

## **ORDINANCE 22-05**

To Make Findings Of Fact Concerning the Public Use And Necessity Of An Unopened Section Of Morningside Drive, As Shown On Plat Of Frazier Acres; To Consider Vacating And Abandonment Of The Public Interest In And To The Said Section Of Platted And Unopened Street For Public Street And Transportation Purposes; To Declare The Closing Of Such Section Of Platted But Unopened Street, For Public Use And Transportation; To Authorize Delivery Of A Quitclaim Deed Of Any Interest Of The City Of Dalton Reserving All 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 petition of BMT Circle, LLC and the investigation and inquiry of the City of Dalton, the Mayor and Council find that the below described platted but unopened section of Morningside Drive, in the City of Dalton, Whitfield County, Georgia, as shown on the survey by Mitchell Lowery, Georgia Registered Land Surveyor No. 3109, dated December 16, 2021 and pertaining to property in Land Lot No. 179 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:

Exhibit "B" attached hereto and incorporated herein by reference is a complete metes and bounds description of said unopened portion of Morningside Drive which is the subject of this Ordinance.

### **Section 2**

Notifications to property owners located on the property described above to be closed have been given.

### **Section 3**

That section of Morningside Drive, heretofore platted but unopened as shown and described in Section shall be closed and 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, road and transportation purposes shall cease upon the effective date of this Ordinance.

**Section 4**

Notwithstanding anything herein to the contrary the City of Dalton reserves a permanent easement to build, construct, maintain, operate, repair and remove and replace utility systems and equipment through, under, or over said property together with the right of ingress and egress for access thereto and an easement for stormwater drainage.

**Section 5**

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 6**

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 the City's interest, except for such utility and drainage easements, of the City of Dalton in and to the section to be closed to contiguous owners or their successors in title in accordance with O. C. G. A. § 32-7-4.

**Section 7**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 8**

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, 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 \_\_\_\_\_, 2022.

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

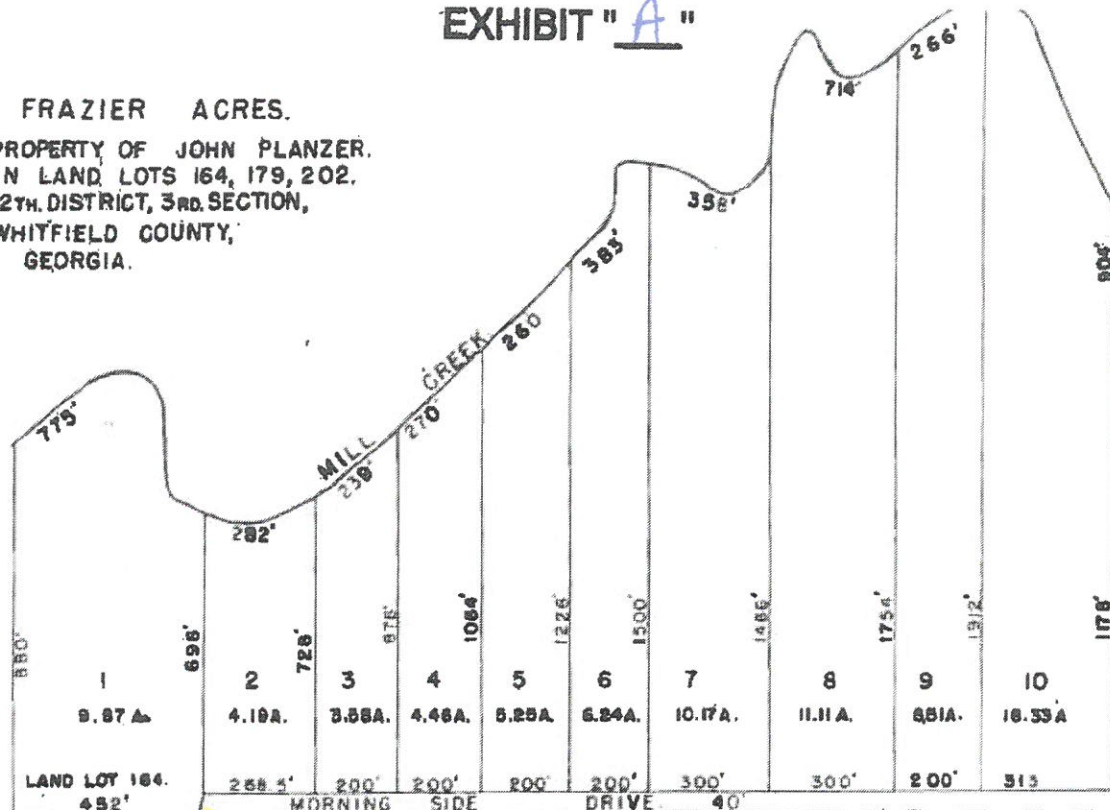
\_\_\_\_\_  
CITY CLERK

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 \_\_\_\_\_.

