

CITY OF DALTON
ORDINANCE
Ordinance No. 19-15

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 Zoning Of Said Property As High Density Residential R-7 Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, George T. Mosley and Hope E. Mosley 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 at 1707 Dug Gap Road and identified as Parcel No. 12-273-05-002; 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 High Density Residential (R-7);

WHEREAS, the Owner is requesting the Property zoning remain High Density Residential (R-7);

WHEREAS, the rezoning is in conformity with the City of Dalton Joint Comprehensive Plan;

WHEREAS, the Dalton-Whitfield Planning Commission considered the proposed annexation of the Property at a duly noticed public hearing held on July 22, 2019 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 Board of Aldermen 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. 273 in the 12th District and 3rd Section of Whitfield County, Georgia and being Lot No. 2 of the King and Hackney Subdivision No. 2, and being more particularly described according to a play of survey prepared for Harold R. Williams and Eva Marie Williams and Decatur Federal Savings and Loan Association by Peter L. Bakkum, Georgia Registered Land Surveyor No. 1096, dated April 18, 1985, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin on the west line of Land Lot 273, said point being located in a northerly direction, as measured along said Land Lot line, a distance of 591.5 feet from the southwest corner of Land Lot No. 273; thence north, along the west line of Land Lot No. 273 a distance of 180 feet to an iron pin; thence east a distance of 474.1 feet to an iron pin; thence south 35 degrees 16 minutes west, along the west right of way line of Dug Gap Road a distance of 220.5 feet to an iron pin; thence west a distance of 346.8 feet to an iron pin which is THE POINT OF BEGINNING.

Section 4.

The Property shall maintain the R-7 zoning classification subject to all the provisions

and requirements of that zoning classification.

Section 5.

The acreage of the Property is approximately 1.7 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.

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 Alderman _____, second by Alderman _____ 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



RECEIVED APR 17 2019

ANNEXATION APPLICATION

I HEREBY REQUEST THE MAYOR AND COUNCIL OF THE CITY OF DALTON ANNEX THE PROPERTY DESCRIBED BELOW IN THIS APPLICATION.

PLEASE LIST THE APPLICANT NAME REQUESTING ANNEXATION

APPLICANT NAME: George's Hope Mosley

APPLICANT ADDRESS: 1706 Dug Gap Rd.

CITY, STATE & ZIP: Dalton, GA 30720

TELEPHONE NUMBER: H: 706-226-8575 C: 706-581-8140

PROPOSED PROPERTY TO BE ANNEXED

(1) STREET ADDRESS OF PROPERTY TO BE ANNEXED: 1706 Dug Gap Rd

(2) SUBDIVISION OF THE PROPERTY TO BE ANNEXED: King's Hackney Subdivision #2

(3) LOT(S) NUMBER OF THE PROPERTY TO BE ANNEXED: TRACT #2

(4) FUTURE INTENDED USE OF THE PROPERTY TO BE ANNEXED: Residential

- PROPOSED ZONING CLASSIFICATION R-7 (current zoning)
- PROPOSED AMOUNT OF ACREAGE TO BE ANNEXED 1.7
- TAX MAP NUMBER/PARCEL NUMBER 12-273-05-002
- HOUSING UNITS 1

(1) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF REGISTERED VOTERS 2

(2) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS OF VOTING AGE, IF DIFFERENT NUMBER THAN SHOWN IN NUMBER (1) 2

(3) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS IN THE HOUSEHOLD. 2

(4) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF CHILDREN IN THE HOUSEHOLD. 0

(5) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF HOUSING UNITS. 1

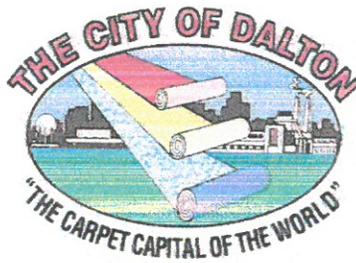
(6) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, PLACE NUMBER OF RESIDENTS IN APPLICABLE BOX. 2 CAUCASIAN LATINO

AFRICAN AMERICAN OTHER

(7) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF PERSONS WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH. 0

George's Hope Mosley
SIGNATURE OF APPLICANT(S)

4/16/2019
DATE



NOTICE TO ALL LANDOWNERS REGARDING ANNEXATION

If your request to annex your property into the City of Dalton is approved by Whitfield County, you will be charged a city property tax for the City of Dalton as well as a Public School tax. This will appear on your property tax bill that you receive from Whitfield County. The millage rate is 2.537 mils per at 100% of assessed property value.

