

**GREGORY H. KINNAMON, P.C.**  
**ATTORNEYS AT LAW**  
512 South Thornton Avenue  
Dalton, Georgia 30720  
(706) 277-0777

**Mailing Address:**  
P. O. Box 6178  
Dalton, GA. 30722-6178

Fax: (706) 277-5050

**Gregory H. Kinnamon**  
**Harvard H. Kranzlein, Jr.**

**E-mail:**[greg@gregkinnamon.com](mailto:greg@gregkinnamon.com)  
**E-mail:**[harv@gregkinnamon.com](mailto:harv@gregkinnamon.com)

May 5, 2021

City of Dalton, Georgia  
City Administration Department  
Attn; Kim Witherow  
PO Box 1205  
Dalton, GA 30722-1205

and via email to: [kwitherow@daltonga.gov](mailto:kwitherow@daltonga.gov) and [terrylmiller@mmfirmlaw.com](mailto:terrylmiller@mmfirmlaw.com)

re: Petition to close unopened portion of Belton Avenue, Dalton, Georgia

Dear Kim:

Thank you for your prior guidance in this matter.

Per your instructions, Ms. Alice Yim owns parcels 12-184-01-009 and 12-186-01-007, i.e., parcels to the north and south of the unopened portion of Belton Avenue, the subject matter of our petition. Thus, Ms. Alice Yim is the only parcel owner contiguous to said request.

Enclosed herewith, please find:

- a quitclaim deed from the City of Dalton to Ms. Alice Yim using the recetly surveyed legal description; and
- survey with legal description; and
- aerial photos, tax maps, etc.; and
- vesting deed into Ms. Alice Yim, and
- e-mail correspondence from Robert Smalley, Whitfield County Attorney, stating the City of Dalton has complete authority to convey same.

Likewise, enclosed herewith is the minimum fee of \$250 as required. Please bill me for any additional expenses.

If you need anything further, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gregory H. Kinnamon', with a long horizontal flourish extending to the right.

Gregory H. Kinnamon  
Attorney for Alice Yim

GHK/rm  
enclosures  
cc: Client

## PETITION FOR QUITCLAIM

COMES NOW, ALICE YIM (“Petitioner”), and petitions the City of Dalton (the “City”) to close, abandon, and convey to Petitioner by quit claim deed property (the “Property”) commonly known as Belton Avenue and more fully described in Exhibit A hereto and in the Survey prepared by Lewis & Associates Land Surveying, LLC (Ga. Registered Land Surveyor No. 3063) dated May 4, 2021 and attached hereto as Exhibit B, showing the City as follows:

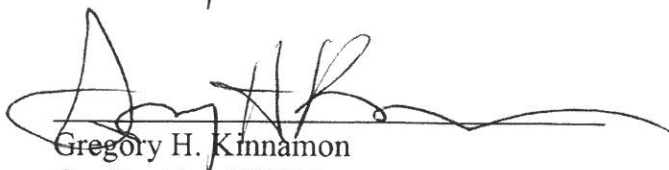
- (a) The Property is adjoined and abutted only by land owned by Petitioner and serves no lawful public purpose other than to access the land of Petitioner. (Ex. B.)
- (b) Petitioner is the owner of abutting land, holding title through the owner from whom the City acquired the Property.
- (c) Due to changed conditions, the Property is no longer needed for the public purpose(s) for which it was initially acquired by the City, or for any other public purpose.
- (d) The Property consists of 0.33 acres within the limits of the City of Dalton. (Ex. B.)
- (e) The value of the Property is less than \$6,000 per valuation by Whitfield County Tax Assessors Office as compared to valuations set by adjoining parcels.
- (f) Petitioner has submitted a survey (Ex. B) and \$250, as required by the City.

WHEREFORE, in consideration of the foregoing, Petitioner respectfully requests that the City:

- (1) Review, approve, and adopt the representations in this Petition and Exhibits hereto.
- (2) Publish weekly this Petition and Exhibit A hereto in the legal organ of Whitfield County for two consecutive weeks.
- (3) Make a determination in the City’s minutes that: “The Property (1) has ceased to be used by the public to the extent that no substantial public purpose is served by it; (2) is no longer needed for the public purpose(s) for which it was initially acquired by the City, or for any other public purpose, because of changed conditions because of changed conditions; and (3) is therefore abandoned.”