\_\_\_\_\_  
CITY CLERK  
CITY OF DALTON

# EXHIBIT "A"

FRAZIER ACRES.  
 PROPERTY OF JOHN PLANZER.  
 IN LAND LOTS 164, 179, 202.  
 12TH DISTRICT, 3RD SECTION,  
 WHITFIELD COUNTY,  
 GEORGIA.



LAND LOT 164.  
492'

MORNING SIDE DRIVE

DRIVE 40'

LAND LOT 179.

N.W. CORNER  
LAND LOT 179.

(FRAZIER ACRES PLAT 3.)

11	687'	1.53A
12	664'	1.53A.
13	662.5'	1.52A.
14	661'	1.52A.
15	659.5'	1.52A.
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30	637'	1.46A.
31	635.5'	1.46A.
32	634'	1.45A.
33	632'	1.45A.
34	630'	1.44A.



SEPTEMBER 4, 1945.  
*R. L. Smith*  
 DALTON, GEORGIA.  
 REGISTERED,  
 SURVEYOR 262,  
 CIVIL ENGINEER 725.



PLAT BOOK I.  
 PAGE 268.

MORNING  
SIDE DRIVE.

FIELDS  
AVENUE.

POWER LINE DRIVE (FRAZIER)

## EXHIBIT "B"

That property being a portion of unopened Morningside Drive, and being that strip shown on plat of Frazier Acres by R. E. Smith, Registered Surveyor #262, dated September 4, 1945, recorded in Plat Book 1, page 286, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, which runs in a southwesterly direction from the south line of what is shown on said plat as Morning Side Drive and is now known as Hale Bowen Drive (located along the north line of Land Lot 179 of the 12th District and 3rd Section of Whitfield County, Georgia) to a point directly east and opposite of the southeast corner of property conveyed to BMT Circle, LLC by deed dated November 29, 2021, recorded in Deed Book 6899, Page 448, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia; bounded on the west by the east line of property of BMT Circle, LLC as described in said deed; on the north by Hale Bowen Drive, and on the east by the westerly line of unopened Morningside Drive; LESS AND EXCEPT THE RIGHT OF WAY INCLUDING CUL DE SAC OF ALABAMA DRIVE, as shown on plat of survey of Mitchell Lowery, GRLS # 3109, dated December 21, 2021 for Brian Spence and recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ of the Whitfield County, Georgia Deed Records.



**TO THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF DALTON**

**RE: PETITION TO ABANDON AND QUIT-CLAIM AN UNOPENED PORTION OF MORNINGSIDE DRIVE**

Comes now BMT Circle, LLC, a Georgia limited liability company, and petitions the Mayor and Board of Aldermen of the City of Dalton to abandon such interest as it might have in a portion of Morningside Drive shown on certain subdivision plats but not used, and which lies on the east side of property owned by Petitioner, and for a quitclaim deed thereto, and shows as follows:

1. BMT Circle, LLC, is the owner of property acquired through Limited Warranty Deed dated November 29, 2021, recorded in Deed Book 6899, page 448, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, a copy of which is attached hereto as Exhibit A. The property is described as being bounded on the east by the west side of the right of way of Morningside Drive. Attached hereto as Exhibit B is a copy of a current plat of survey of said property, also showing the unopened road and the cul de sac of Alabama Drive, an opened road.
2. Attached hereto as Exhibit C is a copy of a portion of plat of Frazier Acres Plat 1. The property of Petitioner is located in the area labeled "N. W. Corner Land Lot 179" and is bounded on the east by the right of way of the road running in a southwesterly direction from that street shown as Morning Side Drive 40' located along the north line of said Land Lot 179, now know as Hale Bowen Drive.
3. The portion of Morningside Drive adjoining the property of Petitioner, not including the right of way and cul de sac of Alabama Drive, is not opened, is overgrown with brush and trees, and during the preceding twenty years has not been used. Said property appears never to have been accepted as a street by the City, or to have been abandoned.
4. Petitioners do not ask the City to abandon or quitclaim the right of way including the cul de sac of Alabama Drive, nor any utility or drainage easements presently existing in the right of way of Morningside Drive.
5. A proposed quitclaim deed which describe the property in question is submitted herewith.

