

ORDINANCE 24-09

To De-Annex certain real property of TCW Dalton, LLC Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Provide 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:

The area in the City of Dalton as described in Exhibit “A” (the “Property”), which is attached to and incorporated as a part of this ordinance, is hereby de-annexed from the City of Dalton, Georgia ceases to be a part of said city.

Section 2.

This Ordinance shall be effective on the 1st day of July, 2024.

Section 3.

The acreage of the Property is approximately 19.84 acres. No streets or roads are affected by this de-annexation.

Section 4.

The City Clerk of the City of Dalton, Georgia is instructed to send a report 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 stating the intent to delete the de-annexed area from the Census maps during the next survey and stating that the survey map will be completed and returned to the Census Bureau, Department of Community Affairs, and to the governing authority of Whitfield County, Georgia, within thirty (30) days after the effective date of the annexation as set forth above in Section 2.

Section 5.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 6.

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 _____, 2024.

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 Councilmember _____, second by Councilmember _____ and upon the question the vote is ____ ayes, ____ nays and the Ordinance is adopted.

MAYOR/MAYOR PRO TEM

ATTEST:

CITY CLERK

(Parcel No. 12-352-10-000)

EXHIBIT A

A certain tract or parcel of land lying and being in Land Lot 352 of the 12th District and 3rd Section of Whitfield County, Georgia; and Land Lot 10 of the 13th District and 3rd Section of Whitfield County, Georgia, being in The City of Dalton, Georgia, as delineated upon a plat prepared by Peter L. Bakkum, Registered Land Surveyor, dated May 15, 1979, containing 38.801 acres, more particularly described as follows:

BEGINNING on the west right of way line of South Hamilton Street at an iron pin located north a distance of 1,271.69 feet from the northwest corner of the intersection of South Hamilton Street and Callahan Public Road (as measured along the west right of way line of South Hamilton Street); running thence north 89 degrees 36 minutes west along the north property line of West Point Pepperell, Inc., a distance of 1,423.43 feet to an iron pin and the east right of way of the L & N Railroad; thence north 18 degrees 58 minutes east along the east right of way of said railroad a distance of 1,494.49 feet to an iron pin; thence north 88 degrees 57 minutes east a distance of 946.91 feet to an iron pin and the west right of way of South Hamilton Street; thence south 00 degrees 24 minutes west along the west right of way of said South Hamilton Street a distance of 1,440.64 feet to the point of beginning.

The above property being that same property conveyed to Amana Refrigeration, Inc., now known as Raytheon Appliances, Inc., by Kenneth E. Boring and James M. Boring, Jr., by deed recorded May 23, 1979 at Deed Book 584 Page 246, Whitfield County, Georgia Land Records.

LESS AND EXCEPT:

1. 10.96 acres conveyed by Amana Refrigeration, Inc., now known as Raytheon Appliances, Inc., to K.M.A.A. Corporation, more particularly described in a deed dated November 13, 1989 and recorded at Deed Book 2104 Page 221, Whitfield County, Georgia Land Records.
2. 8.008 acres conveyed by Amana Refrigeration, Inc. now known as Raytheon Appliances, Inc. to Relots realty, Inc. by deed dated July 30, 1991 and recorded at Deed Book 2231 Page 181, Whitfield County, Georgia Land Records.

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