706-278-9500  
[aparker@daltonga.gov](mailto:aparker@daltonga.gov)  
[www.daltonga.gov](http://www.daltonga.gov)




**MAYOR**  
DAVID PENNINGTON

**CITY COUNCIL**  
DENNIS MOCK  
TYREE GOODLETT  
STEVE FARROW

**MEMORANDUM**

**TO:** Chad Townsend, Public Works Director  
Cliff Cason, Police Chief  
Mike Russell, Interim Fire Chief  
Terry Miller, City Attorney  
John Thomas, Dalton Utilities

**CC:** Andrew Parker, City Administrator  
Todd Pangle, Asst. City Administrator

**FROM:** Kimberley Witherow 

**RE:** Street Closing/Quit Claim Request  
Hamilton Medical Center – Alabama Street

**DATE:** October 17, 2023

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Enclosed for your consideration is a Street Closing request from Hamilton Medical Center for the discontinuance and abandonment of a portion of Alabama Street, lying and being in Land Lot No. 183 in the 12th District and 3rd Section of Whitfield County, Georgia, and now running through lands of Hamilton Medical Center, Inc.

Please review the enclosed documents and return written comments stating approval and/or concerns to this office within ten (10) days. The property in question will be posted and a public notice advertised beginning October 20, 2023. A first reading on the closing request will be held at the November 6, 2023 Mayor and Council meeting followed by a second reading on November 27, 2023.

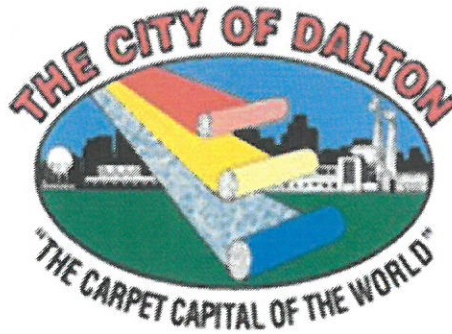
Thank you for your assistance in this process and please email or call me should you have any questions.

PUBLIC WORKS DEPARTMENT

CHAD TOWNSEND, DIRECTOR

[ctownsend@daltonga.gov](mailto:ctownsend@daltonga.gov)

535 N. Elm Street  
P.O. Box 1205  
Dalton, GA 30722-1205  
Office: (706) 278-7077  
FAX: (706) 278-1847



DAVID PENNINGTON, MAYOR

CITY COUNCIL MEMBERS:

DENNIS MOCK  
TYREE GOODLETT  
STEVE FARROW

## MEMORANDUM

**TO: KIMBERLEY WITHEROW**

**CC: ANDREW PARKER, CITY ADMINISTRATOR**

**FROM: CHAD TOWNSEND, PUBLIC WORKS DIRECTOR**

**RE: STREET CLOSING/QUIT CLAIM REQUEST  
AN UNOPENED PORTION OF ALABAMA STREET**

**DATE: OCTOBER 18, 2023**

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Please be advised that the Public Works Department has no objections to the closing and quit claim of the unopened portion of Alabama Street, bound to the Northeast by Thornton Road and to the Southwest by Memorial Drive and as described in the exhibits provided in the road closure petition.

**William C Cason III**  
Chief of Police  
CCason@daltonga.gov  
www.daltonga.gov



Public Safety Commission  
Terry Mathis  
Anthony Walker  
Truman Whitfield  
Alex Brown

**DALTON POLICE DEPARTMENT**  
301 Jones Street, Dalton, Georgia 30720  
Phone: 706-278-9085

Date: November 2, 2023

To: City Administrator, Andrew Parker

CC: Cliff Cason, Chief of Police

From: Assistant Chief Chris Crossen

RE: Street Closing of Unopened Portion of Alabama Street

Mr Parker:

I have reviewed the request to close an unopened section of Alabama St. The closing of this unopened portion of roadway will have no impact on Dalton Police Department's ability to provide law enforcement services in this area and I have no objection to the closing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Crossen", with a long horizontal flourish extending to the right.

Chris Crossen  
Assistant Chief of Police

**MIKE RUSSELL**  
Interim Fire Chief  
Telephone 706-278-7363  
Fax 706-272-7107  
mrussell@daltonga.gov

## **DALTON FIRE DEPARTMENT**

404 School Street  
Dalton, GA 30720



**PUBLIC SAFETY COMMISSION**  
Truman Whitfield  
Terry Mathis  
Anthony Walker  
Alex Brown

October 18, 2023

RE: Street Closing Request of a Portion of Alabama Street

The Dalton Fire Department has no objection and approves the Street Closing request from Hamilton Medical Center for the discontinuance and abandonment of a portion of Alabama Street, lying and being in Land Lot No. 183 in the 12th District and 3rd Section of Whitfield County, Georgia, and now running through lands of Hamilton Medical Center, Inc.

*Mike Russell*





October 20, 2023

Mr. David Pennington  
Mayor, City of Dalton  
Post Office Box 1205  
Dalton, Georgia 30722-1205

**RE: Street Closing/Quit Claim Request  
Hamilton Medical Center – Alabama Street**

Dear Mayor Pennington:

As requested in your October 17, 2023, memorandum, Dalton Utilities has reviewed the street closing/quit claim request for Alabama Street. It is our understanding that this road has been abandoned for over 20 years. I have attached a screenshot from our GIS mapping system showing nearby existing utility infrastructure in the vicinity of this road closure request. Dalton Utilities fully supports closure of this abandoned road and would only request that any utility infrastructure within the old road right-of-way be granted a permanent easement as part of the road closure. It does appear that there is an existing sewer main that runs along or parallel to this section of right-of-way and that line needs to remain in service as it provides service to the surrounding area.

We appreciate the opportunity to provide feedback regarding this road closure request and trust that this response is helpful to your review of this closure request. If you need additional information regarding this matter please don't hesitate to contact me at (706) 529-1011 or [mbuckner@dutil.com](mailto:mbuckner@dutil.com).

Sincerely,

A handwritten signature in black ink that reads "Mark Buckner". The signature is written in a cursive, flowing style.

Mark Buckner





Layer List

- Layers
- Electric Sy
- Electric Sy
- Gas System
- Water Sys
- Sewer Sys
- Fiber Syst
- LAS System
- Stormwatt
- Cadastral
- Backgrou
- FG Backgi
- Whitfield
- Aerials Mt
- Aerials Ca



# STREET CLOSING NOTICE

HEARING FOR THIS PROPERTY ALABAMA ST

WILL BE HELD AT CITY HALL

300 W WAUGH ST

DATE 11/6/23 - 11/27/23

TIME 6:00 p.m.

706-278-7077

CITY OF DALTON