



**MAYOR AND COUNCIL MEETING  
MONDAY, MARCH 21, 2022  
6:00 PM  
DALTON CITY HALL**

**A G E N D A**

**Call to Order**

**Pledge of Allegiance**

**Approval of Agenda**

**Public Commentary:** *(Please Complete Public Commentary Contact Card Prior to Speaking)*

**Minutes:**

- [1.](#) Mayor & Council Minutes of March 7, 2022

**Unfinished Business:**

- [2.](#) Second Reading - Ordinance 22-03 - To Establish Architectural Design Standards For The Area Within Tax Allocation District No. 5 Otherwise Known As “The Gateway Corridor” As An Overlay To Existing Zoning And Land Use Regulations; To Incorporate Findings Of Fact; To Specify Standards Including Use Of Outdoor Signage; To Establish An Effective Date; To Repeal Laws And Ordinances In Conflict Therewith; To Provide For Severability; And For Other Purposes.

**New Business:**

- [3.](#) Creation of Design Review Board for the Gateway Corridor Overlay District Regulations
- [4.](#) Acceptance of Permanent Easement Agreement from Bruce A. King for Mill Creek Riverwalk Project
- [5.](#) Acceptance of Permanent and Temporary Easement Agreements from Mashburn Charitable Trust for Mill Creek Riverwalk Project
- [6.](#) Croy Engineering Revised Task Order #6 for Ramp Rehab at Airport
- [7.](#) Update to Federal/State Airport CIP Requests for Allocation of Incoming Bipartisan Infrastructure Law (BIL) Funds
- [8.](#) Intergovernmental Agreement Between the City of Dalton and Whitfield County Regarding Jointly-Funded Services Special Tax District

9.     First Reading – 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.
10.    First Reading – Ordinance 22-06 - An Ordinance Of The City Of Dalton To Amend Chapter 22 Captioned “Buildings And Building Regulations” Providing For Delegation Of Powers And Authority For the Administration And Enforcement Of The Provisions Of Chapter 22 And The Powers Of “Building Inspector” Under Section 5-23 Of The Charter (Ga. L. 1908, P. 579, Section 8) And Sections 22-501 et. seq. Of The Revised Code Of 2001, As Amended; To Establish An Effective Date; To Provide For Severance; To Repeal Conflicting Local Laws; And For Other Purposes.

**Supplemental Business**

**Announcements**

**Adjournment**

THE CITY OF DALTON  
MAYOR AND COUNCIL MINUTES  
MARCH 7, 2022

The Mayor and Council held a meeting this evening at 5:30 p.m. in the Council Chambers of City Hall. Present were Mayor David Pennington, Council members Dennis Mock, Annalee Harlan, Tyree Goodlett and Steve Farrow, City Administrator Andrew Parker and City Attorney Terry Miller.

CALL TO ORDER

Mayor Pennington called the meeting of the Mayor and Council to order.

APPROVAL OF AGENDA

On the motion of Council member Mock, second Council member Harlan, the Agenda dated March 7, 2022 was approved. The vote was unanimous in favor.

PUBLIC COMMENTARY

There were no public comments.

MINUTES

The Mayor and Council reviewed the Regular Meeting Minutes of February 21, 2022. On the motion of Council member Harlan, second Council member Mock, the minutes were approved. The vote was unanimous in favor.

PROCLAMATION

"American Red Cross Month"

The Mayor and Council proclaimed March 2022 as Red Cross Month in the City of Dalton and encouraged all citizens to reach out and support its humanitarian mission.

NEW 2022 ALCOHOL BEVERAGE APPLICATIONS

On the motion of Council member Harlan, second Council member Mock, the following (2) New Alcohol Beverage Applications were approved:

Business Owner: The Gallant Goat, LLC  
d/b/a: The Gallant Goat  
Applicant: John H. Wilson  
Business Address: 307 South Hamilton St  
License Type: Pouring Beer, Pouring Wine, Pouring Liquor (Lounge)  
Disposition: New

Business Owner: Underwood Market 532, LLC  
d/b/a: Supermercado Escondida  
Applicant: Bibi Kanwal Rashdi  
Business Address: 532 Underwood St. Ste B  
License Type: Package Beer, Package Wine (Convenience Store)  
Disposition: New

The vote was unanimous in favor.

FIREWORKS DISPLAY AGREEMENT WITH PYROTECNICO FOR JULY 4TH  
FIREWORKS DISPLAY

Caitlyn Sharpe presented the Fireworks Display Agreement to the Mayor and Council. Sharpe stated that Pyrotecnico was the only bid received at \$30,000.00. On the motion of Council member Mock, second Council member Harlan the Mayor and Council approved the agreement. The vote was unanimous in favor.

INTERGOVERNMENTAL AGREEMENT - DISTRICT #4 – NORTH BYPASS (HAMMOND CREEK) HAMMOND CREEK TOWNSHIP, LLC. DEVELOPMENT

CFO Cindy Jackson presented the Intergovernmental Agreement Among the City of Dalton, Whitfield County, and the City of Dalton Board of Education for Tax Allocation District #4 – North Bypass (Hammond Creek) Hammond Creek Township, LLC. Development. Jackson stated the agreement will remain in effect until the first to occur of (1) December 31, 2044, (2) the expiration or earlier termination of the Developer Development Agreement, or (3) the termination of the TAD#4. On the motion of Council member Mock, second Council member Harlan, the Mayor and Council approved the IGA. The vote was unanimous in favor. Note: further details of this agreement are a part of these minutes.

TAX ALLOCATION DISTRICT #4 – NORTH BYPASS (HAMMOND CREEK)  
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DALTON AND HAMMOND CREEK TOWNSHIP, LLC.

CFO Cindy Jackson presented Tax Allocation District #4 – North Bypass (Hammond Creek) Development Agreement Between the City of Dalton and Hammond Creek Township, LLC. Jackson stated the agreement would facilitate construction of a high quality, garden style multifamily residential community featuring 209 one, two, and three-bedroom apartments for rental. On the motion of Council member Mock, second Council member Goodlett, the agreement was approved. The vote was unanimous in favor. Note: further details of this agreement are a part of these minutes.

ORDINANCE 22-02 - BUCKEL DESIGN GROUP (BDG) LLC.

Asst. Planning Director-Northwest Georgia Regional Commission Ethan Calhoun presented the Ordinance 22-02, the request of Buckel Design Group (BDG), LLC to rezone from General Commercial (C-2) to High Density Residential (R-7) a tract of land totaling 12.99 acres located on NE intersection of North Bypass and Pleasant Grove Drive, Dalton, GA. Parcel (12-163-05-005). On the motion of Council member Mock, second Council member Harlan, the request was approved. The vote was unanimous in favor.

FIRST READING OF ORDINANCE 22-03 –GATEWAY CORRIDOR OVERLAY DISTRICT

The Mayor and Council held a first reading for Ordinance 22-03 regarding the request of the City of Dalton Mayor and Council to create the Gateway Corridor Overlay District and accompanying map. The proposed overlay district is independent from the Unified Zoning Ordinance and is only currently proposed to affect the geographic area known as TAD#5 within the City of Dalton.

ORDINANCE 22-04 – THOMAS DURKAN III

Asst. Planning Director-Northwest Georgia Regional Commission Ethan Calhoun presented Ordinance 22-04 - The request of Thomas Durkan III to rezone from Heavy Manufacturing (M-2) and Medium Density Single Family Residential (R-3) to Transitional Residential (R-6) a tract of land totaling 0.33 acres located at 624 Charles Street and 0.11 acres located at 620 Charles Street, Dalton, Georgia. Parcels (12-199-19-008 and 12-199-19-016). On the motion of Council member Mock, second Council member Harlan, the request was approved. The vote was unanimous in favor.

FY22 GENERAL FUND BUDGET AMENDMENT #1

CFO Cindy Jackson presented FY22 General Fund Budget Amendment #1 to the Mayor and Council. Jackson stated that the General fund amendment is to record donations, Burr Park change order, and other agency funding commitments and workers compensation legacy settlement. On the motion of Council member Mock, second Council member Farrow, the Mayor and Council approved the amendment. The vote was unanimous in favor.

USER AGREEMENT WITH MULTIBANK SECURITIES, INC.

CFO Cindy Jackson presented the User Agreement with Multibank Securities, Inc. for eConnect Direct user Agreement. Jackson stated the service that is offered through Multibank Securities Inc. is to provide a platform for accessing market information, selecting CD's and bond offerings, and managing investment decisions. On the motion of Council member Mock, second Council member Harlan, the Mayor and Council approved the agreement. The vote was unanimous in favor.

MEMORANDUM OF UNDERSTANDING - FORD OF DALTON STORMWATER DRAINAGE INFRASTRUCTURE MAINTENANCE

Public Works Project Engineer, T. Jackson Sheppard, E.I.T., presented a Memorandum of Understanding with the City of Dalton and J & T Realty Partners, L.L.L.P., Ford of Dalton Stormwater Drainage Infrastructure Maintenance. Sheppard stated the MOU is to perform maintenance on the stormwater drainage infrastructure located within the Ford of Dalton's property limits. Sheppard further stated that the scope of work is necessary to restore the drainage networks functional level of service of which upstream stormwater infrastructure conveys runoff from the City's right of way. On the motion of Council member Goodlett, second Council member Harlan, the MOU was approved. The vote was unanimous in favor.

TRAFFIC CONTROL CHANGE - REVISION OF NO PARKING ON PORTION OF VALLEY DRIVE

Public Works Project Engineer, T. Jackson Sheppard, E.I.T., presented a Traffic Control Change - Revision of No Parking on Portion of Valley Drive. On the motion of Harlan, second Council member Goodlett, the Mayor and Council approved the Traffic Control Change. The vote was unanimous in favor.

PROFESSIONAL SERVICES AGREEMENT WITH GEO-HYDRO ENGINEERS, INC.

Public Works Director Chad Townsend presented the Professional Services Agreement with Geo-Hydro Engineers, Inc. for Geotechnical Services at Heritage Point Soccer Complex. Townsend stated the cost of this project is \$12,090.80 and will be paid from the 2020 SPLOST. After reviewing the entire agenda item, page 160 was removed from the packet as a duplicate. On the motion of Council member Mock, second Harlan, the Agreement was approved. The vote was unanimous in favor.

PROFESSIONAL SERVICES AGREEMENT WITH CHILDERS ASSOCIATES

City Administrator Andrew Parker presented the Professional Services Agreement with Childers Associates for Market Street and Flood Mitigation Project Properties to complete the appraisals for twenty (20) parcels. Parker stated the work is to be completed within 180 days of the Notice to Proceed at a cost of \$87,500.00 to be paid from the 2021 Bond Series. On the motion of Council member Mock, second Council member Goodlett, the Agreement was approved.

ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 6:51 p.m.

\_\_\_\_\_  
Bernadette Chattam  
City Clerk

\_\_\_\_\_  
David Pennington, Mayor

Recorded  
Approved: \_\_\_\_\_  
Post: \_\_\_\_\_



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 3/21/2022

**Agenda Item:** The request of the City of Dalton Mayor and Council to create the Gateway Corridor Overlay District and accompanying map. The proposed overlay district is independent from the Unified Zoning Ordinance and is only currently proposed to affect the geographic area known as TAD#5 within the City of Dalton.

**Department:** Planning and Zoning

**Requested By:** Ethan Calhoun

**Reviewed/Approved by City Attorney?** Sent for Review

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

See the attached staff analysis.

**CITY OF DALTON  
ORDINANCE NO. 22-03**

To Establish Architectural Design Standards For The Area Within Tax Allocation District No. 5 Otherwise Known As “The Gateway Corridor” As An Overlay To Existing Zoning And Land Use Regulations; To Incorporate Findings Of Fact; To Specify Standards Including Use Of Outdoor Signage; To Establish An Effective Date; To Repeal Laws And Ordinances In Conflict Therewith; To Provide For Severability; And For Other Purposes.

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of same IT IS HEREBY ORDAINED as follows:

**PREAMBLE**

The Mayor and Council finding a necessity therefor as stated within the body of Section 1 hereof and in order to promote the health, prosperity, safety, and general welfare of the citizenry of the City of Dalton, the “Gateway Corridor” Overlay District Regulations as set forth hereafter in Sections 1 through 12 are hereby enacted.

**Sec. 1. - Declaration of purpose, scope and intent.**

The Dalton City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City of Dalton are worthy of enhancement, preservation, and protection and are essential to the promotion of the health, prosperity, safety, and general welfare of the existing and future residents of the City of Dalton. Included within the scope are the site, buildings and other structures, parking, landscape and screening, signs, utilities and lighting. The following standards shall control building materials, site lighting, parking, landscaping and commercial signs in conjunction with other ordinances of the City of Dalton. These standards shall apply to all construction within the Gateway Corridor Overlay District in the City of Dalton and only to property within the city limits of the City of Dalton. The purpose and intent of the Gateway Corridor Overlay architectural design standards that encompasses Tax Allocation District 5, and includes portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road, shall be:

- A. To foster civic pride; to raise the level of community understanding and expectation for quality in the built environment; and, to promote attention to accepted design principals in areas of new development and redevelopment;
- B. To implement the comprehensive plan;
- C. To guide certain aspects of development such as the appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area;
- D. To protect and enhance the visual qualities and character of an area;
- E. To provide guidance to design professionals, property and business owners undertaking construction in the district;
- F. To prevent functional and visual disunity in an area;
- G. To protect property against blight and depreciation;
- H. To encourage the most appropriate development of land; and
- I. To provide an attractive gateway to the community.



## **Sec. 2. - Definitions.**

Words not defined herein shall be construed to have the meaning given in Article II of the zoning ordinance of the City of Dalton, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. As used in this article, the following terms shall be defined as follows:

*Appearance.* The outward aspect that is visible to the public.

*Appropriate.* Fitting to the context of a site, neighborhood or community.

*Appurtenances.* The visible, functional, or ornamental objects accessory to and part of buildings.

*Architectural concept.* The basic aesthetic idea of a structure, or group of structures, including the site, signs, building and landscape development that produces the architectural character.

*Architectural feature.* A significant element of a structure or site.

*Attractive.* Having qualities that give satisfaction to numerous, but not necessarily all, observers.

*Building.* A building is a structure created to shelter any form of human activity, including, but not limited to, a house, store, barn, church, and hotel.

*Building massing.* The visual and physical mass of a building.

*Design Review Board.* Board appointed by the Mayor and City Council for reviewing projects for conformity with the Gateway Corridor Overlay District Regulations. This Board would have authority over issuing variances to the Regulations.

*External design feature.* The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs and fixtures of portions which are open to the public view.

*Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a structure and site, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

*Harmony.* A quality that represent an attractive arrangement of parts, as in an arrangement of various architectural elements.

*Landscape.* Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

*Logic of design.* Widely accepted principals and criteria in the solution of design problems.

*Gateway Corridor overlay district.* The boundaries of this overlay district include the areas outlined in Exhibit "A" in Article XXV.

*Material change in appearance.* A change in a structure or a parking lot within said districts that exceed ordinary maintenance or repair or requires either a sign permit, building permit or land disturbance permit such as, but not limited to: the erection, alteration, restoration, addition, or removal of any structure, sign or parking lot.

*Monument sign.* A freestanding sign supported by an internal structure framework or integrated into landscaping or other solid structural features other than support poles.

*Ordinary maintenance or repair.* Exempt from inclusion in "material change in appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay, damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement or a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

*Overlay district.* A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, object of landscapes, including the adjacent area necessary for the property treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated as such by the Mayor and City Council of the City of Dalton.

*Proportion.* Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

*Scale.* Proportional relationships of the size of parts to one another and to humans.

*Street hardware.* Objects other than buildings that are part of the streetscape. Examples are: streetlight fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

*Underlying zoning.* The zoning category established with respect to a parcel of property by the Mayor and City Council of the City of Dalton.

Where any existing zoning within the overlay district allows for any other specific use, such allowed use shall continue until such time as the owner of the real property applies to change the zoning and then the only portion of the real property that will change its existing zoning use will be the specific portion of any real property that is included within any approved application.

### **Sec. 3. - Maintenance of properties—Building code and zoning provisions.**

A. Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior feature visible from a public street in or on any overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a building, sign, or land disturbance permit.

B. Affirmation of existing building codes and zoning. Nothing in this article shall be construed to exempt property and business owners from complying with other existing city regulations whenever this article does not apply. The underlying zoning classification of property and all other provisions of the unified zoning ordinance shall remain in effect unless provisions in the overlay district conflict with the other provisions of the zoning ordinance, in which case, the stricter provisions of the overlay district shall apply.

### **Sec. 4. - Scope.**

These Gateway Corridor Overlay architectural design standards shall control (1) architectural design including building scale, massing, type, siting and building materials; (2) site lighting; (3) landscaping, (4) utility design and placement; and (5) signs in conjunction with other ordinances of the City of Dalton. Where any part of this article conflicts with other city ordinances, the more restrictive standard shall apply. All new construction and/or site construction or any alteration of currently existing buildings or developed sites having an estimated construction, installation

and/or fabrication costs (as referenced in building and land disturbance permit applications) equal to or exceeding fifty (50) percent of said existing site development or building valuation shall conform to the standards set forth in this article. Every application for a building permit for construction of a new building, modification or addition to an existing building within the district, shall be submitted together with plans, elevations and specifications. Alterations and repairs not affecting the exterior appearance of existing buildings are specifically exempted from the provision of this article. However, all fire safety and International Building Code (IBC) as amended, and other relevant interior codes and standards shall continue in full force and effect.

### **Sec. 5. - Design standards.**

In addition to development standards required elsewhere by the City of Dalton zoning ordinance and other ordinances, the following standards shall apply to all development and redevelopment within the Gateway Corridor Overlay District.

- A. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum roof pitch of 6:12.
- B. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum overhanging eave on all sides that will extend a minimum of one (1) foot beyond the exterior building wall of the building.
- C. Flat roofs shall not be allowed on buildings having exterior walls of twenty (20) feet or less in height, on average. The project Architect shall certify that the average height requirements are met. For purposes of this paragraph, parapet walls may be included in determining height of an exterior building wall. Additionally, parapet walls shall be equal to or exceed the height of roof-mounted mechanical equipment (typically four (4) feet). The project Architect shall prepare a screening plan that demonstrates the ability to screen proposed roof-top mechanical equipment. Shed roofs are prohibited as a primary roof design.
- D. Permitted exterior building materials shall be brick, stucco, EIFS, stone, wood, glass, vinyl, concrete fiberboard, architectural metal (sheet metal panels are prohibited), or architectural block.
- E. Exposed standard concrete block is not allowed, even if it is painted.
- F. Where more than one (1) adjoining property is developed as part of an overall planned development, side and rear setbacks may be modified or waived to encourage creativity and efficiency in site design, in the discretion of and with approval of the Design Review Board.
- G. In order to foster greater harmony and more appropriate community image, individual site developers are encouraged to coordinate site design elements such as pedestrian interconnections, exterior building materials/architecture, shared driveways and signage, with adjacent site developers. Shared parking is encouraged to reduce impervious surface areas. Shared parking counts must still meet the minimum standards established in the Unified Zoning Ordinance.
- H. Placement of roof-top mechanical equipment (e.g. air-conditioning units, vents, satellite dishes, etc.) shall be accomplished without detracting from the architectural integrity of the building or site. Generally, such equipment must be installed to the rear of the building or on the side, provided the equipment is screened from view from the public

right-of-way and adjoining properties. Accessory structures located on the roof shall be located to the rear, and shall be screened by a parapet or other architectural features.

I. Color: Primary or fluorescent colors shall not be employed except as accent colors.

J. Utilities: All utility lines within this overlay district are required to be placed underground, including city-owned utilities.

#### **Sec. 6. - Additional design regulations.**

A. The primary building entrance with public or private street frontage shall face and/or be visible from the public or private street and sidewalk when located adjacent to such street. The primary building entrance may face and/or be visible from portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road if the site is located adjacent to, but not on, this arterial corridor.

B. Building massing. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.

C. Location of vehicle facilities and services. Drive-through service windows, drive-in facilities and associated vehicular services such as air pumps (excluding gasoline fuel dispenser structures) shall not be located between the principal structure and portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road without an intervening building. Such shall be located to the side or rear of the principal structure.

D. Parking and driveways. Unless topography, public utilities, or storm drainage make it prohibitive, surface parking and related parking facilities between the principal structure and portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road right-of-way shall be limited to two (2) rows of parking in front of the principal structure. All other surface parking shall be located to the side or rear of the principal structure, except as stated hereinabove.

E. Demolition of existing structure – A demolition plan, including a landscaping plan, shall be required in order to secure a demolition permit within the overlay district. The demolition plan will require removal of the full slab and foundations of the building and all demolition debris from the site. A land disturbance permit may be required depending on the area to be disturbed.

#### **Sec. 7. - Screening and fencing.**

Shall be required as follows:

A. Refuse areas (dumpster) shall be placed in the least visible location from public streets (i.e. near the rear of the building), and shall be enclosed on three (3) sides with brick or stone opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.

B. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall be vinyl coated, hunter green, brown or black.

C. Opaque fences are prohibited adjacent to a public street.

D. All loading areas shall be screened from view of any public street by either a minimum six-foot high opaque fence matching the material of the building, or a fifteen-foot-wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs

shall be moderately growing, be a minimum height of three and one-half (3½) feet to four (4) feet at time of planting, and reach a height of six (6) feet within two (2) years of planting. Other loading area screening concepts can be reviewed/considered by the Design Review Board.

E. All detention ponds shall have a minimum five-foot-wide landscape strip with plantings (shrubbery) based on a plan submitted to and approved by the City Arborist.