Respectfully submitted this 12 day of January, 2022.

BMT Circle, LLC

By: Bill Blackwood  
Bill Blackwood, Member

By: John Thomas  
John Thomas, Member

By: Mike Maret  
Mike Maret, Member

After Recording, Please Return To  
Susan W. Bisson  
Sponcler & Tharpe, LLC  
P.O. Box 398  
Dalton, GA 30722-0398

STATE OF GEORGIA,  
WHITFIELD COUNTY.

QUITCLAIM DEED FOR UNOPENED ROAD

THIS INDENTURE, made the \_\_\_ day of \_\_\_\_\_, 2022, between The City of Dalton, a municipal corporation of the State of Georgia, (hereinafter "Grantor"), and BMT Circle, LLC, a Georgia limited liability company, (hereinafter "Grantee").

WITNESSETH, that the Grantor, for and in consideration of \$1.00 and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee, the following described property, to-wit:

That property being a portion of unopened Morningside Drive, and being the westernmost half of that strip shown on plat of Frazier Acres by R. E. Smith, Registered Surveyor #262, dated September 4, 1945, recorded in Plat Book 1, page 286, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, which runs in a southwesterly direction from the south line of what is shown on said plat as Morning Side Drive and is now known as Hale Bowen Drive (located along the north line of Land Lot 179 of the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia) to a point directly east and opposite of the southeast corner of that property conveyed to Grantee herein by deed dated November 29, 2021, recorded in Deed Book 6899, page 448, in the office of the Clerk of the Superior Court of Whitfield County, Georgia; bounded on the west by the east line of property of Grantee as described in said deed; on the north by Hale Bowen Drive, and on the east by the centerline of unopened Morningside Drive; LESS AND EXCEPT THE RIGHT OF WAY INCLUDING CUL DE SAC OF ALABAMA DRIVE.

TO HAVE AND TO HOLD the said described premises, together with all rights and appurtenances to the same belonging, unto the Grantee, and to the heirs and assigns of the Grantee forever, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any ways or means, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof; PROVIDED, HOWEVER, that Grantor reserves for itself,

and its successors and assigns, the right to construct, maintain, operate, repair and remove utility systems and equipment through, over and under said property together with a right of access for emergency and public service vehicles and personnel, and an easement for drainage.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this deed, all being done as of the day and year first above written.

City of Dalton, Georgia

Signed, sealed and delivered

in the presence of:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Witness

Attest: \_\_\_\_\_  
Clerk

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



Exhibit A

Deed Doc: WD  
Recorded 12/01/2021 12:05PM  
Georgia Transfer Tax Paid : \$300.00  
BABS BAILEY  
Clerk Superior Court, WHITFIELD County, Ga.  
Bk 06899 Pg 0448-0449

Ru1003791

This space above this line is for recording purposes.

✓ After recording, please return to:  
Susan W. Bisson  
Sponcler & Tharpe, LLC  
P. O. Box 398  
Dalton, Georgia 30722-0398  
File No. 2021080957

STATE OF GEORGIA,

WHITFIELD COUNTY.

**LIMITED WARRANTY DEED**

**THIS INDENTURE**, made the 29th day of November, 2021, between **NORTH GEORGIA RADIO GROUP, LP**, a Georgia limited partnership (hereinafter, whether singly or more than one, the "Grantor"), and **BMT CIRCLE, LLC**, a Georgia limited liability company (hereinafter, whether singly or more than one, the "Grantee"):

**WITNESSETH**

That in consideration of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor by these presents does hereby grant, bargain, sell, and convey unto the said Grantee the following described real property, together with the appurtenances thereto belonging, to-wit:

