

## **ORDINANCE 21-20**

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

**BE IT ORDAINED** by the Mayor and Council of the City of Dalton and by authority of the same **IT IS HEREBY ORDAINED** as follows:

### **Section 1**

Upon investigation and inquiry, the Mayor and Council find that the below described section of Cuyler Street in the City of Dalton, Whitfield County, Georgia, as shown on the official SAP Map of the City of Dalton and pertaining to property in Land Lot No. 219 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section, Whitfield County, Georgia, attached hereto as Exhibit "A" and made a part hereof, is no longer needed by the public for street or transportation purposes and to that extent no substantial public purpose is served thereby:

See Exhibit "B" attached hereto and incorporated herein by reference for a description of said section of Cuyler Street.

### **Section 2**

Notifications to property owners located on the property described above to be closed has been given and acknowledged by the adjoining property owner who has consented thereto and who has petitioned for its Closure.

### **Section 3**

The section of Cuyler Street to be closed shall no longer be a part of the municipal street system of the City of Dalton and the rights of the public in and to those sections for public street or road purposes shall cease upon the effective date of this Ordinance except that the City of Dalton reserves any portion thereof where it maintains an easement for natural gas, water, and sewer lines through the operations of Dalton Utilities.

**Section 4**

This Ordinance shall become effective after it has been published in two (2) public places within the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council.

**Section 5**

The Mayor and City Clerk are authorized to make and enter in the name and on behalf of the City of Dalton a quitclaim deed of all interest, except for utility easements, of the City of Dalton in and to the section to be closed to the contiguous owner and its successors and assigns.

**Section 6**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7**

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

**SO ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021

The foregoing Ordinance received its first reading on \_\_\_\_\_ and a second reading on \_\_\_\_\_. Upon second reading a motion for passage of the ordinance was made by Alderman \_\_\_\_\_, second by Alderman \_\_\_\_\_ and upon the question the vote is \_\_\_\_ ayes, \_\_\_\_ nays and the Ordinance is adopted.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of \_\_\_\_\_.

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CITY CLERK  
CITY OF DALTON



**EXHIBIT "B"**

All that tract or parcel of land lying and being in Land Lot No. 219 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia and more particularly described as:

That strip of land being sixty (60) feet in width designated on the official SAP Map of the City of Dalton as a section of unopened Cuyler Street lying easterly of the Western and Atlantic Property and extending easterly between Lots 8 and 10 to Depot Street (now known as Glenwood Avenue) as shown on said Map.



# THE MINOR FIRM

Minor Firm. Major Results.



October 27, 2021

**VIA HAND DELIVERY**

Honorable Andrew Parker  
City Administrator  
City Hall  
300 W. Waugh Street  
Dalton, GA 30720

Re: Closing Portion of Cuyler Street

Dear Andrew:

Pursuant to our recent telephone conversation, you will find the enclosed original Petition to close the portion of Cuyler Street as described in the attached Petition and as shown on the attached map of the old official SAP Map of the City of Dalton.

Please review this document and if the same appears to be in order, please schedule the same for a first and second reading before the Mayor and Counsel.

If you have any questions regarding the document, please do not hesitate to let me know.

Yours truly,

The Minor Firm, LLC

J. Tom Minor, IV

JTM;mw

Enclosures

## PETITION TO CLOSE ROAD

Comes now, Oakwood Property Group, LLC as Petitioner, and requests that the Mayor and Council of the City of Dalton, Georgia declare that the portion of Cuyler Street described in the within Petition abandoned so that said road will no longer be a part of the City Road System and the rights of the public in and to said sections of road, as a public road, will cease, to-wit:

1. Petitioner is the owner of real estate contiguous and abutting both sides of said public road which is requested to be closed.

2. The road which Petitioner request the Mayor and Council of the City of Dalton, Georgia to declare abandoned has been abandoned as long as records exist, and has never been a portion of City of Dalton road system, nor never been expressly dedicated to the City of Dalton. The road which Petitioner requests the Mayor and Council of City of Dalton to declare abandoned has never been maintained by the City of Dalton.