- (4) Record the foregoing resolution the City's meeting minutes and execute a quitclaim deed conveying the Property to Petitioner.

Respectfully submitted, this 6<sup>th</sup> day of May, 2021.



Gregory H. Kinnamon  
Ga. Bar No. 422215  
greg@gregkinnamon.com  
*Counsel for Petitioner*

Gregory H. Kinnamon, PC  
PO Box 6178  
Dalton, GA 30722-6178  
Phone: (706)277-0777  
Fax: (706)277-5050

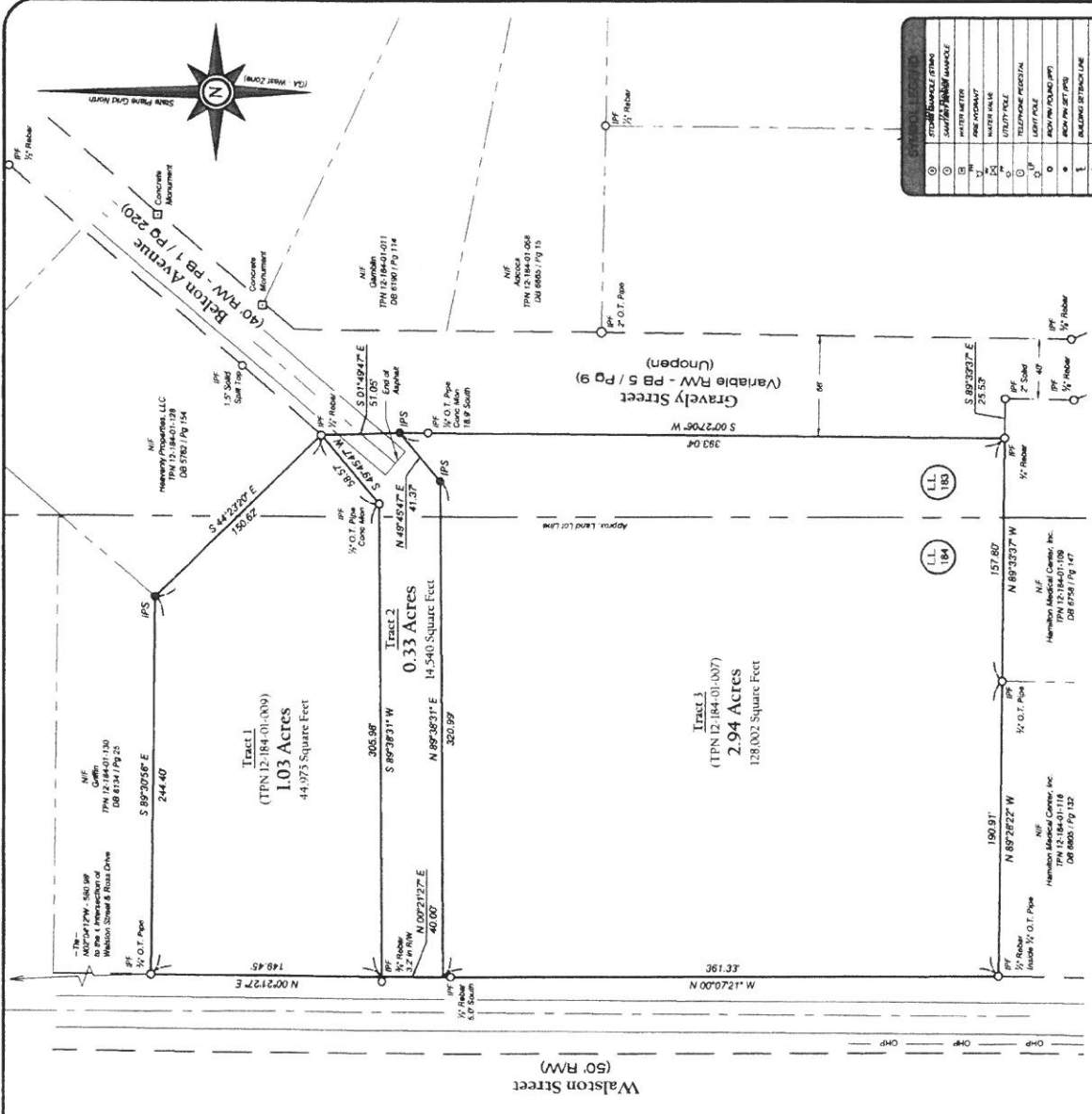
**LEWIS & ASSOCIATES**  
LAND SURVEYING & PLANNING  
P.O. BOX 2046  
DALTON, GA 30722  
(706) 529-4513  
info@lewisurvey.com  
www.lewisurvey.com