That tract of land lying and being in Land Lot No. 179 in the 12th District and 3rd Section of Whitfield County, Georgia, being a portion of an unnumbered tract of Frazier Acres, more particularly described by plat prepared by Marcus E. Cook, Registered Surveyor, labeled Tract in Frazier Acres, dated April 13, 1977, as follows: BEGIN at a point on the west line of said Land Lot No. 179, said point being marked by an iron pin which is located 40 feet south of the northwest corner of said Land Lot 179, as measured along the west line thereof; thence east, 40 feet south of, and parallel to, the north line of said Land Lot No. 179, a distance of 451.88 feet to an iron pin located on the west side of the right-of-way of Morningside Drive; thence south 15 degrees 00 minutes west, following said right-of-way, 414.02 feet;

thence west 344.9 feet to the west line of said Land Lot No. 179; thence north along the west line of said land lot, 400 feet to the point of beginning; LESS AND EXCEPT that portion of the above described property conveyed to Whitfield County, Georgia, by Right-of-Way Deed for Flemming Street Extension dated August 7, 1997, recorded in Deed Book 2878, page 175, Whitfield County, Georgia, Land Records.

TO HAVE AND TO HOLD, all and singular the above described premises, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the said Grantee forever, in fee simple.

AND THE SAID GRANTOR, and the heirs, legal representatives, successors and assigns of the Grantor will WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the Grantee, against all acts and deeds of the said Grantor.

SUBJECT, HOWEVER, to all easements, rights-of-way, covenants and restrictions which may lawfully affect the above-described property.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this Deed on the day and year first above written.

Signed, sealed and delivered in the presence of:

NORTH GEORGIA RADIO GROUP, LP, A GEORGIA LIMITED PARTNERSHIP

*[Signature]*  
Unofficial Witness

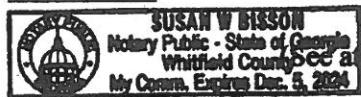
BY WHITFIELD COMMUNICATIONS, INC., A TENNESSEE CORPORATION, ITS GENERAL PARTNER

*[Signature]*  
Notary Public

BY: *[Signature]*  
PAUL FINK, PRESIDENT

My Commission Expires:

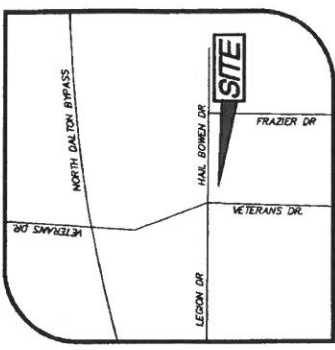
[Notary Seal]



See attached Incumbency Certificate)

