

**CITY OF DALTON  
RESOLUTION**

**NO. 23-08**

To Make Findings of Fact Concerning The Public Use And Necessity Of A Section Of Unopened Cooper Street; To Consider The Vacating And Abandonment Of The Public Interest In And To The Said Portion Of Cooper Street For Public Transportation Use; To Declare The Closing Of Such Section Of Cooper Street, To Authorize Delivery Of A Quitclaim Deed Of Any Interest Of The City Of Dalton Except Utility Easement To Adjacent Property Owners; To Establish An Effective Date; And For Other Purposes

WHEREAS, the Mayor and Council upon inquiry and investigation find the below described section of Cooper Street in the City of Dalton, Whitfield County, Georgia, in Land Lot No. 240 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, as shown on Exhibit “A” attached hereto and made a part hereof by reference, is no longer needed by the public for street or transportation purposes and to that extent no substantial purpose is served thereby;

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

**-1-**

The section of Cooper Street described in Exhibit “B” shall be hereafter closed for public use for street or transportation purposes and said section as shown on Exhibit “A” shall be closed and no longer part of the Municipal Street System, except that the City of Dalton reserves any portion thereof where it maintains an easement for natural gas, water, electrical, or sewer lines through the operations of Dalton Utilities.

**-2-**

Notification to all property owners abutting the section of Cooper Street to be closed has been given and there is consent to closure. The intent to close has also been published by way of public notice in the legal organ of Whitfield County, Georgia.

-3-

The Mayor and City Clerk are authorized to execute in the name of and on behalf of the City of Dalton a Quitclaim Deed to the Section of street to be closed to Larry M. Cope who owns the property adjacent to both sides of the section to be closed, reserving only utility easements, if any.

-4-

This Resolution shall be effective upon adoption thereof.

SO RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Resolution was read on \_\_\_\_\_. A motion for passage of the Resolution was made by Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Resolution is adopted.

Attest:

