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Please Record and Return To:

Terry L. Miller  
Mitchell & Mitchell, P.C.  
108 S. Thornton Ave.  
P. O. Box 668  
Dalton, GA 30722-668

## PERMANENT EASEMENT AGREEMENT

Georgia, Whitfield County

This Permanent Easement Agreement (this "Agreement") is made this 4<sup>th</sup> day of March, 2022 (the "Effective Date"), by and between Sharon Beavers, as trustee of the John Willis Mashburn Charitable Trust, u/a April 29, 2008, party of the first part (hereinafter called "Grantor"), and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, party of the second part (hereinafter called "Grantee"), their respective heirs, administrators, successors and assigns:

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivering 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 Grantee, a perpetual easement for the use hereinafter set forth, over, through, and across the following lands, to-wit:

ALL THAT TRACT or parcel lying and being in Land Lot 145, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the western right of way of North Thornton Avenue (having a variable right of way); said point being located South 04 degrees 23 minutes 05 seconds West a distance of 79.44 feet from a concrete right of way monument at the intersection with the southern right of way of the North Dalton Bypass (being U.S. Highway 41/State Route 3 and having a variable right of way); thence South 04 degrees 23 minutes 05 seconds West a distance of 104.04 feet; thence North 50 degrees 01 minutes 17 seconds West a distance of 68.23 feet; thence South 53 degrees 49 minutes 17 seconds West a distance of 74.98 feet; thence North 36 degrees 10 minutes 43 seconds West a distance of

8.00 feet; thence South 53 degrees 49 minutes 17 seconds West a distance of 4.97 feet; thence with a curve turning to the right with an arc length of 73.77', with a radius of 122.00', with a chord bearing of South 71 degrees 08 minutes 41 seconds West, with a chord length of 72.65'; thence with a reverse curve turning to the left with an arc length of 92.69', with a radius of 153.00', with a chord bearing of South 71 degrees 06 minutes 45 seconds West, with a chord length of 91.28'; thence South 53 degrees 45 minutes 25 seconds West a distance of 7.48 feet; thence with a curve turning to the right with an arc length of 104.17', with a radius of 172.00', with a chord bearing of South 71 degrees 06 minutes 26 seconds West, with a chord length of 102.58'; thence South 88 degrees 27 minutes 27 seconds West a distance of 398.55 feet; thence with a curve turning to the left with an arc length of 90.41', with a radius of 1978.00', with a chord bearing of South 87 degrees 08 minutes 53 seconds West, with a chord length of 90.41'; thence South 85 degrees 50 minutes 18 seconds West a distance of 422.43 feet; thence with a curve turning to the left with an arc length of 54.29', with a radius of 499.90', with a chord bearing of South 82 degrees 43 minutes 38 seconds West, with a chord length of 54.26'; thence with a reverse curve turning to the right with an arc length of 286.35', with a radius of 729.86', with a chord bearing of North 89 degrees 08 minutes 40 seconds West, with a chord length of 284.52'; thence North 00 degrees 39 minutes 16 seconds West a distance of 14.16 feet; thence North 23 degrees 31 minutes 02 seconds West a distance of 24.96 feet; thence with a curve turning to the right with an arc length of 14.74', with a radius of 113.00', with a chord bearing of South 81 degrees 23 minutes 51 seconds East, with a chord length of 14.73'; thence with a reverse curve turning to the left with an arc length of 275.58', with a radius of 694.86', with a chord bearing of South 89 degrees 01 minutes 21 seconds East, with a chord length of 273.78'; thence with a reverse curve turning to the right with an arc length of 58.09', with a radius of 534.90', with a chord bearing of North 82 degrees 43 minutes 38 seconds East, with a chord length of 58.06'; thence North 85 degrees 50 minutes 18 seconds East a distance of 422.43 feet; thence with a curve turning to the right with an arc length of 92.01', with a radius of 2013.00', with a chord bearing of North 87 degrees 08 minutes 53 seconds East, with a chord length of 92.00'; thence North 88 degrees 27 minutes 27 seconds East a distance of 398.55 feet; thence with a curve turning to the left with an arc length of 82.97', with a radius of 137.00', with a chord bearing of North 71 degrees 06 minutes 26 seconds East, with a chord length of 81.71'; thence North 53 degrees 45 minutes 25 seconds East a distance of 7.48 feet; thence with a curve turning to the right with an arc length of 113.89', with a radius of 188.00', with a chord bearing of North 71 degrees 06 minutes 45 seconds East, with a chord length of 112.16'; thence with a reverse curve turning to the left with an arc length of 13.43', with a radius of 87.00', with a chord bearing of North 84 degrees 02 minutes 39 seconds East, with a chord length of 13.42'; thence North 10 degrees 22 minutes 47 seconds West a distance of 9.00 feet; thence with a curve turning to the left with an arc length of 35.12', with a radius of 78.00', with a chord bearing of North 66 degrees 43 minutes 15 seconds East, with a chord length of 34.83'; thence North 53 degrees 49 minutes 17 seconds East a distance of 79.61 feet; thence North 17 degrees 49 minutes 14 seconds West a distance of 115.23 feet; thence South 84 degrees 40 minutes 03 seconds East a distance of 87.17 feet; thence South 05 degrees 19 minutes 57 seconds West a distance of 80.21 feet; thence South 85 degrees 36 minutes 55 seconds East a distance of 47.27 feet to the POINT OF BEGINNING.

