



ANNEXATION APPLICATION

I HEREBY REQUEST THE MAYOR AND COUNCIL OF THE CITY OF DALTON ANNEX THE PROPERTY DESCRIBED BELOW IN THIS APPLICATION.

PLEASE LIST THE APPLICANT NAME REQUESTING ANNEXATION

APPLICANT NAME:	Pool Dalton Partners, LLC & Mayor Dalton, LLC
APPLICANT ADDRESS:	141 Washington Ave
CITY, STATE & ZIP:	Lawrence NY 11559
TELEPHONE NUMBER:	(212) 868-1234

PROPOSED PROPERTY TO BE ANNEXED

(1) STREET ADDRESS OF PROPERTY TO BE ANNEXED:	1001 Market Street
(2) SUBDIVISION OF THE PROPERTY TO BE ANNEXED:	N/A
(3) LOT(S) NUMBER OF THE PROPERTY TO BE ANNEXED:	N/A
(4) FUTURE INTENDED USE OF THE PROPERTY TO BE ANNEXED:	Commercial Development

- PROPOSED ZONING CLASSIFICATION - Mixed Use
- PROPOSED AMOUNT OF ACREAGE TO BE ANNEXED - 8.66 Acres
- TAX MAP NUMBER/PARCEL NUMBER 12-261-14-000
- HOUSING UNITS zero

- (1) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF REGISTERED VOTERS
- (2) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS OF VOTING AGE, IF DIFFERENT NUMBER THAN SHOWN IN NUMBER (1)
- (3) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS IN THE HOUSEHOLD.
- (4) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF CHILDREN IN THE HOUSEHOLD.
- (5) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF HOUSING UNITS.
- (6) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, PLACE NUMBER OF RESIDENTS IN APPLICABLE BOX. ☐ CAUCASIAN ☐ LATINO
☐ AFRICAN AMERICAN ☐ OTHER
- (7) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF PERSONS WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH.

SIGNATURE OF APPLICANT(S)

12/11/2020
DATE

OWNERSHIP VERIFICATION

The undersigned is the / an owner of an interest in the lands described in the attached Annexation Contract, which proposes to amend the Official Zoning Map of Dalton, Georgia, and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

1001 Market Street Dalton Ga Parcel 12-261-14-000
Describe parcel or parcels and nature of interest
and percentage of interest

Parcel Dalton Partners, LLC - 47.93% Mauer Dalton, LLC
52.07%

I hereby appoint [Signature]
my attorney in fact with full authority, my name, place, and stead, to apply for the
zoning amendment as set forth in the attached annexation contract.

Sholom Jacobs
(Owner's Name)

Sworn to and subscribed
Before me, this 13 day
of Dec., 2020

[Signature]
Notary Public

LISA FERN GORDON
NOTARY PUBLIC-STATE OF NEW YORK
No. 01606213007
Qualified in Nassau County
My Commission Expires 10-26-2021

(Seal)



NOTICE TO ALL LANDOWNERS REGARDING ANNEXATION

If your request to annex your property into the City of Dalton is approved by Whitfield County, you will be charged a city property tax for the City of Dalton as well as a Public School tax. This will appear on your property tax bill that you receive from Whitfield County. The millage rate is 2.537 mils per at 100% of assessed property value.

Example: If your property is valued at \$100,000 – your assessed value is 100% or $\$100,000 \times 2.537$ mils, your Dalton City tax would be \$253.7 per year.

Should you have any questions, please contact the Whitfield County Tax Commissioners office at (706) 275-7510.

I have read the above statement and understand that if my property is annexed, I will be charged Dalton City tax.



SIGNED

12/11/2020
DATE

EXHIBIT "B"

4-1-13

Mixed use (*MU*.) This transition district is established to provide for appropriate mixed use opportunities on parcels smaller than those required for the PUD district. Typically, such uses would include apartment or condominium style multi-family housing situated above compatible retail/service commercial or light manufacturing uses that are intended to serve such residents and the general public. However, the use(s) may also be entirely commercial or light manufacturing, creating more flexibility with respect to access, setbacks, etc., as shown on an approved site plan. To be considered for the MU district, a full and complete application for rezoning shall include a preliminary site plan. Establishing a MU district requires the implementation and adherence to the approved site plan as required by: 1) these regulations; 2) any other applicable regulations; or 3) any conditions resulting from the review process. Once submitted, if there are any material alterations to the site plan, the altered site plan shall be resubmitted.

Deed Doc: WD
Recorded 01/10/2014 04:31PM
Georgia Transfer Tax Paid : \$1,200.00
MELICA KENDRICK
Clerk Superior Court, WHITFIELD County, Ga.
Bk 05989 Pg 0224-0230

Doc #226
PT61 000042

[Space above this line for recording data.]