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

# MAY STREET

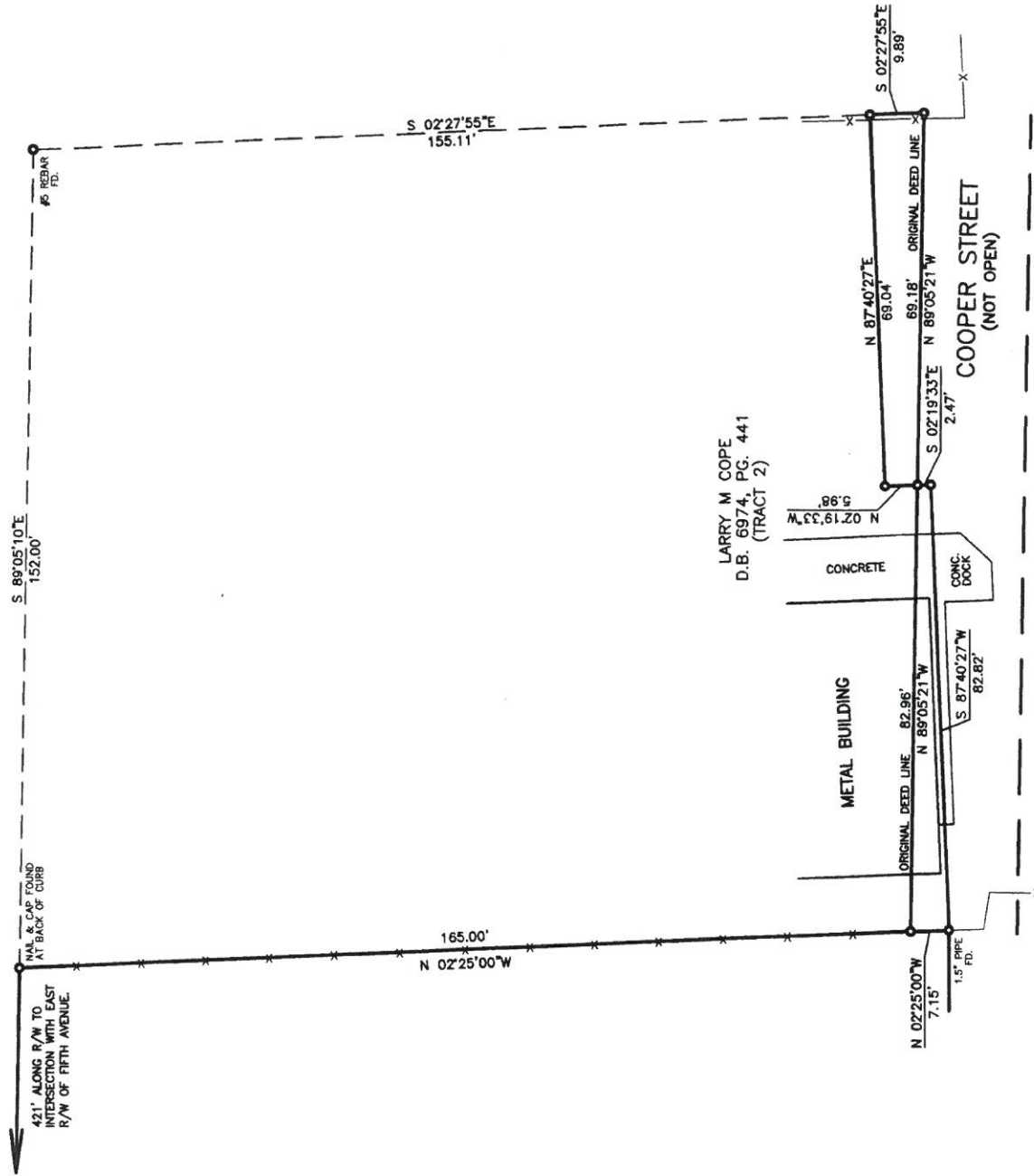


EXHIBIT "A"

## **EXHIBIT "B"**

TO FIND THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the east right of way of Fifth Avenue and the south right of way of May Street; thence along the south right of way of May Street a distance of 421 feet to a nail and cap found at the back of the curb; said point also being the northwest corner of Tract II as conveyed to Larry M. Cope by Warranty Deed recorded in Deed Book 6974, page 441, Whitfield County, Georgia Land Records; thence south 02 degrees 25 minutes 00 seconds east, along a fence, a distance of 165 feet to the north side of unopened Cooper Street, which is the TRUE POINT OF BEGINNING of the tract of land herein described. FROM THE TRUE POINT OF BEGINNING thus established, continue south 02 degrees 25 minutes 00 seconds east to the south side of unopened Cooper Street; thence east along the south side of unopened Cooper Street, 193. 70 feet, more or less, to the northeast corner of Tract I as conveyed to Larry M. Cope by Warranty Deed recorded in Deed Book 6974, page 441; thence north 02 degrees 27 minutes 55 seconds west to the north side of unopened Cooper Street, which point is also the southeast corner of Tract II as conveyed to Larry M. Cope by the aforesaid Warranty Deed recorded in Deed Book 6974, page 441; thence along the north side of unopened Cooper Street, north 88 degrees 58 minutes west, a distance of 152.14 feet to a point, which is the TRUE POINT OF BEGINNING.

# Daily Citizen – News

Dalton's Award-Winning Daily Newspaper  
Dalton, Georgia 30720

308 South Thornton Avenue 706-217-6397

## LEGAL AFFIDAVIT

I, Jeff Mutter, Advertising Director of the Daily Citizen, a newspaper published in the City of Dalton, Georgia, do solemnly swear the ad number 708890 shown below and to the right placed by MITCHELL & MITCHELL ATTORNEYS was scheduled 3 time(s) in the newspaper.

Run dates are as follows:

Daily Citizen-News: 05/19/23, 05/26/23, 06/02/23.