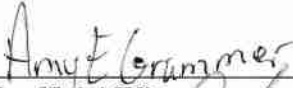
SAID TRACT or parcel having an area of 69687.4 square feet, 1.600 acres.

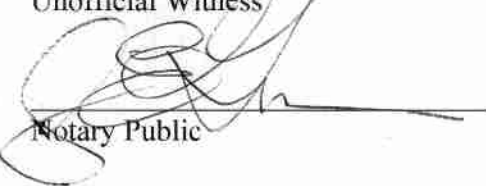
**SAID EASEMENT** is granted for the following purposes, to-wit: for ingress and egress and for use of a hiking trail for public access and usage.

**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. 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**, the Grantor has signed, sealed and delivered this Agreement as of the day and year first set forth above.

Signed, sealed and delivered  
In the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Notary Public

My commission expires:

[Notarial Seal]

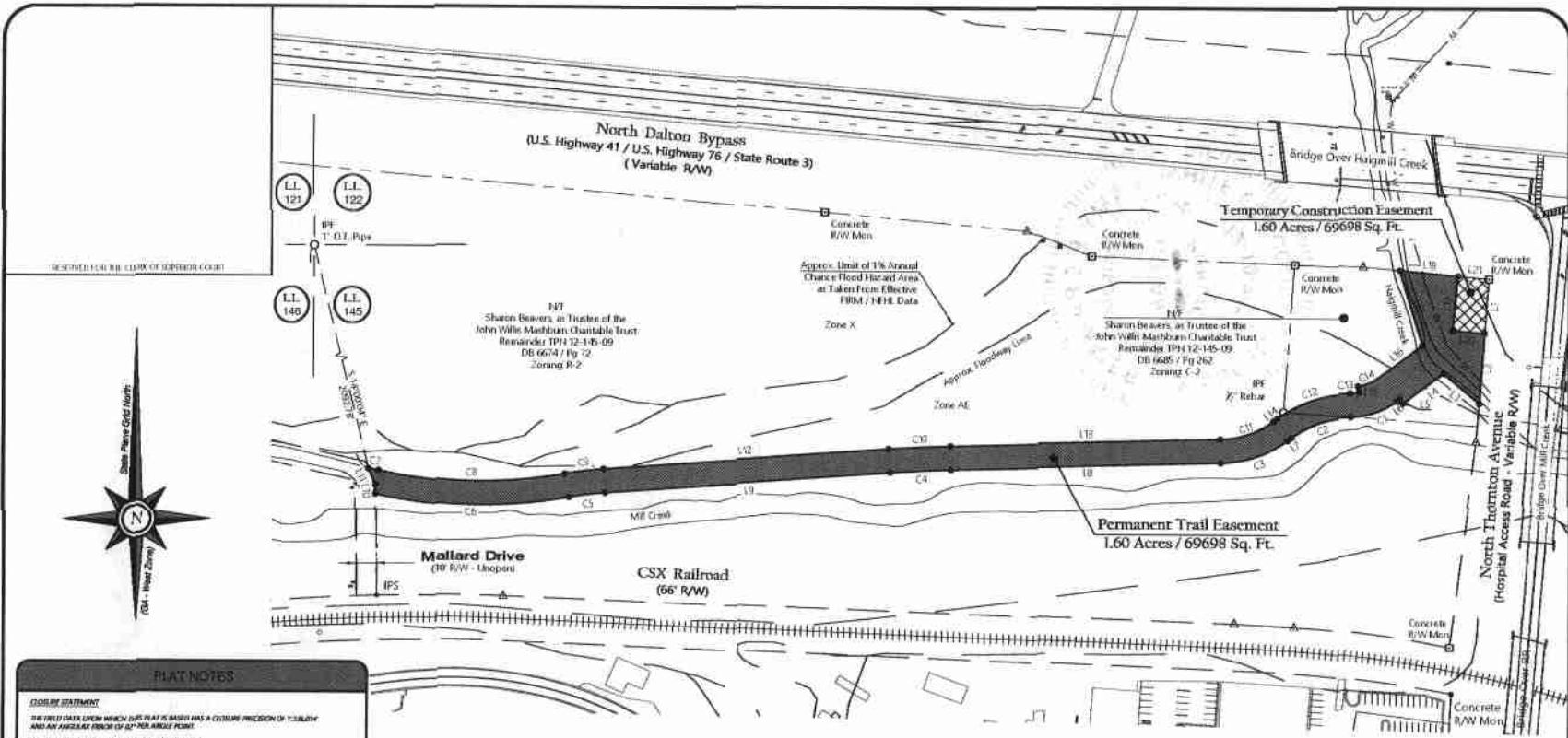


**Grantor:**

**Sharon Beavers, as trustee of the John Willis Mashburn Charitable Trust, u/a April 29, 2008**

  
\_\_\_\_\_  
Sharon Beavers, Trustee (Seal)

Sharon Beavers, Trustee



RESERVED FOR THE CLERK OF SUPERIOR COURT



