

CITY OF DALTON  
ORDINANCE  
Ordinance No. 20-18

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 Maintain The General Commercial (C-2) Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Hammond Creek Capital, LLC 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 located at the North By-Pass and Pleasant Grove Drive, NE and identified as Parcel Nos. 12-163-05-005 and 12-166-06-000;

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 annexation request is pursuant to the 100% method authorized by O.C.G.A. §36-36-20 et seq.;

WHEREAS, the Property is currently zoned General Commercial (C-2);

WHEREAS, the Owner is requesting the Property be maintained as General Commercial (C-2);

WHEREAS, the annexation and zoning is in conformity with the City of Dalton Joint Comprehensive Plan;

WHEREAS, the Dalton-Whitfield Planning Commission considered the proposed annexation and zoning of the Property at a duly noticed public hearing held on November 30, 2020 and subsequently forwarded its favorable recommendation to the Mayor and Council without conditions;

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 described are hereby annexed into the corporate limits of the City of Dalton:

Tract No. 1, Tax Parcel No.: 12-163-05-005:

All that tract or parcel of land lying and being in Land Lot No. 140 in the 12th District and 3rd Section of Whitfield County, Georgia, containing 65.30 acres, and being more particularly described according to a plat of survey prepared for Hollis & Hollis Development Company, by Donald O. Babb, Georgia Registered Land Surveyor No. 2029, dated May 22, 2006, and being more particularly described according to said survey as follows:

BEGINNING at a concrete monument located at the southeast corner of said Land Lot No. 140; thence north 89 degrees 11 minutes 12 seconds west, along the south line of said Land Lot No. 140, a distance of 304.55 feet to a right of way monument; thence running in a northwesterly direction, along the northeast right of way line of the North Dalton Bypass, the following courses and distances, to wit: north 23 degrees 41 minutes 13 seconds west, 237.76 feet to a right of way monument; north 67 degrees 43 minutes 12 seconds west, 171.02 feet; north 50 degrees 36 minutes 43 seconds west, 89.83 feet; north 53 degrees 02 minutes 29 seconds west, 52.32 feet; north 54 degrees 37 minutes 54 seconds west, 58.70 feet; north 56 degrees 06 minutes 50 seconds west, 64.18 feet; north 59 degrees 00 minutes 49 seconds west, 80.22 feet; north 60 degrees 23 minutes 18 seconds west, 90.44 feet; north 63 degrees

21 minutes 01 seconds west, 93.69 feet; north 66 degrees 25 minutes 04 seconds west, 102.97 feet; north 69 degrees 26 minutes 38 seconds west, 119.07 feet; north 72 degrees 47 minutes 28 seconds west, 119.90 feet to an iron pin; thence north 00 degrees 23 minutes 45 seconds west a distance of 239.13 feet to an iron pin; thence north 00 degrees 19 minutes 54 seconds west a distance of 240.95 feet to an iron pin; thence north 00 degrees 23 minutes 47 seconds west a distance of 1,315.18 feet to an iron pin; thence south 89 degrees 56 minutes 02 seconds east a distance of 1,320.05 feet to an iron pin; thence running in a southerly direction, along the west right of way line of Brooker Road, the following courses and distances, to wit: south 00 degrees 43 minutes 36 seconds east, 177.47 feet; south 00 degrees 21 minutes 16 seconds west, 63.02 feet; south 00 degrees 20 minutes 12 seconds west, 80.65 feet; south 00 degrees 06 seconds 58 seconds east, 86.27 feet; south 02 degrees 09 minutes 10 seconds east, 83.17 feet; south 04 degrees 40 minutes 50 seconds east, 79.14 feet; south 06 degrees 46 minutes 28 seconds east, 77.20 feet; thence south 00 degrees 11 minutes 09 seconds west, along the east line of said Land Lot No. 140, a distance of 1,839.26 feet to a concrete monument, which is the POINT OF BEGINNING.

Tract No. 2, Tax Parcel No.: 12-166-06-000:

All that tract or parcel of land lying and being in Land Lot Nos. 139, 165 and 166 in the 12th District and 3rd Section of Whitfield County, Georgia, containing 98.84 acres, and being more particularly described as Tract Nos. 1 and 2 according to a plat of survey prepared for Hollis & Hollis, by Donald O. Babb, Georgia Registered Land Surveyor No. 2029, dated April 10, 2006, and being more particularly described according to said survey as follows:

