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Please Record and Return To:

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

EASEMENT

Georgia, Whitfield County

THIS INDENTURE made this ____ day of _____, 2023, 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 “Grantee” and “Grantor” 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.

WITNESSETH:

WHEREAS, Grantor is the owner of that certain parcel of real property situated in Land Lot No. 140 in the 12th District and 3rd Section of Whitfield County, Georgia, which land is more particularly described in Exhibit “A” attached hereto the terms of which are made a part hereof (the “Land”); and

WHEREAS, Grantor desires to grant to Grantee an easement for the purposes set forth hereinbelow over and across the Land;

NOW THEREFORE, 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 said Grantee, a perpetual easement for the right to construct, maintain, operate, repair and remove certain overhead and underground electric transmission,

distribution, and communication lines, though, over or under that tract of Land owned by the Grantor in over and across those area more particularly described on Exhibit "B" attached hereto and made a part hereof (the "Easement Area").

IT IS EXPRESSLY PROVIDED that Grantee shall have a perpetual right of ingress and egress upon, over, and across the adjoining lands owned by Grantor for access to said easement for the purposes of installation, maintenance, operation, repair, and removal of said utility lines.

GRANTOR HEREBY RESERVES for itself and its successors, heirs, and assigns, all of its right, title, and interest in and to the Land incident to the fee simple estate thereof, and to use the Easement Area for any and all purposes that do not unreasonably interfere with Grantee's use of the Easement Area as expressly permitted herein. For the sake of clarity, Grantee acknowledges and agrees that Grantor shall be permitted to construct a parking area and grade, pave, and landscape over, across, and under the Easement Area and any such improvements shall not be deemed to unreasonably interfere with Grantee's use of the Easement Area.

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, this easement has been duly executed and sealed by Grantor the day and year first above written.

Signed, sealed and delivered
In the presence of:

Hammond Creek Capital, LLC

Unofficial Witness

Notary Public

By: _____ (Seal)
Bryan Hair, Manager

My commission expires:

[Notarial Seal]

EXHIBIT “A”

All that tract or parcel of land lying and being in Land Lot No. 140 in the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described as Tracts. 1, 2, 3, 4 according to plat of survey prepared for Hammond Creek Capital, LLC by David L. Hester, Georgia Registered Land Surveyor No. 3042, dated September 6, 2022, and recorded in Plat Book F Page 566, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference

EXHIBIT “B”

All that tract or parcel of land lying or being in Land Lot 140, 12th District, 3rd Section, City of Dalton, Whitfield County, Georgia, and being more particularly described as follows:

COMMENCING at a concrete monument found at the intersection of the northeastern right-of-way of North Bypass (variable right-of-way) with the westerly right-of-way of Pleasant Grove Drive (variable right-of-way) having Georgia State Plane Coordinate values Northing:1,745,718.59; Easting: 2,065,607.69, Georgia West Zone. Thence along said right-of-way of the North Bypass the following courses and distances: North 22 degrees 28 minutes 53 seconds West a distance of 403.27 feet to a concrete monument; South 58 degrees 50 minutes 53 seconds West a distance of 10.54 feet to a concrete monument; North 32 degrees 51 minutes 54 seconds West a distance of 284.82 feet to a concrete monument; North 23 degrees 00 minutes 42 seconds West a distance of 41.51 feet to a concrete monument; North 23 degrees 00 minutes 42 seconds West a distance of 226.19 feet to a point; said point being the TRUE POINT OF BEGINNING. Thence along said right-of-way of the North Bypass thence North 23 degrees 02 minutes 44 seconds West, a distance of 11.57 feet to a concrete monument; thence North 67 degrees 04 minutes 43 seconds West, a distance of 98.83 feet to a point; thence departing said right-of-way North 48 degrees 40 minutes 38 seconds East, a distance of 116.54 feet to a point; thence North 51 degrees 23 minutes 00 seconds East, a distance of 357.89 feet to a point; thence South 46 degrees 18 minutes 51 seconds East, a distance of 100.91 feet to a point; thence South 51 degrees 23 minutes 00 seconds West, a distance of 369.05 feet to a point; thence South 48 degrees 40 minutes 38 seconds West, a distance of 74.86 feet to a point on the northeastern right-of-way of North Bypass; said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.045 Acres.