

CITY OF DALTON
ORDINANCE
Ordinance No. 23-27

An Ordinance Of The City Of Dalton To Annex Property Into The City Of Dalton Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Zone Said Property As General Commercial C-2 Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Hamilton Medical Center, Inc., has made written application to the City of Dalton for annexation of unincorporated lands contiguous to the existing corporate limits of the City of Dalton being approximately 30.41 acres located in multiple parcels and identified as Tax Parcel No. 12-145-01-001, 12-145-01-002, 12-145-01-003, 12-145-01-004, 12-145-03-000, 12-159-01-021, 12-160-19-000, 12-16-34-000, 12-160-09-000, 12-160-37-000, 12-160-58-000, and 12-160-59-000; and

WHEREAS, the written application for annexation appears to be in proper form and to be made by all of the owners of all of the lands sought to be annexed;

WHEREAS, the Owner is requesting the Property to be zoned as General Commercial (C-2) under the Unified Zoning Ordinance;

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan;

WHEREAS, the Dalton-Whitfield Planning Commission considered the proposed rezoning of the Property at a duly noticed public hearing held on November 27, 2023 and subsequently forwarded its favorable recommendation to the Mayor and Council;

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.

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

Section 2.

Based upon all of the considerations applicable to annexation and zoning decisions of the City of Dalton and upon review of the recommendation of the Dalton-Whitfield County Planning Commission and its professional land-use staff's analysis, the Mayor and Council find the requested zoning classification to be proper and the land is hereby annexed and zoned as requested subject to all the provisions and requirements of that zoning classification.

Section 3.

The lands hereinafter annexed into the corporate limits of the City of Dalton are described as follows:

Tract 1: Parcel 12-145-01-001:

All that tract or parcel of land lying and being in Land Lot No. 145 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lot Nos. 1 and 2 of the Mock Subdivision, and being more particularly described according to a plat of survey prepared for Hamilton Medical Center, by Christopher Lee Lewis, Georgia Registered Land Surveyor No. 3063, date September 26, 2019, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located at the southeast corner of said Lot No. 2 of the Mock Subdivision as recorded in Plat Book 4 Page 96 (Plat Cabinet A Slide 119) Whitfield County, Georgia Land Records, said point being located south 86 degrees 47 minutes 57 seconds west a distance of 434.04 feet from the intersection of the south line of said Land Lot No. 145 and the southeastern right of way line of Chattanooga Avenue; thence south 89 degrees 04 minutes 55 seconds west a distance of 98.80 feet to an iron pin; thence north 00 degrees 18 minutes 09 seconds east a distance of 151.87 feet; thence north 80 degrees 28 minutes 57 seconds east, along the southwest right of way line of Chattanooga Road (60' R/W, f/k/a old Highway 41), a distance of 100.15 feet to an iron pin; thence south 00 degrees 16 minutes 06 seconds west a distance of 166.84 feet to an iron pin, which is the POINT OF BEGINNING.

Tract 2: Parcel 12-145-01-002:

All that tract or parcel of land lying and being in Land Lot No. 145 in the 12th District and 3rd Section of Whitfield County, Georgia and being Lot Nos. 3 and 4 of Mock Subdivision, and being more particularly described according to a plat of survey of said subdivision prepared by R E Smith, Georgia Registered Land Surveyor No. 262, dated June 9, 1955 and recorded in Plat Book 4 Page 6, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

Tract 3: Parcel 12-145-01-003, Parcel 12-160-19-000 and Parcel 12-160-58-000:

All that tract or parcel of land lying and being in Land Lot Nos. 145 and 160 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described according to a plat of survey prepared for T Mountain Acquisitions, LLC, by Christopher Lee Lewis, Georgia Registered Land Surveyor No. 3063, dated December 30, 2019, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located in the northwest right of way line of Broadrick Drive (60' R/W), said point being located south 36 degrees 36 minutes 18 seconds west, as measured along said right of way line, a distance of 145.84 feet from the point of intersection of said right of way line and the southwest right of way line of Chattanooga Road (60' R/W, a/k/a Old U.S. Highway 41); thence running in a southwesterly direction, along the northwest right of way line of Broadrick Drive, the following courses and distances: south 36 degrees 37 minutes 03 seconds west, 50.0 feet; south 36 degrees 37 minutes 03 seconds west, 90.0 feet; south 25 degrees 14 minutes 23 seconds west, 127.75 feet to a painted rock; thence leaving said right of way and running north 00 degrees 21 minutes 57 seconds west a distance of 100.0 feet to an iron pin; thence south 73 degrees 51 minutes 23 seconds west a distance of 829.70 feet to a post; thence south 73 degrees 49 minutes 08 seconds west a distance of 280.84 feet to a post; thence north 01 degrees 02 minutes 07 seconds west, along the west line of said Land Lot No. 160, a distance of 32.15 feet; thence north 68 degrees 52 minutes 03 seconds east a distance of 149.68 feet to a concrete monument; thence north 00 degrees 24 minutes 57 seconds west a distance of 137.18 feet to an iron pin; thence south 89 degrees 35 minutes 03 seconds west a distance of 40 feet to an iron pin; thence north 00 degrees 24 minutes 57 seconds west a distance of 99.94 feet; thence north 01 degrees 11 minutes 57 minutes west 95.34 feet to an iron pin; thence north 01 degrees 11 minutes 57 seconds west a distance of 429.32 feet to an iron pin; thence south 89 degrees 29 minutes 16 seconds west along the south line of said Land Lot No. 145, a distance of 40.62 feet to an iron pin; thence north 00 degrees 30 minutes 35 seconds east a distance of 82.50 feet to an iron pin; thence north 79 degrees 16 minutes 43 seconds east, along the southeast right of way line of Chattanooga Road, a distance of 302.91 feet to an iron pin; thence south 00 degrees 26 minutes 05 seconds west a distance of 136.19 feet to an iron pin; thence north 89 degrees 29 minutes 16 seconds east, along the north line of said Land Lot No. 160, a distance of 99.01 feet to an iron pin; thence north 89 degrees 04 minutes 55 seconds east, along the north line of said Land Lot No. 160, a distance of 98.80 feet to an iron pin; thence north 86 degrees 47 minutes 43 seconds east, along the north line of said Land Lot No. 160, a distance of 434.08 feet to an iron pin located at the intersection of the southwest right of way line of Chattanooga Road and the north line of said Land Lot No. 160; thence south 42 degrees 03 minutes 48 seconds west a distance of 237.31 feet to an iron pin; thence south 55 degrees 57 minutes 57 seconds east a distance of 470.70 feet to an iron pin, which is the POINT OF BEGINNING.

Tract 4: Parcel 12-145-01-004:

All that tract or parcel of land lying and being in Land Lot Nos. 146 and 159 in the 12th District and 3rd Section of Whitfield County, Georgia and being Lot No. 9 of Mock Subdivision, and being more particularly described according to a plat of survey of said subdivision prepared by R. E. Smith, Registered Surveyor No. 262, dated June 9, 1955, and recorded in Plat Book 4 Page 6 (Plat Cabinet A Slide 119), Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

Tract 5: Parcel 12-145-03-000:

All that tract or parcel of land lying and being in Land Lot No. 145 In the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described according to a plat of survey prepared for Hamilton Medical Center, Inc. by Christopher Lee Lewis, Georgia Registered Land Surveyor No. 3063, dated February 7, 2021, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located at the intersection of the south line of said Land Lot No. 145 and the southwest right of way line of Chattanooga Road (Old U.S. Highway No. 41, 60' R/W); thence south 86 degrees 47 minutes 43 seconds west, along the south line of said Land Lot No. 145, a distance of 434.08 feet to an iron pin; thence north 00 degrees 16 minutes 06 seconds east a distance of 166.84 feet to an iron pin located in the south right of way line of Chattanooga Avenue; thence running in a southeasterly direction, along and the southwest right of way line of Chattanooga Avenue, along a curve to the right (471.71' Radius) an arc distance of 471.71 feet, said curve being subtended by a chord with a bearing of south 71 degrees 45 minutes 35 seconds east, and a chord distance of 455.51 feet to an iron pin which is the POINT OF BEGINNING.

Tract 6: Parcel 12-159-01-021:

All that tract or parcel of land lying and being in Land Lot No. 159 in the 12th District and 3rd Section of Whitfield County, Georgia, and being the south 250 feet of Lot Nos. 21 and 22 of Willowdale Subdivision as shown on the plat of survey of said subdivision recorded in Plat Book 1 Page 107, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference.

Tract 7: Parcel 12-160-34-000:

All that tract or parcel of land lying and being in Land Lot No. 160 in the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described according to a plat of survey dated September 19, 2017, prepared for Hamilton Medical Center, by Christopher Lee Lewis, Georgia Registered Land Surveyor No. 3063, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located in the southwest right of way line of Chattanooga Road (60' R/W, f/k/a U. S. Highway No. 41) at the intersection of said right of way line and the north line of said Land Lot No. 160; thence south 45 degrees 33 minutes 00 seconds east, along the southwest right of way line of Chattanooga Road, a distance of 193.21 feet to an iron pin; thence south 35 degrees 05 minutes 46 seconds west a distance of 194.92 feet to an iron pin located in the north line of an easement; thence north 57 degrees 35 minutes 00 seconds west, along the north line of said easement, a distance of 213.00 feet to an iron pin; thence

north 40 degrees 26 minutes 45 seconds east a distance of 237.31 feet to the iron pin, which is the POINT OF BEGINNING.