3. The road which Petitioner requests the Mayor and Council of the City of Dalton, Georgia to declare abandoned is not used by the public and no substantial purpose is served by the road.

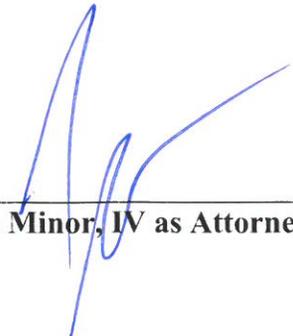
4. The Mayor and Council of the City of Dalton, Georgia has authority pursuant to O.C.G.A. § 32-7-2 (b) to declare said road abandoned for public purposes and to certify upon its minutes accompanied by a plat of the sketch of the road after notice to property owners located thereon that said road is no longer a part of the City of Dalton road system and the rights of the public in and to said section of road as public road shall cease.

5. No part of said road which Petitioner requests to be closed is located within any municipality nor is said road a part of the State Highway System.

6. Petitioner shows that the aforesaid road and the general location of said road is shown in yellow by the sketch attached hereto and marked as Exhibit "A", for reference thereto.

**WHEREFORE**, Petitioner requests that any notice as required by law issued to property owners located on said road and that the public be notified of said petition; that the Mayor and Council of the City of Dalton, Georgia proceed to declare said road no longer a part of the City of Dalton road system and to certify the abandonment thereon upon its minutes accompanied by a plat or sketch of the section of the road to be closed; that the rights of the public in and to said section of road as a public road cease; and that a deed for said road to be delivered to the adjoining property owners.

This 26<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
J. Tom Minor, IV as Attorney for Petitioner

**Georgia, Whitfield County**

The undersigned, being the person owning or having any interest in the lands through which and Cuyler Street passes, as set forth in a Notice or Hearing pending before the Mayor and Council of the City of Dalton, Georgia hereby acknowledges personal service of the Petition of Oakwood Property Group, LLC, and hereby waives any and all further service and notice, and offer no objection to said portions of said road being discontinued or abandoned.

This 26<sup>th</sup> day of October, 2021.

**Oakwood Property Group, LLC**

By:   
Kasey Scott Carpenter, Managing Member

CITY ADMINISTRATOR  
P. ANDREW PARKER  
P.O. BOX 1205  
DALTON, GEORGIA 30722  
PHONE: 706-278-9500  
[aparker@daltonga.gov](mailto:aparker@daltonga.gov)  
[www.daltonga.gov](http://www.daltonga.gov)



MAYOR  
DAVID PENNINGTON

CITY COUNCIL  
GARY CREWS  
TYREE GOODLETT  
ANNALEE HARLAN

## MEMORANDUM

**TO:** Benny Dunn, Public Works Director  
Cliff Cason, Police Chief  
Todd Pangle, Fire Chief  
Terry Miller, City Attorney  
Tom Bundros, Dalton Utilities

**CC:** Andrew Parker, City Administrator

**FROM:** Kimberley Witherow 

**RE:** Street Closing/Quit Claim Request  
Oakwood Property Group, LLC – Cuyler Street

**DATE:** October 29, 2021

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Enclosed for your consideration is a street closing/quit claim request from Kasey Carpenter, Oakwood Property Group, LLC for a portion of Cuyler Street, lying and being in Land Lot No. 219 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia and now running through the lands of Oakwood Property Group as shown on the old official SAP Map of the City of Dalton. Please review the documents and return written comments stating approval/disapproval to this office within ten (10) days. The property in question will be posted and a public notice advertised beginning November 5, 2021. A first reading on the closing request will be held at the November 15, 2021 Mayor and Council meeting followed by a second reading on December 6, 2021. Thank you for your assistance in this process and please email or call me should you have any questions.



October 29, 2021

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

**RE: Street Closing/Quit Claim Request  
Cuyler Street – Oakwood Property Group**

Dear Mayor Pennington:

As requested in your October 29, 2021, memorandum, Dalton Utilities has reviewed the street closing/quit claim request for a portion of Cuyler Street. The following paragraph will detail our response and contingent approval of the closure.

