

CITY OF DALTON  
ORDINANCE  
Ordinance No. 22-17

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 R-2 Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Maria De La Luz Calvillo, 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 1315 Walston Street and identified as Parcel No. 12-184-01-044; 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 Property is currently zoned Low-Density Single-Family (R-2);

WHEREAS, the Owner is requesting the Property retain its current zoning under the Unified Zoning Ordinance;

WHEREAS, the rezoning 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 June 27, 2022 and subsequently forwarded its favorable recommendation to the Mayor and Council;

BE IT ORDAINED by the Mayor and Board of Alderman 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:

All that tract or parcel of land lying and being in Land Lot No. 184 in the 12<sup>th</sup> District and 3<sup>rd</sup> Section of Whitfield County, Georgia and being designated as Lot 46 of R. R. Burleyson Subdivision, as shown by revised plat thereof, of Plat Book 5, Page 9, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia, and being more particularly described as follows:

BEGINNING at the southwest corner of the intersection of Walston Street and Ross Avenue; thence south 00 degrees 20 minutes west along the west side of Walston Street, 114.4 feet to an iron pin; thence north 89 degrees 40 minutes west 192.4 feet to an iron pin; thence north 00 degrees 20 minutes east 114.44 feet to an iron pin on the south side of Ross Avenue; thence south 89 degrees 40 minutes east along the south side of Ross Avenue 192.4 feet to the POINT OF BEGINNING.

Being the same property conveyed by deed of record in Deed Book 5639, Page 18, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia.

Restrictive Covenants as set out in instruments recorded in Deed Book 84 Page 376, as amended in Deed Book 164, Page 42, in the office of the Clerk of the Superior Court of Whitfield County, Georgia

Easement granted to Georgia Power Company dated April 27, 1978, and recorded in Deed Book 530, Page 152, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia.

Terms and Provisions of Waterline Easement Agreement by and between David Hadlock, David Cole, Judy Cole, and Denton Cole, dated June 12, 1998, and recorded in Deed Book 2990, Page 9, in the Office of the Clerk of the Superior Court of Whitfield County, Georgia

Subject to all Restrictions, Covenants, Easements and matters of plat that lawfully affect the subject property

Subject Property Address: 1315 Walston Street, Dalton, GA 30721

Parcel ID: 12-184-01-044

#### **Section 4.**

The Property is to remain zoned as R-2 zoning classification subject to all the provisions and requirements of that zoning classification.

#### **Section 5.**

The acreage of the Property is approximately 0.52 acre. 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.**

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 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.

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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