

RESOLUTION 25-08

A RESOLUTION TO ACCEPT RIGHT OF WAY DEED

WHEREAS, Hammond Creek Capital, LLC (“Developer”) has completed construction of certain public roadways at The Township at Hammond Creek Development more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot Nos. 139 and 140 in the 12th District and 3rd Section of Whitfield County, Georgia, and being a public roadway known as Township Drive, and being more particularly described according to a plat of survey prepared for Hammond Creek Capital, by David L. Hester, Georgia Registered Land Surveyor No. 3042, dated March 31, 2023, last revised April 24, 2023, and being more particularly described according to said survey as follows:

COMMENCING at concrete monument found at the intersection of the eastern right of way of North Bypass (variable right of way) with the northern right of way of Pleasant Grove Drive (variable right of way); thence along said right of way of Pleasant Grove Drive the following courses and distances: north 65 degrees 00 minutes 24 seconds west a distance of 79.17 feet to a concrete monument found; thence along a curve to the left having a radius of 646.00 feet and an arc length of 346.18 feet, being subtended by a chord bearing of north 58 degrees 34 minutes 58 seconds east for a distance of 342.05 feet to a concrete monument found; thence north 11 degrees 49 minutes 28 seconds west a distance of 24.59 feet to a concrete monument found; thence north 39 degrees 54 minutes 38 seconds east a distance of 44.01 feet to a concrete monument found; thence south 17 degrees 37 minutes 30 seconds east a distance of 24.08 feet to a concrete monument found; thence along a curve to the left having a radius of 646.00 feet and an arc length of 336.45 feet, being subtended by a chord bearing of north 24 degrees 12 minutes 03 seconds east for a distance of 332.66 feet to a concrete monument found; thence north 09 degrees 16 minutes 50 seconds east a distance of 77.43 feet to a point, said point being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, thence leaving said right of way, north 35 degrees 59 minutes 19 seconds west a distance of 44.46 feet to a point; thence north 80 degrees 44 minutes 37 seconds west a distance of 136.54 feet to a point; thence north 67 degrees 45 minutes 52 seconds west a distance of 25.37 feet to a point; thence north 67 degrees 45 minutes 52 seconds west a distance of 30.05 feet to a point; thence north 46 degrees 06 minutes 32 seconds west a distance of 464.21 feet to a point; thence along a curve to the left having a radius of 1,975.00 feet and an arc length of 238.49 feet, being subtended by a chord bearing of north 49 degrees 34 minutes 05 seconds west for a distance of 238.34 feet to a point; thence north 61 degrees 08 minutes 20 seconds west a distance of 144.63 feet; thence along a curve to the right having a radius of 70.00 feet and an arc length of 98.26 feet, being subtended by a chord bearing of north 78 degrees 38 minutes 50 seconds east for a distance of 90.39 feet to a point; thence south 61 degrees 08 minutes 20 seconds east a distance of 91.28 feet to a point; thence along a curve to the right having a radius of 2,035.00 feet and an arc length of 238.45 feet, being subtended by a chord bearing of south 49 degrees 27 minutes 56 seconds east for a distance of 238.32 feet to a point; thence south 46 degrees 06 minutes 32 seconds east a distance of 344.44 feet to a point; thence along a curve to the left having a radius of 329.50 feet and an arc length of 199.18 feet, being subtended by a chord bearing of south 63 degrees 25 minutes 34 seconds east for a distance of 196.16 feet to a point; thence south 80 degrees 44 minutes 37 seconds east a distance of 78.03 feet to a point; thence north 64 degrees 07 minutes 27 seconds east a distance of 26.06 feet to a point on the northern right of way

of Pleasant Grove Drive; thence along said right of way, south 09 degrees 16 minutes 50 seconds west a distance of 117.80 feet to a point, said point being the TRUE POINT OF BEGINNING.

(“Property”);

WHEREAS, Developer desires to dedicate said Property to the City of Dalton for purposes of a public right of way;

WHEREAS, the dedication of said Property complies with the requirements of Sections 102-161 through 102-163 of the City of Dalton Code of Ordinances;

WHEREAS, it is in the best interest of the City of Dalton to accept said Property and the dedication of said public right of way; and

WHEREAS, Developer has executed a Dedication of Public Right of Way Deed (“Deed”) granting said Property to the City of Dalton, which is attached hereto as Exhibit 1;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of Dalton hereby agrees to accept the Property and accept the dedication of said right of way as set forth in Exhibit 1, which Deed shall be recorded in the Whitfield County Land Records;

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute any such other documents, instruments, certificates, assignments, and papers which, in the judgment of the Mayor, may be necessary and desirable to effect the proposed transaction. Such agreements, instruments, certificates, assignments, papers and/or documents shall be in such form and contain such terms and conditions as may be approved by the Mayor on behalf of the City in accordance with this Resolution, and the execution of such agreements, instruments, certificates, assignments, papers, and documents by the Mayor on behalf of the City is herein authorized and shall be conclusive evidence of any such approval;

BE IT FURTHER RESOLVED, that all acts and doings of the Mayor in connection with the proposed transaction which are in conformity with the purposes and intents of these Resolutions and in furtherance of the transaction 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 any of the consents, agreements, instruments, certificates, assignments, papers, and documents executed and delivered in connection therewith shall be conclusive evidence of the authority of the Mayor to execute and deliver such consents, agreements, instruments, certificates, assignments, papers, and other documents on behalf of the City.