**ALICE YIM**  
BEING TAX PARCEL NOS. 12-184-01-007 & 12-184-01-009  
LOCATED IN LAND LOTS 183 & 184, 12th DISTRICT, 3rd SECTION  
CITY OF DALTON, WHITFIELD COUNTY, GEORGIA

FINAL PLAT (EXEMPT SUBDIVISION)

DATE	4/8/2021
BY	USM/SOK
DATE	4/8/2021
BY	USM/SOK
DATE	4/8/2021
BY	USM/SOK
DATE	4/8/2021
BY	USM/SOK

SCALE: 1" = 50'  
SHEET NO. 1/1



**811**  
Know what's below.  
Call before you dig.

**EXHIBIT**



RESERVED FOR THE CLERK OF SUPERIOR COURT.

**PLAT NOTES:**

**CLAIMING JURISDICTION:** THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A CLOSURE PROCEEDING OF 1.38, 117' AND AN ANGLE OF 107° 00' 00". THE PLAT HAS A CLOSURE PROCEEDING OF 1.38, 117'.

**CONFORMANCE:** ALL FIELD MEASUREMENTS WERE MADE USING A SENSUS METALS ROBOTIC TOTAL STATION WITH A 2" ACCURACY.

**FIELD EVIDENCE:** THE SUBJECT PROPERTY LIES ON THE INTERSECTION OF WATSON STREET AND BETA AVENUE. THE SUBJECT PROPERTY LIES ON THE INTERSECTION OF WATSON STREET AND BETA AVENUE. THE SUBJECT PROPERTY LIES ON THE INTERSECTION OF WATSON STREET AND BETA AVENUE.

**ADJACENT PARTIES:** THE SUBJECT PROPERTY IS CURRENTLY HELD BY CHANG BIK YIM AND ALICE YIM. THE PLAT IS BEING FILED FOR THE RECORD.

**REFERENCES:** THE SUBJECT PROPERTY IS CURRENTLY HELD BY CHANG BIK YIM AND ALICE YIM. THE PLAT IS BEING FILED FOR THE RECORD.

**GENERAL NOTES:** THE SURVEY WAS MADE ON THE SUBJECT PROPERTY. THE SURVEY WAS MADE ON THE SUBJECT PROPERTY. THE SURVEY WAS MADE ON THE SUBJECT PROPERTY.

AS REQUIRED BY SECTION 161 OF O.C.G.A. SECTION 15-14-47, THIS PLAT HAS BEEN REVIEWED BY THE CLERK OF SUPERIOR COURT. THE CLERK OF SUPERIOR COURT HAS REVIEWED THE PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF O.C.G.A. SECTION 15-14-47. THE CLERK OF SUPERIOR COURT HAS REVIEWED THE PLAT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF O.C.G.A. SECTION 15-14-47.