Exhibit B

B

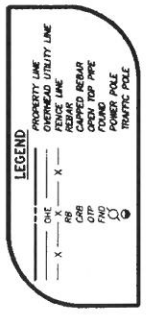
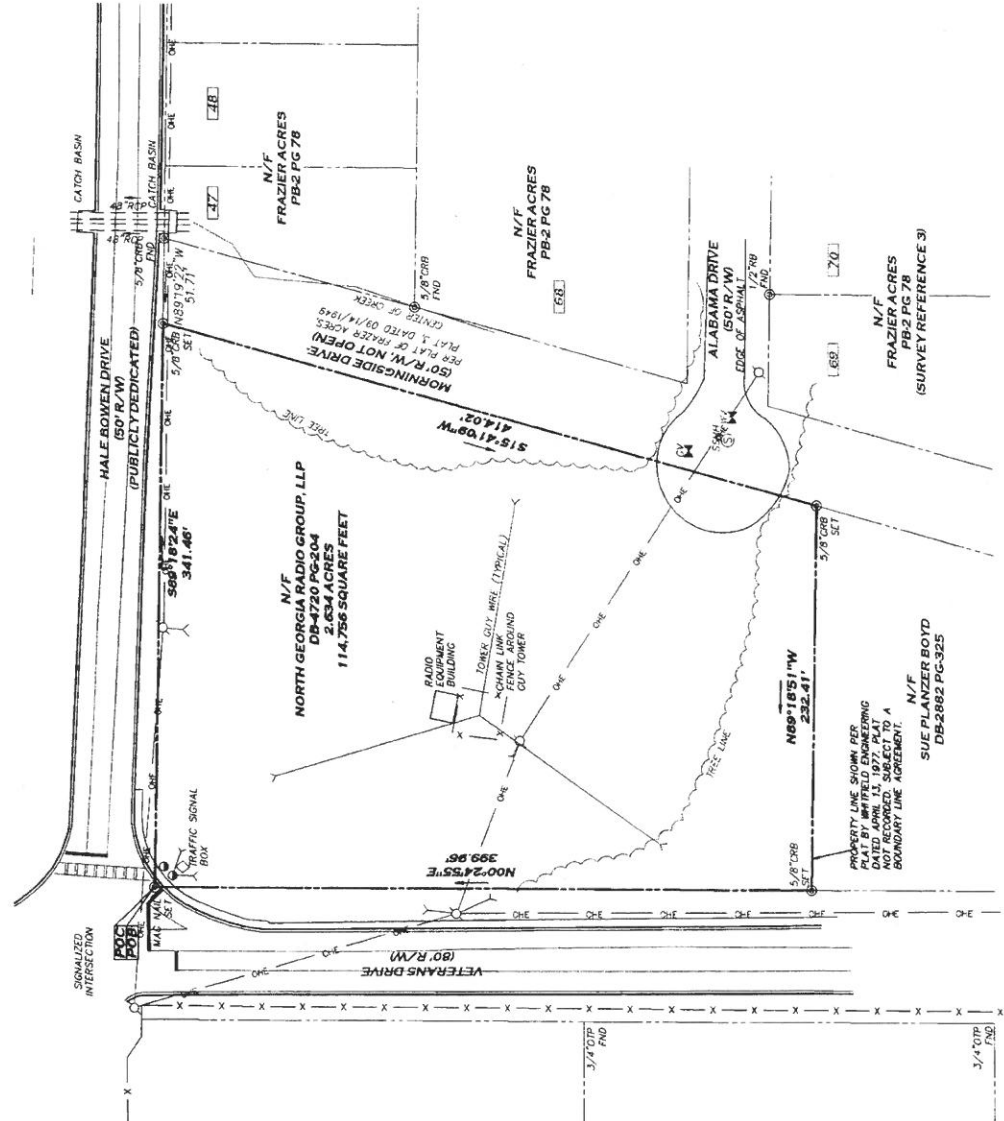


**VICINITY MAP**  
**SURVEY NOTES**

- 1) PROPERTY SHOWN HEREON WAS SURVEYED 12/07/2021.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 48,731" WITH AN ANGLE ERROR OF 0.3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A TOPCON 3008LW TOTAL STATION, TOPCON HIAPER SR GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) THIS PLAT HAS A MAP CLOSURE OF 1" IN 287,233".
- 5) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIAPER SR GPS RECEIVER UTILIZING NETWORK RTK CORRECTIONS PROVIDED BY THE REAL TIME NETWORK (RTN) OPERATED BY THE NATIONAL SURVEYING AND MAPPING AUTHORITY (NSAM) OF THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3. NATIONAL STANDARD FOR GEOSPATIAL DATA ACCURACY (NSGDA) HORIZONTAL AND 0.6 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- 6) NO EFFORT TO DETERMINE THE LOCATION OF UNDERGROUND UTILITIES WAS MADE. THE EXISTENCE OF UNDERGROUND UTILITIES IS ASSUMED TO BE THE SAME AS TO THE EXISTENCE OF NON-EXISTENCE OF SAID UTILITIES.
- 7) NO OBSERVED EVIDENCE OF EMBANKMENTS, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

**Lowery & Associates**  
**LAND SURVEYING, LLC**  
317 CRASSDALE ROAD  
CARTERSVILLE, GA 30121  
TEL: 770-429-1111  
WWW.LOWERYLANDSURVEYS.COM  
INFO@LOWERYLANDSURVEYS.COM  
GEORGIA C.O.A.: LSF-00102

<b>BOUNDARY SURVEY OF:</b> FRAZIER ACRES PLAT 3 LOTS 47, 48, 49, 50, 51, 52, AND 54 PREPARED FOR: BRIAN SPENCE	
DATE: DECEMBER 16, 2021	SCALE: 1"=50'
STATE: GEORGIA	COUNTY: WHITFIELD
LAND LOT: T19	DISTRICT: 12TH SECTION: 3RD
JOB #: 171722	DRAWN BY: J.THREADGILL



