

**CITY OF DALTON
RESOLUTION
Resolution No. 20-24**

**RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY
located at
891 COLLEGE DRIVE**

WHEREAS, the Mayor and Council of the City of Dalton has determined that it is consistent with the best interests of the City of Dalton and its citizens that the City of Dalton sell certain real property located at College Drive as described in Exhibit “A” (the “Property”) to 891 College Drive, LLC, a Georgia limited liability company (the “Seller”), as provided for in the Agreement For Sale And Purchase Of Real Estate (the “Purchase Agreement”);

WHEREAS, the City of Dalton, under the authority of the O.C.G.A. §36-37-6(g), is authorized to sell and convey narrow strips of land, so shaped or so small as to be incapable of being used independently, to adjoining property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the real property;

WHEREAS, the City of Dalton previously closed a portion of College Drive and conveyed said portion to the adjacent property owners pursuant to Ordinance 17-11 as the property was no longer needed by the public for street or transportation purposes and to that extent no substantial public purpose was served thereby;

WHEREAS, the Mayor and Council has determined that the subject property qualifies for sell pursuant to O.C.G.A. § 36-37-6(g);

WHEREAS, the Seller has agreed to the proposed terms of sale as provided in the Purchase Agreement;

WHEREAS, the City of Dalton has determined that the terms of the Purchase Agreement, including the proposed sales price of \$1,823.53 are fair and just compensation for the purchase of the Property;

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

THAT the City of Dalton hereby approves the proposed terms of sale as provided in the Purchase Agreement.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to enter into the Purchase Agreement and any and all documents necessary to consummate the proposed purchase of the Property.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and empowered to take such actions and to execute for and on behalf of the City of Dalton any and all documents as

may be necessary or desirable to accomplish and effect the Purchase Agreement and these Resolutions; and such documents shall be in such form and contain such terms and conditions as may be approved by the Mayor on behalf of the City of Dalton and as approved as to form by the City Attorney, and the execution of such documents by the Mayor as herein authorized shall be conclusive evidence of any such approval.

BE IT FURTHER RESOLVED, that all acts and doings of the Mayor in connection with the Purchase Agreement which are in conformity with the purposes and intents of these Resolutions and in the furtherance of the transactions contemplated hereby and thereby shall be, and the same hereby are, in all respects approved and confirmed.

BE IT FURTHER RESOLVED, that the signature of the Mayor to the Purchase Agreement and other documents executed and delivered in connection therewith shall be conclusive evidence of the authority of the Mayor to execute and deliver such documents on behalf of the City of Dalton.

BE IT FURTHER RESOLVED, that the Clerk or any Assistant Clerk of the City of Dalton be, and each hereby is, authorized to attest the signature of any officer of the City of Dalton and impress or attest the City of Dalton's seal appearing on the Purchase Agreement and other documents executed in connection with any of the foregoing Resolutions.

BE IT FURTHER RESOLVED, that all resolutions or parts thereof of the City of Dalton in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to record this approved Resolution in the minutes of the City Council.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its approval by the Mayor and Council of the City of Dalton.

ADOPTED AND APPROVED on the ____ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Resolution received its first reading on _____. A motion for passage of the Resolution was made by Council person _____, second by Council person _____ and upon the question the vote is _____ ayes, _____ nays and the Resolution is adopted.

Attest:

CITY OF DALTON, GEORGIA

CITY CLERK

MAYOR

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot No. 234 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described according to a plat of survey prepared by Max Randall Compton, Georgia Registered Land Surveyor No. 2584, dated October 27, 2017, revised October 15, 2020, and being more particularly described according to said survey as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at a concrete monument located at the point of intersection of the south line of said Land Lot No. 234 and the west right of way line of Interstate Highway No. 75; thence south 88 degrees 06 minute 56 seconds west, as measured along the south line of said Land Lot No. 234, a distance of 14.01 feet; thence north 84 degrees 32 minutes 32 seconds west a distance of 110.79 feet; thence north 01 degrees 41 minutes 24 seconds east a distance of 33.17 feet; thence running in a northerly direction along an arc to the left (Radius 220.99 feet), arc distance of 70.45 feet, said arc being subtended by a chord with a bearing of north 06 degree 57 minutes 18 seconds west and a chord distance of 70.15 feet; thence north 07 degrees 06 minutes 51 seconds west a distance of 72.78 feet to the TRUE POINT OF BEGINNING of the tract of land herein described; FROM THE TRUE POINT OF BEGINNING thus established thence south 82 degrees 03 minutes 42 seconds west a distance of 6.94 feet; thence north 07 degrees 06 minutes 58 seconds west, as measured along the east right of way line of College Drive as relocated, a distance of 85.45 feet; thence north 11 degrees 03 minutes 02 seconds west, as measured along the east right of way line of College Drive as relocated, a distance of 208.63 feet; thence north 78 degrees 56 minutes 58 seconds east a distance of 7.0 feet; thence south 11 degrees 03 minutes 02 seconds east a distance of 208.08 feet; thence south 07 degrees 06 minutes 51 seconds east a distance of 86.37 feet to the POINT OF BEGINNING.

SUBJECT TO THE RIGHTS of Five Star Hospitality, LLC and Dalton Hospitality Hotel Services, LLC, and their successors, licensees, tenants and assigns to the use of the above described property as a means of ingress and egress to College Drive.