DATE: 5/4/2021

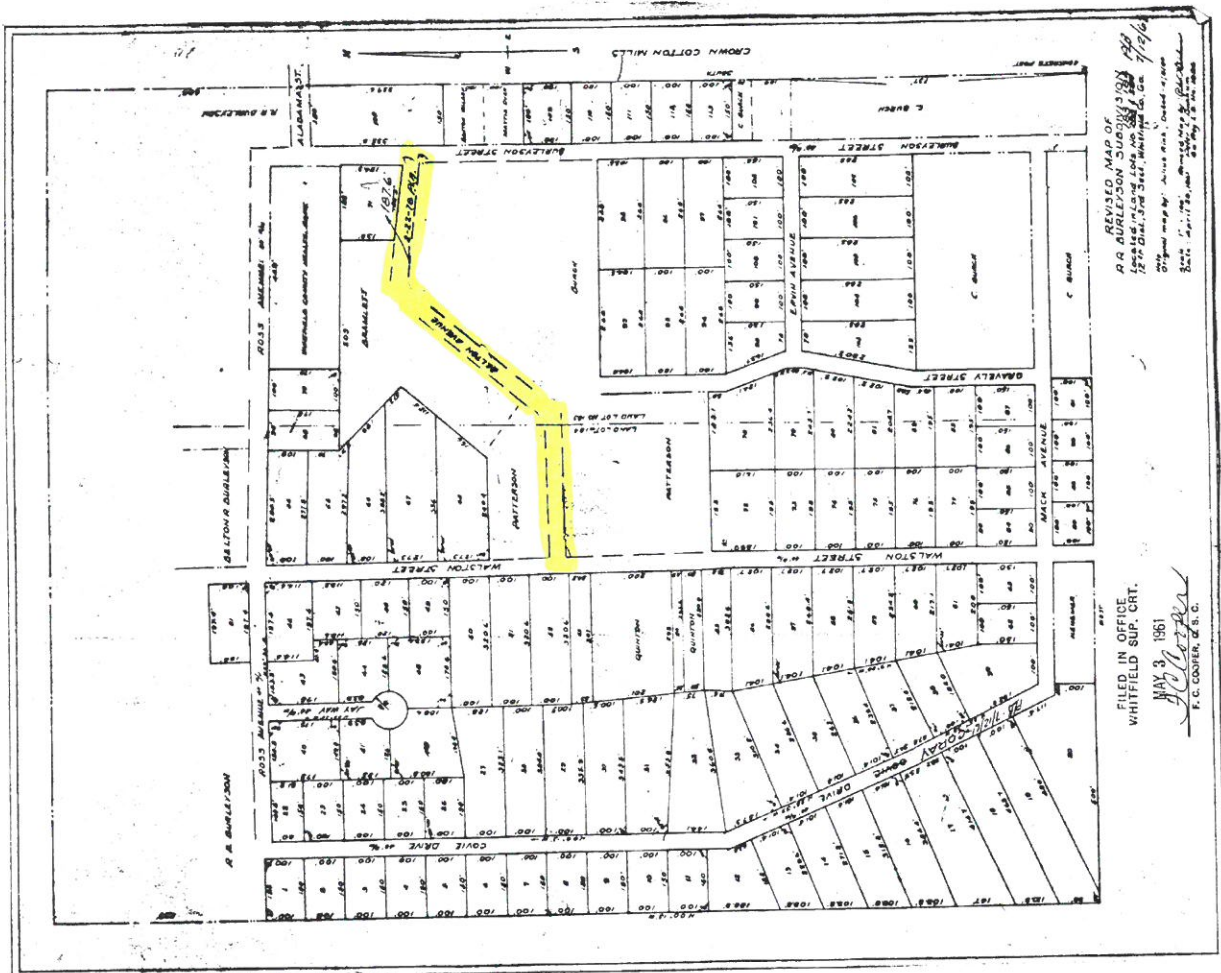
CLERK OF SUPERIOR COURT: [Signature]

EXHIBIT "A"

ALL THAT TRACT or parcel of land lying and being in Land Lot Nos. 183 and 184, in the 12th District and 3<sup>rd</sup> Section, in the City of Dalton, Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the eastern right of way of Walston Avenue (having a 50-foot right of way); said point being located South 01 degree 34 minutes 24 seconds East a distance of 730.33 feet from the centerline intersection of Walston Avenue and Ross Drive; thence North 89 degrees 38 minutes 31 seconds East along the northern right of way of Belton Avenue a distance of 305.98 feet to a ½-inch open top pipe in a concrete monument; thence North 49 degrees 45 minutes 47 seconds East along the northern right of way of Belton Avenue a distance of 58.57 feet to a ½-inch rebar; thence leaving said northern right of way of Belton Avenue running South 01 degrees 49 minutes 47 seconds East a distance of 51.05 feet to a 5/8-inch capped rebar on the southern right of way of Belton Avenue; thence South 49 degrees 45 minutes 47 seconds West along the southern right of way of Belton Avenue a distance of 41.37 feet to a 5/8-inch capped rebar; thence South 89 degrees 38 minutes 31 seconds West along said southern right of way of Belton Avenue a distance of 320.99 feet to a point on the eastern right of way of Walston Avenue; thence North 00 degrees 21 minutes 27 seconds East along the eastern right of way of Walston Avenue a distance of 40.00 feet to the POINT OF BEGINNING.

