

CITY OF DALTON
ORDINANCE
Ordinance No. 23-32

An Ordinance Of The City Of Dalton To De-Annex Property From The City Of Dalton Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Provide An Effective Date; And For Other Purposes

WHEREAS, Kobayashi Healthcare International, Inc. has made written application to the City of Dalton for de-annexation of incorporated lands within the existing corporate limits of the City of Dalton located at 235 and 245 Kraft Drive, Dalton, GA and identified as Parcel No. 13-025-11-000; and

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

WHEREAS, the Property is currently zoned Heavy Manufacturing (M-2);

WHEREAS, the Property will be de-annexed as Heavy Manufacturing (M-2) subject to the Unified Zoning Ordinance of the Cities of Dalton and Varnell and Whitfield County, Georgia;

WHEREAS, the City of Dalton is given authority pursuant to O.C.G.A. § 36-36-22 to de-annex an area or areas of the existing corporate limits thereof and as provided therein;

WHEREAS, the Dalton Varnell-Whitfield County Planning Commission considered the proposed De-annexation Application of the Property at a duly noticed public hearing held on November 27, 2023 and subsequently forwarded its favorable recommendation for de-annexation to the Mayor and Council with zoning to remain M-2;

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 de-annexation and zoning decisions of the City of Dalton and upon review of the recommendation of the Dalton-Varnell-Whitfield County Planning Commission and its professional land-use staff's analysis, the Mayor and Council find the requested de-annexation to be proper and the land is hereby de-annexed as requested subject to all the provisions and requirements of the M-2 zoning classification.

Section 3.

The lands hereinafter to be de-annexed from the corporate limits of the City of Dalton are described as follows:

All that tract or parcel of land lying and being in Land Lot No. 25 in the 13th District and 3rd Section of Whitfield County, Georgia, being Lot No. 1 of Whitfield Properties North Industrial Park, and being more particular described according to a plat of survey prepared for Jim Boring by Joseph R. Evans, Georgia Registered Land Surveyor No. 2168, dated September 16, 2005 and being more particularly described according to said survey as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at the southeast corner of said Land Lot No. 25; thence north 80 degrees 57 minutes 42 seconds west a distance of 1,210.45 feet; thence north 87 degrees 30 minutes 35 seconds west, along the right of way line of Kraft Road (80' R/W), a distance of 620.0 feet to an iron pin, which is the TRUE POINT OF BEGINNING of the tract of land herein described; from the TRUE POINT OF BEGINNING thus established, thence north 87 degrees 30 minutes 35 seconds west, along the north right of way line of Kraft Road, a distance of 519.36 feet to an iron pin; thence north 03 degrees 53 minutes 44 seconds east a distance of 330.21 feet to an iron pin; thence north 86 degrees 57 minutes 35 seconds east a distance of 194.19 feet to an iron pin; thence north 01 degrees 40 minutes 50 seconds east a distance of 502.0 feet to an axle; thence north 36 degrees 11 minutes 57 seconds east a distance of 5.19 feet to an iron pin; thence south 89 degrees 27 minutes 14 seconds east a distance of 296.54 feet to an iron pin, thence south 02 degrees 23 minutes 35 seconds east a distance of 5.13 feet to an iron pin; thence south 00 degrees 47 minutes 56 seconds west a distance of 861.0 feet to an iron pin,

which is the TRUE POINT OF BEGINNING.

Section 4.

The City Clerk of the City of Dalton, Georgia is instructed to send a report of de-annexation that includes certified copies of this Ordinance, the name of the county in which the property being de-annexed is located and a letter from the City requesting that the de-annexed area be removed from 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, to the Legislative and Congressional Reapportionment Office of the General Assembly of Georgia; 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 5.

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the de-annexation of the Property as approved herein.

Section 6.

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 7.

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

Section 8.

This Ordinance shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation 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 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.

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