

CITY OF DALTON
ORDINANCE
Ordinance No. 23-26

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 High Density Residential R-7 Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, HMC Holdings, Inc., and Dalton-Whitfield County Joint Development Authority, have 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 14.93 acres located at Lofts Way and identified as Tax Parcel No. 12-160-25-000; 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 be zoned R-7 High Density Residential under the Unified Zoning Ordinance;

WHEREAS, the zoning 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 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:

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 part of Tract Nos. 1 and 2 of W. E. Lount Estate, and being more particularly described according to a plat of survey prepared for Hamilton Medical Center, Inc. by Christopher L. Lewis, Georgia Registered Land Surveyor No. 3063, dated August 3, 2018, 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 (60' R/W), said iron pin being located north 03 degrees 51 minutes 37 seconds west a distance of 468.11 feet from the intersection of the centerline of the right of way of Broadrick Drive with the centerline of the right of way of Professional Boulevard; thence south 80 degrees 34 minutes 59 seconds west a distance of 1,065.56 feet to an iron pin; thence north 01 degrees 09 minutes 50 seconds west a distance of 741.73 feet to a T post; thence north 73 degrees 49 minutes 08 seconds east a distance of 280.84 feet to an iron pin; thence south 00 degrees 23 minutes 22 seconds east a distance of 251.54 feet; thence north 77 degrees 11 minutes 12 seconds east a distance of 812.37 feet to an iron pin; thence south 00 degrees 16 minutes 02 seconds east, along the west right of way line of Broadrick Drive, a distance of 574.13 feet to an iron pin, which is the POINT OF BEGINNING.

Parcel ID: 12-160-25-000

Section 4.

The Property is to remain zoned as R-7 zoning classification subject to all the provisions and requirements of that zoning classification.

Section 5.

The acreage of the Property is approximately 14.93 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