### **Sec. 8. - Landscaping.**

Landscape standards must be in accordance with City of Dalton Code, Chapter 122, Vegetation, with the following modifications:

A. Impervious surface areas shall not be allowed to cover more than eighty-five (85) percent of the lot. The area to be landscaped shall be devoted to vegetative landscaping which includes, but is not limited to, grass, shrubs, vines, and trees.

B. All trees required to be planted by this section shall be increased to: (a) Shade trees shall be a minimum of two and one-half (2½) inch caliper; (b) Flowering trees shall be at least ten (10) feet minimum height. A minimum of fifty (50) percent of planted trees shall be large maturing shade trees.

C. *Building perimeter landscaping.* The perimeter of each building (excluding the rear elevation) shall at a minimum have a four (4) foot landscape area and a six (6) foot sidewalk. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the base of a building.

### **Sec. 9. - Lighting.**

Proposed developments shall submit for approval a lighting plan that meets the following specifications prior to the issuance of a land disturbance or building permit.

A. The maximum to minimum foot-candle level shall not exceed a twelve to one (12:1) ratio.

B. Light fixture poles cannot exceed forty (40) feet in height.

C. All site lighting shall be directed onto the site and strive for "dark sky" objectives.

D. All building entrances, walks and vehicular access shall be lit.

### **Sec. 10. - Sign Regulations.**

The following standards shall control signs in conjunction with other ordinances of the City of Dalton within the overlay district. These standards shall apply to all construction within the Gateway Corridor Overlay District in the City of Dalton and only to property within the city limits of the City of Dalton. Additionally, the standards and requirements of this section shall take precedence over city-wide standards and requirements within the boundaries of said overlay district.

(1) Individual buildings or business storefront signs (wall signs) shall be limited to one (1) sign per street frontage. One parcel with multiple business shall be limited to one (1) freestanding sign.

(2) Maximum allowed sign area of all freestanding signs shall be one hundred twenty (120) square feet.

(3) Any corner lot adjacent to portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road shall be allowed one (1) additional freestanding sign.

(4) All freestanding signs shall be monument signs and shall not exceed fifteen (30) feet in height. No pylon signs will be allowed.

4a. All monument signs shall be topped with a peaked pediment consisting of a beige/tan stucco façade.

4b. All monument signs shall consist of a brick or stone façade, with the exception of the pediment.

4c. All monument sign lighting shall be directed onto the sign face and strive to achieve the “dark sky” objectives. All lighted signs must be submitted as part of the lighting plan referenced in Section 9 of this ordinance.

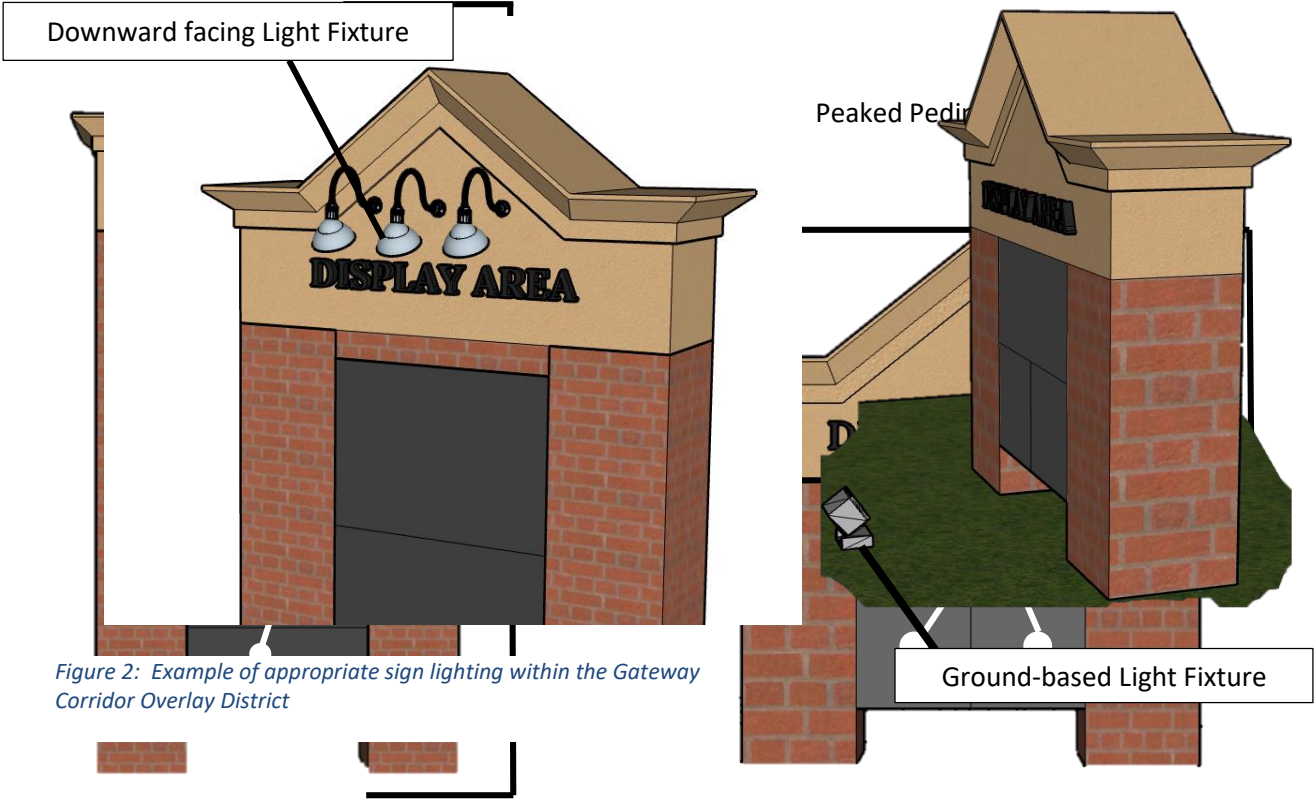


Figure 2: Example of appropriate sign lighting within the Gateway Corridor Overlay District

Figure 1: Examples of appropriate monument signs within the Gateway Corridor Overlay District

(5) Portable signage is not allowed within the overlay district. Portable signage includes corrugated plastic signs, inflatable signs, feather signs, A-frame signs, and other signs held in place with stakes or weighted bases.

**Sec. 11. -  
District.**

within  
be

- A.
- B.
- C.
- D.



*Figure 3: Examples of prohibited portable signs within the Gateway Corridor Overlay District*

**Uses not allowed in the Gateway Corridor Overlay**

Notwithstanding the uses allowed by the underlying zoning classifications of the properties this overlay district, the following uses shall not be allowed therein:

- Accessory apartments.
- Adolescent treatment facilities.
- Adult entertainment establishments.
- Adult video shops.
- E. Amateur radio transmission.
- F. Automotive garages, unless in conjunction with new automotive and truck sales or rental.
- G. Automotive storage yards and wrecker

service.

- H. Car Washes
- I. Check cashing services.
- J. Drive-in theaters.
- K. Farm equipment and supplies stores.
- L. Fortunetellers.
- M. Group homes.
- N. Guest house.
- O. Halfway houses.
- P. Homeless shelters.
- P. In-patient hospice facilities
- Q. Itinerant merchants.
- R. Kennels.
- S. Massage parlors.
- T. Manufactured home sales.
- U. Mini warehouse facilities.
- V. Heavy equipment sales and rental.
- W. Patio houses.
- X. Pawn shops.
- Y. Quarrying.
- Z. Radio, television broadcast stations.
- AA. Radio, television or other communication towers.
- BB. Recycling centers, collecting.
- CC. Pain management clinics
- DD. Repair garages, automotive, unless in conjunction with new automotive and truck sales or rental.
- EE. Repair garages, heavy equipment.
- FF. Repair services, heavy (large appliances and similar).
- GG. Salvage lots.
- HH. Scrap yards.
- II. Self-service storage facilities.

- JJ. Smoke Shops.
- KK. Tattoo/body piercing parlors.
- LL. Taxi stands.
- MM. Transmission shops.
- NN. Truck stops.
- OO. Truck terminals.
- PP. Used automotive, heavy equipment and truck sales or rental unless in conjunction with new automotive and truck sales or rental.
- QQ. Used tire sales/repair shops.
- RR. Vehicle body and paint shops, unless in conjunction with new automotive and truck sales or rental.
- SS. Vehicle engine repair and rebuilding shops, unless in conjunction with new automotive and truck sales or rental.

**Sec. 12. - Severability.**

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phase, and if any phase, clause, sentence, paragraph, or section of this chapter be declared unconstitutional or invalid, it shall not affect, any of the remaining phrases, clauses, sentence, paragraphs, and sections of this article.

**Sec. 13.**

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Sec. 14.**

This Ordinance be effective five (5) days following passage thereof and its posting in two (2) public places in the City of Dalton.

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.

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
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 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

**DALTON-VARNELL-WHITFIELD COUNTY PLANNING COMMISSION  
503 WEST WAUGH STREET  
DALTON, GA 30720**

**MEMORANDUM**

**TO:** City of Dalton Mayor and Council  
Andrew Parker  
Terry Miller  
Jean Garland

**FROM:** Jim Lidderdale  
Chairman

**DATE:** March 2, 2022

**SUBJECT: The request of the City of Dalton Mayor and Council to create the Gateway Corridor Overlay District and accompanying map. The proposed overlay district is independent from the Unified Zoning Ordinance and is only currently proposed to affect the geographic area known as TAD#5 within the City of Dalton.**

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on February 28, 2022 at 6:00 p.m. at the Edwards Park community center. A portion of the agenda included a public hearing concerning the above matter. A quorum of five members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Ethan Calhoun and Andrew Parker.

**Public Hearing Summary:**

Mr. Calhoun summarized the staff analysis which was in favor of the proposed Gateway Corridor Overlay District. Calhoun described the long-term benefit of the overlay district in terms of improving the aesthetic and functionality of the Walnut Avenue corridor, and that notable results will take time to achieve the goal of City’s strategic plan for this area also known as TAD 5. Chris Shiflett asked Calhoun how this ordinance would affect existing developed properties within the district to which Calhoun stated that any existing properties found to be out of conformance with the proposed district would be grandfathered in as non-conforming properties much like in the UZO. Octavio Perez asked Calhoun if the ordinance would dictate details as significant as building colors to which Calhoun stated the ordinance only limited primary colors and fluorescent colors for use as accents. Andrew Parker additionally noted the City’s effort to create the overlay district as a means to improve the corridor’s appearance, functionality, and economic development incentives. There were no further questions for Calhoun.

With no other comments heard for or against, this hearing closed at approximately 7:10pm.

**Recommendation:**

Chairman Lidderdale sought a motion on the proposed Gateway Corridor Overlay District. **Octavio Perez then made a motion to recommend the proposed overlay district. Chris Shiflett then seconded the motion and a unanimous recommendation to adopt the gateway Corridor Overlay District followed, 4-0.**

**STAFF ANALYSIS  
OVERLAY DISTRICT PROPOSAL  
GATETWAY CORRIDOR OVERLAY DISTRICT**

**SUBJECT: The request of the City of Dalton Mayor and Council to create the Gateway Corridor Overlay District and accompanying map. The proposed overlay district is independent from the Unified Zoning Ordinance and is only currently proposed to affect the geographic area known as TAD#5 within the City of Dalton.**

**Introduction**

**What is an overlay district?**

Overlay districts are an extension of zoning that focus on specific geographic areas rather than city/county-wide. Overlays come in a variety of types that range from historic districts, neighborhood protection districts, and corridor districts. The nature of the particular overlay district relies upon the community's objective for instituting a new regulation. Community objectives often associated with the desire for overlay districts are typically related to public safety, economic development, and community identity. As with all zoning matters, an overlay district may regulate the potential use of property as well as the potential physical appearance of said property. Often times the intent of an overlay district is to create a consistent character throughout an area. In the absence of design-focused regulation, development will often occur randomly with no continuity from property to property. Overlay districts have the potential to create the overall character for a specific area so that, over time, development appears to be planned rather than intermittent.

**Where are overlay districts applied?**

Overlay Districts are often applied to critical areas within the community such as downtowns, gateway corridors, or other specific areas where specific needs and opportunities are identified. Much like a zoning map, an overlay district is applied to a specific geographic area and only regulates within that specific boundary. Overlay districts, as the name implies, are overlaid on top of the existing zoning map. In other words, the underlying zoning of a property (commercial, residential, etc.) within an overlay district remains as the base land use regulation. Overlay districts are often written to say that the stricter ordinance applies. Dalton already has a historic downtown overlay district. The City of Cartersville Main St. Overlay district and Dawson County GA 400 overlay district are some other examples of commercial corridor overlay districts in North Georgia.

**Why not just amend the zone districts rather than adopt a new ordinance?**

The zoning ordinance, as stated previously, applies zone districts to the entire city/county. Overlay districts are intended to be applied to specific areas where a particular objective is sought. In the case of Dalton, the city is part of the Unified Zoning Ordinance which applies zoning to unincorporated Whitfield County as well as the City of Varnell. Overlay districts give each respective jurisdiction the ability to identify specific areas in need of special attention and to then apply and administer said overlay district locally rather than jointly. Euclidian-style zoning is intended to apply general land use regulation to an entire jurisdiction while overlay districts are intended to apply a greater level of detail for specific areas.

**Analysis**

The proposed Gateway Corridor Overlay District was drafted with one overarching goal, to create a more attractive and higher-functioning corridor. The West Walnut Avenue corridor has been dubbed the primary gateway corridor for many residents and visitors of Dalton. Gateway

corridors are often viewed as the formal entrance of a community. While the intent of this entrance is to appear safe and inviting with the goal of guiding visitors/residents to other community assets such as the historic downtown, the gateway corridor will often be the only impression of the overall community that travelers are exposed to. With the understanding that a community's gateway corridor may be its opportunity to make a lasting impression, one would prefer the impression be that of a positive nature.

The 2018 Joint Comprehensive Plan recommends overlay districts for both commercial corridors as well as interchange areas which would both apply to the proposed Gateway Corridor Overlay District. The focus of the overlay district was based on the needs listed within the 2018 Joint Comprehensive Plan as well as the more recent City of Dalton Redevelopment Plan: West Walnut Avenue Corridor. The underlying foundation of both of these plans is to improve traffic flow, traffic safety, long-term property values, and aesthetics in order to foster economic development as well as bolster community pride.

**Conclusion:**

The staff can recommend approval of the proposed Gateway Corridor Overlay District.

Reasons for approval:

1. This overlay district will guide development/redevelopment in such a way as to improve both the aesthetic and function of this critical area within the City of Dalton;
2. Staff believe the long-term effect of this overlay district will be greater resiliency and equity for this portion of the city.
3. The proposed overlay district would be a significant measure of implementing both the City's Comprehensive Plan as well as the West Walnut Avenue Corridor Redevelopment Plan.

Exhibit A: Proposed boundary of the Gateway Corridor Overlay District



## GATEWAY CORRIDOR OVERLAY DISTRICT REGULATIONS (INITIAL DRAFT)

### Sec. 1. - Declaration of purpose, scope and intent.

The Dalton City Council finds that as a matter of public policy that the aesthetic, economic and functional qualities of the City of Dalton are worthy of enhancement, preservation, and protection and are essential to the promotion of the health, prosperity, safety, and general welfare of the existing and future residents of the City of Dalton. Included within the scope are the site, buildings and other structures, parking, landscape and screening, signs, utilities and lighting. The following standards shall control building materials, site lighting, parking, landscaping and commercial signs in conjunction with other ordinances of the City of Dalton. These standards shall apply to all construction within the Gateway Corridor Overlay District in the City of Dalton and only to property within the city limits of the City of Dalton. The purpose and intent of the Gateway Corridor Overlay architectural design standards that encompasses Tax Allocation District 5, and includes portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road, shall be:

- A. To foster civic pride; to raise the level of community understanding and expectation for quality in the built environment; and, to promote attention to accepted design principals in areas of new development and redevelopment;
- B. To implement the comprehensive plan;
- C. To guide certain aspects of development such as the appearance of buildings and open spaces as they contribute to the attractiveness, function, economy and character of an area;
- D. To protect and enhance the visual qualities and character of an area;
- E. To provide guidance to design professionals, property and business owners undertaking construction in the district;
- F. To prevent functional and visual disunity in an area;
- G. To protect property against blight and depreciation;
- H. To encourage the most appropriate development of land; and
- I. To provide an attractive gateway to the community.

### Sec. 2. - Definitions.

Words not defined herein shall be construed to have the meaning given in Article II of the zoning ordinance of the City of Dalton, or, by Webster's Ninth New Collegiate Dictionary. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive. As used in this article, the following terms shall be defined as follows:

*Appearance.* The outward aspect that is visible to the public.

*Appropriate.* Fitting to the context of a site, neighborhood or community.

*Appurtenances.* The visible, functional, or ornamental objects accessory to and part of buildings.

*Architectural concept.* The basic aesthetic idea of a structure, or group of structures, including the site, signs, building and landscape development that produces the architectural character.

*Architectural feature.* A significant element of a structure or site.

*Attractive.* Having qualities that give satisfaction to numerous, but not necessarily all, observers.

*Building.* A building is a structure created to shelter any form of human activity, including, but not limited to, a house, store, barn, church, and hotel.

*Building massing.* The visual and physical mass of a building.

*Design Review Board.* Board appointed by the Mayor and City Council for reviewing projects for conformity with the Gateway Corridor Overlay District Regulations. This Board would have authority over issuing variances to the Regulations.

*External design feature.* The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs and fixtures of portions which are open to the public view.

*Exterior architectural features.* The architectural style, general design and general arrangement of the exterior of a structure and site, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, facade, landscaping and other architectural fixtures, features, details, or elements relative thereto.

*Harmony.* A quality that represent an attractive arrangement of parts, as in an arrangement of various architectural elements.

*Landscape.* Plant materials, topography and other physical elements combined in relation to one another and to structures including pavement.

*Logic of design.* Widely accepted principals and criteria in the solution of design problems.

*Gateway Corridor overlay district.* The boundaries of this overlay district include the areas outlined in Exhibit "A" in Article XXV.

*Material change in appearance.* A change in a structure or a parking lot within said districts that exceed ordinary maintenance or repair or requires either a sign permit, building permit or land disturbance permit such as, but not limited to: the erection, alteration, restoration, addition, or removal of any structure, sign or parking lot.

*Monument sign.* A freestanding sign supported by an internal structure framework or integrated into landscaping or other solid structural features other than support poles.

*Ordinary maintenance or repair.* Exempt from inclusion in "material change in appearance" defined above. Ordinary maintenance or repair of any exterior of any structure, parking lot or sign in or on an overlay district property to correct deterioration, decay, damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement or a broken sign face and other similar types of ordinary maintenance shall be deemed ordinary maintenance and repair.

*Overlay district.* A geographically definable area, possessing a significant concentration or linkage of sites, buildings, structures, object of landscapes, including the adjacent area necessary for the property treatment thereof, united by plan and/or physical development. An overlay district shall further mean an area designated as such by the Mayor and City Council of the City of Dalton.

*Proportion.* Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole.

*Scale.* Proportional relationships of the size of parts to one another and to humans.

*Street hardware.* Objects other than buildings that are part of the streetscape. Examples are: streetlight fixtures, utility poles, traffic lights and their fixtures, benches, litter containers, planting containers, fire hydrants, etc.

*Underlying zoning.* The zoning category established with respect to a parcel of property by the Mayor and City Council of the City of Dalton.

Where any existing zoning within the overlay district allows for any other specific use, such allowed use shall continue until such time as the owner of the real property applies to change the zoning and then the only portion of the real property that will change its existing zoning use will be the specific portion of any real property that is included within any approved application.

**Sec. 3. - Maintenance of properties—Building code and zoning provisions.**

A. Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior feature visible from a public street in or on any overlay district property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a building, sign, or land disturbance permit.

B. Affirmation of existing building codes and zoning. Nothing in this article shall be construed to exempt property and business owners from complying with other existing city regulations whenever this article does not apply. ~~This article is an amendment to the zoning ordinance.~~ The underlying zoning classification of property and all other provisions of the unified zoning ordinance shall remain in effect unless provisions in the overlay district conflict with the other provisions of the zoning ordinance, in which case, the stricter provisions of the overlay district shall apply.

**Sec. 4. - Scope.**

These Gateway Corridor Overlay architectural design standards shall control (1) architectural design including building scale, massing, type, siting and building materials; (2) site lighting; (3) landscaping, (4) utility design and placement; and (5) signs in conjunction with other ordinances of the City of Dalton. Where any part of this article conflicts with other city ordinances, the more restrictive standard shall apply. All new construction and/or site construction or any alteration of currently existing buildings or developed sites having an estimated construction, installation and/or fabrication costs (as referenced in building and land disturbance permit applications) equal to or exceeding fifty (50) percent of said existing site development or building valuation shall conform to the standards set forth in this article. Every application for a building permit for construction of a new building, modification or addition to an existing building within the district, shall be submitted together with plans, elevations and specifications. Alterations and repairs not affecting the exterior appearance of existing buildings are specifically exempted from the provision of this article. However, all fire safety and International Building Code (IBC) as amended, and other relevant interior codes and standards shall continue in full force and effect.

**Sec. 5. - Design standards.**

In addition to development standards required elsewhere by the City of Dalton zoning ordinance and other ordinances, the following standards shall apply to all development and redevelopment within the Gateway Corridor Overlay District.

A. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum roof pitch of 6:12.

B. Gable, hip, mansard, or pyramid roofs, when visible from adjoining streets (public or private) or any other adjoining property within the overlay district, shall have a minimum overhanging eave on all sides that will extend a minimum of one (1) foot beyond the exterior building wall of the building.



