

## **ORDINANCE NO. 24-08**

To rezone property of Adriana Cuevas and Jose Cuevas Figuero from a Low-Density Single Family Residential (R-2) Classification to a General Agriculture (GA) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

**WHEREAS**, Adriana Cuevas, individually and as attorney in fact for Jose Cuevas Figuero, has petitioned for rezoning of certain real property it owns from R-2 classification to GA classification;

**WHEREAS**, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

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

**WHEREAS**, all other procedures as required by Georgia law have been followed.

**NOW, THEREFORE, BE IT HEREBY ORDAINED**, by the Mayor and Council of the City of Dalton, Georgia, as follows:

### **Section 1.**

The real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from R-2 classification to GA classification.

### **Section 2.**

This Ordinance shall be effective as of the date of approval of this Ordinance.

### **Section 3.**

The City Clerk is instructed to send a copy of this Ordinance to the Dalton-Whitfield Zoning Administrator with a request to record this rezoning on the Official Zoning Map of Whitfield County, Georgia.

### **Section 4.**

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

**Section 5.**

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 \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and the Ordinance is adopted.

ATTEST:

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

\_\_\_\_\_  
MAYOR/MAYOR PRO TEM

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"

### **Parcel 12-127-02-014**

All that tract or parcel of land lying and being in Land Lot No. 127 in the 12th District and 3rd Section of Whitfield County, Georgia, being designated as Tract No. 5, containing 7.79 acres and Tract No. 7, containing 3.58 acres, as shown on plat of Suburban Acres prepared by R.E. Smith, GRLS No. 262, dated April 20, 1950, and recorded in Plat Book 3, Page 53, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia, which plat is incorporated herein by reference for a complete description.

TOGETHER WITH any property acquired by Quit Claim Deed from Whitfield County to Dallas C. Clark, Mrs. Dallas C. Clark, et al., recorded September 15, 1982 in Deed Book 726, Page 8, in the Office of the Clerk of Superior Court of Whitfield County, Georgia, reducing the right of way of Brooker Drive.

LESS AND EXCEPT that property conveyed to Whitfield County, Georgia by Right of Way Deed and Permanent Construction/Slope Easements recorded in Deed Book 5699, Page 178 and Deed Book 5699, Page 182 in the Office of the Clerk of Superior Court of Whitfield County, Georgia.

LESS AND EXCEPT that property conveyed to Maria Alvarez de Barragan by Deed of Gift dated October 15, 2019, recorded October 24, 2019 in Deed Book 6735, Page 262 in the Office of the Clerk of Superior Court of Whitfield County, Georgia, and being described as follows: All that tract or parcel of land lying and being in Land Lot No. 127 in the 12th District and 3rd Section of Whitfield County, Georgia, containing 0.90 acres as per plat of survey dated August 26, 2019 prepared by Martin Smith, Jr., GRLS No. 2649, as recorded in Plat Cabinet E, Slide 1390 in the Office of the Clerk of Superior Court of Whitfield County, Georgia, reference to said plat being hereby made for a more full and complete description of said property.