

## **ORDINANCE 21-08**

To Make Findings Of Fact Concerning the Public Use And Necessity Of A Section Of Belton Avenue, To Consider The Vacating And Abandonment Of The Public Interest In And To The Said Section Of Belton Avenue For Public Transportation Use; To Declare The Closing Of Such Section Of Belton Avenue, To Authorize Delivery Of A Quitclaim Deed Of Any Interest Of The City Of Dalton Except 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 investigation and inquiry, the Mayor and Council find that the below described section of Belton Avenue in the City of Dalton, Whitfield County, Georgia, as shown on the survey by Lewis & Associates Land Surveying, LLC, Georgia Registered Land Surveyor No. \_\_\_\_\_, dated May 4, 2021 and pertaining to property in Land Lots No. 183 and 184 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:

See Exhibit "B" attached hereto and incorporated herein by reference for complete description of said section of Belton Avenue.

### **Section 2**

Notifications to property owners located on the property described above to be closed is not given since the adjoining property owner is the petitioner and the City of Dalton to the extent of any utility easement.

### **Section 3**

The section of Belton Avenue to be closed shall 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 or road purposes shall cease upon the effective date of this Ordinance except that the City of Dalton reserves any portion thereof where it maintains an easement for natural gas, water, and sewer lines through the operations of Dalton Utilities.

**Section 4**

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 5**

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 interest, except for utility easements, of the City of Dalton in and to the section to be closed to the contiguous owner and her heirs, administrators, executors, and legal representatives in title.

**Section 6**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7**

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the sections, 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 \_\_\_\_\_, 2021

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 \_\_\_\_\_.

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CITY CLERK  
CITY OF DALTON



## **EXHIBIT " B "**

**ALL THAT TRACT or parcel of land lying and being in Land Lot Nos. 183 and 184, in the 12th District and 3<sup>rd</sup> Section, in the City of Dalton, Whitfield County, Georgia, and being more particularly described as follows:**

**BEGINNING at a point on the eastern right of way of Walston Avenue (having a 50-foot right of way); said point being located South 01 degree 34 minutes 24 seconds East a distance of 730.33 feet from the centerline intersection of Walston Avenue and Ross Drive; thence North 89 degrees 38 minutes 31 seconds East along the northern right of way of Belton Avenue a distance of 305.98 feet to a ½-inch open top pipe in a concrete monument; thence North 49 degrees 45 minutes 47 seconds East along the northern right of way of Belton Avenue a distance of 58.57 feet to a ½-inch rebar; thence leaving said northern right of way of Belton Avenue running South 01 degrees 49 minutes 47 seconds East a distance of 51.05 feet to a 5/8-inch capped rebar on the southern right of way of Belton Avenue; thence South 49 degrees 45 minutes 47 seconds West along the southern right of way of Belton Avenue a distance of 41.37 feet to a 5/8-inch capped rebar; thence South 89 degrees 38 minutes 31 seconds West along said southern right of way of Belton Avenue a distance of 320.99 feet to a point on the eastern right of way of Walston Avenue; thence North 00 degrees 21 minutes 27 seconds East along the eastern right of way of Walston Avenue a distance of 40.00 feet to the POINT OF BEGINNING.**

**SAID TRACT or parcel containing 0.33 acres.**