TOGETHER WITH that certain 50-foot easement for ingress and egress, and being more particularly described according to a plat of survey prepared for Fred M. Avett and Elizabeth M. Avett by Joseph R. Evans, Georgia Land Records No. 2168, dated April 18, 2000, revised May 18, 2000, recorded in Plat Cabinet C Slide 2049, Whitfield County, Georgia Land Records, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located in the west right of way line of Broadrick Drive, said point being located south 35 degrees 00 minutes 00 seconds west, as measured along the west right of way line of Broadrick Drive, a distance of 145.84 feet from the intersection of said right of way line and the south right of way line of Chattanooga Road, f/k/a U.S. Highway No. 41; thence running south 33 degrees 21 minutes 14 seconds west, along the west right of way line of Broadrick Drive, a distance of 50 feet; thence running north 57 degrees 35 minutes 00 seconds west a distance of 469.88 feet; thence running north 32 degrees 25 minutes 00 seconds east a distance of 50 feet to an iron pin; thence running south 57 degrees 35 minutes 00 seconds east a distance of 470.70 feet to an iron pin, which is the POINT OF BEGINNING.

Tract 8: Parcel 12-160-09-000 and Parcel 12-160-59-000:

All that tract or parcel of land lying and being in Land Lot No. 160 in the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described according to a plat of survey prepared for Hamilton Health Care System, Inc. by William C. Smith, Georgia Registered Land Surveyor No. 1803, dated December 3, 1999, revised January 12, 2001, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin located at the intersection of the west right of way of Old Chattanooga Road and the south line of said Land Lot No. 160; thence running south 88 degrees 26 minutes 30 seconds west, along the south line of said Land Lot No. 160, a distance of 257.36 feet; thence running north 24 degrees 42 minutes 26 seconds west a distance of 374.00 feet; thence running north 88 degrees 53 minutes 32 seconds west a distance of 303.85 feet; thence running north 14 degrees 52 minutes 01 seconds west, along the east right of way line of Chattanooga Road, a distance of 137.44 feet; thence running in a northerly direction, along the east right of way line of Chattanooga Road, along an arc to the right (1,262.16' Radius) an arc distance of 202.69 feet (being subtended by a chord of north 10 degrees 15 minutes 59 seconds west for a distance of 202.47 feet); thence running north 87 degrees 33 minutes 03 seconds east a distance of 730.15 feet; thence running south 02 degrees 31 minutes 36 seconds east, along the west right of way of Old Chattanooga Road, a distance of 152.90 feet; thence running in a southerly direction, along the west right of way of Old Chattanooga Road, along a curve to the right (1,109.73' Radius) an arc distance of 87.0 feet (being subtended by a chord of south 00 degrees 16 minutes 51 seconds east for a distance of 86.98 feet); thence running south 01 degrees 57 minutes 55 seconds west, along the west right of way of Old Chattanooga Road, a distance of 68.31 feet; thence running in a southerly direction, along the west right of way of Old Chattanooga Road, along a curve to the left (648.25' Radius) an arc distance of 133.57 feet (being subtended by a chord of south 03 degrees 56 minutes 20 seconds east for a distance of 133.34 feet); thence running south 09 degrees 50 minutes 33 seconds east, along the west right of way of Old Chattanooga Road, a distance of 264.78 feet to the POINT OF BEGINNING.

Tract 9: Parcel 12-160-37-000:

All that tract or parcel of land lying and being in Land Lot 160 of the 12th District and 3rd Section of Whitfield County, Georgia, and being a portion of that property as shown by plat of survey by Peter L. Bakkum, Georgia Registered Land Surveyor, dated October 16, 1986, and being more particularly described as follows:

BEGINNING at an iron pin on the east right of way of Broadrick Drive, said pin being located southerly along the east side of said drive a distance of 200 feet from the southeast intersection of Broadrick Drive and Professional Boulevard; thence north 88 degrees 48 minutes 45 seconds east 207.39 feet to an iron pin; thence south 02 degrees 16 minutes 20 seconds west 100.14 feet to an iron pin; thence south 88 degrees 48 minutes 45 seconds west 198.60 feet to an iron pin on the east right of way of Broadrick Drive; thence north 02 degrees 45 minutes 15 seconds west, with and along the east side of Broadrick Drive, a distance of 100 feet to an iron pin and the point of BEGINNING.

Section 4.

The Property is to remain zoned as C-2 zoning classification subject to all the provisions and requirements of that zoning classification.

Section 5.

The acreage of the Property is approximately 30.41 acres. No streets or roads are affected by this annexation.

Section 6.

The City Clerk of the City of Dalton, Georgia is instructed to send an annexation report that includes certified copies of this Ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, to the Georgia Department of Community Affairs, the Legislative and Congressional Reapportionment Office of the General Assembly, and to the governing authority of Whitfield County, Georgia, within thirty (30) days after the effective date of the annexation as set forth herein above.

Section 7.

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the Ordinance not so declared to be unconstitutional, invalid, or unlawful.

Section 8.

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

Section 9.

This Ordinance shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation has occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Article 2, 3, or 4 of Chapter 36, Title 36 of the Official Code of Georgia Annotated, whichever is applicable, have been met.

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

The foregoing Ordinance received its first reading before the Dalton-Varnell-Whitfield County Planning Commission on November 27, 2023 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.

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