**SURVEY REFERENCES**

- 1) FRAZIER ACRES SUBDIVISION PLAT 3 IN PLAT BOOK 2, PAGE 78, WHITFIELD COUNTY RECORDS.
- 2) SURVEY OF AN UNNUMBERED TRACT IN FRAZIER ACRES SUBDIVISION PREPARED BY WHITFIELD ENGINEERING CO. DATED 13 APR. 77 (UNRECORDED)
- 3) PLAT FOR JANELLE FERGLSON PREPARED BY BARRUM - DELOACH & ASSOC. DATED FEBRUARY 6, 2007 (UNRECORDED)

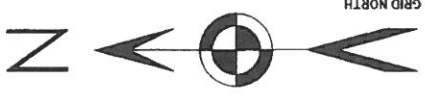
**SURVEYOR'S CERTIFICATION**

THIS PLAT IS A RETRACED OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OF LAND. THE SURVEYOR HAS REVIEWED THE RECORDS, BOUNDARIES, THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCELS AND HAS DETERMINED THAT THE INFORMATION CONTAINED IN THIS PLAT DOES NOT VIOLATE ANY APPLICABLE LOCAL, STATE, OR FEDERAL AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUBPARALLEL INTERFERED USE OF SURVEYOR CERTIFICATES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS ESTABLISHED BY THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

**GEORGIA**  
**REGISTERED SURVEYOR**  
**NO. 110**  
**MITCHELL LOWERY**

MITCHELL LOWERY (GEORGIA) 015-2109

FOR OFFICIAL USE ONLY



GRID NORTH  
GA. WEST  
(SURVEY NOTES 5)

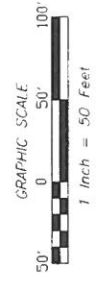
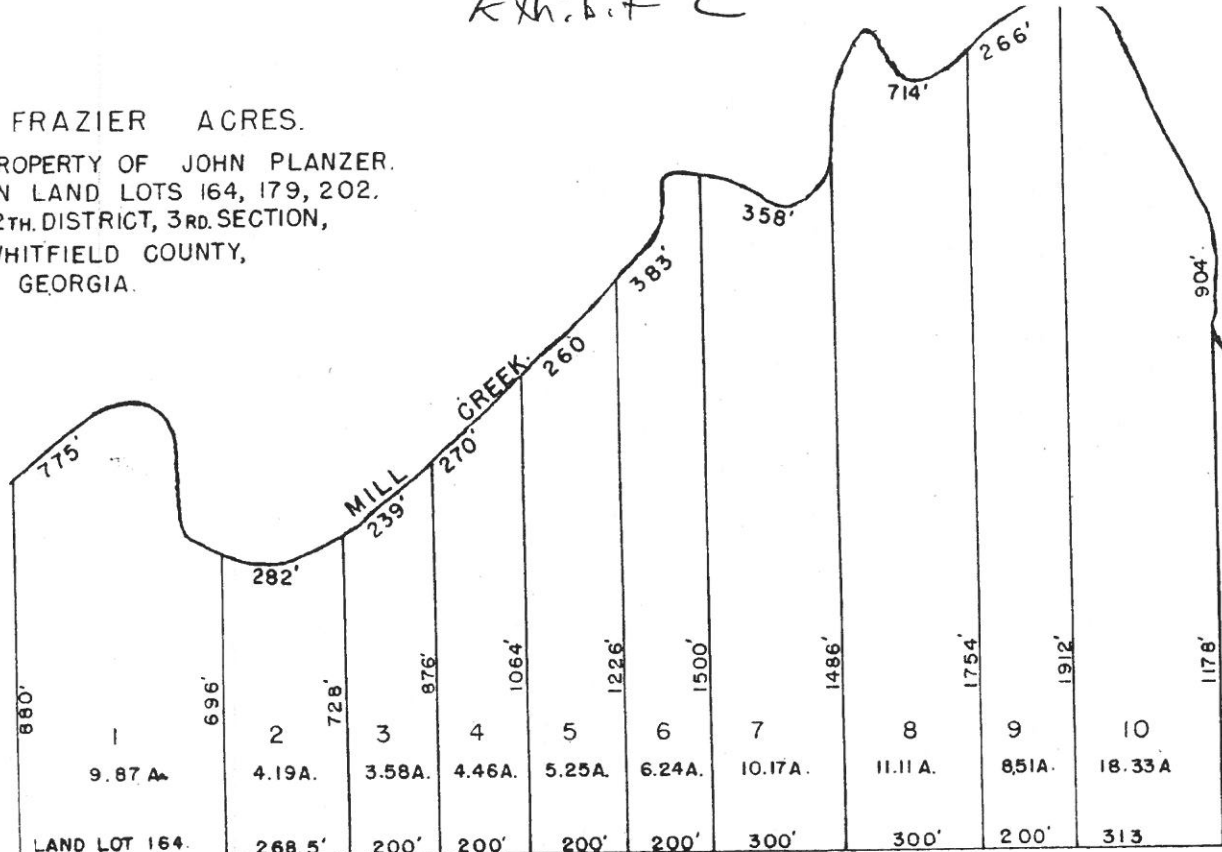