Please Record and Return To:

J. Tom Minor, IV
Minor, Bell & Neal
P.O. Box 2586
Dalton, GA 30722-2586

WARRANTY DEED

Georgia, Whitfield County

THIS INDENTURE made this 7th day of January, 2014, between **Mauer Dalton, LLC**, a Delaware limited liability company, and **Poal Dalton, LLC**, a Delaware limited liability company, Grantor, and **Market Street Dalton, LLC**, a Georgia limited liability company, Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

THE GRANTOR, for and in consideration of the sum of ten dollars and other valuable considerations, in hand paid at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said Grantee all that tract or parcel of land as more particularly described in Exhibit "A" attached hereto, reference to which is hereby made and incorporated herein by reference (the "Market Street Property").

THIS CONVEYANCE is made subject to the matters (the "permitted encumbrances") set out in Exhibit "B" attached hereto, the terms of which are made a part hereof.

THIS CONVEYANCE is also made subject to the following covenant, condition and restriction, which shall run with the Market Street Property for a period of twenty (20) years, and which shall create equitable servitudes in favor of the property benefited thereby, shall bind every person having any fee, leasehold or other interest therein, to wit: No portion of the Market Street Property shall be used or

occupied as a group of retail and other commercial establishments that is planned, developed, owned and managed as a single property, typically generally referred to as a shopping center.

THIS CONVEYANCE is also made subject to the following covenant, condition and restriction, which shall run with the remaining property owned by Grantor described in Exhibit "C" (the "Shopping Center Property") for a period of twenty (20) years, and which shall create equitable servitudes in favor of the property benefited thereby, shall bind every person having any fee, leasehold or other interest therein, to wit: No portion of the Shopping Center Property shall be used or occupied as a motel or hotel.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, in Fee Simple. The said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the lawful claims of all persons.

IN WITNESS WHEREOF, this deed has been duly executed and sealed by Grantor the day and year first above written.

Signed, sealed and delivered

In the presence of:

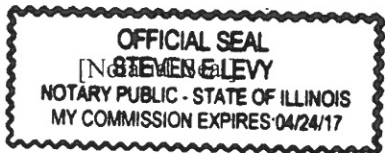
Sharon Aaron
Unofficial Witness

Marion E. Perry
Notary Public

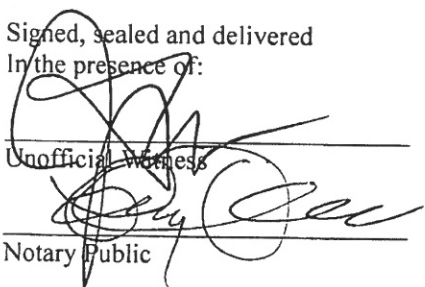
Mauer Dalton, LLC

By: [Signature] (Seal)
Marshall A. Mauer, Sole Member

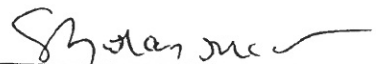
My commission expires: 4/24/17



Signed, sealed and delivered
In the presence of:


Unofficial Witness
Notary Public

Poal Dalton, LLC
By Poal Dalton Partners, LLC,
Its Sole Member

By:  (Seal)
Sholom Jacobs, Director

My commission expires:

[Notarial Seal]

FAY P TAUB
Notary Public, State of New York
No 24-4797126
Qualified in Nassau County
Commission Expires .. 6/27/14

Grantee, by its signature herein acquiesces to the terms, conditions and restrictions contained in the within Warranty Deed.

Signed, sealed and delivered
In the presence of:

Unofficial Witness

Notary Public

My commission expires:

[Notarial Seal]

Market Street Dalton, LLC

By: _____ (Seal)
Naren Patel, Manager

File No. 20130607

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot No. 261 in the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described as Lot No. 1, according to a plat of survey prepared for Max Randall Compton, Georgia Registered Land Surveyor No. 2564, dated June 25, 2013, and recorded in Plat Cabinet E Slide 332, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

The Seller specifically does not retain any easement rights to the two areas shown as "20' Easement for Ingress & Egress on the above referred to plat.

TOGETHER WITH those easements contained in that certain Declaration of Reciprocal Easements for walking and driving by Dalton Properties, Inc., dated October 2, 1990 and recorded in Deed Book 2167 Page 131, Whitfield County, Georgia Land Records.

TOGETHER WITH those easements contained in that certain Declaration of Joint and Reciprocal Easements by and between Poal Dalton, LLC, Mauer Dalton, LLC and 1001 Market Street, LLC dated April 28, 2011 and recorded in Deed Book 5596 Page 256 and Deed Book 5596 Page 261, Whitfield County, Georgia Land Records, as amended in that certain First Amendment to Declaration of Joint and Reciprocal Easements dated January 7, 2013 and recorded in Deed Book 5989 Page 205, Whitfield County, Georgia Land Records.

