

**RESOLUTION  
NO. 22-01**

To Make Findings Of Fact Concerning The Need For Amendment To The City's Charter To Empower The City To Lease Specific Real Properties Of The City For Initial Terms Exceeding Five (5) Years And For A Renewal Term Exceeding Five (5) Years At Fair Rental Value And Subject To Conditions And To Request The Local Delegation To the 2022 General Assembly To Introduce Appropriate Local Legislation To Amend The City's Charter And Provide Same.

WHEREAS, the City owns certain real estate that it has historically leased, presently leases, or may lease in the future, to private or non-profit persons or entities (non-governmental) where such leaseholds are deemed beneficial to the City of Dalton in providing amenities and services to the public and in rehabilitating, developing, and maintaining these properties; and

WHEREAS, under O. C. G. A. § 36-37-6 (1) (2) and (3) a municipality is limited to extending such a lease for an initial five (5) year term with an additional renewal of no longer than five (5) years without further sealed bid or auction; and

WHEREAS, the Mayor and Council deem it to be in the better interest of the public health, safety, and welfare to have powers under its Charter to lease such properties for longer initial terms in some instances and for longer renewal terms in some instances; and

WHEREAS, the following properties are considered specifically to be leased for valuable consideration for use, operation, or management where the said statutory limitations impair the best use, preservation, and economic benefits to the City: i) designated tracts of the Dalton Municipal Airport for aircraft hangars, fixed based operations, non-fixed based operations and other economic uses; ii) old City Hall on Pentz Street; iii) Emery Center on Emery Street; iv) old downtown main Post Office; and v) Old Dalton Fire Hall on Pentz Street; and

WHEREAS, the City considers it necessary to ask the State of Georgia to enact by local legislation an amendment to the City's Charter, Ga. L. 1874, p. 181, as amended, to authorize the City to lease or enter into a contract for valuable consideration for the use, operation, or management of such real property of the municipal corporation for terms exceeding an initial five (5) year term with one (1) renewal term not exceeding five (5) years, provided such leases

specify terms that protect the City's property from abandonment, deterioration, or waste, from being pledged or mortgaged by lessee or contractee, from being otherwise alienated or having title diverted by act or omission to act of lessee or contractee, and providing coverage of sufficient liability insurance both for fire and casualty to the property and for injury to third persons or their property;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Dalton in regular meeting assembled, as follows:

**-1-**

The statements in the foregoing Preamble are considered and adopted as findings of fact.

**-2-**

The Mayor and Council petition the legislative delegation of the 2022 General Assembly representing the City of Dalton to introduce by local Act a bill extending powers to the City acting by its Mayor and Council to lease such specifically identified real estate as shown above for initial terms up to twenty-five (25) years with one renewal period up to ten (10) years for valuable consideration meaning its fair rental value and subject to those general conditions described above, in the discretion of the Mayor and Council.

SO RESOLVED this \_\_\_\_\_ day of January, 2022.

The foregoing Resolution was read on \_\_\_\_\_ and upon motion of Councilmember \_\_\_\_\_, second by Councilmember \_\_\_\_\_, upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Resolution DOES/DOES NOT pass.

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
MAYOR

Attest:

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