**PLAT NOTES**

**TITLE STATEMENT**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CERTAIN PRECISION OF TRIANGULAR AND AN ANGULAR ERROR OF 07" PER ANGULAR POINT.

**FIELD DATA**  
THE FIELD DATA WERE ADJUSTED USING LEAST SQUARES.

**PRECISION**  
THIS PLAT HAS A CERTAIN PRECISION OF TRIANGULAR.

**EQUIPMENT**  
ALL FIELD MEASUREMENTS WERE MADE USING A SOKKIA AUTOMATIC TOTAL STATION AND SOKKIA ANCHOR FIELD CONTROLLER.

**FLOOD STATEMENT**  
A PORTION OF THE SUBJECT PROPERTY DOES NOT WITHIN A TRIANGULAR CHAND SPECIFIC FLOOD HAZARD AREA (FIRM YEAR 1900) AS SHOWN ON FIRM MAP NO. 13210C0000, EFFECTIVE DATE 09/20/05.

**BASE OF BEARING**  
BEARINGS RELAYED TO MONUMENTS FOUND AND SURVEY CONTROL POINTS LOCATED BY GPS OBSERVATION USING A SOKKIA LOCK-ONCE RECEIVER WITH A SOKKIA SOKKIA/ROFIELD CONTROLLER OPERATING ON THE REAL TIME LINK NETWORK OPERATED BY GPS SATELLITES, ETC.

**SOURCE OF TITLE**  
TITLE TO THE SUBJECT PARCELS IS CURRENTLY HELD BY SHARON BEAVERS AS TRUSTEE OF THE JOHN WILHE MARRIUM CHANTABLE TRUST PER DEED BOOK 947, PAGE 12 AND DEED BOOK 948, PAGE 262.