Example: If your property is valued at \$100,000 – your assessed value is 100% or $\$100,000 \times 2.537$ mils, your Dalton City tax would be \$253.7 per year.

Should you have any questions, please contact the Whitfield County Tax Commissioners office at (706) 275-7510.

I have read the above statement and understand that if my property is annexed, I will be charged Dalton City tax.



SIGNED

4/16/2019
DATE

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot No. 273 in the 12th District and 3rd Section of Whitfield County, Georgia and being Tract No. 2 of King and Hackney Subdivision No. 2, and being more particularly described according to a plat of survey prepared for Harold R. Williams and Eva Mae Williams and Decatur Federal Savings and Loan Association by Peter L. Bakkum, Georgia Registered Land Surveyor No. 1096, dated April 18, 1985, and being more particularly described according to said survey as follows:

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For prior title, see Deed Book 3174 Page 123, Whitfield County, Georgia Land Records.

EXHIBIT "B"

4-1. - Establishment of districts.

4-1-9 *High density residential (R-7)*. This district is established as a high density residential district allowing as many as 20 dwelling units per acre. Multiple structures per lot shall be permitted in this district. Because of the increased density allowed in this district, any such lots must be served by public sewer or an approved central on-site sewage management system.

OWNERSHIP VERIFICATION

The undersigned is the / an owner of an interest in the lands described in the attached Annexation Contract, which proposes to amend the Official Zoning Map of Dalton, Georgia, and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

12-273-05-002

*Describe parcel or parcels and nature of interest
and percentage of interest*

100%

I hereby appoint N/A
my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment as set forth in the attached annexation contract.

[Signature]
(Owner's Name)
Hope Elaine Mosley

Sworn to and subscribed
Before me, this 17 day
of April, 2019.

[Signature]
Notary Public



300 west waog

Deed Doc: ESTD
Recorded 09/26/2016 03:01PM
Georgia Transfer Tax Paid : \$200.00
MELICA KENDRICK
Clerk Superior Court, WHITEFIELD County, Ga
Dt 06401 Pg 0089-0091

Pr 1002356
doc# 7873

[Space above this line for recording data.]

Please Record and Return to:

J. Tom Minor, IV
Minor, Bell & Neal
P.O. Box 2586
Dalton, GA 30722-2586

EXECUTOR'S DEED

Georgia, Whitfield County

THIS INDENTURE made this 23rd day of September, 2016, between **Philip R. Williams, as Executor of the Last Will and Testament of Eva Mae Pope Williams, Grantor, and Hope Elaine Mosley and George T. Mosley**, as joint tenants with survivorship and not as tenants in common, Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

THE GRANTOR, for and in consideration of the sum of ten dollars and other valuable considerations, in hand paid at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the said Grantee all that tract or parcel of land as more particularly described in Exhibit "A" attached hereto, reference to which is hereby made and incorporated herein by reference.

THIS CONVEYANCE is made subject to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said Grantee, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then the survivor of them in Fee Simple, together

with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor. The said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the lawful claims of all persons claiming by, through or under Grantor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, this deed has been duly executed and sealed by Grantor the day and year first above written.

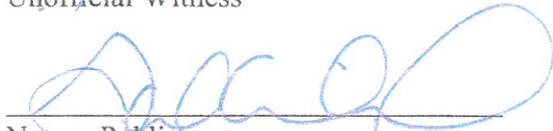
Signed, sealed and delivered
In the presence of:



Unofficial Witness



Philip R. Williams, as Executor of the Last Will
and Testament of Eva Mae Pope Williams