C. Flat roofs shall not be allowed on buildings having exterior walls of twenty (20) feet or less in height, on average. The project Architect shall certify that the average height requirements are met. For purposes of this paragraph, parapet walls may be included in determining height of an exterior building wall. Additionally, parapet walls shall be equal to or exceed the height of roof-mounted mechanical equipment (typically four (4) feet). The project Architect shall prepare a screening plan that demonstrates the ability to screen proposed roof-top mechanical equipment. Shed roofs are prohibited as a primary roof design.

D. Permitted exterior building materials shall be brick, stucco, EIFS, stone, wood, glass, vinyl, concrete fiberboard, architectural metal (sheet metal panels are prohibited), or architectural block.

E. Exposed standard concrete block is not allowed, even if it is painted.

F. Where more than one (1) adjoining property is developed as part of an overall planned development, side and rear setbacks may be modified or waived to encourage creativity and efficiency in site design, in the discretion of and with approval of the Design Review Board.

G. In order to foster greater harmony and more appropriate community image, individual site developers are encouraged to coordinate site design elements such as pedestrian interconnections, exterior building materials/architecture, shared driveways and signage, with adjacent site developers. Shared parking is encouraged to reduce impervious surface areas. Shared parking counts must still meet the minimum standards established in the Unified Zoning Ordinance.

H. Placement of roof-top mechanical equipment (e.g. air-conditioning units, vents, satellite dishes, etc.) shall be accomplished without detracting from the architectural integrity of the building or site. Generally, such equipment must be installed to the rear of the building or on the side, provided the equipment is screened from view from the public right-of-way and adjoining properties. Accessory structures located on the roof shall be located to the rear, and shall be screened by a parapet or other architectural features.

I. Color: Primary or fluorescent colors shall not be employed except as accent colors.

J. Utilities: All utility lines within this overlay district are required to be placed underground, including city-owned utilities.

**Sec. 6. - Additional design regulations.**

A. The primary building entrance with public or private street frontage shall face and/or be visible from the public or private street and sidewalk when located adjacent to such street. The primary building entrance may face and/or be visible from portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road if the site is located adjacent to, but not on, this arterial corridor.

B. Building massing. Street fronting building facades greater than one hundred fifty (150) feet in length shall be modulated with breaks in wall surfaces and materials at intervals not to exceed one hundred fifty (150) feet, measured parallel to the street. For buildings that are three (3) stories or less in height, each floor shall be delineated through windows, belt courses, cornices lines, or similar architectural detailing.

C. Location of vehicle facilities and services. Drive-through service windows, drive-in facilities and associated vehicular services such as air pumps (excluding gasoline fuel dispenser structures) shall not be located between the principal structure and portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road without an intervening building. Such shall be located to the side or rear of the principal structure.

D. Parking and driveways. Unless topography, public utilities, or storm drainage make it prohibitive, surface parking and related parking facilities between the principal structure and portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road right-of-way shall be limited to two (2) rows of parking in

front of the principal structure. All other surface parking shall be located to the side or rear of the principal structure, except as stated hereinabove.

E. Demolition of existing structure – A demolition plan, including a landscaping plan, shall be required in order to secure a demolition permit within the overlay district. The demolition plan will require removal of the full slab and foundations of the building and all demolition debris from the site. A land disturbance permit may be required depending on the area to be disturbed.

#### **Sec. 7. - Screening and fencing.**

Shall be required as follows:

A. Refuse areas (dumpster) shall be placed in the least visible location from public streets (i.e. near the rear of the building), and shall be enclosed on three (3) sides with brick or stone opaque walls, with the fourth side being an opaque closing gate. Height of an opaque wall shall be at least twelve (12) inches higher than the receptacle.

B. Chain link fences are not allowed in the front yards. Where allowed, all chain link fences shall be vinyl coated, hunter green, brown or black.

C. Opaque fences are prohibited adjacent to a public street.

D. All loading areas shall be screened from view of any public street by either a minimum six-foot high opaque fence matching the material of the building, or a fifteen-foot-wide landscape strip planted with a continuous hedge of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of three and one-half (3½) feet to four (4) feet at time of planting, and reach a height of six (6) feet within two (2) years of planting. Other loading area screening concepts can be reviewed/considered by the Design Review Board.

E. All detention ponds shall have a minimum five-foot-wide landscape strip with plantings (shrubbery) based on a plan submitted to and approved by the City Arborist.

#### **Sec. 8. - Landscaping.**

Landscape standards must be in accordance with City of Dalton Code, Chapter 122, Vegetation, with the following modifications:

A. Impervious surface areas shall not be allowed to cover more than eighty-five (85) percent of the lot. The area to be landscaped shall be devoted to vegetative landscaping which includes, but is not limited to, grass, shrubs, vines, and trees.

B. All trees required to be planted by this section shall be increased to: (a) Shade trees shall be a minimum of two and one-half (2½) inch caliper; (b) Flowering trees shall be at least ten (10) feet minimum height. A minimum of fifty (50) percent of planted trees shall be large maturing shade trees.

C. *Building perimeter landscaping.* The perimeter of each building (excluding the rear elevation) shall at a minimum have a four (4) foot landscape area and a six (6) foot sidewalk. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the base of a building.

#### **Sec. 9. - Lighting.**

Proposed developments shall submit for approval a lighting plan that meets the following specifications prior to the issuance of a land disturbance or building permit.

A. The maximum to minimum foot-candle level shall not exceed a twelve to one (12:1) ratio.

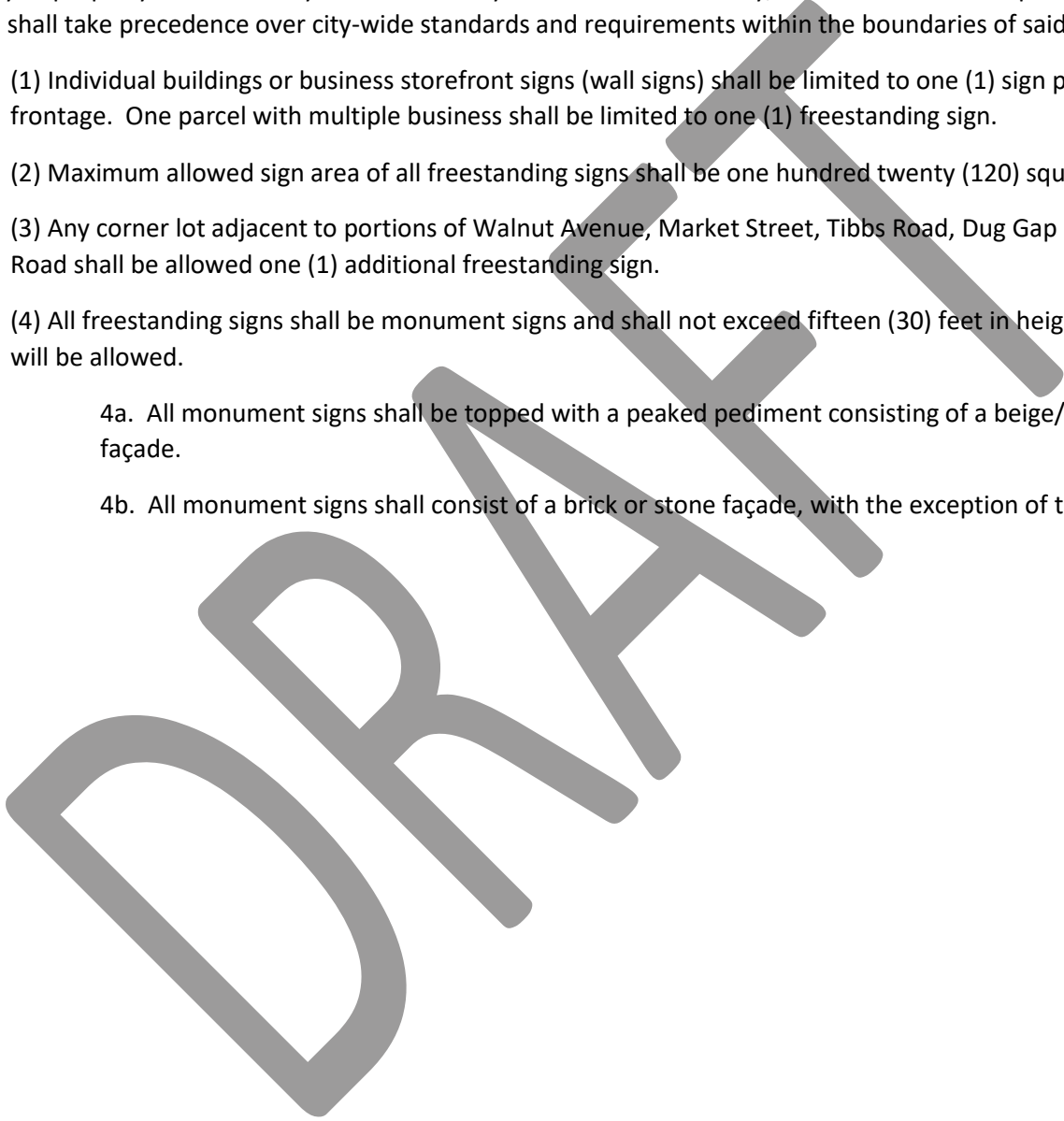
B. Light fixture poles cannot exceed forty (40) feet in height.

- C. All site lighting shall be directed onto the site and strive for "dark sky" objectives.
- D. All building entrances, walks and vehicular access shall be lit.

**Sec. 10. - Sign Regulations.**

The following standards shall control signs in conjunction with other ordinances of the City of Dalton within the overlay district. These standards shall apply to all construction within the Gateway Corridor Overlay District in the City of Dalton and only to property within the city limits of the City of Dalton. Additionally, the standards and requirements of this section shall take precedence over city-wide standards and requirements within the boundaries of said overlay district.

- (1) Individual buildings or business storefront signs (wall signs) shall be limited to one (1) sign per street frontage. One parcel with multiple business shall be limited to one (1) freestanding sign.
- (2) Maximum allowed sign area of all freestanding signs shall be one hundred twenty (120) square feet.
- (3) Any corner lot adjacent to portions of Walnut Avenue, Market Street, Tibbs Road, Dug Gap Road and Shields Road shall be allowed one (1) additional freestanding sign.
- (4) All freestanding signs shall be monument signs and shall not exceed fifteen (30) feet in height. No pylon signs will be allowed.
  - 4a. All monument signs shall be topped with a peaked pediment consisting of a beige/tan stucco façade.
  - 4b. All monument signs shall consist of a brick or stone façade, with the exception of the pediment.



4c. All monument sign lighting shall be directed onto the sign face and strive to achieve the “dark sky” objectives. All lighted signs must be submitted as part of the lighting plan referenced in Section 9 of this ordinance.

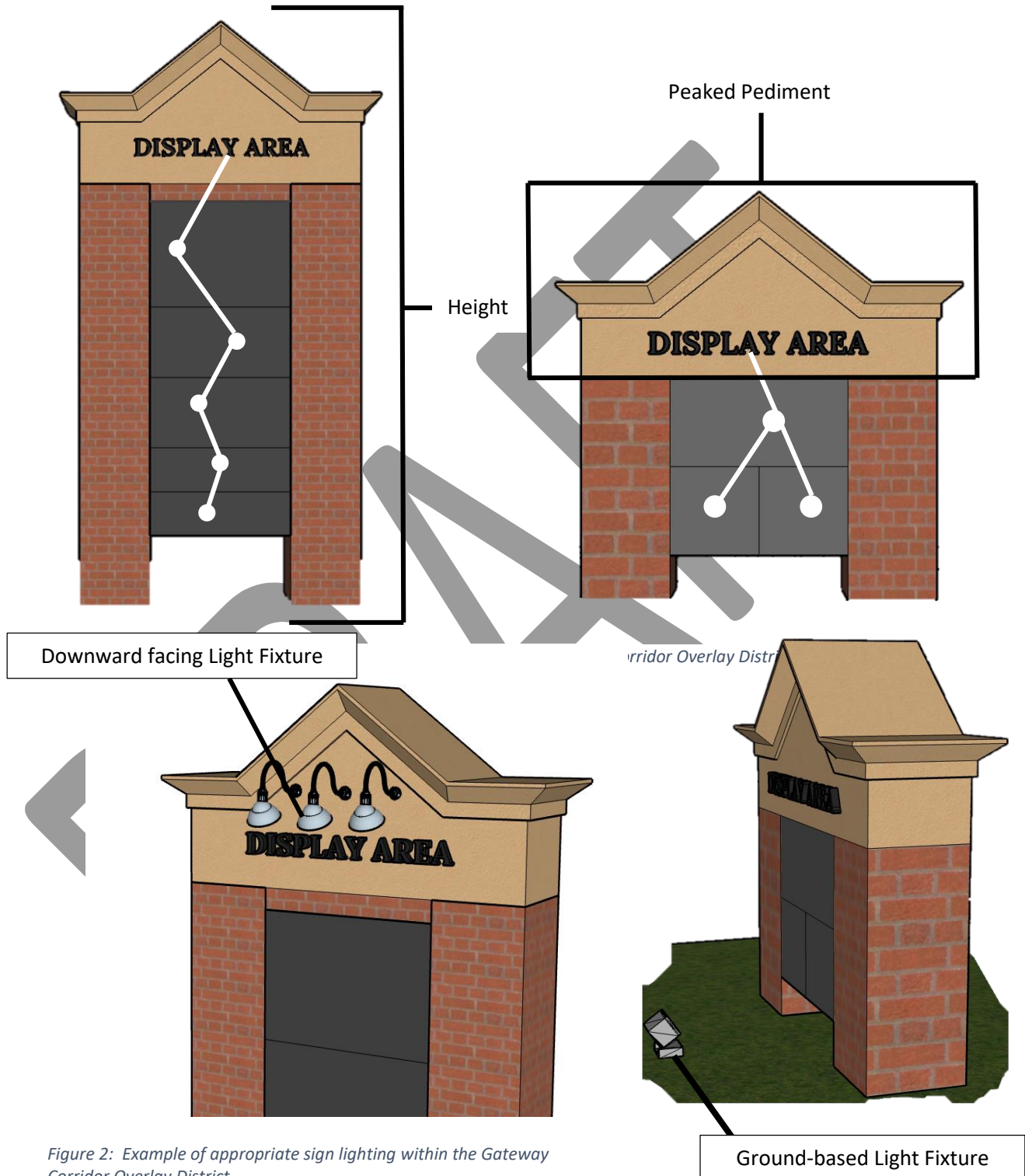


Figure 2: Example of appropriate sign lighting within the Gateway Corridor Overlay District

(5) Portable signage is not allowed within the overlay district. Portable signage includes corrugated plastic signs, inflatable signs, feather signs, A-frame signs, and other signs held in place with stakes or weighted bases.



*Figure 3: Examples of prohibited portable signs within the Gateway Corridor Overlay District*

### **Sec. 11. - Uses not allowed in the Gateway Corridor Overlay District.**

Notwithstanding the uses allowed by the underlying zoning classifications of the properties within this overlay district, the following uses shall not be allowed therein:

- A. Accessory apartments.
- B. Adolescent treatment facilities.
- C. Adult entertainment establishments.
- D. Adult video shops.
- E. Amateur radio transmission.
- F. Automotive garages, unless in conjunction with new automotive and truck sales or rental.
- G. Automotive storage yards and wrecker service.
- H. Car Washes
- I. Check cashing services.
- J. Drive-in theaters.
- K. Farm equipment and supplies stores.
- L. Fortunetellers.
- M. Group homes.
- N. Guest house.
- O. Halfway houses.
- P. Homeless shelters.
- P. In-patient hospice facilities

- Q. Itinerant merchants.
- R. Kennels.
- S. Massage parlors.
- T. Manufactured home sales.
- U. Mini warehouse facilities.
- V. Heavy equipment sales and rental.
- W. Patio houses.
- X. Pawn shops.
- Y. Quarrying.
- Z. Radio, television broadcast stations.
- AA. Radio, television or other communication towers.
- BB. Recycling centers, collecting.
- CC. Pain management clinics
- DD. Repair garages, automotive, unless in conjunction with new automotive and truck sales or rental.
- EE. Repair garages, heavy equipment.
- FF. Repair services, heavy (large appliances and similar).
- GG. Salvage lots.
- HH. Scrap yards.
- II. Self-service storage facilities.
- JJ. Smoke Shops.
- KK. Tattoo/body piercing parlors.
- LL. Taxi stands.
- MM. Transmission shops.
- NN. Truck stops.
- OO. Truck terminals.
- PP. Used automotive, heavy equipment and truck sales or rental unless in conjunction with new automotive and truck sales or rental.
- QQ. Used tire sales/repair shops.
- RR. Vehicle body and paint shops, unless in conjunction with new automotive and truck sales or rental.
- SS. Vehicle engine repair and rebuilding shops, unless in conjunction with new automotive and truck sales or rental.

**Sec. 12. - Severability.**

The sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phase, and if any phase, clause, sentence, paragraph, or section of this chapter be declared unconstitutional or invalid, it shall not affect, any of the remaining phrases, clauses, sentence, paragraphs, and sections of this article.

DRAFT



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting  
**Meeting Date:** 03/21/22  
**Agenda Item:** Creation of Design Standards Review Board  
**Department:** Administration  
**Requested By:** Andrew Parker  
**Reviewed/Approved by City Attorney?** Yes

**Cost:**

**Funding Source if Not in Budget**

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

Creation of Design Review Board with the Gateway Corridor Overlay District Regulations. This Board would have authority over issuing variances to the Regulations with the following positions to be named as standing committee members:

- City Administrator - Andrew Parker and/or Designee
- Planning & Zoning Administrator - Jean Garland
- Chief Building Official - Michael Fowler
- Local Area Architect/Engineer - Kenneth Harless





## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 02/07/2022

**Agenda Item:** Acceptance of Permanent Easement Agreement from Bruce A. King for Mill Creek Riverwalk Project

**Department:** Administration

**Requested By:** Megan Elliott

**Reviewed/Approved by City Attorney?** Yes

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

This request is to approve the acceptance of the Permanent Easement from Bruce A. King that is needed to construct the Mill Creek Riverwalk Trail.

[Space above this line for recording data.]

Please Record and Return To:

Terry L. Miller  
Mitchell & Mitchell, P.C.  
108 S. Thornton Ave.  
P. O. Box 668  
Dalton, GA 30722-668

## PERMANENT EASEMENT AGREEMENT

Georgia, Whitfield County

**This Permanent Easement Agreement** (this "Agreement") is made this 8<sup>TH</sup> day of March, 2022 (the "Effective Date"), by and between **Bruce A. King**, party of the first part (hereinafter called "Grantor"), and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, party of the second part (hereinafter called "Grantee"), their respective heirs, administrators, successors and assigns:

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivering of these presents, the receipt of which is hereby acknowledged has bargained and sold, and by these presents does grant bargain, sell and convey unto the Grantee, a perpetual easement for the use hereinafter set forth, over, through, and across the following lands, to-wit:

ALL THAT TRACT or parcel lying and being in Land Lot 145, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the eastern right of way of North Thornton Avenue (having a variable right of way); said point being located South 04 degrees 23 minutes 04 seconds West a distance of 221.68 feet from a concrete right of way monument at the intersection

with the southern right of way of the North Dalton Bypass (being U.S. Highway 41/State Route 3 and having a variable right of way); thence with a curve turning to the right with an arc length of 200.07', with a radius of 358.43', with a chord bearing of South 62 degrees 24 minutes 07 seconds East, with a chord length of 197.48'; thence North 43 degrees 35 minutes 20 seconds East a distance of 10.00 feet; thence with a curve turning to the right with an arc length of 89.11', with a radius of 368.43', with a chord bearing of South 39 degrees 28 minutes 57 seconds East, with a chord length of 88.89'; thence with a reverse curve turning to the left with an arc length of 33.22', with a radius of 422.00', with a chord bearing of South 34 degrees 48 minutes 33 seconds East, with a chord length of 33.21'; thence South 52 degrees 56 minutes 08 seconds West a distance of 10.00 feet; thence with a curve turning to the left with an arc length of 238.18', with a radius of 432.00', with a chord bearing of South 52 degrees 51 minutes 34 seconds East, with a chord length of 235.18'; thence South 00 degrees 43 minutes 22 seconds West a distance of 35.08 feet; thence with a curve turning to the right with an arc length of 189.10', with a radius of 465.00', with a chord bearing of North 58 degrees 31 minutes 37 seconds West, with a chord length of 187.80'; thence South 43 degrees 07 minutes 23 seconds West a distance of 4.00 feet; thence with a curve turning to the right with an arc length of 80.32', with a radius of 469.00', with a chord bearing of North 41 degrees 58 minutes 14 seconds West, with a chord length of 80.22'; thence South 52 degrees 56 minutes 08 seconds West a distance of 6.00 feet; thence with a curve turning to the right with an arc length of 37.39', with a radius of 475.00', with a chord bearing of North 34 degrees 48 minutes 33 seconds West, with a chord length of 37.38'; thence with a reverse curve turning to the left with an arc length of 76.29', with a radius of 315.43', with a chord bearing of North 39 degrees 28 minutes 57 seconds West, with a chord length of 76.10'; thence North 43 degrees 35 minutes 20 seconds East a distance of 10.00 feet; thence with a curve turning to the left with an arc length of 177.17', with a radius of 325.43', with a chord bearing of North 62 degrees 00 minutes 28 seconds West, with a chord length of 174.99'; thence North 01 degrees 05 minutes 44 seconds East a distance of 5.02 feet; thence North 04 degrees 23 minutes 05 seconds East a distance of 28.32 feet to the POINT OF BEGINNING.

SAID TRACT or parcel having an area of 21167.1 square feet, 0.486 acres.