Dalton Utilities currently maintains an overhead electrical service line and an underground natural gas service line in the section of un-opened road right-of-way. If the customer wishes to keep and utilize these services, then these utility lines need to remain in place in order to maintain the level of service currently provided to this location. As such, a permanent utility easement for those utility services would need to be retained in order to service and replace those utility lines into the future. If the building owner no longer desires to keep these utility services, then Dalton Utilities can permanently abandon those lines upon receipt of written request from the property owner.

Our approval of the road closure is contingent upon the retention of a permanent easement as noted previously unless the property owner desires permanent abandonment of those utility lines. Please do not hesitate to contact me at (706) 529-1011 or [mbuckner@dutil.com](mailto:mbuckner@dutil.com) should any questions arise or if we may be of assistance.

Sincerely,

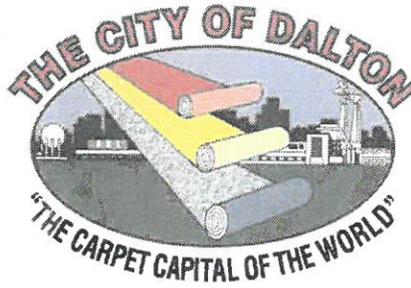
A handwritten signature in blue ink that reads "Mark Buckner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Buckner



**PUBLIC WORKS DEPARTMENT**  
**BENNY DUNN, DIRECTOR**  
[bdunn@daltonga.gov](mailto:bdunn@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**  
ANNALEE HARLAN  
TYREE GOODLETT  
GARY CREWS

## MEMORANDUM

**To:** Kimberley Witherow  
**Cc:** Andrew Parker, City Administrator  
**From:** Benny Dunn, Interim Public Works Director  
**Re:** Street Closing/Quit Claim Request  
Oakwood Property Group, LLC – Cuyler Street  
**Date:** October 29, 2021

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Please be advised that the Public Works Department has no objections to the closing and quit claim of the unopened portion of Cuyler Street as shown on the map in the Petition Request.

**William C Cason III**  
Chief of Police  
CCason@daltonga.gov  
www.daltonga.gov



Public Safety Commission  
Terry Mathis  
Bill Weaver  
Anthony Walker  
Truman Whitfield

**DALTON POLICE DEPARTMENT**  
301 Jones Street, Dalton, Georgia 30720  
Phone: 706-278-9085

Date: November 5, 2021  
To: Chief Cliff Cason  
From: Lieutenant Matthew Locke  
RE: Quit Claim Request

Chief Cason,

I have reviewed the Quit Claim Request for the property located within Land Lot # 219 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, running through the lands of Oakwood Property Group. The decision to keep or abandon any interests the City may have with this property will have no bearing on the Dalton Police Department's law enforcement services in this area.

Sincerely,

A handwritten signature in cursive script that reads "Matthew Locke".

Lieutenant Matthew Locke

## 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**  
Terry Mathis  
Anthony Walker  
Bill Weaver  
Truman Whitfield

November 10, 2021

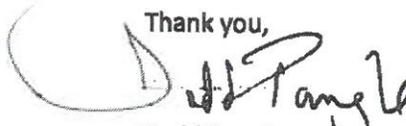
David Pennington, III  
Mayor, City of Dalton

Re: Street Closing/Quit Claim Request  
Oakwood Property Group, LLC – Cuyler St.

Greetings,

We have reviewed this request and find no adverse effects caused by granting this request. Please let me know if there are any further needs from the fire department pertaining to this request.

Thank you,

  
Todd Pangle  
Fire Chief  
Dalton Fire Department

# STREET CLOSING

## NOTICE

HEARING FOR THIS PROPERTY **COVER ST**

WILL BE HELD AT CITY HALL

300 W WAUGH ST

DATE **11-15-21 & 12-6-21** TIME **6:00 p.m.**

706-278-7077

CITY OF DALTON