**REFERENCE**

1. SURVEY FOR BRIDGE OVER DONALD G. BARR DATED OCTOBER 26, 2010 PLAT CABINET C, SHEET 202.
2. SURVEY FOR BRIDGE OVER DONALD G. BARR DATED AUGUST 12, 2010 PLAT CABINET C, SHEET 208.
3. PLAT FOR BRIDGE OVER DONALD G. BARR DATED MAY 26, 2009 PLAT CABINET C, SHEET 200.
4. SURVEY FOR THE JOHN WILHE MARRIUM CHANTABLE TRUST BY THE FIRM DATED OCTOBER 4, 2010.

**GENERAL NOTES**

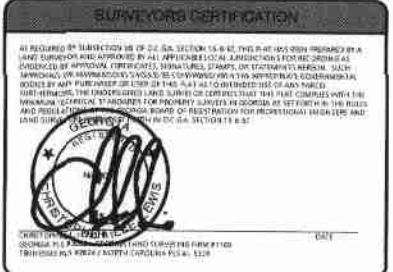
1. THIS PLAT WAS PREPARED BY THE SURVEYOR OR UNDER HIS DIRECT SUPERVISION BASED ON A REPRODUCTION OF THE ORIGINAL SURVEY.
2. THE BOUNDARY CONDITIONS AND IMPROVEMENTS ARE CARRIED ONLY AS OF THE DATE OF THIS REPRODUCTION AS SHOWN ON THIS PLAT.
3. ALL CONVEYANCES SHOWN ARE NON-REVENUE CHARGES OR DEDICATIONS.
4. LINES IN ASSOCIATED LANE BOUNDING ARE NOT SUBJECT TO THE EXISTENCE OF NON-EXISTENCE OF METEOROLOGICAL RECORDS BY THE SURVEY AREA, AND INVESTIGATIONS HAVE BEEN PERFORMED.
5. CORRECTIONS OF THIS PLAT ARE LIMITED TO THE PLAT AND DO NOT EXTEND TO ANY UNRECORDED INSTRUMENTS OR INSTRUMENTS BY THIS SURVEYOR.
6. THIS SURVEY PLAT MAY NOT BE REPRODUCED, SCANNED OR ALTERED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF LEWIS & ASSOCIATES SURVEYING, LLC.
7. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT AN ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR OR AN ORIGINAL SIGNATURE SHALL BE CONSIDERED FALSIFICATION AND ARE NOT VALID FOR RECORDING OR CONVEYING LAND TRANSACTIONS.
8. ALL NEW FINDS OF T.O.T. PIPE SHALL BE REPORTED TO THE REGISTERING NUMBER OF THE SURVEYOR UNDER THIS PLAT.
9. THE TERM "REPRODUCTION" AS USED IN THIS PLAT IS MEANT TO BE IN RELATION TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES AS DEFINED IN O.C.G.A. §§ 24-2-10 AND 24-2-11 WHICH MEAN A SIGNATURE AND SEAL OF THE SURVEYOR AND ENGINEER OR ARCHITECT AND THE REGISTERING NUMBER OF THE SURVEYOR AND ENGINEER OR ARCHITECT OR ARCHITECT OR ENGINEER OR ARCHITECT.
10. THIS SURVEY COMPLIES WITH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ADMINISTRATION CODES 24-2-10 AND 24-2-11 WHICH REQUIRE A CERTAIN PRECISION OF TRIANGULAR AND AN ANGULAR ERROR OF 07" PER ANGULAR POINT.

**NOTE**

CONCRETE MONUMENTS TO BE PLACED AT ENDS OF EASEMENT, PROPERTY LINE RIGHT OF WAY CROSSINGS, AND ALL CHANGES IN DIRECTION ALONG EASEMENT.

