

CITY OF DALTON  
ORDINANCE  
Ordinance No. 20-19

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 Mixed Use (MU) Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Poal Dalton, LLC and Mauer Dalton, LLC 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 located on 1001 Market Street and identified as Parcel No. 12-261-14-000;

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 Mixed Use (MU);

WHEREAS, the Owner is requesting the Property be maintained as Mixed Use (MU);

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

WHEREAS, the Mayor and Council of the City of Dalton considered the proposed annexation and zoning of the Property at a duly noticed public hearing held on December 21, 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:

Tax Parcel No.: 12-261-14-000:

All that tract or parcel of land lying and being in Land Lot No. 261 in the 12th District and 3rd Section of Whitfield County, Georgia, containing 8.66 acres, and being more particularly described as Tract 2 according to a plat of survey prepared by Compton Surveying, Inc dated August 23, 2016, and being more particularly described according to said survey as follows:

COMMENCE at the point of intersection of the south right of way of Walnut Avenue and the east right of way of Interstate 75; thence along the east right of way of Interstate 75 south 20 degrees 18 minutes 56 seconds west a distance of 857.86 feet; thence south 3 degrees 30 minutes 29 seconds west a distance of 443.02 feet to a point on the south line of Hospitality Lodging Associates, Inc. recorded in Deed book 2057, Page 132 in the Office of the Superior Court of Whitfield County, Georgia; thence along the south line of Hospitality Lodging Associates, Inc. south 89 degrees 13 minutes 04 seconds east a distance of 458.27 feet to its southeast corner and the POINT OF BEGINNING; thence along the eastern lines of Hospitality Lodging Associates, Inc. and Cracker Barrel Old Country Store, Inc. north 2 degrees 51 minutes 18 seconds east a distance of 433.71 feet to the southwestern corner of the southern terminus of Market Street (50' right of way) as conveyed to the City of Dalton recorded in Deed Book 855, Page 343 in the aforesaid Clerk's Office; thence south 75 degrees 17 minutes 13 seconds east along the southern terminus a distance of 50.94 feet to the

southeastern terminus of said Market Street; thence south 2 degrees 33 minutes 56 seconds west a distance of 56.54 feet to a point at the northwest corner of Doctor, Inc. recorded in Deed Book 4271, Page 109 in the aforesaid Clerk's Office; thence along the property line of said Doctor, Inc. the following calls and distances: south 2 degrees 53 minutes 17 seconds west a distance of 140.13 feet, south 87 degrees 10 minutes 47 seconds east a distance of 164.97 feet, north 2 degrees 53 minutes 17 seconds east a distance of 140.13 feet to its northeast corner; thence south 78 degrees 46 minutes 42 seconds east a distance of 245.90 feet; thence north 0 degrees 21 minutes 48 seconds east a distance of 106.47 feet; thence north 8 degrees 35 minutes 08 seconds east a distance of 109.51 feet; thence south 81 degrees 24 minutes 52 seconds east a distance of 183.26 to a point on the east line of Land Lot 261; thence along the east line of said Land Lot 261 south 2 degrees 08 minutes 06 seconds west a distance of 871.55 feet to a 1" pipe found; thence north 89 degrees 19 minutes 15 seconds west a distance of 715.54 feet; thence north 0 degrees 37 minutes 20 seconds east a distance of 186.27 feet; thence north 89 degrees 13 minutes 04 seconds west a distance of 12.23 feet; thence north 0 degrees 46 minutes 56 seconds east a distance of 122.07 feet; thence south 89 degrees 13 minutes 04 seconds east a distance of 80.99 feet; thence north 2 degrees 51 minutes 18 seconds east a distance of 60.00 feet to the POINT OF BEGINNING.

#### **Section 4.**

The Property shall remain Mixed Use (MU) zoning classification subject to all the provisions and requirements of that zoning classification.

#### **Section 5.**

The acreage of the Property is approximately 8.66 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.

[Signatures on next page.]

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.

\_\_\_\_\_  
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