

**CITY OF DALTON  
RESOLUTION  
Resolution No. 20-26**

**RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY RIGHTS  
located in  
WEST HILL CEMETERY**

**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 exchange for public use certain easement rights on real property located in West Hill Cemetery as described in Exhibit “A” and “B” (the “Property”) by and between Internal Management, Inc., a Georgia domestic corporation (the “Seller”);

**WHEREAS**, the City of Dalton previously granted a Cemetery Easement to Internal Management, Inc, as recorded in Deed Book 05928, Page 0326 in West Hill Cemetery for the donation of certain real property from Internal Management, Inc. by Warranty Deed recorded in Deed Book 05928, Page 0323 under the authority of the Charter of the City of Dalton Sections 4-8(f), 4-8(r) and 4-8(aa) is authorized to acquire real property for public use;

**WHEREAS**, the Mayor and Council have determined that the termination of the above-referenced Cemetery Easement shall provide stormwater management benefits to the City of Dalton;

**WHEREAS**, the Seller has agreed to exchange the real estate interests in the subject Property by cancellation of the previously conveyed Cemetery Easement by Quit-Claim Deed for a grant of a new Cemetery Easement by the City of Dalton;

**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 exchange as provided for herein.

**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to enter into an Exchange Agreement and any and all documents necessary to consummate the proposed exchange of the real property interest in the subject Property by Quit-Claim of the Seller’s interest and grant of a new Cemetery Easement to Seller.

**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 Exchange 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 Exchange 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 Exchange 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 Exchange 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. 236 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described according to a plat of survey entitled Lewell Street, by Michael Paul Bunch, Georgia Registered Land Surveyor No. 3350, September 13, 2019, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin at the southeast intersection of the east right of way line of Lewell Street (50' R/W) and the southeast right of way of General Thomas Drive, said point being located south 08 degrees 10 minutes 59 seconds east a distance of 212.18 feet from the intersection of the centerlines of Lewell Street and West Cuyler Street; thence north 66 degrees 06 minutes 53 seconds east, along the southeast right of way line of General Thomas Drive, a distance of 78.12 feet; north 67 degrees 58 minutes 01 seconds east, along the southeast right of way line of General Thomas Drive, a distance of 75.34 feet to an iron pin; thence south 01 degrees 30 minutes 16 seconds east a distance of 340.50 feet to an iron pin; thence south 88 degrees 29 minutes 44 seconds west a distance of 144.89 feet to an iron pin; thence north 00 degrees 49 minutes 42 seconds west, along the east right of way line of Lewell Street, a distance of 177.79 feet; thence north 01 degrees 30 minutes 16 seconds west, along the east right of way line of Lewell Street, a distance of 106.56 feet to an iron pin, which is the POINT OF BEGINNING.

## Exhibit "B"

All that tract or parcel of land lying and being in Land Lot No. 237 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described according to a plat of survey prepared for Shelby Peeples by Joseph R. Evans, Georgia Registered Land Surveyor No. 2168, dated May 9, 2013, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located north 70 degrees 05 minutes 05 seconds west a distance of 527.53 feet from the intersection of the centerline of Emery Street and the centerline of Ridge Street; thence north 86 degrees 33 minutes 00 seconds west a distance of 207.91 feet to an iron pin; thence north 07 degrees 30 minutes 35 seconds west a distance of 76.49 feet; thence north 21 degrees 26 minutes 38 seconds west a distance of 35.41 feet; thence north 26 degrees 19 minutes 09 seconds west a distance of 46.26 feet; thence north 31 degrees 58 minutes 57 seconds west a distance of 88.79 feet to an iron pin; thence south 87 degrees 42 minutes 09 seconds east a distance of 229.54 feet to an iron pin; thence south 16 degrees 41 minutes 58 seconds east a distance of 238.96 feet to an iron pin and the POINT OF BEGINNING.