

**CITY OF DALTON
RESOLUTION
Resolution No. 20-18**

**RESOLUTION ACCEPTING DONATION OF REAL PROPERTY
AND DEDICATION OF PUBLIC RIGHT-OF-WAY OF STREETS KNOWN AS RED
HILL DRIVE, LOMA LANE, ANDOSAL WAY, AND ALTAMONT AVENUE BY THE
OWNER LOMA, LLC.**

WHEREAS, Georgia Code O.C.G.A. §36-37-2 authorizes the City of Dalton to accept donations of real property; and

WHEREAS, Loma, LLC, a Georgia limited liability company (Owner), has offered to donate to the City a parcel or tract of real property located within the city limits of the City of Dalton and to dedicate said real property as public right-of-way; and

WHEREAS, the Mayor and Council of the City of Dalton have determined that it is in the best interest of the City and the citizens therein to accept the donation of said real property and to dedicate said real property as public right-of-way; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dalton, as follows:

THAT THE CITY hereby accepts the donation by Owner of the real property located within the City and more particularly described as follows:

Tract 1

All that tract or parcel of land lying and being in Land Lot No. 276 in the 12th District and 3rd Section of Whitfield County, Georgia, and being those certain roadways being more particularly identified as "Altamont Avenue" according to that certain plat of survey prepared by N. B. Deloach, Georgia Registered Land Surveyor No. 1347, dated November 4, 2004 and recorded in Plat Book D, Page 104, Whitfield County, Georgia Land Records (the "Red Hill subdivision - Phase 1" plat), reference to which plat is hereby made and incorporated herein by reference.

Tract 2

All that tract or parcel of land lying and being in Land Lot No. 276 in the 12th District and 3rd Section of Whitfield County, Georgia, and being those certain roadways being more particularly identified as "Altamont Avenue", "Red Hill Drive" and "Andasol Way" according to that certain plat of survey prepared by N. B. Deloach, Georgia Registered Land Surveyor No. 1347, dated August 11, 2005 and recorded in Plat Book D, Page 349, Whitfield County, Georgia Land Records (the "Red Hill subdivision - Phase 2" plat), reference to which plat is hereby made and incorporated herein by reference.

Tract 3

All that tract or parcel of land lying and being in Land Lot No. 276 in the 12th District and 3rd Section of Whitfield County, Georgia, and being those certain roadways being more particularly identified as "Red Hill Drive" and "Loma Lane" according to that certain plat of survey prepared by Richard W. Cannon, Georgia Registered Land Surveyor No. 2446, dated May 17, 2016 and recorded in Plat Book E, Page 728, Whitfield County, Georgia Land Records (the "Red Hill subdivision - Phase 3" plat), reference to which plat is hereby made and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the acceptance of the subject property is without conditions of its use and said property may be used by and on behalf of the City as permitted by applicable law.

BE IT FURTHER RESOLVED, that the streets known as Red Hill Drive, Loma Lane, Andasol Way, and Altamont Avenue as described herein above are hereby dedicated as public right-of-way for public use and are hereby accepted as city streets of the City of Dalton.

BE IT FURTHER RESOLVED, that the acceptance of the donated real property and dedication of public right-of-way and the issuance of certificates of occupancy of any residential dwelling constructed upon lots adjacent to said real property is conditioned upon Owner providing a Letter of Credit in the amount of \$50,000.00 for a term of two years from a financial institution acceptable to the City of Dalton for the construction of a permanent cul-de-sac on Red Hill Drive as shown on the Final Plat of Red Hill subdivision – Phase 3 in accordance with the City of Dalton street standards and construction of a stormwater detention pond in accordance with the plan drawn by Bailer Civil Group dated August 11, 2020 referred to as "Exhibit A – Option 3".

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its approval by the Mayor and Council of the City of Dalton and the filing of the Dedication Of Public Right Of Way Deed with the Clerk of the Superior Court of Whitfield County by the Owner(s).

ADOPTED AND APPROVED on the _____ day of _____, 20____, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Resolution received its first reading on _____. A motion for passage of the Resolution was made by Council person _____, second by Council person _____ and upon the question the vote is _____ ayes, _____ nays and the Resolution is adopted.

Attest:

CITY OF DALTON, GEORGIA

CITY CLERK

MAYOR