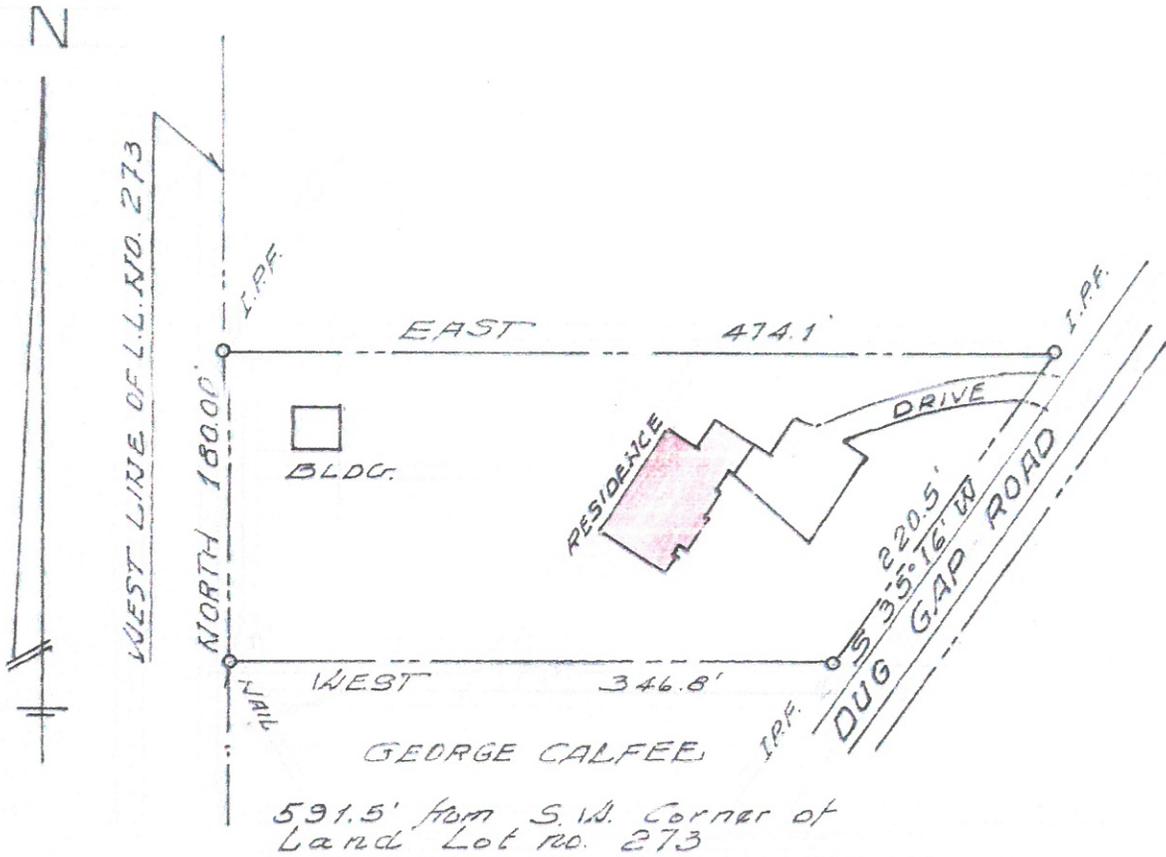


Notary Public
My Commission Expires:



[Notarial Seal]

File No. 20160766



PLAT FOR
HAROLD R. WILLIAMS and EVA MAE WILLIAMS
and DECATUR FEDERAL SAVINGS and Loan, Assoc.

Property is located in Land Lot no. 273,
 12th District, 3rd Section,
 Whitfield County, Georgia

Scale: 1" = 100'

Date: April 18, 1985



I HEREBY CERTIFY THAT THIS
 PROPERTY DOES NOT
 VIOLATE ANY EASEMENTS
 DATE April 18, 1985

Bakkum - DeLoach & Assoc., Inc.
 1020 Saint Charles Street
 Dalton, Georgia

Peter L. Bakkum
 Peter L. DeLoach
 Ga. Reg. L.S. no. 1096



Mapping **Search**

Show All Selections

Selection Options Clear

Zoom to selected map feature

Selected Parcel's Feature

Parcel Number 12-273-05-002

Zoning High Density Residential (R-7)

Zoning High Density Residential (R-7)

Area as Drawn WEDGEWOOD

Street Extension Name WEDGEWOOD

Street Number 1706

Street Type RD

Street Direction DUG GAP

Street Name DUG GAP

Unit 1 70A

Legal Description KING&HACKNEY 2

Tax District 06

Assessed Acres 1.7

Owner Name MOSLEY HOPE

Owner Address ELAINE & GEORGE T

Owner City 1901 TARA PLACE

Owner State DALTON

Owner Zip GA

Residential Improvement 30720

Commercial Improvement 141256

Accessory Improvement 5000

Land Value 17850

Description County

Tax Assessor Details (not for use outside of the County) 12-273-05-002

Public Parcel Details 12-273-05-002

Subscriber Parcel Details 12-273-05-002

Map Tool Options

The current cursor mode is set to 'Zoom In'. Clicking on the map directly will zoom in on the map centered at the point clicked. Dragging on the map will create a Zoom Window which will be used to approximate the new extent of the map.

Active Tool: Zoom

Site Information



Whitfield County

Board of Commissioners



Board Members
R. Lynette Laughter, Chairman
Harold Brooker
Barry W. Robbins
Roger Crossen
Greg Jones

July 9, 2019

Honorable Dennis Mock
Mayor, City of Dalton
P.O. Box 1205
Dalton, GA 30722

RE: Tax Parcel No. 12-273-05-002

Dear Mayor Mock:

At the July 8, 2019, Regular Business Meeting of the Whitfield County Board of Commissioners, the Board voted unanimously to have no land use classification objection to the annexation of Tax Parcel No. 12-273-05-002.