EXHIBIT "B"

1. Drainage easement conveyed in that certain Warranty Deed from K-Carole, Inc. to Mike Savage & Company dated January 22, 1982 and recorded in Deed Book 702 Page 12, Whitfield County, Georgia Land Records.
2. Thirty foot ingress and egress easement reserved in that certain Warranty Deed from Wallace C. Bryant to Timothy Hogan dated November 7, 1985 and recorded in Deed Book 890 Page 108, Whitfield County, Georgia Land Records.
3. Thirty foot ingress and egress easement reserved in that certain Warranty Deed from Wallace C. Bryant to Timothy Hogan dated January 1986 and recorded in Deed Book 904 Page 168, Whitfield County, Georgia Land Records.
4. Utility easement to the City of Dalton dated September 2, 1988 and recorded in Deed Book 2016 Page 17, and amended by instrument dated March 30, 1998 and recorded in Deed book 2958 Page 281, Whitfield County, Georgia Land Records.
5. Declaration of Reciprocal Easements for walking and driving by Dalton Properties, Inc., dated October 2, 1990 and recorded in Deed Book 2167 Page 131, Whitfield County, Georgia Land Records. NOTE: Only Section 3 applies.
6. Declaration of Joint and Reciprocal Easements by and between Poal Dalton, LLC, Mauer Dalton, LLC and 1001 Market Street, LLC dated April 28, 2011 and recorded in Deed Book 5596 Page 251, in Deed Book 5596 Page 256, and in Deed Book 5596 Page 261, Whitfield County, Georgia Land Records, as amended in that certain First Amendment to Declaration of Joint and Reciprocal Easements of even date.
7. Rights of tenants in possession as tenants only under unrecorded leases.

EXHIBIT "C"

All that tract or parcel of land lying and being in Land Lot No. 261 in the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described as Lot No. 2, according to a plat of survey prepared for Max Randall Compton, Georgia Registered Land Surveyor No. 2564, dated June 25, 2013, and recorded in Plat Cabinet E Slide 332, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

PUBLIC WORKS DEPARTMENT
P. ANDREW PARKER, P.E., DIRECTOR
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: Annexation Request
Poal Dalton LLC. & Mauer Dalton LLC.
1001 Market Street (Outlet Center)
7.99 Acres
Parcel Number: 12-261-14-000
Zoning Classification: MU

DATE: December 10, 2020

Regarding the subject request, please be advised that the Public Works Department has no objections to the annexation of the above referenced parcel.

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

Bill Weaver

Dr. Luis Viamonte

Terry Mathis

Truman Whitfield

Anthony Walker

December 4, 2020

David Pennington, III
Mayor, City of Dalton

Re: Annexation proposal for parcel #12-261-14-000

Greetings,

At the present time there is **no** indication the proposed annexation of above listed property would render a reduction in the level of fire protection to this area by Dalton Fire Department. The property in its current state and use meets code requirements relating to water availability and fire suppression.

Additional fire protection, such as the addition of hydrants, may be required to manage risks associated with further development or redevelopment of the property. However, until such time as plans are made known, no further recommendation can be made as to additional specific fire protection needs for this property.

Dalton Fire Department would not oppose annexation, in fact we encourage annexation, with the contingency for expansion of fire protection, and apparatus access measures relative to additional development of the property.

Thank you,

Todd Pangle

Fire Chief

Dalton Fire Department

William C Cason III
Chief of Police
CCason@DaltonGa.gov
www.daltonpd.com
www.cityofdalton-ga.gov/police



Public Safety Commission

Bill Weaver
Terry Mathis
Anthony Walker
Dr. Luis M. Viamonte
Truman Whitfield

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

Date: December 03, 2020

To: Chief Cliff Cason

From: Captain Jamie Johnson

RE: Poal Dalton LLC. & Mauer Dalton LLC Parcel number: 12-261-14-000

Chief Cason:

I have reviewed the annexation request for 12-261-14-000. This property will 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 "Jamie Johnson", is written over the printed name.

Captain Jamie Johnson



December 5, 2020

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

RE: Annexation Request for Poal Dalton, LLC and Mauer Dalton, LLC– (Market Street Mall property totaling 7.99 acres)

Dear Mayor Pennington:

As requested in your December 3, 2020, memorandum, Dalton Utilities has reviewed the annexation request of Poal Dalton, LLC and Mauer Dalton, LLC for 7.99 acres located along Market Street. This property is further described as parcel number 12-261-14-000 by the Whitfield County Tax Assessor's Office.

Dalton Utilities can provide water, wastewater, natural gas, telecommunications and electricity to this site from nearby existing utility infrastructure.

Please do not hesitate to contact me at (706) 529-1011 or 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, P.E.