LINE	BEARING	DISTANCE
L1	S 54° 35' 05" W	79.44
L2	S 54° 35' 05" W	104.04
L3	N 54° 35' 05" W	68.22
L4	S 54° 35' 05" W	72.98
L5	N 35° 12' 43" W	82.07
L6	S 54° 35' 05" W	63.97
L7	S 54° 35' 05" W	74.48
L8	S 54° 35' 05" W	88.52
L9	S 54° 35' 05" W	112.43
L10	S 54° 35' 05" W	144.50
L11	N 54° 35' 05" E	24.96
L12	N 54° 35' 05" E	112.43
L13	N 54° 35' 05" E	108.55
L14	N 54° 35' 05" E	72.98
L15	N 54° 35' 05" E	100.00
L16	N 54° 35' 05" E	79.44
L17	N 54° 35' 05" E	100.00
L18	N 54° 35' 05" E	100.00
L19	N 54° 35' 05" E	100.00
L20	N 54° 35' 05" E	100.00
L21	N 54° 35' 05" E	100.00

CHORD	BEARING	CHORD ANGLE
C1	S 54° 35' 05" W	82° 00' 00"
C2	S 54° 35' 05" W	82° 00' 00"
C3	S 54° 35' 05" W	82° 00' 00"
C4	S 54° 35' 05" W	82° 00' 00"
C5	S 54° 35' 05" W	82° 00' 00"
C6	S 54° 35' 05" W	82° 00' 00"
C7	S 54° 35' 05" W	82° 00' 00"
C8	S 54° 35' 05" W	82° 00' 00"
C9	S 54° 35' 05" W	82° 00' 00"
C10	S 54° 35' 05" W	82° 00' 00"
C11	S 54° 35' 05" W	82° 00' 00"
C12	S 54° 35' 05" W	82° 00' 00"
C13	S 54° 35' 05" W	82° 00' 00"
C14	S 54° 35' 05" W	82° 00' 00"
C15	S 54° 35' 05" W	82° 00' 00"
C16	S 54° 35' 05" W	82° 00' 00"
C17	S 54° 35' 05" W	82° 00' 00"
C18	S 54° 35' 05" W	82° 00' 00"
C19	S 54° 35' 05" W	82° 00' 00"
C20	S 54° 35' 05" W	82° 00' 00"
C21	S 54° 35' 05" W	82° 00' 00"
C22	S 54° 35' 05" W	82° 00' 00"
C23	S 54° 35' 05" W	82° 00' 00"
C24	S 54° 35' 05" W	82° 00' 00"
C25	S 54° 35' 05" W	82° 00' 00"
C26	S 54° 35' 05" W	82° 00' 00"
C27	S 54° 35' 05" W	82° 00' 00"
C28	S 54° 35' 05" W	82° 00' 00"
C29	S 54° 35' 05" W	82° 00' 00"
C30	S 54° 35' 05" W	82° 00' 00"



SYMBOL LEGEND	
(Symbol)	STORM WATER CHANNEL
(Symbol)	EMERGENCY SERVICE MARKERS
(Symbol)	WATER METER
(Symbol)	PIPE JOINT
(Symbol)	WATER VALVE
(Symbol)	WATER PUMP
(Symbol)	RELAY/CONTROL POINT
(Symbol)	LIGHT POLE
(Symbol)	NON-PN PIN (SP)
(Symbol)	NON-PN SET (SP)
(Symbol)	BUILDING SETBACK LINE
(Symbol)	UTILITY
(Symbol)	OVERHEAD POWER LINE
(Symbol)	CHAIN LINK FENCE
(Symbol)	OPEN TOP PIPE
(Symbol)	CORNER TOP PIPE
(Symbol)	POINT OF BEGINNING
(Symbol)	LAND BACKLOG
(Symbol)	PLAT BACKLOG
(Symbol)	DEAD END

**Lewis & Associates  
Land Surveying, LLC.**  
P.O. Box 2054 | Dalton, GA 30722-0546 | 706.278.7518

**EASEMENT PLAT**

**THE CITY OF DALTON**  
BEING PT. TAX PARCEL NO. 12-145-04  
LOCATED IN LAND LOT 237, 12th DISTRICT, 3rd SECTION  
CITY OF DALTON, WHITFIELD COUNTY, GEORGIA

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SURVEY DATE	02/09/2011
SURVEYOR	CLL DGM
COMPILED BY	CLL
DATE DRAWN	1/24/2012
DRAWN BY	CLL
CHECKED BY	CLL
REVISIONS	REVISION DATE

DWG. SCALE: 1" = 100'  
SHEET NO. 1/1