**SAID EASEMENT** is granted for the following purposes, to-wit: for ingress and egress and for use of a hiking trail for public access and usage.

**TO HAVE AND TO HOLD** the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee forever. The said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the lawful claims of all persons.

**IN WITNESS WHEREOF**, the Grantor has signed, sealed and delivered this Agreement as of the day and year first set forth above.

Signed, sealed and delivered  
In the presence of:

**Grantor:**

**Bruce A. King**

*Mike Shaw*

Unofficial Witness

*Bruce A. King*

(Seal)

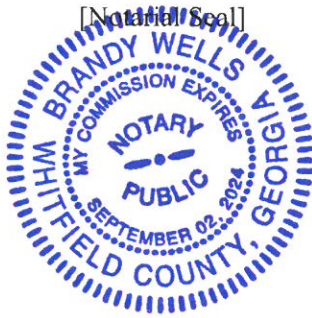
*Brandy Wells*

Notary Public

My commission expires:

*9/2/2024*

[Notary Seal]



REVISION FOR THE CHECK OF SURVEY COURSE

**SYMBOL LEGEND**

- STORM MANHOLE (STMM)
- SANITARY SEWER MANHOLE
- WATER METER
- FIRE HYDRANT
- WATER VALVE
- UTILITY POLE
- TELEPHONE PEDSTAL
- LIGHT POLE
- IRON PIN (FOUND) (IP)
- IRON PIN SET (IS)
- BUILDING SETBACK LINE
- CENTERLINE
- OVERHEAD POWER LINE
- CHAIN LINK FENCE
- OPEN TOP PIPE
- CROWNED TOP PIPE
- POINT OF BEGINNING
- DEED BOOK PAGE
- PLAT BOOK PAGE
- TAX PARCEL NUMBER

**PLAT NOTES**

**EASING STATEMENT**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1:153,916 (MEAN ANGLE PER ANGULAR MILE) OF 0.1" PER ANGLE POINT.  
 THE FIELD DATA WAS ADJUSTED USING LEAST SQUARES.  
 THIS PLAT HAS A CLOSURE PRECISION OF 1:438,738.

**EQUIPMENT**  
 ALL FIELD MEASUREMENTS WERE MADE USING A SOUMA X1003 ROBOTIC TOTAL STATION AND SOUMA 2100000 FIELD CONTROLLER.

**FLOOD STATEMENT**  
 A PORTION OF THE SUBJECT PROPERTY DOES LIE WITHIN A 1% ANNUAL CHANCE SPECIAL FLOOD (HAZARD) AND 1% ANNUAL FLOOD (GENERAL) ZONE SHOWN ON A FIRM MAP NO. 13332C0101, EFFECTIVE DATE 01/26/2017.

**BASES OF BEARINGS**  
 BEARINGS ROTATED TO MONUMENTS FOUND AND SURVEY CONTROL POINTS LOCATED BY GPS OBSERVATION USING A SOUMA SC15 GPS RECEIVER WITH A SOUMA 2100000 FIELD CONTROLLER OPERATING ON THE REAL TIME KINEMATIC METHOD OPERATED BY HORN SOLUTIONS, LLC.

**SOURCE OF TITLE**  
 TITLE TO THE SUBJECT PARCEL IS CURRENTLY LISTED IN BRUCE A. KING DEED BOOK 6674 PAGE 69.

**REFERENCES**  
 1. SURVEY FOR BRUCE KING BY DONALD O. BARR DATED SEPTEMBER 28, 2012 (PLAT CABINET 1, PAGE 142).  
 2. SURVEY FOR BRUCE KING BY DONALD O. BARR DATED AUGUST 10, 2014 (PLAT CABINET 1, PAGE 209).  
 3. SURVEY FOR DEBBY MANNING BY N.B. DE LOACH DATED JULY 26, 2000 (PLAT CABINET C, SHEET 200).  
 4. SURVEY FOR THE JOHN WILSON MASHBURN CHARITABLE TRUST BY TIS (REVISED) OCTOBER 4, 2019.

**GENERAL NOTES**  
 1. THIS PLAT WAS PREPARED BY THE SURVEYOR OR UNDER HIS DIRECT SUPERVISION BASED ON AN ACQUAINTANCE OF THE GROUND SURVEY.  
 2. THE BOUNDARY, CONDITIONS AND IMPOSITIONS ARE CERTIFIED ONLY AS OF THE DATE OF PLAT PREPARATION AS LISTED IN THE FILE BOOK.  
 3. ALL DIMENSIONS SHOWN ARE HORIZONTAL GROUND DISTANCES.  
 4. FEATS & ASSOCIATED LAND SURVEYING (L.S.) CODES ARE SHOWN AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY WETLANDS OR HAZARDOUS WASTE IN THE SURVEY AREA AND UNCORRECTED AND INVESTIGATIONS MAY BE REQUIRED.  
 5. CERTIFICATIONS MADE ONLY TO THE PARTIES WHOSE NAMES ARE ON THIS PLAT. CERTIFICATION DOES NOT EXTEND TO ANY UNMENTIONED PARTIES WITHOUT A FURTHER CERTIFICATION BY THE SURVEYOR.  
 6. THIS SURVEY PLAT MAY NOT BE REPRODUCED, SCANNED OR ALTERED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF LEWIS & ASSOCIATES LAND SURVEYING, LLC.  
 7. COPIES OF THIS SURVEY ARE NOT TO BE USED WITHOUT AN ORIGINAL SEAL AND SIGNATURE. COPIES WITHOUT AN ORIGINAL SIGNATURE SHOULD BE CONSIDERED UNRELIABLE BY AND ARE NOT VALID FOR RECORDING OR CONDUCTING LAND TRANSACTIONS.  
 8. ALL RECORDS SET TO BE FILED IN THE PUBLIC RECORDS BEARING THE REGISTRATION NUMBER OF THE SURVEYOR UNLESS NOTED OTHERWISE.  
 9. THE TERM "SURVEYOR" AS USED IN SECTIONS 1805, 1802 AND 1801 AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES AS DEFINED IN O.C.G.A. 43-15-202, APPLICABLE SHALL MEAN A LICENSED LAND SURVEYOR LICENSED AND AN ADVISOR OF KNOWLEDGE TO THE SURVEYOR AND IS NOT A GUARANTEE OF WARRANTY, EITHER EXPRESSED OR IMPLIED.  
 10. THIS SURVEY CONFORMS WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA AS AMENDED TO OCCUR 12-6-87, IN THAT WHERE A CONFLICT EXISTS, THE REQUIREMENTS OF LAW PREVAIL.

**SURVEYOR'S CERTIFICATION**

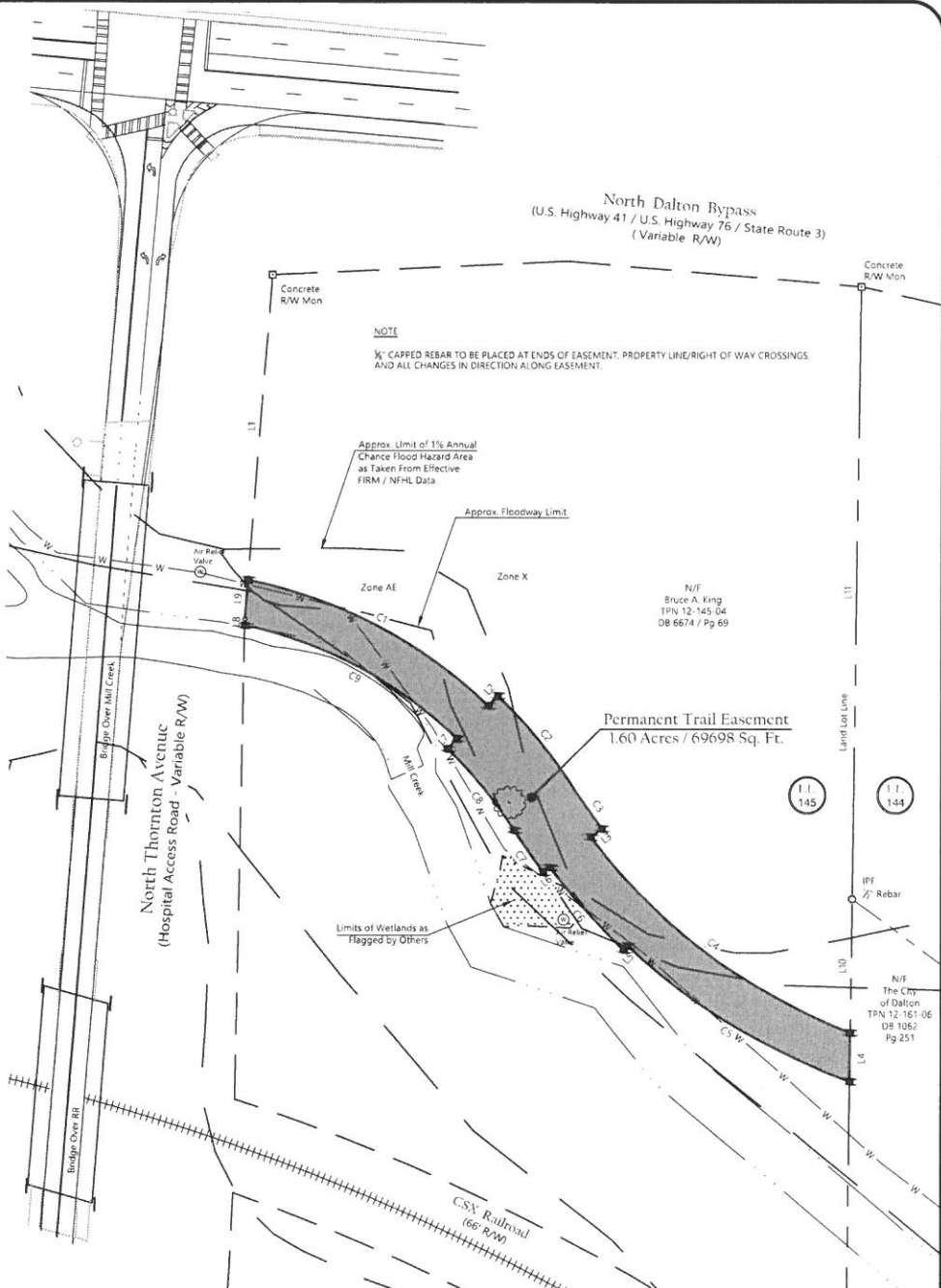
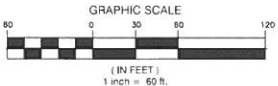
AS REQUIRED BY SUBSECTION 1801 OF O.C.G.A. SECTION 18-6-41, THIS PLAT HAS BEEN PREPARED BY A LICENSED SURVEYOR AND APPROVED BY AN APPLICABLE LOCAL JURISDICTION FOR RECORDING AS SUCH APPROVAL OR AFFIRMATION INCLUDES SIGNATURE STAMPS OR STATEMENTS PURSUANT TO SUCH APPROVAL OR AFFIRMATION IN ACCORDANCE WITH THE APPROPRIATE GOVERNMENTAL RULES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNCORRECTED LAND SURVEY CERTIFIES THAT THIS PLAT CONFORMS WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA AS AMENDED TO OCCUR 12-6-87, IN THAT WHERE A CONFLICT EXISTS, THE REQUIREMENTS OF LAW PREVAIL.



2/7/2022 DATE

LINE	BEARING	DISTANCE
L1	S 40° 18' 04" W	127.68
L2	N 33° 35' 20" E	10.00
L3	S 52° 55' 08" W	10.00
L4	S 10° 58' 27" W	15.00
L5	S 43° 07' 25" W	4.00
L6	S 32° 56' 08" W	6.00
L7	N 45° 59' 20" E	13.00
L8	N 01° 04' 50" E	5.07
L9	N 04° 21' 03" E	28.32
L10	N 00° 23' 18" E	98.91
L11	N 00° 43' 22" E	444.11

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	138.84	705.07	197.48	S 62° 23' 07" E	131° 48' 33"
C2	135.83	124.11	109.39	S 32° 25' 32" E	133° 51' 20"
C3	422.00	33.22	33.21	S 34° 48' 33" E	4° 30' 37"
C4	422.00	23.88	23.88	S 27° 55' 44" E	31° 53' 24"
C5	425.00	189.10	181.30	N 31° 13' 17" W	21° 18' 01"
C6	468.00	86.37	80.22	N 41° 38' 14" W	37° 48' 45"
C7	475.00	37.59	37.56	N 14° 28' 33" W	4° 20' 37"
C8	315.25	76.94	76.70	N 39° 25' 33" W	13° 51' 02"
C9	325.43	177.17	174.99	N 62° 00' 28" W	31° 11' 36"



**Lewis & Associates Land Surveying, LLC.**  
 P.O. Box 2046 | Dalton, GA 30722-2046 | 706-278-7518

SURVEY DATE	8/29/2021-10/15/2021
SURVEY CREW	CLL, DSM
COMPUTED BY	CLL
DATE DRAWN	2/7/2022
DRAWN BY	CLL
CHECKED BY	CLL
REVISIONS	REVISION DATE

© 2021 LEWIS & ASSOCIATES SURVEYING, LLC.

GEORGIA P.S. #1061  
 LEWIS, DONALD O. #12153  
 NORTH CHORD, L.S. #15329  
 GEORGIA L.S. #1169  
 NORTH CAROLINA L.S. #12042  
 GEWICE, JEVILLE #1310

DRAWING FILE: 21-04-0101-01.dwg

DWG SCALE: 1"=60'

PROJ. NO.: 22-009

SHEET NO.: 1/1

**EASEMENT PLAT**

**THE CITY OF DALTON**

BEING PT. TAX PARCEL NO. 12-145-04  
 LOCATED IN LAND LOT 237, 12th DISTRICT, 3rd SECTION  
 CITY OF DALTON, WHITFIELD COUNTY, GEORGIA



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 03/21/2022

**Agenda Item:** Acceptance of Permanent and Temporary Easement Agreements from Mashburn Charitable Trust for Mill Creek Riverwalk Project

**Department:** Administration

**Requested By:** Megan Elliott

**Reviewed/Approved by City Attorney?** Yes

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

This request is to approve the acceptance of the Permanent and Temporary Easements from the Mashburn Charitable Trust that are needed to construct the Mill Creek Riverwalk Trail.

[Space above this line for recording data.]

Please Record and Return To:

Terry L. Miller  
Mitchell & Mitchell, P.C.  
108 S. Thornton Ave.  
P. O. Box 668  
Dalton, GA 30722-668

## PERMANENT EASEMENT AGREEMENT

Georgia, Whitfield County

This Permanent Easement Agreement (this "Agreement") is made this 4<sup>th</sup> day of March, 2022 (the "Effective Date"), by and between Sharon Beavers, as trustee of the John Willis Mashburn Charitable Trust, u/a April 29, 2008, party of the first part (hereinafter called "Grantor"), and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, party of the second part (hereinafter called "Grantee"), their respective heirs, administrators, successors and assigns:

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivering of these presents, the receipt of which is hereby acknowledged has bargained and sold, and by these presents does grant bargain, sell and convey unto the Grantee, a perpetual easement for the use hereinafter set forth, over, through, and across the following lands, to-wit:

ALL THAT TRACT or parcel lying and being in Land Lot 145, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin on the western right of way of North Thornton Avenue (having a variable right of way); said point being located South 04 degrees 23 minutes 05 seconds West a distance of 79.44 feet from a concrete right of way monument at the intersection with the southern right of way of the North Dalton Bypass (being U.S. Highway 41/State Route 3 and having a variable right of way); thence South 04 degrees 23 minutes 05 seconds West a distance of 104.04 feet; thence North 50 degrees 01 minutes 17 seconds West a distance of 68.23 feet; thence South 53 degrees 49 minutes 17 seconds West a distance of 74.98 feet; thence North 36 degrees 10 minutes 43 seconds West a distance of

8.00 feet; thence South 53 degrees 49 minutes 17 seconds West a distance of 4.97 feet; thence with a curve turning to the right with an arc length of 73.77', with a radius of 122.00', with a chord bearing of South 71 degrees 08 minutes 41 seconds West, with a chord length of 72.65'; thence with a reverse curve turning to the left with an arc length of 92.69', with a radius of 153.00', with a chord bearing of South 71 degrees 06 minutes 45 seconds West, with a chord length of 91.28'; thence South 53 degrees 45 minutes 25 seconds West a distance of 7.48 feet; thence with a curve turning to the right with an arc length of 104.17', with a radius of 172.00', with a chord bearing of South 71 degrees 06 minutes 26 seconds West, with a chord length of 102.58'; thence South 88 degrees 27 minutes 27 seconds West a distance of 398.55 feet; thence with a curve turning to the left with an arc length of 90.41', with a radius of 1978.00', with a chord bearing of South 87 degrees 08 minutes 53 seconds West, with a chord length of 90.41'; thence South 85 degrees 50 minutes 18 seconds West a distance of 422.43 feet; thence with a curve turning to the left with an arc length of 54.29', with a radius of 499.90', with a chord bearing of South 82 degrees 43 minutes 38 seconds West, with a chord length of 54.26'; thence with a reverse curve turning to the right with an arc length of 286.35', with a radius of 729.86', with a chord bearing of North 89 degrees 08 minutes 40 seconds West, with a chord length of 284.52'; thence North 00 degrees 39 minutes 16 seconds West a distance of 14.16 feet; thence North 23 degrees 31 minutes 02 seconds West a distance of 24.96 feet; thence with a curve turning to the right with an arc length of 14.74', with a radius of 113.00', with a chord bearing of South 81 degrees 23 minutes 51 seconds East, with a chord length of 14.73'; thence with a reverse curve turning to the left with an arc length of 275.58', with a radius of 694.86', with a chord bearing of South 89 degrees 01 minutes 21 seconds East, with a chord length of 273.78'; thence with a reverse curve turning to the right with an arc length of 58.09', with a radius of 534.90', with a chord bearing of North 82 degrees 43 minutes 38 seconds East, with a chord length of 58.06'; thence North 85 degrees 50 minutes 18 seconds East a distance of 422.43 feet; thence with a curve turning to the right with an arc length of 92.01', with a radius of 2013.00', with a chord bearing of North 87 degrees 08 minutes 53 seconds East, with a chord length of 92.00'; thence North 88 degrees 27 minutes 27 seconds East a distance of 398.55 feet; thence with a curve turning to the left with an arc length of 82.97', with a radius of 137.00', with a chord bearing of North 71 degrees 06 minutes 26 seconds East, with a chord length of 81.71'; thence North 53 degrees 45 minutes 25 seconds East a distance of 7.48 feet; thence with a curve turning to the right with an arc length of 113.89', with a radius of 188.00', with a chord bearing of North 71 degrees 06 minutes 45 seconds East, with a chord length of 112.16'; thence with a reverse curve turning to the left with an arc length of 13.43', with a radius of 87.00', with a chord bearing of North 84 degrees 02 minutes 39 seconds East, with a chord length of 13.42'; thence North 10 degrees 22 minutes 47 seconds West a distance of 9.00 feet; thence with a curve turning to the left with an arc length of 35.12', with a radius of 78.00', with a chord bearing of North 66 degrees 43 minutes 15 seconds East, with a chord length of 34.83'; thence North 53 degrees 49 minutes 17 seconds East a distance of 79.61 feet; thence North 17 degrees 49 minutes 14 seconds West a distance of 115.23 feet; thence South 84 degrees 40 minutes 03 seconds East a distance of 87.17 feet; thence South 05 degrees 19 minutes 57 seconds West a distance of 80.21 feet; thence South 85 degrees 36 minutes 55 seconds East a distance of 47.27 feet to the POINT OF BEGINNING.

SAID TRACT or parcel having an area of 69687.4 square feet, 1.600 acres.



**SAID EASEMENT** is granted for the following purposes, to-wit: for ingress and egress and for use of a hiking trail for public access and usage.

**TO HAVE AND TO HOLD** the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee forever. The said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the lawful claims of all persons.

**IN WITNESS WHEREOF**, the Grantor has signed, sealed and delivered this Agreement as of the day and year first set forth above.

