

CITY OF DALTON
RESOLUTION
Resolution No. 20-35

RESOLUTION AUTHORIZING STORMWATER EASEMENT
WITH HAMITON MEDICAL CENTER, INC.
Located at
WINTON DRIVE

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 acquire for public use a stormwater easement and temporary construction easement upon certain real property located at Winton Drive as described in Exhibit “A” (the “Property”) from Hamilton Medical Center, Inc, Georgia domestic corporation (the “Grantor”), as provided for in the Stormwater Easement (the “Easement”);

WHEREAS, the City of Dalton, under the authority of the Charter of the City of Dalton Sections 4-8(f) and 4-8(r) is authorized to acquire an interest in real property for public use;

WHEREAS, the City of Dalton has determined that a Stormwater Easement upon the Property is necessary for the public good to conduct stormwater management activities;

WHEREAS, the Grantor has agreed to permit the City of Dalton to conduct stormwater management activities on the Property;

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

THAT the City of Dalton hereby approves and accepts the proposed Easement for the use intended therein.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to approve and accept the Easement and any and all documents necessary to consummate the proposed acquisition of a Stormwater Easement to conduct stormwater management activities.

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 Stormwater Easement and these Resolutions; 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 all acts and doings of the Mayor in connection with the Stormwater Easement which are in conformity with the purposes and intents of these Resolutions and in the furtherance of the transactions contemplated hereby and thereby shall be, and the same hereby are, in all respects approved and confirmed.

BE IT FURTHER RESOLVED, that the signature of the Mayor to the Stormwater Easement and other documents executed and delivered in connection therewith shall be conclusive evidence of the authority of the Mayor to execute and deliver such documents on behalf of the City of Dalton.

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 Stormwater Easement 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"
(Legal description of subject property)

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”
(Stormwater Easement)