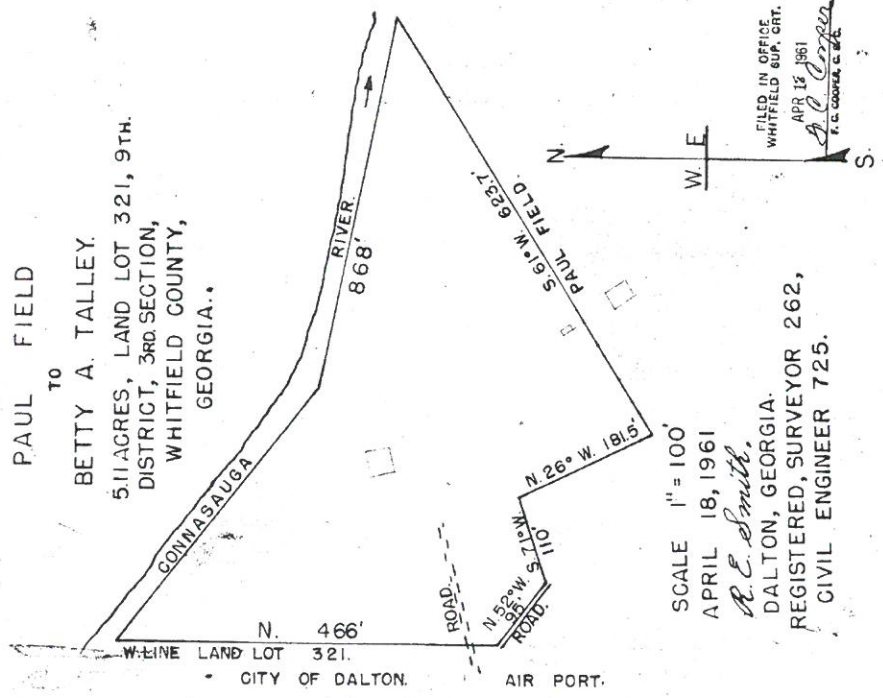
SAID TRACT or parcel containing 0.33 acres.



REVISED MAP OF  
 P. O. ...  
 ...  
 ...  
 ...

FILED IN OFFICE  
 WHITFIELD SUP. CRT.  
 MAY 3 1961  
 F. C. COOPER, JR., S. C.

PAUL FIELD  
 TO  
 BETTY A. TALLEY.  
 5.11 ACRES, LAND LOT 321, 9TH.  
 DISTRICT, 3RD SECTION,  
 WHITFIELD COUNTY,  
 GEORGIA.



FILED IN OFFICE  
 WHITFIELD SUP. CRT.  
 APR 12 1961  
 R. E. Smith,  
 F. C. COOPER, JR.

SCALE 1" = 100'  
 APR 18, 1961  
 R. E. Smith,  
 DALTON, GEORGIA.  
 REGISTERED SURVEYOR 262,  
 CIVIL ENGINEER 725.

W-LINE LAND LOT 321.  
 CITY OF DALTON. AIR PORT.

**CITY ADMINISTRATOR**  
JASON PARKER  
P.O. BOX 1205  
DALTON, GEORGIA 30722  
PHONE: 706-278-9500  
[jparker@daltonga.gov](mailto:jparker@daltonga.gov)  
[www.cityofdaltongga.gov](http://www.cityofdaltongga.gov)




**MAYOR**  
DAVID PENNINGTON

**CITY COUNCIL**  
GARY CREWS  
TYREE GOODLETT  
ANNALEE HARLAN  
DEREK WAUGH

## **MEMORANDUM**

**TO:** Andrew Parker, Public Works Director  
Cliff Cason, Police Chief  
Todd Pangle, Fire Chief  
Terry Miller, City Attorney  
Tom Bundros, Dalton Utilities

**FROM:** Kimberley Witherow 

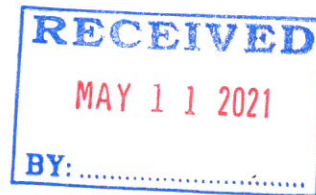
**RE:** Street Closing/Quit Claim Request  
Alice Yim – Belton Avenue

**DATE:** May 6, 2021

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Enclosed for your consideration is a street closing/quit claim request from Mrs. Alice Yim for a portion of Belton Avenue. Please review the documents and return written comments stating approval/disapproval to this office within ten (10) days. The property in question will be posted and a public notice advertised beginning May 14, 2021. A first reading on the closing request will be held at the June 7, 2021 Mayor and Council meeting. Thank you for your assistance in this process and please call me should you have any questions.





