

**CITY OF DALTON
RESOLUTION
Resolution No. 20-17**

**RESOLUTION AUTHORIZING THE CLOSURE OF RIGHT-OF-WAY AND
TRANSFER OF REAL PROPERTY
at
SPARKS LANE AND TAHOE LANE**

WHEREAS, the Mayor and Council of the City of Dalton has determined that it is consistent with the best interests of the City of Dalton and its citizens that the City of Dalton to close the unopened and undeveloped right-of-way located at Sparks Lane and Tahoe Lane as described in Exhibit "A" and Exhibit "B" (the "Property") and to transfer said Property to the Dalton-Whitfield Joint Development Authority (the "JDA"), a public body corporate and politic and a joint development authority duly created pursuant to the Development Authorities Law of the State of Georgia, O.C.G.A. §36-62-1, et seq., as amended, and activated by joint and concurrent resolutions of the governing bodies of the City of Dalton, Georgia and Whitfield County, Georgia;

WHEREAS, the City of Dalton has determined that the Property has remained unopened and undeveloped as a right-of-way by the developer of Kirk Estates subdivision;

WHEREAS, the City of Dalton has determined that the Property has never been used by the public and that no substantial public benefit is served by the Property;

WHEREAS, the City of Dalton has determined that it is consistent with the best interests of the City of Dalton and its citizens that the City of Dalton to close the unopened and undeveloped right-of-way located at Sparks Lane and Tahoe Lane as described in Exhibit "A" (the "Property");

WHEREAS, the City of Dalton has determined that it is consistent with the best interests of the City of Dalton and its citizens that the City of Dalton to transfer said Property to the JDA;

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

THAT the City of Dalton hereby closes the unopened and undeveloped right-of-way located at Sparks Lane and Tahoe Lane as described in Exhibit "A" (the "Property").

THAT the City of Dalton hereby declares that the unopened and undeveloped right-of-way located at Sparks Lane and Tahoe Lane as described in Exhibit "A" (the "Property") 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 that section of street as a public street shall cease.

THAT the City of Dalton hereby transfers said Property to the JDA.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and empowered to take such actions and to execute for and on behalf of the City of Dalton any and all documents as may be necessary or desirable to accomplish and effect the transfer of the Property by Limited Warranty Deed as provided herein; and such documents shall be in such form and contain such terms and conditions as may be approved by the Mayor on behalf of the City of Dalton and as approved as to form by the City Attorney, and the execution of such documents by the Mayor as herein authorized shall be conclusive evidence of any such approval.

BE IT FURTHER RESOLVED, that the Clerk or any Assistant Clerk of the City of Dalton be, and each hereby is, authorized to attest the signature of any officer of the City of Dalton and impress or attest the City of Dalton's seal appearing on the Limited Warranty Deed and other documents executed in connection with any of the foregoing Resolutions.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof of the City of Dalton in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to record this approved Resolution in the minutes of the City Council.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its approval by the Mayor and Council of the City of Dalton.

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

EXHIBIT “A”

All that tract or parcel of land lying and being in the City of Dalton in Land Lot 296 of the 12th District, 3rd Section of Whitfield County, Georgia and being more particularly described as follows:

Beginning at a mag nail found at the southern end of the curved miter in the southwest corner of the intersection of Sparks Lane and Tahoe Lane shown on that certain plat of Kirk Estates, Phase 3 recorded in Plat Cabinet E, Slide 78; thence with a curve turning to the left with an arc length of 38.38', a radius of 25.00', a chord bearing of North 44 Degrees 21 Minutes 39 Seconds West, and a chord length of 34.72', to a 5/8" rebar found; thence North 88 Degrees 26 Minutes 27 Seconds West a distance of 103.91 feet to an iron pin set (5/8" capped rebar); thence with a curve turning to the right with an arc length of 25.84', a radius of 50.00', a chord bearing of North 73 Degrees 56 Minutes 47 Seconds West, and a chord length of 25.55', to an iron pin set (5/8" capped rebar); thence North 22 Degrees 17 Minutes 16 Seconds East a distance of 98.87 feet to a 1/2" rebar found; thence with a curve turning to the right with an arc length of 64.74', a radius of 50.00', a chord bearing of South 39 Degrees 20 Minutes 50 Seconds East, and a chord length of 60.31', to a point; thence with a reverse curve turning to the left with an arc length of 37.60', a radius of 25.00', a chord bearing of South 45 Degrees 20 Minutes 17 Seconds East, and a chord length of 34.16', to a point; thence South 88 Degrees 25 Minutes 28 Seconds East a distance of 109.62 feet to a point on the north right of way of Sparks Lane; thence along the north right of way of Sparks Lane with a curve turning to the left with an arc length of 85.93', a radius of 55.00', a chord bearing of South 47 Degrees 17 Minutes 20 Seconds West, and a chord length of 77.45', to a mag nail found on the west right of way of Tahoe Lane, which is the point of beginning;

Said tract having an area of 8,498 square feet and is more fully shown on an exhibit drawing prepared for Habitat for Humanity of Dalton-Whitfield & Murray, Inc. by Chastain & Associates, PC dated August 26, 2020 (Job #220F43A).

EXHIBIT “B”

See attached Survey prepared by Chastain & Associates, P.C. for Habitat for Humanity of Dalton-Whitfield & Murray, Inc. dated August 26, 2020.