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G. Gargandi Vaughn  
City Attorney  
City of Dalton  
VIA Courthouse Drop Box

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## **EASEMENT FOR STORMWATER INSTALLTION AND MAINTENANCE**

This **Easement For Stormwater Installation And Maintenance**, by and between **Jerson Escobar and Misty Escobar**, individual residents of the State of Georgia, as "Grantor", and the **City of Dalton**, a municipal corporation of the State of Georgia, as "Grantee":

**WHEREAS**, Grantor is the fee owner of certain real estate situated in the City of Dalton, Whitfield County, Georgia, which real estate is legally described on **Exhibit "A"** attached hereto and incorporated herein by reference, hereinafter referred to as the "Premises"; and

**WHEREAS**, the City of Dalton desires to install and maintain stormwater infrastructure upon a portion of the Premises for the benefit of the public; and

**WHEREAS**, the parties hereto have determined that it is in their mutual best interest for Grantor to grant and Grantee to accept easements for the installation and maintenance of stormwater infrastructure in and along certain portions of the Premises as hereinafter described and for the purposes and upon the terms and conditions hereinafter provided;

**NOW, THEREFORE**, incorporating the foregoing recitals and making them a part hereof, and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid, the covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

**Stormwater Easement.** Grantor, and for and on behalf of its successors and assigns, and for and on behalf of anyone claiming by, through or under Grantor, does hereby grant, bargain, sell and convey unto Grantee and its successors and assigns, a perpetual, non-exclusive easement in, on, over, under, across and through that certain portion of the Premises shown as the "Drainage Easement" described on **Exhibit "B"** attached hereto and incorporated herein by reference. The rights, benefits, privileges, and easement granted herein is for the purpose of the non-exclusive use and enjoyment of the stormwater easement to channel, distribute or transport stormwater along and in the stormwater easement and to install, maintain, repair and replace such stormwater infrastructure as necessary for the efficient operation thereof as determined exclusively at the discretion of the Grantee.

**Use and Enjoyment.** Grantor hereby reserves the right to use the Premises in any manner that will not prevent or unreasonably interfere with the exercise by Grantee of the easements granted by this Easement. Further, Grantor shall have the right to grant other non-exclusive easements upon, over, along, through and across the Premises so long as such other easements (i) shall be subject and subordinate to the easements granted in this Easement, and (ii) do not, by their terms, nature or location interfere unreasonably with the rights granted under this Easement.

**Run with the Land.** All rights, title and privileges granted under this Easement, including all benefits and burdens, shall run with the Premises and shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns.

**IN WITNESS WHEREOF**, Grantor(s) have hereunto set their hands and affixed their seals,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.  
  
\_\_\_\_\_  
Jerson Escobar

\_\_\_\_\_  
(SEAL)

By: Jerson Escobar  
GRANTOR

Signed, sealed and delivered this  
\_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_ in the presence of:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
Misty Escobar

\_\_\_\_\_  
(SEAL)

By: Misty Escobar  
GRANTOR

Signed, sealed and delivered this  
\_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_ in the presence of:

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
NOTARY PUBLIC

CITY OF DALTON

\_\_\_\_\_  
(SEAL)

By: Mayor  
GRANTEE

Attest:

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

**EXHIBIT “A”**

(Legal description of subject property – “Premises”)

A certain tract or parcel of land lying and being in Land Lot 159 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being Tract B as shown on plat of survey prepared for Steve Payne by David A. Glass, Registered Land Surveyor No. 2822, dated August 14, 2018, recorded in Plat Book E, page 1482 in the office of the Clerk of the Superior Court of Whitfield County, Georgia, which plat is incorporated herein by reference for a complete description.

Tax Parcel ID No.: 12-159-02-091

**EXHIBIT “B”**

(Drainage Easement – Winton Drive)