Signed, sealed and delivered  
In the presence of:

Amy E Grammer  
Unofficial Witness

[Signature]  
Notary Public

My commission expires:

[Notarial Seal]



**Grantor:**

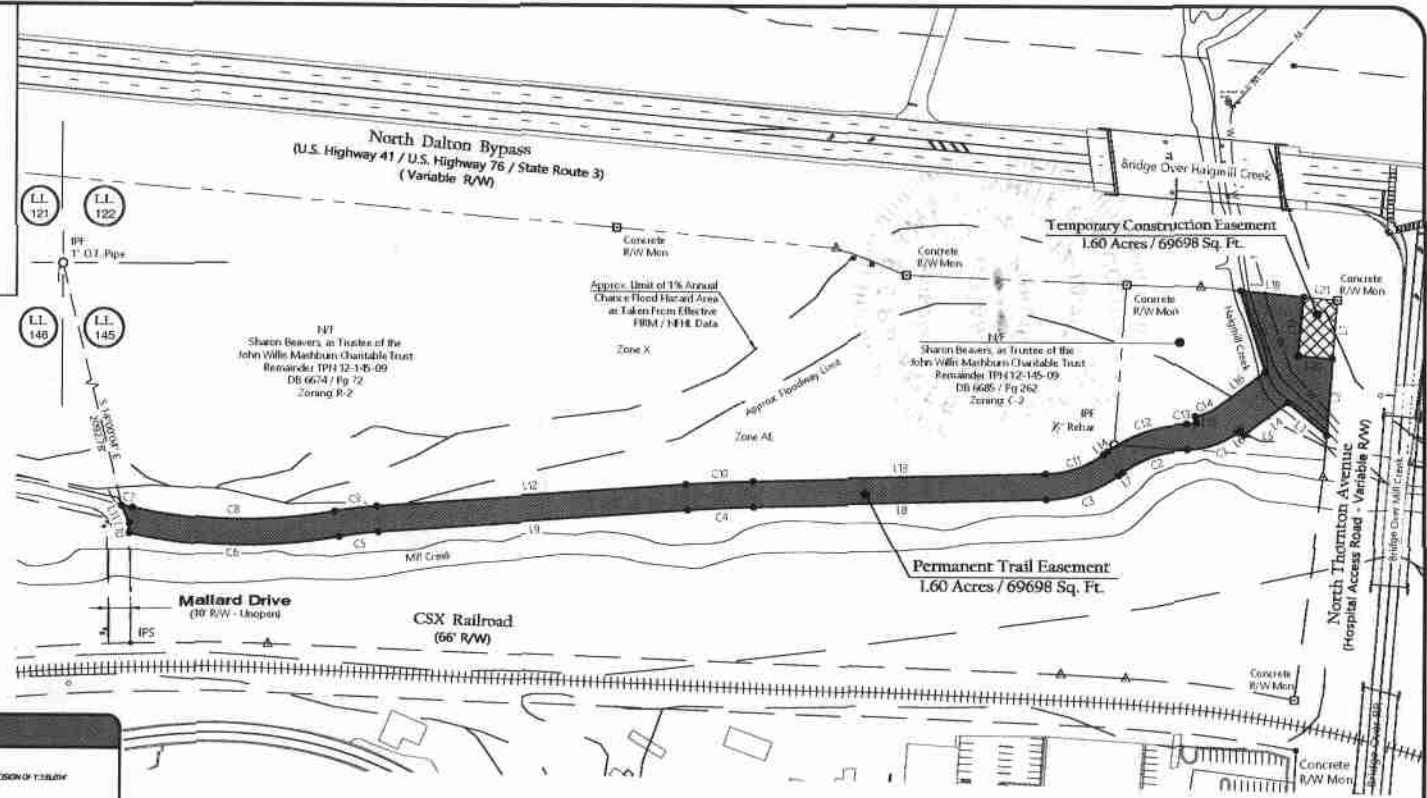
**Sharon Beavers, as trustee of the John Willis Mashburn Charitable Trust, u/a April 29, 2008**

Sharon Beavers, Trustee  
(Seal)  
Sharon Beavers, Trustee



SURVEY DATE	02/09/2011-10/15/2011
SURVEY ORG	CLL DGM
COMPILED BY	CLL
DATE DRAWN	1/24/2012
DRAWN BY	CLL
CHECKED BY	CLL
REVISIONS	REVISION DATE

DATE	1/24/2012
DWG SCALE	1"=100'
SHEET NO.	1/1
PROJ. NO.	21-094



**PLAT NOTES**

- DISCLAIMER STATEMENT**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CERTAIN PRECISION OF TYPICAL AND AN ANGULAR ERROR OF 20" PER ANGULAR POINT.  
THE FIELD DATA WERE ADJUSTED USING LEAST SQUARES.  
THIS PLAT HAS A CERTAIN PRECISION OF TYPICAL.
- ADJUSTMENT**  
ALL FIELD MEASUREMENTS WERE MADE USING A SOKKIA AUTOMATIC TOTAL STATION AND SOKKIA SDC6000 FIELD CONTROLLER.
- FLOOD STATEMENT**  
A PORTION OF THE SUBJECT PROPERTY DOES NOT WITHIN A TRIENNIAL CHANGING FLOOD PLAZED AREA (FEB-YEAR FLOOD) AS SHOWN ON FEMA MAP NO. 13020C00000, EFFECTIVE DATE 07/2005.
- BASE OF RECORDS**  
RECORDS RELAYED TO MONUMENTS FOUND AND SURVEY CONTROL POINTS LOCATED BY GPS OBSERVATION USING A SOKKIA LOCKED RECEIVER WITH A SOKKIA SDC6000 FIELD CONTROLLER OPERATING ON THE REAL TIME LINK NETWORK OPERATED BY GPS SATELLITES, ETC.
- SOURCE OF TITLE**  
TITLE TO THE SUBJECT PARCELS IS CURRENTLY HELD BY SHARON BEAVERS AS TRUSTEE OF THE JOHN WILLIE MATHES CHARITABLE TRUST PER DEED BOOK 947, PAGE 12 AND DEED BOOK 948, PAGE 302.
- REFERENCE**
1. SURVEY FOR BRIDGE OVER DONALD G. BARR DATED OCTOBER 26, 2010 PLAT CABINET C, SHEET 202.
  2. SURVEY FOR BRIDGE OVER DONALD G. BARR DATED AUGUST 12, 2010, PLAT CABINET C, SHEET 202.
  3. PLAT FOR DRIVE ADJACENT BY H.E. FOLGACH DATED MAY 26, 2001, PLAT CABINET C, SHEET 2002.
  4. SURVEY FOR THE JOHN WILLIE MATHES CHARITABLE TRUST BY THE FIRM DATED OCTOBER 4, 2010.
- GENERAL NOTES**
1. THIS PLAT WAS PREPARED BY THE SURVEYOR OR UNDER HIS DIRECT SUPERVISION BASED ON A REVISION OF THE ORIGINAL SURVEY.
  2. THE BOUNDARY CONDITIONS AND IMPROVEMENTS ARE CARRIED ONLY AS OF THE DATE OF THIS PLAT UNLESS OTHERWISE NOTED ON THIS PLAT.
  3. ALL CONVEYANCES SHOWING AN INTEREST IN LAND OR INTERESTS THEREIN, SUCH AS EASEMENTS, ENCUMBRANCES, RIGHTS OF WAY, ETC., ARE CARRIED ONLY AS OF THE DATE OF THIS PLAT UNLESS OTHERWISE NOTED ON THIS PLAT.
  4. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED ENCUMBRANCES OR INTERESTS IN THE PROPERTY.
  5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNRECORDED ENCUMBRANCES OR INTERESTS IN THE PROPERTY.
  6. THIS SURVEY PLAT MAY NOT BE REPRODUCED, SCANNED OR ALTERED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF LEWIS & ASSOCIATES SURVEYING, LLC.
  7. COPIES OF THIS SURVEY MAY NOT BE MADE WITHOUT AN ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR. ANY COPIES MADE WITHOUT AN ORIGINAL SEAL AND SIGNATURE ARE NOT VALID FOR RECORDING OR CONVEYING LAND TRANSACTIONS.
  8. ALL NEW FINDS SHALL BE SET FORth INTO YELLOW CAP BEARING THE REGISTRATION NUMBER OF THE SURVEYOR AND THE DATE OF FINDING.
  9. THE TERM "VERIFICATION" AS USED IN THIS PLAT IS MEANT TO BE A STATEMENT OF THE SURVEYOR'S BELIEF THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES AS DEFINED IN O.C.G.A. §§ 20-2-300 AND 20-2-301. IT DOES NOT MEAN A GUARANTEE OF ACCURACY OR ENDORSEMENT OF THE PROPERTY AND IS NOT A GUARANTEE OF ACCURACY OR ENDORSEMENT OF THE PROPERTY.
  10. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ADMINISTRATION CODES 20-2-201 AND 20-2-202, IN CASE OF A CONFLICT, THE REQUIREMENTS OF LAW PREVAIL.



**SURVEYOR'S CERTIFICATION**

AS REQUIRED BY SUBSECTION 16-1 OF O.C.G.A. SECTION 16-1-1, I, THE SURVEYOR, HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF GEORGIA AND THAT I AM THE AUTHOR OF THIS PLAT AND THAT I HAVE CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAVE FOUND NO EVIDENCE OF ANY UNRECORDED ENCUMBRANCES OR INTERESTS IN THE PROPERTY.

LEWIS & ASSOCIATES SURVEYING, LLC  
STATE OF GEORGIA, LICENSE NO. 12145-04  
REGISTERED PROFESSIONAL SURVEYOR

**NOTE**  
X: CAPED REBAR TO BE PLACED AT ENDS OF EASEMENT, PROPERLY LINEARLY TO BE MARKED, AND ALL CHANGES TO BE MADE ALONG EASEMENT.

**LINE TABLE**

LINE	BEARING	LENGTH	BEARING	LENGTH
L1	S 54° 35' 05" W	79.44	S 54° 35' 05" W	79.44
L2	S 54° 35' 05" W	104.04	S 54° 35' 05" W	104.04
L3	N 54° 35' 05" W	68.22	N 54° 35' 05" W	68.22
L4	S 54° 35' 05" W	75.98	S 54° 35' 05" W	75.98
L5	N 54° 35' 05" W	82.00	N 54° 35' 05" W	82.00
L6	S 54° 35' 05" W	61.99	S 54° 35' 05" W	61.99
L7	S 54° 35' 05" W	74.48	S 54° 35' 05" W	74.48
L8	S 54° 35' 05" W	88.52	S 54° 35' 05" W	88.52
L9	S 54° 35' 05" W	127.24	S 54° 35' 05" W	127.24
L10	S 54° 35' 05" W	14.50	S 54° 35' 05" W	14.50
L11	N 54° 35' 05" W	24.96	N 54° 35' 05" W	24.96
L12	N 54° 35' 05" W	122.42	N 54° 35' 05" W	122.42
L13	N 54° 35' 05" W	108.55	N 54° 35' 05" W	108.55
L14	N 54° 35' 05" W	72.60	N 54° 35' 05" W	72.60
L15	N 54° 35' 05" W	10.00	N 54° 35' 05" W	10.00
L16	N 54° 35' 05" W	19.01	N 54° 35' 05" W	19.01
L17	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33
L18	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33
L19	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33
L20	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33
L21	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33
L22	N 54° 35' 05" W	10.33	N 54° 35' 05" W	10.33

**CURVE TABLE**

STATION	CHORD BEARING	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	S 54° 35' 05" W	72.60	S 54° 35' 05" W	103° 02' 00"
C2	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C3	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C4	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C5	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C6	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C7	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C8	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C9	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C10	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C11	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C12	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C13	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C14	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C15	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C16	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C17	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C18	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C19	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C20	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C21	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C22	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C23	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"
C24	S 54° 35' 05" W	104.04	S 54° 35' 05" W	103° 02' 00"

**SYMBOL LEGEND**

○	STORM WATER DRAIN
□	SEWERAGE SYSTEM MANHOLE
▭	WATER METER
⊥	PIPE JOINT
⊥	WATER VALVE
⊥	WATER PUMP
⊥	RELIEF VALVE
⊥	LIGHT POLE
⊥	IRON PIN FOUND (IPF)
⊥	IRON PIN SET (IPS)
⊥	BUILDING SETBACK LINE
⊥	UTILITY
⊥	OVERHEAD POWER LINE
⊥	CHAIN LINK FENCE
⊥	OPEN TOP PIPE
⊥	CORNER TOP NAIL
⊥	POINT OF BEGINNING
⊥	UNID BACKSIGHT
⊥	PLAT BACKSIGHT
⊥	SETBACK MARKER

## TEMPORARY CONSTRUCTION EASEMENT/AGREEMENT

Georgia, Whitfield County

This **Temporary Construction Easement Agreement** (the "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date"), by and between **Sharon Beavers, as trustee of the John Willis Mashburn Charitable Trust, u/a April 29, 2008**, party of the first part (hereinafter "Grantor"), and the **City of Dalton, Georgia**, a municipal corporation of the State of Georgia, party of the second part (hereinafter "Grantee"), their respective successors and assigns:

**WHEREAS**, Grantor is the owner of certain real property and improvements in the City of Dalton, Whitfield County, Georgia, as described in **Exhibit "A" and Exhibit "B"** attached hereto and incorporated herein by reference (the "Property"); and

**WHEREAS**, Grantee is the owner of certain real property adjacent to the Property, and more particularly described as Mill Creek Riverwalk (the "City Property"); and

**WHEREAS**, Grantee desires non-exclusive temporary access and use of a portion of the Property to perform certain construction activities for the public good and welfare and Grantor is willing to grant the requested access and use on the Property and subject to the terms hereof; and

**WHEREAS**, upon completion of the construction identified therein said construction easement shall cease; and

**NOW, THEREFORE**, in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid, the covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, Grantor and Grantee hereby agree as follows:

1. **Temporary Construction Easement**. Grantor, and for and on behalf of its successors and assigns, does hereby grant unto Grantee, a temporary, non-exclusive easement in, on, over, under, across and through that certain portion of the Property shown on the Easement Exhibit: The City of Dalton Temporary Construction Easement Lot 19, North Park S/D by Lewis and Associates Land Surveying, LLC dated January 28, 2022 (designated by hash marking) and Easement Plat: Being PT. Tax Parcel No. 12-145-04, Located in Land Lot 237, 12<sup>th</sup> District, 3<sup>rd</sup> Section attached hereto as **Exhibit "C" and Exhibit "D"** and incorporated herein by reference (the "Construction Easement"). The rights, benefits, privileges, and easement granted herein is for the purpose of the construction identified therein. Said Construction Easement is temporary and shall expire upon completion of the construction therein.

2. **Term of Easement**. The parties contemplate that the construction project is estimated to begin in June 2022. However, the parties acknowledge that said construction start

date may be delayed. The project completion date is to be determined at this time. The parties shall reasonably cooperate to complete the project in a timely manner.

3. **Additional Rights.** The Temporary Construction Easement granted herein shall include:

(a) the right of entry into and upon the Property for the purpose of access and ingress to and egress from the Property in order to affect the rights, privileges and easements set forth herein;

(b) the right to cut away, remove and dispose of all trees, undergrowth or other obstructions which exist on the Easement, which removal is necessary for Grantee's construction identified herein;

(c) the right, when required by law, governmental regulation or necessity to conduct scientific, geotechnical, archaeological or other studies, investigation or other testing on or below the ground surface of the Property.

4. **Reservation of Rights.** Except for the rights, privileges, benefits and easements granted herein, Grantor hereby reserves all its right, title and interest in and to the Property.

5. **Conditions and Obligations of Easement Use.**

(a) The use of the Property by the Grantee shall be in accordance with all laws, ordinances, codes, and regulations of all governmental authorities having jurisdiction over the Easement. Any such use of the Easement by the Grantee shall be undertaken in such a manner as to minimize the disturbance to and interruption of Grantor's use of the Property to the greatest extent practicable.

(b) Any construction or activities performed on the Easement by Grantee shall be done in a good workmanlike manner and the Easement shall be left in a clean and orderly condition, with all debris removed therefrom, and any areas which may have been disturbed by such work shall be restored to their former condition as nearly as practicable and as generally provided in the Exhibit "C" and Exhibit "D".

6. **Covenants of Grantor.**

(a) Grantor waives all right to any compensation for the use and enjoyment of the rights and privileges granted herein and further acknowledges that the use granted herein does not constitute an action of eminent domain or condemnation by the Grantee. Grantor does not waive any claim for damages that may result from the negligent acts or omissions of the Grantee or its contractors in its use of the Temporary Construction Easement.

(b) Grantor does hereby covenant with the Grantee that Grantor is lawfully seized and possessed of the Property above described, that Grantor has a good and lawful right to convey said easements, rights and privileges granted herein.

7. **No Public Dedication.** Nothing contained in this Agreement shall be deemed to be a gift of dedication to the general public or for any general public use.

8. **Entire Agreement.** This Agreement constitutes the entire agreement between

the parties and understanding between Grantor and Grantee relating to the subject matter hereof and may not be amended, waived or discharged except by instrument in writing executed by the party against which enforcement of such amendment, waiver or discharge is sought.

9. **Severability.** The invalidity of any one of the covenants, agreements, conditions or provisions of this Agreement, or any portion thereof, shall not affect the remaining portions thereof, or any part thereof, and this Agreement shall be modified to substitute in lieu of the invalid provision, a like and valid provision which reflects the agreement of the parties with respect to the covenant, agreement, condition or provision which has been deemed invalid.

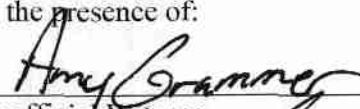
10. **Signatures.** This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument, and upon execution by the Grantor and Grantee.

11. **Time of Essence.** Time is of the essence with respect to this Agreement.

12. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

**IN WITNESS WHEREOF**, the Grantor has signed, sealed and delivered this Agreement as of the day and year first set forth above.

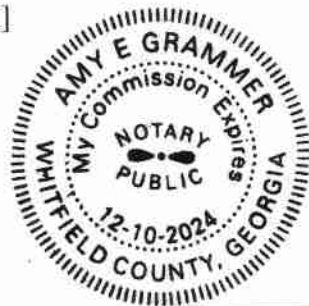
Signed, sealed and delivered  
In the presence of:

  
Unofficial Witness

  
Notary Public


My commission expires:

[Notarial Seal]



**Grantor:**

**Sharon Beavers, as trustee of the John  
Willis Mashburn Trust, u/a April 29,  
2008**

By  (Seal)

Title: Trustee 3-4-22

## EXHIBIT "A"

ALL THAT TRACT or parcel lying and being in Land Lot 161, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at point on the western line of Lot 19 in North Park Subdivision; said point being located North 11 degrees 05 minutes 53 seconds West a distance of 20.97 feet from an iron pin at the southeastern corner of said lot; thence along the western property line of Lot 19 the following courses and distances: North 11 degrees 05 minutes 53 seconds West a distance of 160.74 feet; thence North 01 degrees 17 minutes 14 seconds West a distance of 102.92 feet; thence North 16 degrees 01 minutes 37 seconds West a distance of 57.59 feet; thence North 35 degrees 01 minutes 07 seconds West a distance of 109.48 feet; thence North 18 degrees 08 minutes 20 seconds West a distance of 16.34 feet; thence leaving said western line of Lot 19, running North 71 degrees 51 minutes 40 seconds East a distance of 10.00 feet; thence South 18 degrees 08 minutes 20 seconds East a distance of 14.85 feet; thence South 35 degrees 01 minutes 07 seconds East a distance of 109.67 feet; thence South 16 degrees 01 minutes 37 seconds East a distance of 60.56 feet; thence South 01 degrees 17 minutes 14 seconds East a distance of 103.36 feet; thence South 11 degrees 05 minutes 53 seconds East a distance of 159.89 feet; thence South 78 degrees 54 minutes 07 seconds West a distance of 10.00 feet to the POINT OF BEGINNING.

SAID TRACT or parcel having an area of 4477.0 square feet, 0.103 acres.



## EXHIBIT "B"

ALL THAT TRACT or parcel lying and being in Land Lot 145, in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia, and being more particularly described as follows:

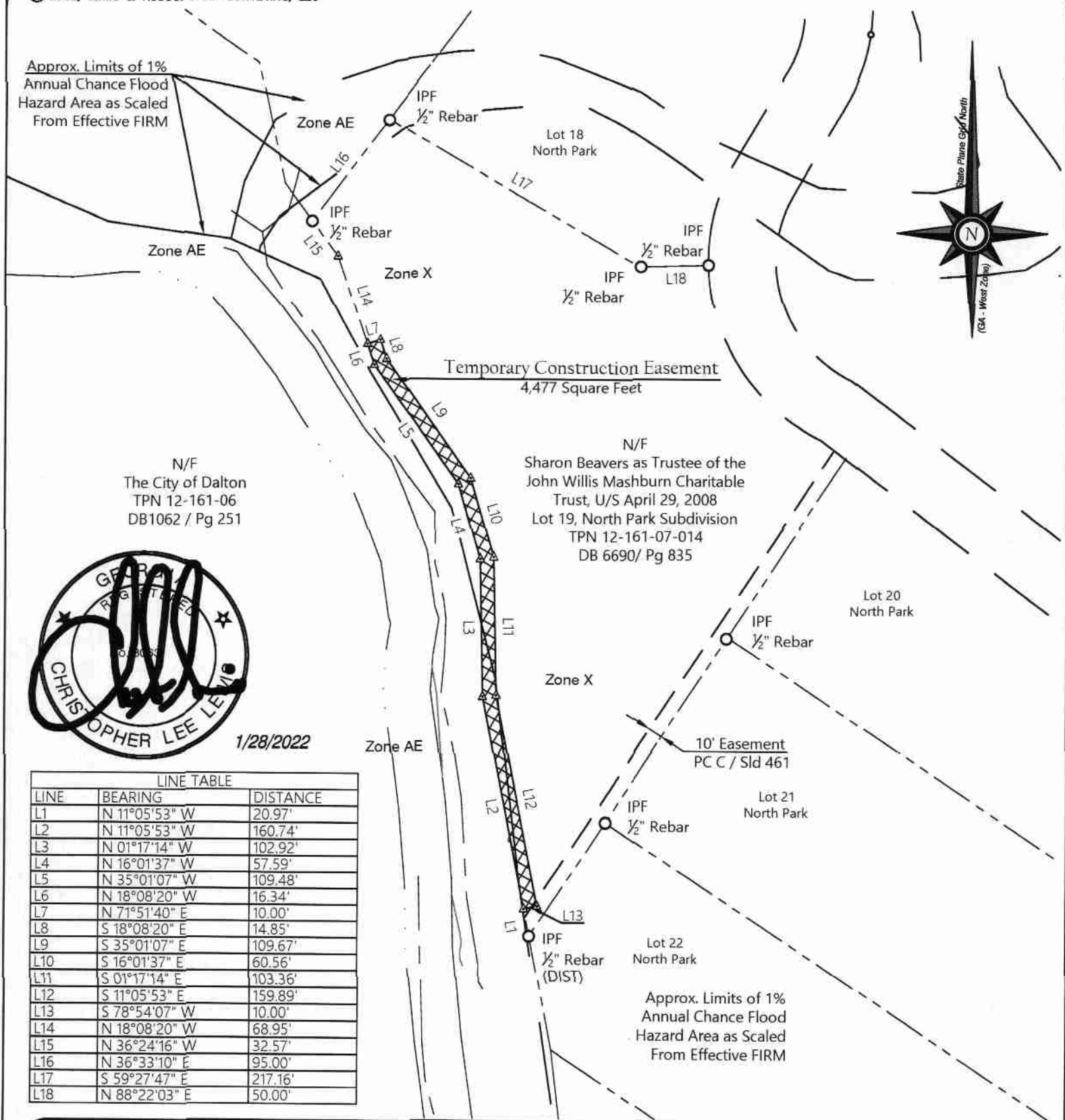
BEGINNING at a concrete right of way monument located at the intersection of the southern right of way of the North Dalton Bypass (being U.S. Highway 41/State Route 3 and having a variable right of way) with the western right of way of North Thornton Avenue (having a variable right of way); thence South 04 degrees 23 minutes 05 seconds West a distance of 79.44 feet; thence North 85 degrees 36 minutes 55 seconds West a distance of 47.27 feet; thence North 05 degrees 19 minutes 57 seconds East a distance of 80.21 feet; thence South 84 degrees 40 minutes 03 seconds East a distance of 45.95 feet to the POINT OF BEGINNING.