BEGINNING at a concrete monument located at the southwest corner of said Land Lot No. 139; thence north 00 degrees 11 minutes 29 seconds east, along the west line of said Land Lot No. 139, a distance of 1,837.80 feet to the point of intersection of said Land Lot line and the southwest right of way line of Brooker Road; thence running in a southeasterly direction, as measured along the southwest right of way line of Brooker Road, the following courses and distances, to wit: south 10 degrees 34 minutes 03 seconds east, 139.47 feet; south 17 degrees 03 minutes 07 seconds east, 109.29 feet; south 28 degrees 25 minutes 27 seconds east, 90.15 feet; south 43 degrees 47 minutes 58 seconds east, 82.86 feet; south 54 degrees 56 minutes 52 seconds east, 73.37 feet; south 61 degrees 17 minutes 28 seconds east, 118.05 feet; south 61 degrees 21 minutes 12 seconds east, 108.16 feet; south 60 degrees 16 minutes 22 seconds east, 138.03 feet; south 60 degrees 55 minutes 18 seconds east, 145.80 feet; south 63 degrees 11 minutes 24 seconds east, 156.09 feet; south 63 degrees 52 minutes 07 seconds east, 150.29 feet; south 58 degrees 59 minutes 48 seconds east, 115.10 feet; south 51 degrees 28 minutes 30 seconds east, 79.32 feet; south 49 degrees 16 minutes 01 seconds east, 156.83 feet; south 48 degrees 42 seconds 48 seconds east, 64.19 feet; thence running in a southeasterly direction, along the southwest right of way line of Brooker Road, along a curve to the right (a radius of 1,056.77 feet), an arc distance of 228.85 feet; thence running in a southeasterly direction, as measured along the southwest right of way line of Brooker Road, the following courses and distances, to wit: south 29 degrees 59 minutes 07 seconds east, 80.67 feet; south 27 degrees 45 minutes 02 seconds east, 139.94 feet; south 25 degrees 50 minutes 19 seconds east, 130.82 feet; south 23 degrees 09 minutes 45 seconds east, 100.39 feet; south 19 degrees 54 minutes

54 seconds east, 119.70 feet; south 19 degrees 23 minutes 29 seconds east, 53.92 feet; south 19 degrees 23 minutes 29 seconds east, 60.23 feet; south 22 degrees 28 minutes 50 seconds east, 86.01 feet; south 33 degrees 29 minutes 26 seconds east, 77.93 feet; south 45 degrees 59 minutes 59 seconds east, 106.75 feet; and south 53 degrees 21 minutes 35 seconds east, 79.27 feet to an iron pin; thence leaving the southwest right of way line of Brooker Road, and running south 08 degrees 38 minutes 50 seconds west a distance of 502.75 feet; thence south 01 degrees 32 minutes 46 seconds west a distance of 780.75 feet to an iron pin; thence north 82 degrees 38 minutes 16 seconds west a distance of 1,454.65 feet to a right of way marker located in the northeast right of way line of the North Dalton Bypass; thence running in a northwesterly direction, along the northeast right of way line of the North Dalton Bypass, the following courses and distances, to wit: north 31 degrees 35 minutes 20 seconds west, 258.36 feet to a right of way marker; north 19 degrees 42 minutes 41 seconds west, 538.05 feet to a right of way marker; north 23 degrees 07 minutes 26 seconds west, 430.28 feet to a right of way marker; thence south 58 degrees 12 minutes 21 seconds west, 10.54 feet to a right of way marker; north 33 degrees 30 minutes 26 seconds west, 284.82 feet to a right of way marker; and north 23 degrees 38 minutes 32 seconds west, 41.53 feet to an iron pin; thence leaving the northeast right of way line of the North Dalton Bypass, and running south 89 degrees 11 minutes 12 seconds east, along the north line of said Land Lot No. 165, a distance of 304.55 feet to the northeast corner of said Land Lot No. 165, which is the POINT OF BEGINNING.

LESS AND EXCEPT the 8.46 acre portion of the above described property conveyed to Whitfield County, Georgia in that certain Right of Way Deed dated December 9, 2011, and recorded in Deed Book 5674 Page 83, Whitfield County, Georgia Land Records.

LESS AND EXCEPT the 37.17 acre portion of the above described property conveyed to the City of Dalton Georgia Board of Education in that certain Limited Deed of Gift dated December 19, 2017 and recorded in Deed Book 6620 Page 33, Whitfield County, Georgia Land Records.

LESS AND EXCEPT the 25.47 acre portion of the above described property conveyed to Brooker Drive Properties, LLC in that certain Limited Warranty Deed dated December 29, 2017 and recorded in Deed Book 6623 Page 181, Whitfield County, Georgia Land Records.

#### **Section 4.**

The Property shall remain General Commercial (C-2) zoning classification subject to all the provisions and requirements of that zoning classification.

#### **Section 5.**

The acreage of the Property is approximately 91.745 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, 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.**

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the annexation and zoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the annexation and zoning of the Property as approved herein.

#### **Section 8.**

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 9.**

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

#### **Section 11.**

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

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MAYOR

Attest:

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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\_\_\_\_.

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CITY CLERK  
CITY OF DALTON