Exhibit C

FRAZIER ACRES.  
 PROPERTY OF JOHN PLANZER.  
 IN LAND LOTS 164, 179, 202.  
 12TH. DISTRICT, 3RD. SECTION,  
 WHITFIELD COUNTY,  
 GEORGIA.



LAND LOT 164.  
452'

N. W. CORNER  
LAND LOT 179.

MORNING SIDE DRIVE. 40'

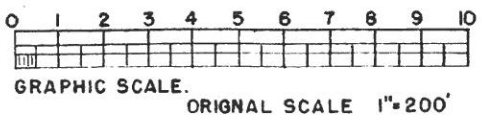
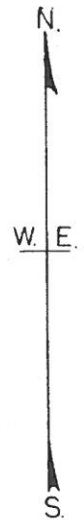
LAND LOT 179.

(FRAZIER ACRES. PLAT 3.)

MORNING  
SIDE DRIVE.

FIELDS  
AVENUE.

11	667'	1.53A
12	664'	1.53A.
13	682.5'	1.52A.
14	661'	1.52A.
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SEPTEMBER 4, 1945.  
*R. E. Smith*  
 DALTON, GEORGIA.  
 REGISTERED,  
 SURVEYOR 262,  
 CIVIL ENGINEER 725.

PLAT BOOK I.  
PAGE 268.

**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**  
DENNIS MOCK  
ANNALEE HARLAN  
TYREE GOODLETT  
STEVE FARROW

**MEMORANDUM**

**TO:** Chad Townsend, 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 

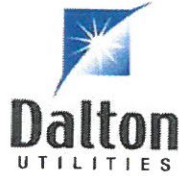
**RE:** Street Closing/Quit Claim Request  
An Unopened Portion of Morningside Drive

**DATE:** February 28, 2022

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Enclosed for your consideration is a street closing/quit claim request from BMT Circle, LLC for an unopened portion of Morningside Drive which lies on the east side of property owned by the petitioner. 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 March 4, 2022. A first reading on the closing request will be held at the March 21, 2022 Mayor and Council meeting followed by a second reading on April 4, 2022. Thank you for your assistance in this process and please email or call me should you have any questions.





February 28, 2022

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

**RE: Street Closing/Quit Claim Request  
Unopened portion of Morningside Drive**

Dear Mayor Pennington:

As requested in your February 28, 2022, memorandum, Dalton Utilities has reviewed the street closing/quit claim request for an unopened portion of Morningside Drive. The following paragraphs will detail our response and contingent approval of the closure.

Dalton Utilities currently maintains natural gas, water, sewer and telecommunications services along this unopened portion of Morningside Drive. These utility lines must remain in place in order to maintain the level of service currently needed by utility customers. Therefore, it is imperative that we are provided with a permanent access and utility easement for future maintenance and/or replacement of this critical infrastructure. **It is also important to note that no permanent structure may be constructed above any of the below ground utility lines (natural gas, water and sewer).**

Fiber Optic: Fiber optic infrastructure is currently above ground type construction along this unopened portion of Morningside Drive. We understand that the potential future development of this property might require relocation of a portion of these lines and those costs will be passed along to the developer as per normal procedures. Our approval of this closure is contingent upon a permanent easement for this utility infrastructure.

Natural Gas: The existing natural gas line that runs along this unopened street must remain in service as it loops major supply feeds to the surrounding area(s). Our approval of this closure is contingent upon a permanent easement for this utility infrastructure.

Water and Sewer: Both of these utility lines will remain in place along the unopened section of Morningside Drive, provided that an easement is allowed for future maintenance and replacement of these lines as necessary. These lines are critical to maintain utility service to customers in the surrounding area(s).