SAID TRACT or parcel having an area of 3720.6 square feet, 0.085 acres

**EXHIBIT "C"**



Approx. Limits of 1% Annual Chance Flood Hazard Area as Scaled From Effective FIRM



N/F  
The City of Dalton  
TPN 12-161-06  
DB1062 / Pg 251

N/F  
Sharon Beavers as Trustee of the  
John Willis Mashburn Charitable  
Trust, U/S April 29, 2008  
Lot 19, North Park Subdivision  
TPN 12-161-07-014  
DB 6690/ Pg 835



1/28/2022

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 11°05'53" W	20.97'
L2	N 11°05'53" W	160.74'
L3	N 01°17'14" W	102.92'
L4	N 16°01'37" W	57.59'
L5	N 35°01'07" W	109.48'
L6	N 18°08'20" W	16.34'
L7	N 71°51'40" E	10.00'
L8	S 18°08'20" E	14.85'
L9	S 35°01'07" E	109.67'
L10	S 16°01'37" E	60.56'
L11	S 01°17'14" E	103.36'
L12	S 11°05'53" E	159.89'
L13	S 78°54'07" W	10.00'
L14	N 18°08'20" W	68.95'
L15	N 36°24'16" W	32.57'
L16	N 36°33'10" E	95.00'
L17	S 59°27'47" E	217.16'
L18	N 88°22'03" E	50.00'

**Lewis & Associates  
Land Surveying, LLC.**  
P.O. Box 2046 | Dalton, GA 30722-2046 | 706.278.7516

SURVEY DATE:	8/29/21-1015/21
CREW:	DSM, CLL
DRAWN BY:	CLL
DATE DRAWN:	1/24/2022
COMPUTED BY:	CLL
CHECKED BY:	CLL
REVISED:	

EASEMENT EXHIBIT:  
**THE CITY OF DALTON**  
TEMPORARY CONSTRUCTION EASEMENT  
LOT 19, NORTH PARK S/D  
CITY OF DALTON, WHITFIELD COUNTY, GA

**EXHIBIT "D"**

**Lewis & Associates  
Land Surveying, LLC.**  
P.O. Box 2484 | Dalton, GA 30722-2048 | 706.278.7515

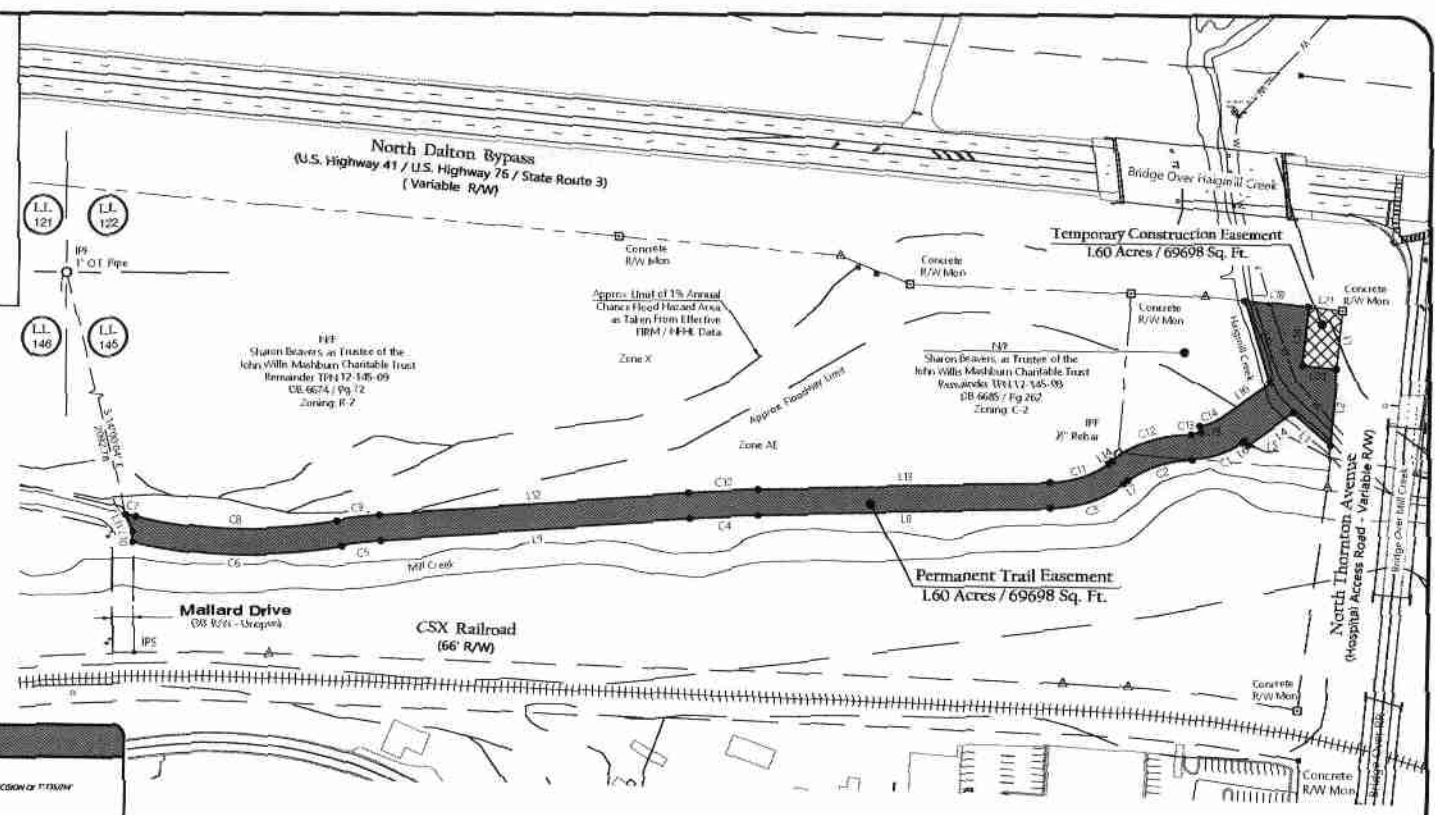
**EASEMENT PLAT**

**THE CITY OF DALTON**  
BEING PT. TAX PARCEL NO. 12-145-04  
LOCATED IN LAND LOT 237, 12th DISTRICT, 3rd SECTION  
CITY OF DALTON, WHITFIELD COUNTY, GEORGIA

© 2021 LEWIS & ASSOCIATES SURVEYING, LLC

**SURVEY DATE:** 5/25/2021 - 10/15/2021  
**SURVEY JOB #:** CLL DGM  
**COMPLETED BY:** CLL  
**DATE DRAWN:** 1/24/2022  
**DRAWN BY:** CLL  
**CHECKED BY:** CLL  
**REVISIONS:** NONE ON DATE

**DRAWING FILE #:** 21-094  
**DWG. SCALE:** 1"=100'  
**SHEET NO.:** 1/1  
**FILE NO.:** 21-094



**PLAT NOTES**

**CLOSURE STATEMENT**  
THE FIELD DATA CONTAINED ON THIS PLAT IS BASED UPON A CLOSURE PROVISION OF 1/100000 AND AN ANGULAR ERROR OF 20" PER ANGULAR POINT.  
THE FIELD DATA WILL ADJUST TO LEAVE LEAST SQUARES.  
THIS PLAT HAS A CLOSURE PROVISION OF 1/100000.

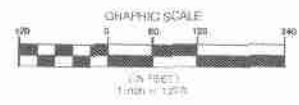
**BOUNDARIES**  
ALL FIELD MEASUREMENTS WERE MADE USING A JEDON WYOMI REMOTE TOTAL STATION AND SINKER SURVEYING CONTROLS.

**FLOOD STATEMENT**  
A PORTION OF THE SURVEY PROPERTY DOES LIE WITHIN A 1% ANNUAL CHANCE FLOOD PLAIN HAZARD AREA (100-YEAR FLOOD ZONE) AS SHOWN ON FEMA MAP NO. 18508D0100E (EFFECTIVE DATE 08/2017).

**BOUNDARY ADJUSTMENT**  
BOUNDARIES INDICATED BY MEASUREMENTS FOUND AND SURVEY CONTROL POINTS LOCATED BY GPS OBSERVATION USING A SINKER SURVEYING REMOTE TOTAL STATION, OPERATED BY SINKER SURVEYING, INC. CONTROLS OPERATING ON THE REAL TIME LINK NETWORK OPERATED BY GPS SOLUTIONS, INC.

**SCOPE OF TITLE**  
TITLE TO THE SURVEY PROPERTY IS COMPLETELY RESTED ON SHARON DRIVERS, AS TRUSTEE OF THE JOHN WILLS MOSHBURN CHARITABLE TRUST FOR CHARITABLE PURPOSES AND 100% OWNED BY HER.

**REFERENCES**  
1. SURVEY FOR BRIDGE AND BY CONRAD O. BARR DATED SEPTEMBER 26, 2012 PLAT CANNON & SONS 2012.  
2. SURVEY FOR BRIDGE AND BY CONRAD O. BARR DATED AUGUST 10, 2016 PLAT CANNON & SONS 2016.  
3. PLAT FOR CROSS BRIDGE BY H.E. DELOACH DATED MAY 26, 2008 PLAT CANNON & SONS 2008.  
4. SURVEY FOR JOHN WILLS MOSHBURN CHARITABLE TRUST BY THE FIRM DATED OCTOBER 4, 2014.



**SURVEYOR'S CERTIFICATION**

I, **CONRAD O. BARR**, a duly licensed Professional Land Surveyor in the State of Georgia, do hereby certify that I am the author of this survey and that the same is a true and correct representation of the facts as shown to me by the parties thereto and that I am not aware of any facts which would render this survey invalid or of any fraud or other irregularity in its execution.

**CONRAD O. BARR**  
Professional Land Surveyor  
No. 12345  
State of Georgia

**NOTE**  
X MARKED BEARS TO REMAIN AS KINDS OF EASEMENT, PROPERTY LINE RIGHT OF WAY CROSSINGS AND ALL CHANGES IN DIRECTION ALONG LINES/EXT.

**BEARING TABLE**

LINE	BEARING	DISTANCE
1	N 00° 00' 00" W	99.44
2	S 04° 30' 00" W	104.43
3	N 00° 00' 00" W	45.30
4	S 03° 30' 00" W	73.49
5	N 00° 00' 00" W	8.00
6	S 03° 30' 00" W	7.49
7	S 03° 30' 00" W	7.49
8	N 00° 00' 00" W	104.43
9	N 00° 00' 00" W	14.22
10	N 03° 30' 00" W	23.96
11	N 00° 00' 00" W	42.43
12	S 03° 30' 00" W	200.00
13	N 03° 30' 00" W	7.49
14	N 03° 30' 00" W	7.49
15	N 00° 00' 00" W	0.00
16	N 03° 30' 00" W	12.93
17	N 03° 30' 00" W	15.29
18	N 03° 30' 00" W	60.71
19	N 03° 30' 00" W	14.22
20	S 03° 30' 00" W	41.92
21	S 03° 30' 00" W	41.92

**CURVE TABLE**

LINE	RAVINE	ARC LENGTH	CHORD LENGTH	CHORD BEARING	CHORD ANGLE
C1	123.00	77.72	77.66	S 77° 04' 11" W	143° 08' 22"
C2	155.00	91.69	91.52	S 77° 04' 11" W	143° 08' 22"
C3	172.00	101.17	100.89	S 77° 04' 11" W	143° 08' 22"
C4	193.00	113.71	113.28	S 77° 04' 11" W	143° 08' 22"
C5	210.00	124.39	123.76	S 77° 04' 11" W	143° 08' 22"
C6	223.25	134.25	133.32	N 11° 00' 00" W	07° 36' 48"
C7	111.00	66.36	66.36	N 11° 00' 00" W	07° 36' 48"
C8	154.25	95.82	95.72	N 11° 00' 00" W	07° 36' 48"
C9	164.00	102.69	102.39	N 11° 00' 00" W	07° 36' 48"
C10	201.00	126.01	125.00	N 11° 00' 00" W	07° 36' 48"
C11	112.00	69.97	69.77	N 11° 00' 00" W	07° 36' 48"
C12	183.00	113.99	113.76	N 11° 00' 00" W	07° 36' 48"
C13	181.00	112.28	112.07	N 11° 00' 00" W	07° 36' 48"
C14	78.00	49.22	48.92	N 11° 00' 00" W	07° 36' 48"

**SYMBOL LEGEND**

- ⊙ SURVEY MANHOLE (SINKER)
- ⊙ SURVEY SEWER MANHOLE
- ⊙ WATER METEOR
- ⊙ FIRE HYDRANT
- ⊙ WATER VALVE
- ⊙ UTILITY POLE
- ⊙ TELEPHONE PNEUMATIC
- ⊙ LIGHT POLE
- ⊙ IRON PIN FOUND (IP)
- ⊙ IRON PIN SET (IPS)
- ⊙ ALUMINUM SETBACK LINE
- ⊙ CENTERLINE
- ⊙ OVERHEAD POWER LINE
- ⊙ CHAIN LINK FENCE
- ⊙ LEAD PIPE
- ⊙ CHIPPED TOP PAV.
- ⊙ POINT OF BEGINNING
- ⊙ BEST FOOTING
- ⊙ PLAT RECORDED
- ⊙ TAX PARCEL NUMBER



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** March 21, 2022

**Agenda Item:** Task Order for Engineering Services at Airport

**Department:** Airport

**Requested By:** Andrew Wiersma

**Reviewed/Approved by City Attorney?** No

**Cost:** \$157,181

**Funding Source if Not in Budget** Federal Grant and possible 10% local match

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

This task order was originally approved by the M&C on 2/21/22 with the understanding that expenses would be reimbursed at 100% by a Federal discretionary Grant. GDOT has since clarified that if the discretionary allocation of \$1.4M is not enough to cover both the engineering services and project construction, engineering services will be reimbursed from a separate grant at 90%, requiring a local match of \$15,718. Re-approval is required to allot \$15,718 in local match funding should 100% funds not cover the engineering services.

**TASK ORDER NUMBER SIX**

This Task Order is made as of this \_\_\_\_ day of \_\_\_\_\_, 2022, under the terms and conditions established in the MASTER AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES (the Agreement), between CITY OF DALTON (OWNER) and CROY ENGINEERING, LLC (ENGINEER). This Task Order is made for the following purpose, consistent with the Project defined in the Agreement:

*Professional Services for  
Apron Pavement Rehabilitation – Phase II*

**Section A - Scope of Services**

The Engineering Design Services will consist of project formulation, preparation of construction drawings and specifications necessary to complete the project, the support services required to complete the design, and coordination with the Georgia Department of Transportation, Aviation Programs. The design services for the project at Dalton Municipal Airport are based on the findings of the GDOT provided July 2019 Pavement Management Report and will include the following elements of work:

**Element 1 – Project Formulation and Coordination shall include;**

1. The preparation of work scope and fees
2. A pre-design/scoping meeting with GDOT & the Sponsor
3. Preparing and assisting with the application for funding assistance
4. Preparation and submittal of Form 7460 to GDOT & FAA,
5. Coordination with regulatory agencies
6. Attend one (1) site visit to observe existing site conditions

**Element 2 – Survey will consist of:**

1. Field Data Collection will include the field time for a survey crew to locate and conduct a field run topographic survey of the existing apron and surrounding area. The scope of work shall include the following:
  - Begin site reconnaissance to determine survey limits and identify features to be located and take photos of the site as needed.
  - Establish survey control.
  - Identify storm drains or sewer drains in the survey limits to be located, prepare sketches, obtain invert, and pipe size & type information and direction of flow.
  - Begin field topographic survey, this is to be done on a 25' grid.
  - See Exhibit A for specific details of survey requirements.
  - Locate swales, ditches, storm and sewer structures and drains.
  - Locate power poles, guy anchors, guy poles, utility poles, wires, power boxes, and pads.
  - Locate visible water meters, gas meters, valves, hydrants, sprinkler heads.
  - Locate paint markings and stripes, aircraft tie downs, light poles and ground lights, EOP, etc.
  - Upon completion of field work analyze field survey data and notes.
  - Draft and prepare final topographic survey.

**Element 3 – Geotechnical Evaluation** will be performed by a sub-consultant to Croy and includes a geotechnical exploration in general accordance with FAA 150-5320-6F Airport Pavement Design and Evaluation and shall consist of predesign subsurface investigations for borings and soil samples in the existing apron and taxiway areas. It is anticipated that standard penetration test (SPT) data will be sufficient to evaluate soil strength and load carrying capability. Therefore, no Heavy Weight Reflectometer (HWD) testing will be performed. Please reference the sub-consultant proposal as attached. The scope consists of:

1. Conducting a visual reconnaissance of the site to observe the existing pavement conditions and look for indications of areas of geotechnical concern.
2. Hiring a private utility location company to locate utilities in the areas of the borings.
3. Coring the pavement at five (5) locations in the approximate locations shown in Exhibit B.
4. Drilling five (5) SPT borings at the cored location for depths of 10 feet or auger refusal, whichever occurs first.
5. Obtain three (2) bulk samples from auger cuttings. A bulk sample will be taken from each of the three areas shown on the boring plan (Exhibit B).
6. Run two (2) Proctor tests.
7. Run one (1) California Bearing Ratio (CBR) test.
8. Run in situ density tests on the Shelby tube samples and compare to our Proctor results in order to determine a relative percent compaction of the fill soils.
9. Run 5 grain size tests
10. Run 5 Atterberg limits tests.
11. Analyze the pavement cores for distresses.
12. Analyzing the field and laboratory data obtained.
13. Provide a written geotechnical report outlining the subconsultants findings, conclusions, and recommendations. This will include a pavement repair and design recommendations.

**Element 4 – Construction Plans** will consist of:

1. **Cover Sheet** listing the name of the airport, description of the project, vicinity and location maps, & project number.
2. **Summary of Quantities Sheets** listing the name pay item number, specification number, name of each pay item, unit of measure and estimated quantities determined during the design phase.
3. **General Notes** listing the overall project notes and any otherwise pertinent information to the project or project site as a whole.
4. **Project Layout and Construction Safety Phasing Plan** including a sketch of the airport, existing property lines, the airport operation area, contractor access route and staging area, and general project safety relative to the airport during construction.
5. **Existing Conditions and Demolition Plan** will show existing conditions provided by the surveys illustrating the current condition of the project site. These plans will also show the areas and items that are to be removed, relocated, cleared, etc. for the development of the project site.

6. **Grading Plans and Details** consists of the utilization of the topographic survey in refining the existing grading plan for the proposed apron rehabilitation, including the following:
  - a. Analysis and evaluation of existing apron slopes to ensure current FAA compliance.
  - b. Analysis and evaluation of areas to be removed and reconstructed.
  - c. Analysis and evaluation of areas to be milled and overlaid/reconstructed.
  - d. Analysis and evaluation of areas to receive crack seal and overlay
7. **Stormwater Plans and Details** Analysis and evaluation of the existing stormwater pipe underneath apron. Pipe will be visually inspected by camera to determine its condition. If replacement of the existing storm pipe is needed, project site will be analyzed for stormwater runoff and confirm size of pipe needed for replacement.
8. **Proposed Drainage Schedule** will show the breakdown of the stormwater system, identifying key information, components, and materials.
9. **Typical Sections** will delineate the width and typical makeup for the various sections of pavement included in the project.
10. **Paving and Jointing Plans and Details** will provide a layout of the paving for the rehabilitation or reconstruction including any joints with existing pavement to remain. The details for the pavement and joints will be included as support for the design.
11. **Pavement Marking and Striping Plans and Details** will provide a layout of the pavement marking and striping for the airfield and landside pavements and the details will support the layout.
12. **Construction Details** will be provided to support the design

**Element 5 – Contract Documents** (booklet) including the advertisement for bids, instructions to bidders, bid documents, contract documents, bid bond, performance bond, payment bond, and Federal Aviation Administration (FAA) and/or Georgia Department of Transportation (GDOT) specifications to include Special Provisions to published specifications. This element shall include preparation of an engineering cost estimate for the project.

**Element 6 – Engineers/Design Report** shall include a detailed description of the project construction, design calculations, and discussion of rationale for design decisions for the maintenance and reconstruction repairs for the various areas of the project design.

**Element 7 – Coordination, Review, and Comments** will be addressed throughout the duration of the project through team, client, and agency coordination and meetings. GDOT comments will be addressed after the 60% and 90% submittals to GDOT.

