

ORDINANCE NO. 24-20

To rezone property of Erik J. Rojo Aguilar from a Heavy Manufacturing (M-2) Classification to a High-Density Residential (R-7) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Erik J. Rojo Aguilar has petitioned for rezoning of certain real property he owns from M-2 classification to R-7 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 M-2 classification to R-7 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All ordinances and parts of ordinances in conflict with this Ordinance are repealed.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"

Tax Parcel ID # 12-200-05-008

Tract No. 1:

All that tract or parcel of land lying and being in Land Lot No. 200 in the 12th District and 3rd Section of Whitfield County, Georgia and being part of Lot No. 7 of the Matilda Street Property Subdivision according to a plat of survey of said subdivision recorded in Plat Book 4 Page 99 (Plat Cabinet A Slide 141), Whitfield County, Georgia Land Records, and being more particularly described as follows:

BEGINNING at a point on the west right of way line of Southern Railway Company, said point being located 69 feet south of the intersection of said right of way line and with south right of way line of Matilda Street; thence south, along the west right of way line of Southern Railway Company, 108 feet to the south corner of said Tract No. 7; thence west, along the south line of Tract No. 7, to the southwest corner of Tract No. 7; thence northwardly, along the west line of said Tract No. 7, 108 feet, more or less, to a point which is 69 feet south of the south right of way line of Matilda Street; thence east 56 feet, more or less, to THE POINT OF BEGINNING.

TOGETHER WITH an easement 10 feet in width for purposes of ingress and egress, said easement extending along the west line of said Tract No. 7 to the south right of way line of Matilda Street.

Tract No. 2:

All that tract or parcel of land lying and being in Land Lot No. 200 in the 12th District and 3rd Section of Whitfield County, Georgia and being part of Lot No. 7 of the Matilda Street Property Subdivision according to a plat of survey of said subdivision recorded in Plat Book 4 Page 99 (Plat Cabinet A Slide 141), Whitfield County, Georgia Land Records, and being more particularly described as follows:

BEGINNING at the northeast corner of said Tract No. 7 at the intersection of the south side of Matilda Street with the west right of way line of Southern Railway Company; thence south, along the west right of way line of Southern Railway Company, 69 feet; thence west 56 feet, more or less, to the west line of said Tract No. 7; thence north, along the west line of said Tract No. 7, 69 feet to the south side of Matilda Street; thence east, along the south side of Matilda Street, 90 feet to THE POINT OF BEGINNING.

For prior title, see Deed Book 2707 Page 175, Whitfield County, Georgia Land Records.