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 these Resolutions shall take effect immediately upon their adoption.

SO RESOLVED, this ____ day of _____, 2025.

CITY OF DALTON, GEORGIA

Mayor/Mayor Pro Tempore

ATTESTED TO:

City Clerk

EXHIBIT “1”

[Space above this line for recording data.]

Please Record and Return To:

J. Tom Minor, IV
The Minor Firm
P.O. Box 2586
Dalton, GA 30722-2586

DEDICATION OF PUBLIC RIGHT OF WAY

Georgia, Whitfield County

THIS INDENTURE made this ____ day of _____, 2025, between **Hammond Creek Capital, LLC**, a Georgia limited liability company, Grantor, and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, 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. This deed is conveyed pursuant to the provisions of paragraph 10 of that certain Declaration of Joint and Reciprocal Easements entered into by and between Hammond Creek Capital, LLC and Hammond Creek Township, LLC dated April 28, 2023 and recorded in Deed Book 6990 Page 299, Whitfield County, Georgia Land Records.

THIS CONVEYANCE is made subject to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 hereby dedicates Grantor's interest in said roads to public use and 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:

Unofficial Witness

Notary Public

My commission expires

[Notarial Seal]



Hammond Creek Capital, LLC

By:

Jeffrey Bryan Hair, Manager

(Seal)

[Corporate Seal]

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot Nos. 139 and 140 in the 12th District and 3rd Section of Whitfield County, Georgia, and being a public roadway known as Township Drive, and being more particularly described according to a plat of survey prepared for Hammond Creek Capital, by David L. Hester, Georgia Registered Land Surveyor No. 3042, dated March 31, 2023, last revised April 24, 2023, and being more particularly described according to said survey as follows:

COMMENCING at concrete monument found at the intersection of the eastern right of way of North Bypass (variable right of way) with the northern right of way of Pleasant Grove Drive (variable right of way); thence along said right of way of Pleasant Grove Drive the following courses and distances: north 65 degrees 00 minutes 24 seconds west a distance of 79.17 feet to a concrete monument found; thence along a curve to the left having a radius of 646.00 feet and an arc length of 346.18 feet, being subtended by a chord bearing of north 58 degrees 34 minutes 58 seconds east for a distance of 342.05 feet to a concrete monument found; thence north 11 degrees 49 minutes 28 seconds west a distance of 24.59 feet to a concrete monument found; thence north 39 degrees 54 minutes 38 seconds east a distance of 44.01 feet to a concrete monument found; thence south 17 degrees 37 minutes 30 seconds east a distance of 24.08 feet to a concrete monument found; thence along a curve to the left having a radius of 646.00 feet and an arc length of 336.45 feet, being subtended by a chord bearing of north 24 degrees 12 minutes 03 seconds east for a distance of 332.66 feet to a concrete monument found; thence north 09 degrees 16 minutes 50 seconds east a distance of 77.43 feet to a point, said point being the TRUE POINT OF BEGINNING; from the TRUE POINT OF BEGINNING, thence leaving said right of way, north 35 degrees 59 minutes 19 seconds west a distance of 44.46 feet to a point; thence north 80 degrees 44 minutes 37 seconds west a distance of 136.54 feet to a point; thence north 67 degrees 45 minutes 52 seconds west a distance of 25.37 feet to a point; thence north 67 degrees 45 minutes 52 seconds west a distance of 30.05 feet to a point; thence north 46 degrees 06 minutes 32 seconds west a distance of 464.21 feet to a point; thence along a curve to the left having a radius of 1,975.00 feet and an arc length of 238.49 feet, being subtended by a chord bearing of north 49 degrees 34 minutes 05 seconds west for a distance of 238.34 feet to a point; thence north 61 degrees 08 minutes 20 seconds west a distance of 144.63 feet; thence along a curve to the right having a radius of 70.00 feet and an arc length of 98.26 feet, being subtended by a chord bearing of north 78 degrees 38 minutes 50 seconds east for a distance of 90.39 feet to a point; thence south 61 degrees 08 minutes 20 seconds east a distance of 91.28 feet to a point; thence along a curve to the right having a radius of 2,035.00 feet and an arc length of 238.45 feet, being subtended by a chord bearing of south 49 degrees 27 minutes 56 seconds east for a distance of 238.32 feet to a point; thence south 46 degrees 06 minutes 32 seconds east a distance of 344.44 feet to a point; thence along a curve to the left having a radius of 329.50 feet and an arc length of 199.18 feet, being subtended by a chord bearing of south 63 degrees 25 minutes 34 seconds east for a distance of 196.16 feet to a point; thence south 80 degrees 44 minutes 37 seconds east a distance of 78.03 feet to a point; thence north 64 degrees 07 minutes 27 seconds east a distance of 26.06 feet to a point on the northern right of way of Pleasant Grove Drive; thence along said right of way, south 09 degrees 16 minutes 50 seconds west a distance of 117.80 feet to a point, said point being the TRUE POINT OF BEGINNING.