

## **ORDINANCE NO. 24-21**

To rezone property of Nancy Hernandez and Dagoberto Hernandez from a Heavy Manufacturing (M-2) Classification to a General Commercial (C-2) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

**WHEREAS**, Nancy Hernandez and Dagoberto Hernandez have petitioned for rezoning of certain real property they own from M-2 classification to C-2 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 C-2 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All ordinances and parts of ordinances in conflict with this Ordinance are repealed.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 TEMPORE

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 # 12-241-13-006

A tract of land lying and being in Land Lot 241 of the 12th District and 3rd Section of Whitfield County, Georgia and being more particularly described per plat for Griggs Construction by Joseph R. Evans, GRLS #2168, dated March 31, 1998 as follows:

TO FIND THE POINT OF BEGINNING, begin at the southeast intersection of Murray Avenue and Sheridan Avenue; thence in a southerly direction along the easterly right of way of Sheridan Avenue a distance of 616.60 feet to an iron pin found at POINT OF BEGINNING; thence south 88 degrees 51 minutes east a distance of 204.0 feet to a OT pipe found; thence south 00 degrees 44 minutes 44 seconds west a distance of 150.00 feet to a grader blade; thence north 89 degrees 19 minutes 05 seconds west a distance of 209.47 feet to an iron pin found on the easterly right of way of Sheridan Avenue; thence along the easterly right of way of Sheridan Avenue north 02 degrees 48 minutes 44 seconds east a distance of 151.74 feet to the POINT OF BEGINNING.