May 11, 2021

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

**RE: Street Closing/Quit Claim Request  
Unopened section of Belton Avenue**

Dear Mayor Pennington:

As requested in your May 6th, 2021, memorandum, Dalton Utilities has reviewed the street closing/quit claim request for a portion of Belton Avenue. The following paragraphs will detail our response and contingent approval of the closure.

Dalton Utilities currently maintains natural gas, water, sewer lines which extend near the existing dead-end of Belton Avenue. These utility lines must remain in place in order to maintain the level of service currently needed by utility customers. Therefore, it is imperative that we are provided with a permanent access and utility easement for future maintenance and/or replacement of this critical infrastructure. **It is also important to note that no permanent structure may be constructed above any of the below ground utility lines (natural gas, water and sewer).**

Our approval of the road closure is contingent upon the retention of a permanent access and utility easement as noted previously. We have provided the attached drawing that shows the approximate location of existing utility lines near the dead end of Belton Avenue for your reference. Please do not hesitate to contact me at (706) 529-1011 or [mbuckner@dutil.com](mailto:mbuckner@dutil.com) should any questions arise or if we may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Mark Buckner".

Mark Buckner



PUBLIC WORKS DEPARTMENT  
P. ANDREW PARKER, P.E., DIRECTOR  
[aparker@daltonga.gov](mailto:aparker@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  
GARY CREWS  
TYREE GOODLETT  
ANNALEE HARLAN  
DEREK WAUGH

## M E M O R A N D U M

**TO:** David Pennington III, Mayor  
Attn: Bernadette Chattam, City Clerk

**FROM:** P. Andrew Parker, P.E.  
Public Works Director

**RE:** Street Closing/Quit Claim Request  
Alice Yim – Belton Avenue

**DATE:** May 21, 2021

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Regarding the subject request, please be advised that the Public Works Department has no objections to the Street Closing/Quit Claim Request for a portion of Belton Avenue.

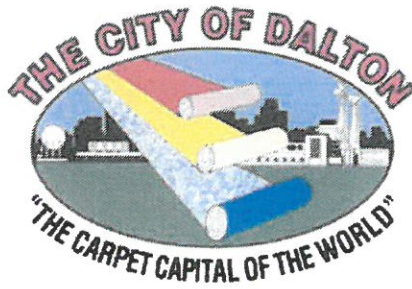
Please note the following description for the limits of the Street Closing/Quit Claim Request:

ALL THAT TRACT or parcel of land lying and being in Land Lot Nos. 183 and 184, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section, in the City of Dalton, Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the eastern right of way of Walston Avenue (having a 50-foot right of way); said point being located South 01 degree 34 minutes 24 seconds East a distance of 730.33 feet from the centerline intersection of Walston Avenue and Ross Drive; thence North 89 degrees 38 minutes 31 seconds East along the northern right of way of Belton Avenue a distance of 305.98 feet to a 1/2-inch open top pipe in a concrete monument/ thence North 49 degrees 45 minutes 47 seconds East along

**PUBLIC WORKS DEPARTMENT**  
**P. ANDREW PARKER, P.E., DIRECTOR**  
[aparker@daltonga.gov](mailto:aparker@daltonga.gov)

535 N. Elm Street  
P.O. Box 1205  
Dalton, GA 30722-1205  
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**DAVID PENNINGTON, MAYOR**

**CITY COUNCIL MEMBERS**

GARY CREWS  
TYREE GOODLETT  
ANNALEE HARLAN  
DEREK WAUGH

the northern right of way of Belton Avenue a distance of 58.57 feet to a 1/2-inch rebar; thence leaving said northern right of way of Belton Avenue running South 01 degrees 49 minutes 47 seconds East a distance of 51.05 feet to a 5/8-inch capped rebar on the southern right of way of Belton Avenue; thence South 49 degrees 45 minutes 47 seconds West along the southern right of way of Belton Avenue a distance of 41.37 feet to a 5/8-inch capped rebar; thence South 89 degrees 38 minutes 31 seconds West along said southern right of way of Belton Avenue a distance of 320.99 feet to a point on the eastern right of way of Walston Avenue; thence North 00 degrees 21 minutes 27 seconds East along the eastern right of way of Walston Avenue a distance of 40.00 feet to the POINT OF BEGINNING.