The design will be completed within Sixty (60) business days from the Notice to Proceed.

This project will be designed in accordance with the provisions of the Federal Aviation Administration (FAA) Advisory Circular 150/5300-13A, dated 2/26/2014. All construction details will conform to FAA Specifications and indicate published specification reference. GDOT Specifications will be used in absence of FAA Specifications with approval by agency.

Deliverables will consist of one (1) set of electronic Plans and Specifications to GDOT for review and comment prior to the bidding phase, one (1) set of the final plans and specifications, one (1) electronic copy of the final plan set in PDF format, and one (1) electronic copy of the plan set in

AutoCAD format will be provided to GDOT for the final submittal. The 7460 and CSPP documents will be submitted to GDOT for review prior to initial submittal to FAA.

**Element 8 - Bid Phase Services** shall include preparation of advertisement for bids, response to contractor questions during the bidding process, receipt of bids at a scheduled bid opening, preparation of the bid tabulation, and recommendation of award to the lowest responsive bidder.

**Element 9 – Construction Administration Services** shall include the following:

1. Engineering Services to include review of contractor submittals for acceptance of materials.
2. Attend and conduct Pre-Construction Meeting
3. Two (2) periodic site visits to observe the progress and inspect the quality of the executed work.
4. Provide response to Contractor questions and/or "requests for information"
5. Conformance to federal requirements (as delineated in the contract documents) including:
  - a. Review and approval of weekly payroll for contractors and sub-contractors.
  - b. Review and approval of employee wage rates and interviews.
  - c. Review of DBE submittals and forwarding to the State.
6. Contractor submitted pay application review and recommendation for processing.
7. Final Inspection shall include one (1) site visit to determine if the project was satisfactorily constructed in accordance with the plans and specifications.
8. One (1) follow up site visit to the Final Inspection to review any corrective work items included on the punch list and preparation of a Final Inspection Report.
9. Close-Out Documentation
  - a. Review and approval of pay requests and invoicing
  - b. File project records (materials testing results, daily reports, etc.)

**Element 10 – Construction Inspection/Observation Services** shall include the following:

1. Full-time daily observation and reporting for 45 calendar days base bid.
2. Hotels for 5 nights/week for a total of 6.5 weeks for Inspector, plus per diem for 37 days.
3. Time and expenses for attendance at pre-construction meeting, final inspection and follow up site visit for punch list items.

**Element 11 – Record Drawings and Final Engineer's Report** shall include the following:

1. Preparation of record drawings showing the as-built conditions utilizing data to be supplied by the contractor.
2. Preparation of a Final Engineer's Report detailing the construction activity upon project completion.

#### **Project Scope Exclusions**

- ALP Update Services
- Sediment and Erosion Control Design Services
- Electrical Design Services
- Preparation and submittal of a CatEx.
  - GDOT will produce the CatEx for this project.



- Monthly update report(s) to the GDOT Project Manager identifying the aspects of the project that have been accomplished or focus on during the preceding month.
- Environment Services
- This proposal does not include the following items: easement exhibit plats, , Boundary survey or ties to property lines, engineering work, ALTA Survey, recording the survey, Boundary line Disputes, preparation of legal descriptions, dividing property, court costs stemming from a boundary dispute, additional field work due to lack of evidence, re-staking of any features originally placed on the ground by our crews, fees associated with accessing property, easements not of record or underground utility locations, any efforts associated with rezoning the property, environmental Phase 1 considerations, Croy personnel will not perform any Subsurface Utility Engineering Level A or B utility locations.
- Review of existing conceptual design from previous consultant.

**Section B - Schedule**

ENGINEER shall perform the Services and deliver the related Documents (if any) according to the following schedule:

Project Initial Coordination Meeting	NTP Date
Survey Work to Begin	NTP Date + 5 Days
GDOT 60% Plan Set Submittal	NTP Date + 20 Days
GDOT 60% Review Comments Returned	NTP Date + 30 Days
GDOT 90% Plan Set Submittal	NTP Date + 40 Days
GDOT 90 % Review Comments Returned	NTP Date + 50 Days
100% Plan Set Submittal with Responses to GDOT Comments	NTP Date + 60 Days

Work shall begin within ten (10) days of the notice to proceed. A signed copy of this Task Order will serve as ENGINEER’s notice to proceed.

**Section C - Compensation**

1. In return for the performance of the foregoing obligations, OWNER shall pay to ENGINEER the amount of \$157,181, payable according to the following terms:

- Invoicing will be submitted monthly for work completed to-date.
- A lump sum fee applies for each task as follows, and shall be billed based upon percentage of work completed to-date. Expenses for services such as mileage, document reproduction, permit application fees, shipping costs, etc. are not included in the lump sum fee, and shall be billed separately as a reimbursable expense. The lump sum fee and estimated budgets for expenses are as follows:

<b>Element 1 – Project Formulation</b>	<b>\$ 6,739</b>
Lump Sum Fee:	\$ 6,552
Estimated Expenses:	\$ 187

<b>Element 2 – Survey Work</b>	<b>\$ 6,562</b>
Lump Sum Fee:	\$ 6,321
Estimated Expenses:	\$ 241
<b>Element 3 – Geo-Technical Investigation</b>	<b>\$ 14,389</b>
Lump Sum Fee:	\$14,389
Estimated Expenses:	\$ 0
<b>Element 4 – Construction Plans</b>	<b>\$ 29,670</b>
Lump Sum Fee:	\$29,470
Estimated Expenses:	\$ 200
<b>Element 5 – Contract Documents</b>	<b>\$ 6,540</b>
Lump Sum Fee:	\$ 6,465
Estimated Expenses:	\$ 75
<b>Element 6 – Engineer’s/Design Report &amp; As-Builts</b>	<b>\$ 4,486</b>
Lump Sum Fee:	\$ 4,411
Estimated Expenses:	\$ 75
<b>Element 7 – Coordination, Review and Comments</b>	<b>\$ 4,015</b>
Lump Sum Fee:	\$ 3,940
Estimated Expenses:	\$ 75
<b>Element 8 – Bid Services</b>	<b>\$ 7,482</b>
Lump Sum Fee:	\$ 7,482
Estimated Expenses:	\$ 200
<b>Element 9 – Construction Administration Services</b>	<b>\$ 24,682</b>
Lump Sum Fee:	\$ 23,832
Estimated Expenses:	\$ 850
<b>Element 10 – Construction Inspection Services</b>	<b>\$ 52,617</b>
Lump Sum Fee:	\$ 47,668
Estimated Expenses:	\$ 4,949
<b><u>TOTAL FEE \$157,181</u></b>	

2. Compensation for Additional Services (if any) shall be paid by OWNER to ENGINEER according to the following terms: Compensation for additional services shall be paid by the OWNER to the ENGINEER per the Croy Engineering Standard Hourly Rate Schedule attached to this Proposal.

#### **Section D - Owner’s Responsibilities**

OWNER shall perform and/or provide the following in a timely manner so as not to delay the Services of ENGINEER. Unless otherwise provided in this Task Order, OWNER shall bear all costs incident to compliance with the following:

N/A

**Section E - Other Provisions**

The parties agree to the following provisions with respect to this specific Task Order:

N/A

IN WITNESS WHEREOF the parties hereto have made and executed this Task Order.

OWNER:

CITY OF DALTON

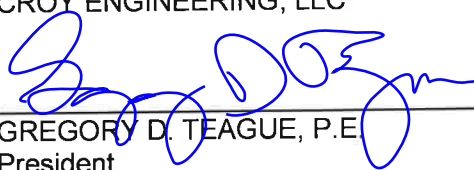
\_\_\_\_\_  
ANDREW WIERSMA  
Airport Manager

ATTEST:

\_\_\_\_\_

ENGINEER:

CROY ENGINEERING, LLC

  
\_\_\_\_\_  
GREGORY D. TEAGUE, P.E.  
President

ATTEST:

  
\_\_\_\_\_  
PATRICK T. LENTON, P.E.  
Director of Professional Services

Exhibit "B" Hourly Rate Schedule

**Croy Engineering, LLC  
STANDARD HOURLY RATES**

<b>Principal</b>	<b>\$234.31</b>
<b>Project Manager</b>	<b>\$199.02</b>
<b>Engineer 3</b>	<b>\$188.25</b>
<b>Engineer 2</b>	<b>\$165.57</b>
<b>Engineer 1</b>	<b>\$146.53</b>
<b>Designer 2</b>	<b>\$127.36</b>
<b>Designer 1</b>	<b>\$118.12</b>
<b>Tech 2</b>	<b>\$108.25</b>
<b>Tech 1</b>	<b>\$103.18</b>
<b>CADD Operator</b>	<b>\$95.53</b>
<b>Admin</b>	<b>\$88.71</b>
<b>Field Rep 3</b>	<b>\$120.53</b>
<b>Field Rep 2</b>	<b>\$102.75</b>
<b>Field Rep 1</b>	<b>\$98.38</b>
<b>RLS/Survey Manager</b>	<b>\$191.03</b>
<b>Crew (2-Person)</b>	<b>\$177.49</b>
<b>Crew (3-Person)</b>	<b>\$239.08</b>

Please note that expenses such as mileage, document reproduction, permit application fees, shipping costs, etc. are not included in the fees above, and shall be billed separately as a reimbursable expense.



## CITY COUNCIL AGENDA REQUEST

<b>Meeting Type:</b>	Mayor & Council Meeting
<b>Meeting Date:</b>	March 21, 2022
<b>Agenda Item:</b>	Airport 5 year Federal/State CIP revision for Bipartisan Infrastructure Law (BIL) Funding Allocations
<b>Department:</b>	Airport
<b>Requested By:</b>	Andrew Wiersma
<b>Reviewed/Approved by City Attorney?</b>	No
<b>Cost:</b>	\$0
<b>Funding Source if Not in Budget</b>	N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

Requesting approval of the updated airport CIP. The Federal Bipartisan Infrastructure Law (BIL) has allocated additional grant funding to airports for fiscal years 2022-2026. The FAA is requiring airport sponsors to update their 5-year CIP requests to include additional projects which will use BIL funds and a breakdown of funding requests between regular Airport Improvement Program (AIP) funding and BIL funding. BIL funds have been allocated to the Dalton Airport for FY22 in the amount of \$295,000. Projects on the CIP will require local match funding to receive Federal/State grant funding at the time of project acceptance

**DALTON MUNICIPAL AIRPORT (DNN)  
DALTON, GA  
FY2023-2027 CIP**

3/16/2022  
5:57 PM

FY		PROGRAM DESCRIPTION	TOTAL COST	FEDERAL COST - TOTAL	FEDERAL COST - Entitlement	FEDERAL COST - BIL	FEDERAL COST - AIP	STATE COST	LOCAL COST
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 195,405	\$ 295,000			
2022		OBSTRUCTION REMOVAL - PHASE I (FEE/EASEMENT) RPZ APPROACH RUNWAY 14/32 INCLUDING OBSTRUCTION REMOVAL DESIGN	\$ 327,778	\$ 295,000	\$ -	\$ 295,000	\$ -	\$ 16,389	\$ 16,389
		<b>TOTAL, FY 2022</b>	<b>\$ 327,778</b>	<b>\$ 295,000</b>	<b>\$ -</b>	<b>\$ 295,000</b>	<b>\$ -</b>	<b>\$ 16,389</b>	<b>\$ 16,389</b>
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 345,405	\$ 295,000			
2023	1.	DESIGN OF RUNWAY & TAXIWAY PAVEMENT & ELECTRICAL REHABILITATION	\$ 155,000	\$ 139,500	\$ 139,500	\$ -	\$ -	\$ 7,750	\$ 7,750
	2.	LAND ACQUISITION - PHASE II (FEE/EASEMENT) RPZ APPROACH RUNWAY 14/32 INCLUDING OBSTRUCTION REMOVAL DESIGN	\$ 228,783	\$ 205,905	\$ 205,905	\$ -	\$ -	\$ 11,439	\$ 11,439
	3.	NEW CORPORATE APRON (TO INCLUDE GRADE WORK, BASE, AND CONCRETE SLAB)	\$ 300,000	\$ 270,000	\$ -	\$ 270,000	\$ -	\$ 15,000	\$ 15,000
	4.	CONSTRUCT 2 CORPORATE HANGARS	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000	\$ 800,000
		<b>TOTAL, FY 2023</b>	<b>\$ 1,483,783</b>	<b>\$ 615,405</b>	<b>\$ 345,405</b>	<b>\$ 270,000</b>	<b>\$ -</b>	<b>\$ 34,189</b>	<b>\$ 834,189</b>
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 150,000	\$ 320,000			
2024	1.	OBSTRUCTION REMOVAL - PHASE II (FEE/EASEMENT) RPZ APPROACH RUNWAY 14/32 INCLUDING OBSTRUCTION REMOVAL DESIGN	\$ 300,000	\$ 270,000	\$ -	\$ -	\$ 270,000	\$ 15,000	\$ 15,000
	2.	MALSR REHABILITATION	\$ 500,000	\$ 450,000	\$ 150,000	\$ 300,000	\$ -	\$ 25,000	\$ 25,000
	3.	CONSTRUCTION OF RUNWAY PAVEMENT AND ELECTRICAL REHABILITATION, AND TAXIWAY ELECTRICAL REHABILITATION, TO INCLUDE PAPI, ROTATING BEACON	\$ 2,500,000	\$ 2,250,000	\$ -	\$ -	\$ 2,250,000	\$ 125,000	\$ 125,000
	4.	DBE PLAN UPDATE	\$ 12,000	\$ 10,800	\$ -	\$ -	\$ 10,800	\$ 600	\$ 600
		<b>TOTAL, FY 2024</b>	<b>\$ 3,312,000</b>	<b>\$ 2,980,800</b>	<b>\$ 150,000</b>	<b>\$ 300,000</b>	<b>\$ 2,530,800</b>	<b>\$ 165,600</b>	<b>\$ 165,600</b>
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 150,000	\$ 315,000			
2025	1.	LAND ACQUISITION - PHASE III (FEE/EASEMENT) RPZ APPROACH RUNWAY 14-32 INCLUDING OBSTRUCTION REMOVAL DESIGN	\$ 300,000	\$ 270,000	\$ -	\$ -	\$ 270,000	\$ 15,000	\$ 15,000
	2.	CONSTRUCTION OF PARALLEL TAXIWAY PAVEMENT (PHASE II)	\$ 2,000,000	\$ 1,800,000	\$ -	\$ -	\$ 1,800,000	\$ 100,000	\$ 100,000
	3.	NEW T-HANGAR APRON (TO INCLUDE GRADING, BASE, AND CONCRETE SLAB)	\$ 350,000	\$ 315,000	\$ -	\$ 315,000	\$ -	\$ 17,500	\$ 17,500
	4.	DESIGN AND CONSTRUCT 8-UNIT T-HANGAR	\$ 800,000	\$ 720,000	\$ -	\$ -	\$ 720,000	\$ 40,000	\$ 40,000
		<b>TOTAL, FY 2025</b>	<b>\$ 3,450,000</b>	<b>\$ 3,105,000</b>	<b>\$ -</b>	<b>\$ 315,000</b>	<b>\$ 2,790,000</b>	<b>\$ 172,500</b>	<b>\$ 172,500</b>
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 300,000	\$ 295,000			
2026	1.	T-HANGAR AND CORPORATE HANGAR TAXILANE/APRON REHABILITATION	\$ 1,000,000	\$ 900,000	\$ -	\$ -	\$ 900,000	\$ 50,000	\$ 50,000
	2.	OBSTRUCTION REMOVAL - PHASE III (FEE/EASEMENT) RPZ APPROACH RUNWAY 14-32 INCLUDING OBSTRUCITON REMOVAL DESIGN	\$ 327,778	\$ 295,000	\$ -	\$ 295,000	\$ -	\$ 16,388.89	\$ 16,388.89
		<b>TOTAL, FY 2026</b>	<b>\$ 1,327,778</b>	<b>\$ 1,195,000</b>	<b>\$ -</b>	<b>\$ 295,000</b>	<b>\$ 900,000</b>	<b>\$ 66,389</b>	<b>\$ 66,389</b>
		<i>BALANCE OF NPE and BIL FUNDS:</i>			\$ 450,000	\$ -			
2027	1.	COMPLETE PERIMETER FENCING	\$ 500,000	\$ 450,000	\$ 450,000	\$ -	\$ -	\$ 25,000.00	\$ 25,000.00
	2.	NEW TERMINAL BUILDING	\$ 1,200,000	\$ 1,080,000	\$ -	\$ -	\$ 1,080,000	\$ 60,000.00	\$ 60,000.00
		<b>TOTAL, FY 2027</b>	<b>\$ 1,700,000</b>	<b>\$ 1,530,000</b>	<b>\$ 450,000</b>	<b>\$ -</b>	<b>\$ 1,080,000</b>	<b>\$ 85,000</b>	<b>\$ 85,000</b>
		<b>TOTAL, FY 2023-2027</b>	<b>\$ 11,273,561</b>	<b>\$ 9,426,205</b>	<b>\$ 945,405</b>	<b>\$ 1,180,000</b>	<b>\$ 7,300,800</b>	<b>\$ 523,678</b>	<b>\$ 1,323,678</b>

Approved by: \_\_\_\_\_  
David Pennington, Mayor  
City of Dalton

To be received by 30 November, 2021 at:  
Georgia Department of Transportation-Aviation Programs  
600 W. Peachtree St NW, 6th floor  
Atlanta, Georgia 30308



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 03/21/2022

**Agenda Item:** Intergovernmental Agreement Between the City of Dalton and Whitfield County Regarding Jointly-Funded Services Special Tax District

**Department:** City Administration

**Requested By:** Andrew Parker

**Reviewed/Approved by City Attorney?** Yes

**Cost:** N/A

**Funding Source if Not in Budget** N/A

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

This Intergovernmental Agreement with Whitfield County is associated with the Special Tax District for Jointly-Funded Services.

The agreement provides for removal of the Dalton-Whitfield Library from the Special Tax District to provide more flexibility in funding whereby likely enhancing services and increasing efficiency to the community.

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
WHITFIELD COUNTY AND THE CITY OF DALTON  
REGARDING JOINTLY-FUNDED SERVICES SPECIAL TAX DISTRICT**

This Intergovernmental Agreement (“Agreement”) is entered into and effective the \_\_\_\_ day of March, 2022, by and between Whitfield County, Georgia (the “County,”) a subdivision of the State of Georgia, and the City of Dalton, Georgia (“Dalton,”) a municipal corporation created pursuant to Georgia law.

WHEREAS, as a part of the 2012 Local Option Sales Tax (“LOST”) negotiations between the County and Dalton following the 2010 decennial Census, at the request of Dalton, the County agreed to create one or more special tax districts comprising all areas of Whitfield County exclusive of the limits of the City of Dalton for certain County expenditures; and

WHEREAS, as agreed, the County established such Special Tax District in 2013 for purposes of paying the County’s share of jointly-funded services with Dalton, including the Dalton-Whitfield County Library (the “Library,”) the Dalton-Whitfield County Joint Development Authority (“JDA,”) and the Dalton/Whitfield Senior Center (the “Senior Center;”) and

WHEREAS, in order to provide more flexibility in the funding for the Library, the County and Dalton now believe that removing the Library from the jointly-funded services Special Tax District would likely enhance services and increase efficiency.

NOW, THEREFORE, in consideration of mutual promises and agreements set forth, the County and Dalton hereby agree as follows:

**I. Duties of Whitfield County**

1. The Whitfield County Board of Commissioners will remove the Library from the jointly-funded services Special Tax District immediately.
2. The County will transfer, via accounting journal entry, all unused 2022 budget allocation for the Library from the Special Tax District to the General Fund once the Library is removed from the Special Tax District.
3. All County appropriations for budget years 2023 and thereafter for the Library shall come either from approved ARPA funds, other grant funds, or the County’s General Fund.



## **II. Duties of Dalton**

1. Dalton consents to the removal of the Library from the jointly-funded services Special Tax District immediately.
2. Dalton agrees to consider the dissolution of the jointly-funded services Special Tax District in its entirety during calendar year 2022.

