

CITY OF DALTON
ORDINANCE
Ordinance No. 20-20

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, Venture Partners of Dalton, 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 on 937 Market Street and identified as Parcel No. 12-261-33-000;

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.: 12-261-33-000:

All that tract or parcel of land lying and being in Land Lot No. 261 of the 12th District and 3rd Section of Whitfield County, Georgia, and being more particularly described by plat of survey by Whitfield Engineering Company dated September 28, 1989, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING of the tract of land herein described, commence at point located at the intersection of the east right of way line of Market Street and the south right of way line of Walnut Avenue; thence south 03 degrees 06 minutes 00 seconds west, along the east right of way line of Market Street a distance of 217.75 feet to a point; thence south 20 degrees 03 minutes 00 seconds west, along the east right of way line of Market Street a distance of 679.52 feet to the southeast terminus of the existing right of way of Market Street; thence south 20 degrees 03 minutes west, along the proposed east right of way line of Market Street a distance of 3.96 feet; thence along an arc with a radius of 65 feet a distance of 15.03 feet along the proposed east right of way of Market Street; thence south 02 degrees 53 minutes 45 seconds west, along the proposed east right of way line of Market Street a distance of 37.88 feet to a point which is the TRUE POINT OF BEGINNING of the tract of land herein described; from the TRUE POINT OF BEGINNING thus established, thence south 87 degrees 06 minutes 15 seconds east a distance of 165 feet to an iron pin; thence south 02 degrees 53 minutes 45 seconds west a distance of 140 feet to an iron pin; thence north 87 degrees 06 minutes 15 seconds west a distance of 165 feet to an iron pin on

the proposed east right of way line of Market Street; thence north 02 degrees 53 minutes 45 seconds east a distance of 140 feet to an iron pin which is THE POINT OF BEGINNING.

TOGETHER WITH and subject to a non-exclusive perpetual easement 50 feet in width for the purpose of ingress and egress as well as for the placement of utility services above, upon and/or below the following described real estate, to-wit:

BEGINNING at the southeast terminus of Market Street, said point being located in a southerly direction, as measured along said right of way line, a distance of 897.27 feet from the point of intersection of said right of way line and the south right of way line of Walnut Avenue; thence south 20 degrees 03 minutes west a distance of 3.96 feet to a point; thence along an arc with a radius of 65 feet a distance of 15.03 feet to a point; thence south 02 degrees 53 minutes 45 seconds west a distance of 177.88 feet to an iron pin; thence north 87 degrees 06 minutes 15 seconds west a distance of 50 feet, more or less, to the property now or formerly owned by Cracker Barrel Old Country Store, Inc.; thence in a northerly direction along the eastern boundary of property now or formerly owned by Cracker Barrel Old Country Store, Inc. to the southwesterly terminus of the public right of way designated as Market Street; thence in an easterly direction along the southern terminus of the public right of way designated as Market Street to its southeasterly terminus and THE POINT OF BEGINNING.

For prior title, see Deed Book 6649 Page 672, Whitfield County, Georgia Land Records.

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 .53 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