SAID TRACT or parcel containing 0.33 acres.

## DALTON FIRE DEPARTMENT

TODD PANGLE  
Fire Chief  
Telephone 706-278-7363  
Fax 706-272-7107  
tpangle@daltonga.gov

404 School Street  
Dalton, GA 30720



### PUBLIC SAFETY COMMISSION

Terry Mathis  
Bill Weaver  
Truman Whitfield  
Anthony Walker

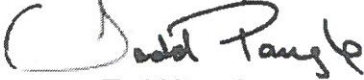
May 7, 2021

Re: Street Closing/Quit Claim Request  
Alice Yim – Belton Avenue

Greetings,

My staff and I have reviewed the request and Dalton Fire Department has no objections to the request for the closing of the section of Belton Avenue outlined in the request. During our staff analysis and as is outlined in Captain Daniels letter, there are recommendations and or requirements that will have to be met in any future development of the property. The appropriate code is referenced in Captain Daniels letter. If there are any questions please feel free to contact me.

Thank You,



Todd Pangle  
Fire Chief

Fire Chief  
Todd Pangle



## DALTON FIRE DEPARTMENT PREVENTION DIVISION

**Fire Marshal**  
Matt Daniel  
404 School Street  
Dalton, GA 30720  
(706) 529-7486  
[mdaniel@daltonga.gov](mailto:mdaniel@daltonga.gov)

**Fire Inspectors**  
Donnie Blankenship  
(706) 278-7363 x227  
[dblankenship@daltonga.gov](mailto:dblankenship@daltonga.gov)  
Scott Hearn  
(706) 278-7363 x247  
[shearn@daltonga.gov](mailto:shearn@daltonga.gov)  
Dale Stratton  
(706) 278-7363 x248  
[dstratton@daltonga.gov](mailto:dstratton@daltonga.gov)

May 07, 2021

Re: Road Closure Analysis, Belton Avenue

**Property Address/Parcel:** 12-184-01-009 and 12-184-01-007

The Preventions Division has no concerns with the closure of the section of Belton Avenue between Parcels: 12-184-01-009 and 12-184-01-007. However, to meet State Fire Department access requirements a cul-de-sac should be constructed. The cul-de-sac should be constructed near the fire hydrant located south of 1411 Belton Avenue. Its unclear as to why Belton Avenue was not required to extend to Walston Avenue to meet the Fire Department access requirement. Please see the code referenced for the access requirement. Belton Avenue is approximately 760 feet long.

### International Fire Code 2018

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**Table D103.4**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

Respectfully,

Matt Daniel  
Captain  
Prevention Division

**William C Cason III**  
Chief of Police  
ccason@daltonga.gov  
www.daltonpd.com  
[www.cityofdalton-ga.gov/police](http://www.cityofdalton-ga.gov/police)



Public Safety Commission  
Bill Weaver  
Terry Mathis  
Anthony Walker  
Truman Whitfield

**DALTON POLICE DEPARTMENT**  
301 Jones Street, Dalton, Georgia 30720  
Phone: 706-278-9085 • Fax: 706-272-7905

Date: May 27, 2021

To: Chief Cliff Cason

From: Captain Barry Woods

RE: Belton Ave Street Closing/Quit Claim Request

Chief Cason:

I have reviewed the Street Closing/Quit Claim Request for Belton Ave. It appears that there was a plan to use this parcel for the continuation of Belton Ave to connect with Walston Ave. This continuation of Belton Ave has not been completed. The parcel is currently wooded with no mode of access to Walston Ave.

The closing of Belton Ave at the proposed point and the transfer of interest in the parcel would have no bearing on the Dalton Police Department's law enforcement services in this area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry Woods", is written over a horizontal line.

Captain Barry Woods

# STREET CLOSING

## NOTICE

BELTON AVE.

HEARING FOR THIS PROPERTY

WILL BE HELD AT CITY HALL

300 W WAUGH ST

TIME 6:00 p.m.

DATE 6-7-21 & 6-21-21

706-278-7077

CITY OF DALTON