In summary, our approval of the road closure is contingent upon the retention of a permanent access and utility easement for all noted utility lines as indicated previously. It would be prudent of the potential landowner to familiarize himself with the location of these utility lines and the impact that his development plans could have on these utilities. 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 cursive script that reads "Mark Buckner".

Mark Buckner

Cc: Tom Bundros







# 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  
Bill Weaver  
Truman Whitfield  
Anthony Walker  
Alex Brown

To: Kimberley Witherow

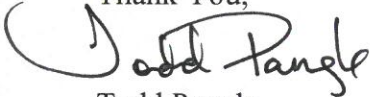
March 1, 2022

Re: Street Closing/Quit Claim Request  
An Unopened Portion of Morningside Drive

Greetings,

My staff and I have reviewed the request and Dalton Fire Department has no objections to the request for the closing of the unopened portion of Morningside Dr. outlined in the request. It should be noted that any future development of the afore mentioned property/area will require the installation of a hydrant or hydrants. Currently due to the fact no development exists in the immediate area, no hydrants are located in the area. The placement as well as the number of hydrants would be determined at the time a site plan is submitted.

Thank You,

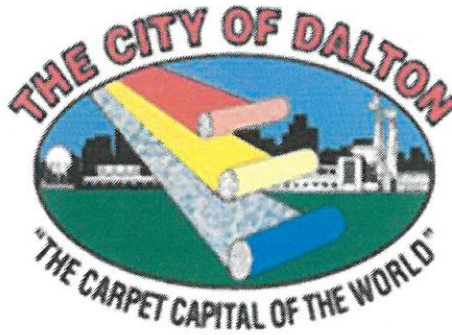


Todd Pangle  
Fire Chief

PUBLIC WORKS DEPARTMENT

CHAD TOWNSEND, DIRECTOR  
[ctownsend@daltonga.gov](mailto:ctownsend@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:*

DENNIS MOCK  
ANNALEE HARLAN  
TYREE GOODLETT  
STEVE FARROW

## MEMORANDUM

**TO: KIMBERLEY WITHEROW**

**CC: ANDREW PARKER, CITY ADMINISTRATOR**

**FROM: CHAD TOWNSEND, PUBLIC WORKS DIRECTOR**

**RE: STREET CLOSING/QUIT CLAIM REQUEST  
AN UNOPENED PORTION OF MORNINGSIDE DRIVE**

**DATE: FEBRUARY 28, 2022**

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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 Morningside Drive as described in the exhibits.

**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: March 17, 2022  
To: Chief Cliff Cason  
From: Lieutenant Matthew Locke  
RE: Street Closing/Quit Claim Request

Chief Cason,

I have reviewed the Street Closing/Quit Claim Request from Morningside Drive on an unopened parcel. This change 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



## **ADMINISTRATION**

P.O. Box 1205 Dalton, GA 30722-1205  
Phone: 706-278-9500 Fax: 706-278-8245

**TO: VANESSA LOVE - DAILY CITIZEN NEWS LEGAL AD DEPARTMENT**  
**FROM: KIMBERLEY WITHEROW**  
**DATE: FEBRUARY 28, 2022**

## **PUBLIC NOTICE**

Notice is hereby given that the Mayor and Council of the City of Dalton will consider the vacating and abandonment of its interest, if any, to an unopened portion of Morningside Drive, and being the westernmost half of that strip shown on plat of Frazier Acres dated September 4, 1945, which runs in a southwesterly direction from the south line shown as Morning Side Drive and is now known as Hale Bowen Drive. All persons having any objections to the vacating and abandonment of said property are hereby notified to be present and make known such objections at the Mayor and Council Meetings to be held on March 21, 2022 and April 2, 2022 at 6:00 p.m. at Dalton City Hall, 300 W. Waugh St., Dalton, GA.

## **DATES AD TO RUN IN PAPER:**

Friday, March 4, 2022

Friday, March 11, 2022



# STREET CLOSING NOTICE

HEARING FOR THIS PROPERTY MORNINGSIDE DR  
WILL BE HELD AT CITY HALL  
300 W WAUGH ST TIME 6:00 p.m.  
DATE 3-21-22 X 4-22  
706-278-7077  
CITY OF DALTON