Jeff Mutter  
Advertising Director

Sworn of this day:  
06/02/2023

Notary Public



NOTICE OF INTENTION TO CONVEY EASEMENT INTEREST IN MUNICIPAL UTILITY REAL PROPERTY Pursuant to O.C.G.A. 36-37-8, the City of Dalton, acting by and through the Board of Water, Light and Sinking Fund Commissioners d/b/a Dalton Utilities, hereby provides notice of its intent to convey easement interest in certain municipal utility real property to Georgia Power Company. The terms and general conditions of the Easements are as follows:

The City of Dalton, Georgia, an incorporated municipality of the State of Georgia (the "City"), acting by and through the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia, d/b/a Dalton utilities ("Dalton Utilities") proposes to convey Easements to Georgia Power Company ("Georgia Power") granting Georgia Power the right to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with poles, wires, transformers, service pedestals, anchors, guy wires and other necessary apparatus, fixtures, and appliances; the right to attach communication facilities and related apparatus, fixtures and appliances to said poles; the right to stretch communication or other lines within the Easement Area; the right to permit the attachment of the cables, lines, wires, apparatus, fixtures, and appliances of any other company or person to said poles for electrical, communication or other purposes; the right to assign the Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said overhead or underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of Georgia Power now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said overhead or underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms. For purposes of the Easements, the "Easement Area" shall be any portion of the property located within fifteen (15) feet of the centerline of the overhead distribution lines installed on certain real property located South Riverbend Road, Dalton, Georgia 30721 (Tax Parcel Numbers 12-330-03-000, 12-356-03-000, and 12-355-03-000) and Looper Bridge Road, Dalton, Georgia 30721 (Tax Parcel Number 13-013-08-000)

(collectively the "Dalton Utilities Property").

In exchange, Georgia Power agrees to maintain the power poles, transmission lines, and related utility equipment on said Dalton Utilities Property. Copies of the complete Easements are available for inspection at the offices of Dalton Utilities, 1200 V.D. Parrott Parkway, Dalton, Georgia. 05/19 05/26 06/02

STATE OF GEORGIA

COUNTY OF WHITFIELD

§  
§  
§

QUITCLAIM DEED

THIS INDENTURE, made this \_\_\_\_ day of \_\_\_\_\_ in the year Two Thousand Twenty Three, between CITY OF DALTON, an incorporated municipality of the State of Georgia, as Party of the First Part, and LARRY M. COPE, as Party of the Second Part:

WITNESSETH: That the said Party of the First Part, for and in consideration of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, has bargained, sold, and by these presents does remise, release and forever quit claim to the said Party of the Second Part, his successors and/or assigns, all the right, title, interest, claim or demand the said Party of the First Part, has or may have had in and to the following described land:

SEE EXHIBIT "A" ATTACHED HERETO

The purpose of this Quitclaim Deed is to relinquish any interest Grantor may have in the unopened portion of Cooper Street.

With all the rights, members and appurtenances to the said Party of the Second Part, in any wise appertaining or belonging.

To have and to hold the said above-described property to the said Party of the Second Part so that neither the said Party of the First Part, nor its heirs, executors and/or assigns, nor

any other person or persons claiming under it, shall at any time, by any means, have, claim or demand any right or title to the aforesaid.

IN WITNESS WHEREOF, the said Party of the First Part has hereunto set its hand and affixed its seal, on the day and year first above-written.

Signed, sealed and delivered  
this \_\_\_\_ day of \_\_\_\_\_,  
2023, in the presence of:

CITY OF DALTON, GEORGIA

BY: \_\_\_\_\_ (SEAL)  
TITLE: Mayor

\_\_\_\_\_  
WITNESS

ATTEST: \_\_\_\_\_ (SEAL)  
TIE: City Clerk

\_\_\_\_\_  
NOTARY PUBLIC      EXP. DATE:      [SEAL]