Regards,

A handwritten signature in blue ink, appearing to read "Mark Gibson".

Mark Gibson,
County Administrator

C: Ethan Calhoun, Northwest Georgia Regional Commission
Jess Hansen, GIS Coordinator
Claude Craig, Emergency Services Director
File



April 18, 2019

Mr. Dennis Mock
Mayor, City of Dalton
Post Office Box 1205
Dalton, Georgia 30722-1205

RE: Annexation Request for 1706 Dug Gap Road (12-273-05-002)

Dear Mayor Mock:

As requested in your April 18, 2019, memorandum, Dalton Utilities has reviewed the annexation request for George & Hope Mosley for 1.7 Acres +/- located at 1706 Dug Gap Road, Land Lot 276, 12th District & 3rd Section of Whitfield County, Georgia. The property is further described as parcel number 12-273-05-002 by the Whitfield County Tax Assessors Office.

For informational purposes, Dalton Utilities has evaluated the capacity of our utility infrastructure to serve the property. Dalton Utilities can provide the following:

1. Potable water – Is available to this property.
2. Sanitary Sewer- Is available to this property.
3. Natural Gas- Is available to this property.
4. Electric- DU Electric is available to this property.
5. Optilink- Is available to this property.

Please do not hesitate to contact me at (706) 529-1011 or mbuckner@dutil.com should any questions arise or if we may be of assistance.

Sincerely,

A handwritten signature in black ink that reads "Mark Buckner". The signature is written in a cursive, flowing style.

Mark Buckner, P.E.

William C Cason III
Chief of Police
ccason@cityofdalton-ga.gov
www.daltonpdblog.org
www.cityofdalton-ga.gov/police



Public Safety Commission
Terry Mathis
Keith Whitworth
Bill Weaver
Kenneth E. Willis
Carlos Calderin

DALTON POLICE DEPARTMENT
301 Jones Street, Dalton, Georgia 30720
Phone: 706-278-9085 • Fax: 706-272-7905

Date: April 23, 2019
To: Chief Cliff Cason
From: Lieutenant Ricky Long
RE: 1706 Dug Gap Road

Chief Cason:

I have reviewed the annexation request for 1706 Dug Gap Road, parcel number 12-273-05-002. The annexation of this property will have little or no impact on law enforcement services in this area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricky Long", is written over the typed name.

Lieutenant Ricky Long
Patrol Operations

DALTON FIRE DEPARTMENT

TODD PANGLE
Fire Chief
Telephone 706-278-7363
Fax 706-272-7107
tpangle@cityofdalton-ga.gov

404 School Street
Dalton, GA 30720



PUBLIC SAFETY COMMISSION

Bill Weaver
Keith Whitworth
Terry Mathis
Kenneth E. Willis
Anthony Walker

April 19, 2019

Mr. Jason Parker
City Administrator
City of Dalton
Dalton, GA 30720

Re: Annexation proposal for parcel #12-273-05-002
1706 Dug Gap Rd.

Greetings,

A review of the proposed annexation listed above has been completed, it has been determined there would not be a negative impact to the fire protection in the area as a result of such annexation approval.

There is sufficient water available in the area as well as meeting the proximity requirement of our ordinance to recommend acceptance of the proposal relative to fire protection at this time.

Thank you,

A handwritten signature in black ink that reads "Todd Pangle". The signature is written in a cursive style.

Todd Pangle
Fire Chief
Dalton Fire Department

PUBLIC WORKS DEPARTMENT
BENNY DUNN, DIRECTOR
bdunn@cityofdaltonga.gov

P.O. Box 1205
Dalton, GA 30722-1205
Office: (706) 278-7077
FAX: (706) 278-1847



DENNIS MOCK, MAYOR

CITY COUNCIL MEMBERS
GARY CREWS
TYREE GOODLETT
ANNALEE HARLAN
DENISE WOOD

M E M O R A N D U M

TO: Dennis Mock, Mayor
Attn: Bernadette Chattam, City Clerk

FROM: Benny J. Dunn
Public Works Director

RE: ANNEXATION REQUEST
George & Hope Mosley
1706 Dug Gap Road
1.70 Acres
Parcel Numbers: 12-273-05-002
Zoning Classification: R-7

DATE: April 19, 2019

Please be advised that the Public Works Department has no objections to the annexation of the above referenced property.