## **III. General Terms & Conditions**

1. Nothing herein is meant to impact, influence, or limit any other funding source for the Library or Senior Center, including, but not limited to, any federal, state, city, or grant funding. This IGA merely provides that the County may provide its portion of such funding through its General Fund.
2. This Agreement shall be effective as of its execution and shall continue in full force and effect until December 31, 2024, unless such period is extended by mutual agreement of the parties in writing.
3. Any notice under this Agreement shall be deemed duly given if delivered by hand or if sent by registered or certified mail – return receipt requested, to the respective County Administrator and/or City of Dalton Administrator.
4. This Agreement is executed in the State of Georgia and all matters pertaining to the validity, construction, interpretation, and effect of this Agreement shall be governed by the laws of the State of Georgia.
5. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No party shall be bound by this Agreement until all parties have executed the Agreement.
6. This Agreement constitutes the entire agreement and understanding between the parties hereto and replaces, cancels and supersedes any prior agreements and understandings relating to the subject matter hereof; and all prior representations, agreements, and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

**IN WITNESS WHEREOF**, the parties have caused the authorized representatives of each to execute this Agreement.

**WHITFIELD COUNTY**

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**Jevin S. Jensen, Chairman  
For the Board of Commissioners**

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**Date**

---

**Blanca Cardona, County Clerk  
SEAL**

**CITY OF DALTON**

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**David E. Pennington, III, Mayor  
For the Mayor and Aldermen**

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**Date**

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**Bernadette Chattan, City Clerk  
SEAL**



## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting

**Meeting Date:** 03/21/22

**Agenda Item:** First Reading - Ordinance 22-05 Morningside Drive Street Closing Request

**Department:** Administration

**Requested By:** Andrew Parker

**Reviewed/Approved by City Attorney?** Yes

**Cost:**

**Funding Source if Not in Budget**

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

**First Reading - 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.

## **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

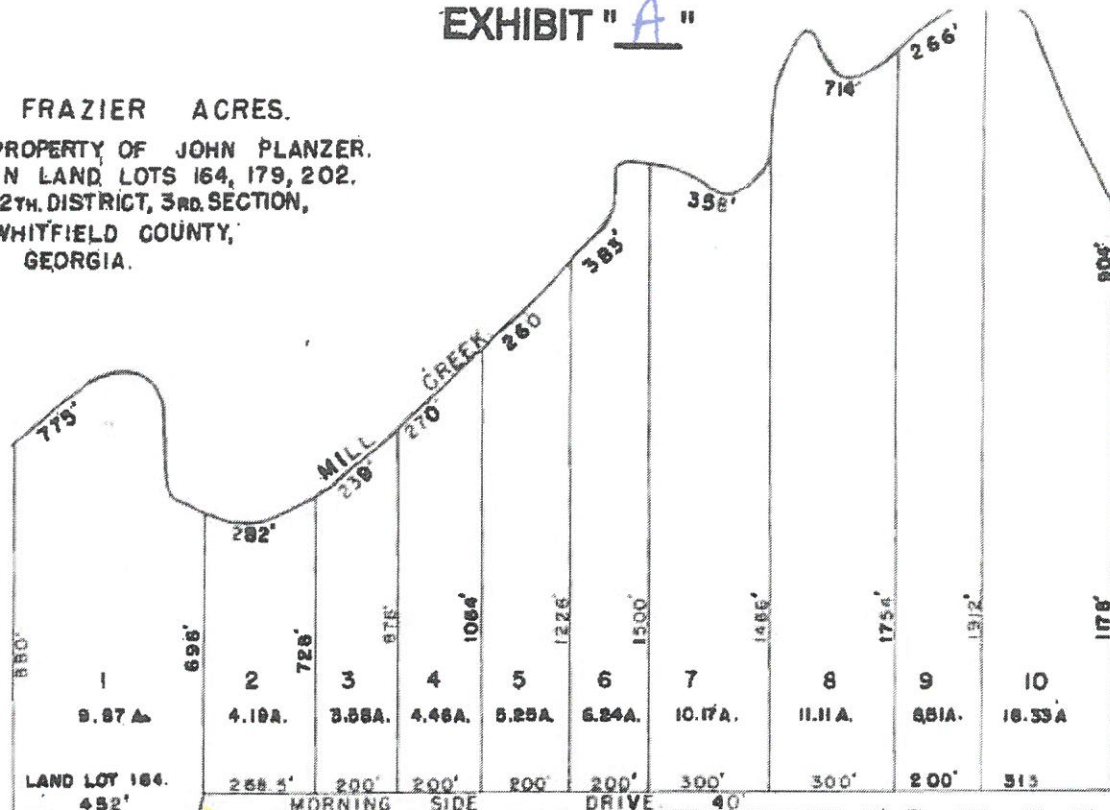
\_\_\_\_\_  
CITY CLERK

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.  
482'

AL 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.
16	658'	1.51A.
17	656.5'	1.51A.
18	655'	1.51A.
19	653.5'	1.50A.
20	652'	1.50A.
21	650.5'	1.50A.
22	648'	1.49A.
23	647.5'	1.49A.
24	646'	1.49A.
25	644.5'	1.48A.
26	643'	1.48A.
27	641.5'	1.48A.
28	640'	1.47A.
29	638.5'	1.47A.
30	637'	1.46A.
31	635.5'	1.46A.
32	634'	1.45A.
33	632'	1.45A.
34	630'	1.44A.

LAND LOT 179.



SEPTEMBER 4, 1945.  
*R. E. Smith*  
 DALTON, GEORGIA.  
 REGISTERED,  
 SURVEYOR 262,  
 CML ENGINEER 725.



PLAT BOOK I.  
 PAGE 268.

## 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

PL1003791

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.

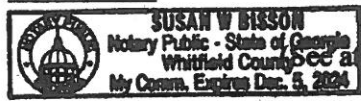
Signed, sealed and delivered in the presence of:

*[Signature]*  
Unofficial Witness

*[Signature]*  
Notary Public

My Commission Expires:

[Notary Seal]



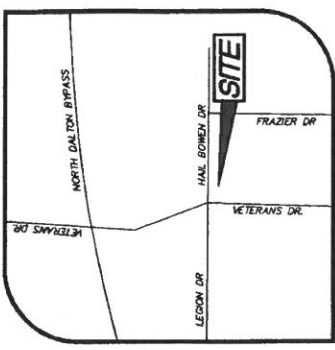
NORTH GEORGIA RADIO GROUP, LP, A GEORGIA LIMITED PARTNERSHIP

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

BY: *[Signature]*  
PAUL FINK, PRESIDENT

Exhibit B

B

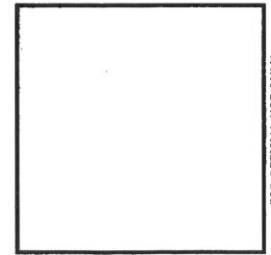
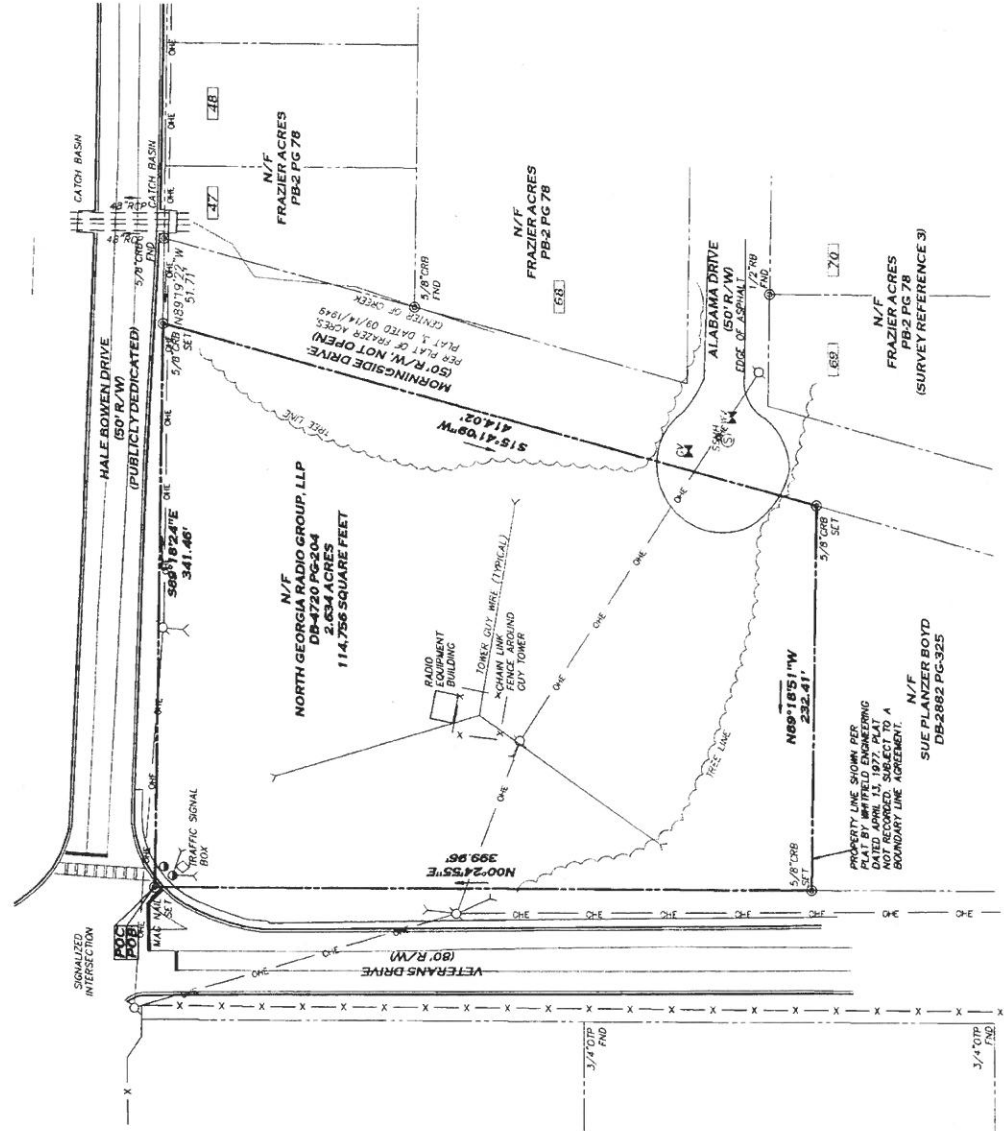


SURVEY NOTES

- 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 HIPO 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 HIPO SR GPS RECEIVER UTILIZING NETWORK RTK CORRECTIONS PROVIDED BY THE REAL TIME NETWORK. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACQUISITION AND REPRESENTATION, HORIZONTAL AND VERTICAL AT THE 95% CONFIDENCE LEVEL.
- 6) NO EFFORT TO OBTAIN THE LOCATION OF UNDERGROUND UTILITIES WAS MADE. THE EXISTENCE OF UNDERGROUND UTILITIES WAS GUARANTEED AS TO THE EXISTENCE OR 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 30211  
 TEL: 770-429-1111  
 WWW.LOWERYLANDSURVEYS.COM  
 INFO@LOWERYLANDSURVEYS.COM  
 GEORGIA C.O.A.: LSF-00102

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



**SURVEYOR'S CERTIFICATION**

THIS PLAT IS A RETRACED PARCEL OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OF LAND. THE SURVEYOR HAS REVIEWED THE RECORDING MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PLAT AND HAS DETERMINED THAT THE PLAT COMPLIES WITH THE AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OF REQUISITES, OR SUBPARCEL DESIGNATION USE, OR 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.

**MITCHELL LOWERY** (SEAL)  
 REGISTERED PROFESSIONAL SURVEYOR  
 NO. 1100  
 EXPIRES 12/31/2024

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 FERGLISON PREPARED BY BARKUM - DELOACH & ASSOC. DATED FEBRUARY 6, 2007 (UNRECORDED)

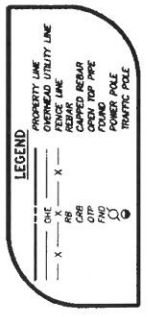
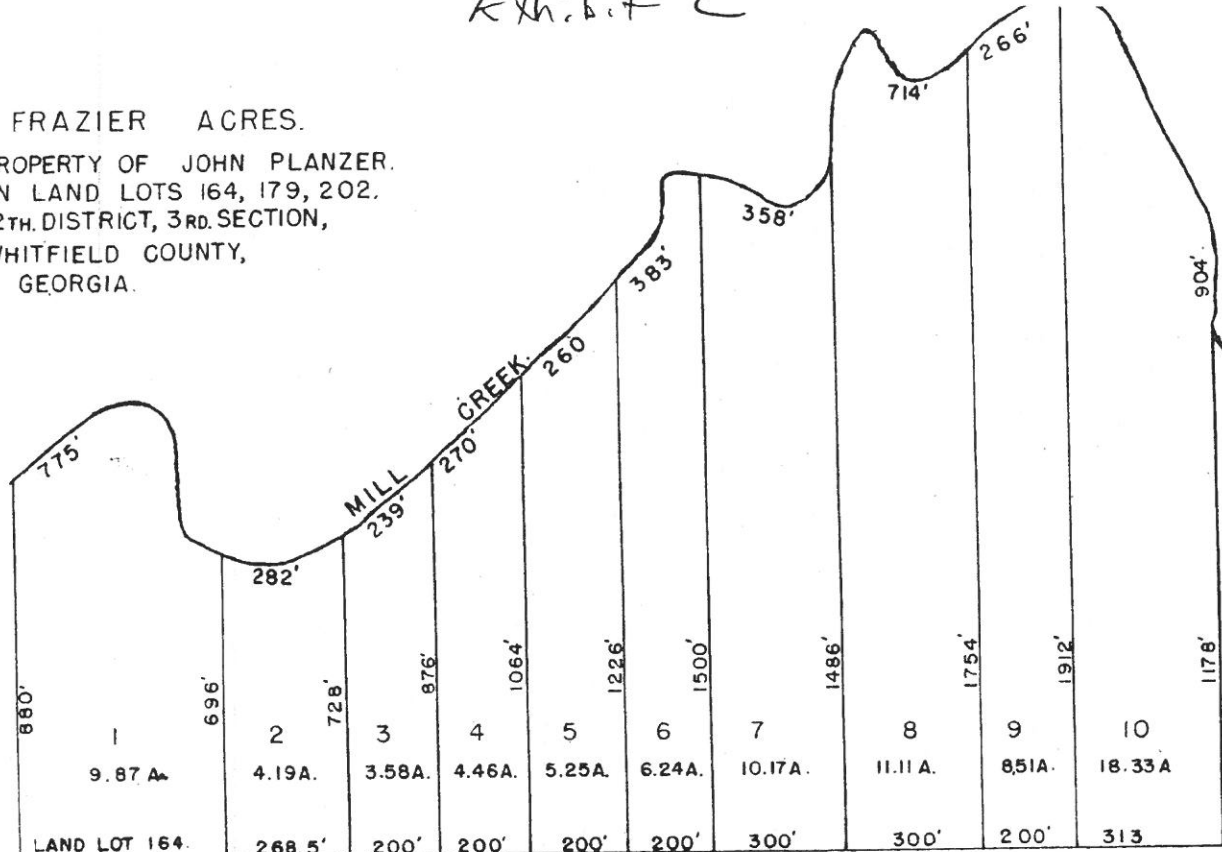


Exhibit C

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



LAND LOT 164.  
452'

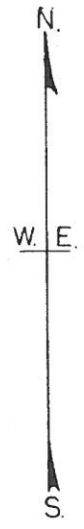
N. W. CORNER  
LAND LOT 179.

MORNING SIDE DRIVE. 40'

LAND LOT 179.

(FRAZIER ACRES. PLAT 3.)

11	667'	1.53A
12	664'	1.53A.
13	682.5'	1.52A.
14	661'	1.52A.
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29	638.5'	1.47A.
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. E. Smith*  
 DALTON, GEORGIA.  
 REGISTERED,  
 SURVEYOR 262,  
 CIVIL ENGINEER 725.

PLAT BOOK I.  
 PAGE 268.

MORNING  
SIDE DRIVE.

FIELDS  
AVENUE.



**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 

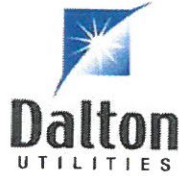
**RE:** Street Closing/Quit Claim Request  
An Unopened Portion of Morningside Drive

**DATE:** February 28, 2022

---

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).

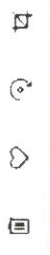
In summary, our approval of the road closure is contingent upon the retention of a permanent access and utility easement for all noted utility lines as indicated previously. It would be prudent of the potential landowner to familiarize himself with the location of these utility lines and the impact that 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

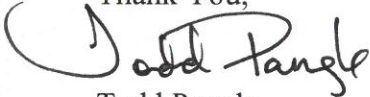
March 1, 2022

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,

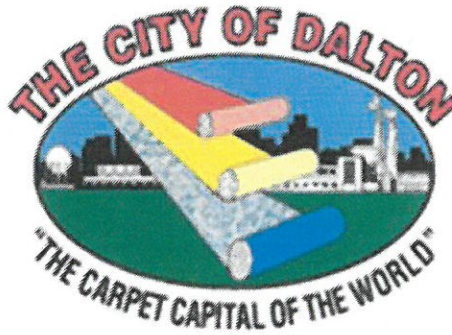


Todd Pangle  
Fire Chief

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**

---

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**

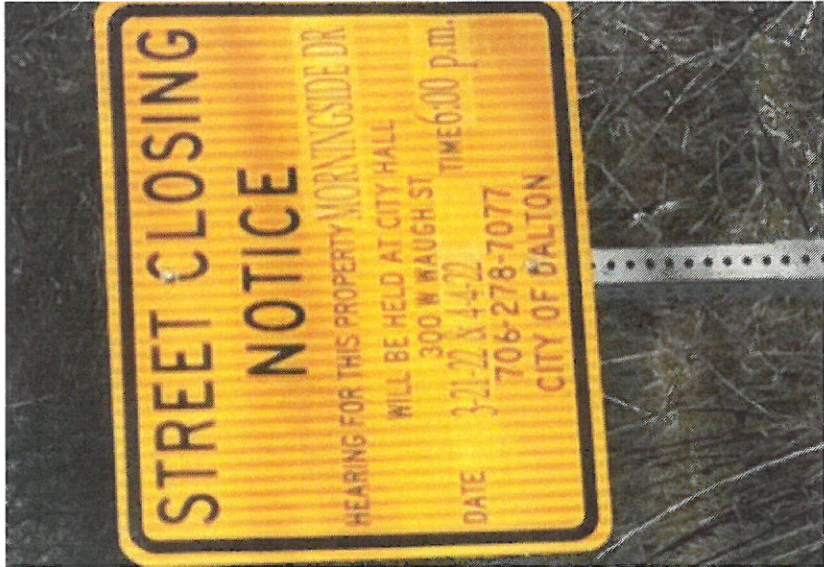
**PUBLIC NOTICE**

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







## CITY COUNCIL AGENDA REQUEST

**Meeting Type:** Mayor & Council Meeting  
**Meeting Date:** 3/21/22  
**Agenda Item:** First Reading - Ordinance 22-06  
**Department:** Administration  
**Requested By:** Andrew Parker  
**Reviewed/Approved by City Attorney?** Yes

**Cost:**

**Funding Source if Not in Budget**

**Please Provide A Summary of Your Request, Including Background Information to Explain the Request:**

**First Reading - Ordinance 22-06** - An Ordinance Of The City Of Dalton To Amend Chapter 22 Captioned "Buildings And Building Regulations" Providing For Delegation Of Powers And Authority For the Administration And Enforcement Of The Provisions Of Chapter 22 And The Powers Of "Building Inspector" Under Section 5-23 Of The Charter (Ga. L. 1908, P. 579, Section 8) And Sections 22-501 et. seq. Of The Revised Code Of 2001, As Amended; To Establish An Effective Date; To Provide For Severance; To Repeal Conflicting Local Laws; And For Other Purposes.

**CITY OF DALTON**  
**ORDINANCE**  
**Ordinance No. 22-06**

An Ordinance Of The City Of Dalton To Amend Chapter 22 Captioned “Buildings And Building Regulations” Providing For Delegation Of Powers And Authority For the Administration And Enforcement Of The Provisions Of Chapter 22 And The Powers Of “Building Inspector” Under Section 5-23 Of The Charter (Ga. L. 1908, P. 579, Section 8) And Sections 22-501 et. seq. Of The Revised Code Of 2001, As Amended; To Establish An Effective Date; To Provide For Severance; To Repeal Conflicting Local Laws; And For Other Purposes

WHEREAS, the City of Dalton has by Charter provided for the office of Building Inspector (Ga. L. 1908, P. 579, Section) with the requisite powers and duties therein set out; and

WHEREAS, pursuant to O. C. G. A. § 8-2-25 the City of Dalton has acted to adopt and enforce the state minimum standard codes enumerated in subdivisions 9 (B) (i) (I) through 9 (B) (i) (VIII) of O. C. G. A. § 8-2-20 and O. C. G. A. § 8-2-26 and has set forth such provisions in Chapter 22 Captioned “Buildings And Building Regulations” of the Revised Code of 2001, as amended; and

WHEREAS, the Mayor and Council find that the need for code enforcement requires delegation of the powers and authorities of “Building Inspector” or “Building Official” to the City’s office of City Administrator and the designees of that office to be titled “Code Enforcement Inspector” as well as the City of Dalton Fire Chief and his designees;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of same IT IS HEREBY ORDAINED, as follows:

**-1-**

The recitals contained hereinabove are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

Article I captioned "In General" of Chapter 22 captioned "Buildings And Building Regulations" of the Revised Code of 2001, as amended, is hereby amended as follows:

Strike Section 22-3 captioned "Delegation" (Ord. No. 12-03, § 1, 6-4-2012) in its entirety and insert in lieu thereof the following:

"Sec. 22-3 Delegation.

The City's Office of City Administrator shall serve as the agency for codes enforcement exercising those aspects of the powers, duties, and authorities of the "Building Inspector" of "Building Official" as may be referenced in the state minimum codes adopted by the City or in the City's Charter, or in Chapter 22 of the Revised Code of 2001, as amended. The City Administrator shall designate on or more persons as "Code Enforcement Inspector" to have and exercise all of the powers, duties, and authorities provided the City of Dalton for enforcement of the state minimum standard codes as well as all non-criminal ordinance violations within the City of Dalton covered by Section 1.7 of the Revised Code of 2001, as amended. Further, the City of Dalton Fire Chief and his designee as well as the City of Dalton Police Department and any of its certified peace officers shall be authorized to enforce or assist in the enforcement of the provisions of Chapter 22 of the Revised Code of 2001, as amended, however, such activities shall be coordinated with the designated Code Enforcement Inspector."

-3-

This Ordinance shall be effective after five (5) days of its enactment by the Mayor and Council and its publication at two public places within the City of Dalton, the public health, safety, and welfare requiring it.

-4-

All ordinances or parts of ordinance in conflict herewith are hereby repealed.

ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022, at a regular meeting of the Mayor and Council of the City of Dalton.

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 Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
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 the \_\_\_\_\_ day of \_\_\_\_\_, 2022.