

After Recording,
Please Return to:

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

EASEMENT FOR STORMWATER INSTALLTION AND MAINTENANCE

This **Easement For Stormwater Installation And Maintenance**, by and between **Hamilton Medical Center, Inc.**, a Georgia domestic non-profit corporation, 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__.

HAMILTON MEDICAL CENTER, INC.

_____(SEAL)
Title:_____
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 tract or parcel of land lying and being in Land Lot 159 of the 12th District, 3rd Section, Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the south side of the right of way to be known as Winton Drive 118 feet west of the southwest corner of the intersection of Winton Drive and Walston Avenue; thence running southerly a distance of 149.2 feet to a point; thence running westerly a distance of 118 feet to a point; thence running northerly a distance of 148.5 feet to a point on the south side of the right of way known as Winton Drive; thence easterly a distance of 118 feet to the point of beginning.

Said tract of land being Lot No. 88 in the Price Hills Subdivision. Said Lot No. 88 being shown on the plat of Price Hills Subdivision dated October 26, 1964, as prepared by R. E. Smith, Registered Surveyor 262, Civil Engineer 725, and recorded in Plat Book 5, Page 147 in the Office of the Clerk of Whitfield County, Georgia.

Tax Parcel ID No.: 12-159-02-019

EXHIBIT “B”

(Drainage Easement – Winton Drive)