

## **ORDINANCE NO. 19-08**

To rezone property of JBCE Properties, LLC from a R-6 Classification to a 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**, Elmer Lopez and JBCE Properties, LLC have petitioned for rezoning of property owned by JBCE Properties, LLC from a R-6 classification to a C-2 classification; 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 a R-6 classification to a 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All ordinances and parts of ordinances in conflict with this Ordinance are repealed.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 \_\_\_\_\_, 2019.

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

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"

All that tract or parcel of land lying and being in Land Lot 240 in the 12th District and 3rd Section of Whitfield County, Georgia, and being described more particularly as a .278 acre tract, per plat of survey prepared by Craig M. Cook, Georgia Registered Land Surveyor No. 2691, dated October 6, 1999, a copy of which is recorded at Deed Book 06681, Page 0425 of the Whitfield County Deed Records, and being more particularly described as follows:

BEGINNING at an iron pin located on the easterly right of way of Riverbend Road, said point being 210 feet southeasterly from the Intersection of said easterly right of way of Riverbend Road with the southerly right of way of Richards Street, as measured along said easterly right of way of Riverbend Road. From said point of beginning thence running south 88 degrees 47 minutes 34 seconds east a distance of 229.12 feet to an iron pin; thence along the center line of a certain ditch as follows: South 16 degrees 39 minutes 37 seconds east 22.04 feet, south 25 degrees 03 minutes 18 seconds east 36.41 feet to an Iron pin; thence leaving said ditch and running thence north 88 degrees 46 minutes 59 seconds west a distance of 225.02 feet to an iron pin located on the easterly right of way of Riverbend Road (50' R/W); thence north 25 degrees 30 minutes 50 seconds west as measured along the easterly right of way of Riverbend Road distance of 60.00 feet to an iron pin and the POINT OF BEGINNING.

For Deeds in chain of title see Deed Book 4909, Page 145; Deed Book 3197, Page 62; Deed Book 2711, Page 73; and Deed Book 753, Page 241, Whitfield County, Georgia Land Records.