

ORDINANCE NO. 24-04

To rezone property of the City of Dalton from a Transitional Commercial (C-4) Classification to a U-PUD Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, the City of Dalton in conjunction with the Joint Development Authority has petitioned for rezoning of certain real property from C-4 classification to U-PUD 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 C-4 classification to U-PUD 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All ordinances and parts of ordinances in conflict with this Ordinance are repealed.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

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 12-257-07-055:

All that tract or parcel of land lying and being in Land Lot No. 257 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lots 44 through 46, inclusive, in Block F of the Nichols Addition to the City of Dalton, as shown by plat of record in Plat Book 1 Page 58 (Plat Cabinet A Slide 14) and Lots Nos. 155 through 176, inclusive and 184 through 194, inclusive, of the Nichols Subdivision, as shown by plat of record in Deed Book 9 Page 46, Whitfield County, Georgia Land Records, reference to which plats are hereby made and incorporated herein by reference for a more complete description.

THERE IS ALSO HEREBY CONVEYED all right, title and interest of Grantor in and to the alleys separating the above-described lots in the Nichols Subdivision and the Nichols Addition to the City of Dalton, as shown on the aforesaid plats of said subdivisions.

Tax Parcel 12-257-07-057:

All that tract or parcel of land lying and being in Land Lot No. 257 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lots Nos. 169 through 172, inclusive, of the Nichols Subdivision, as shown by plat of record in Deed Book 9 Page 46, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference for a more complete description.

THERE IS ALSO HEREBY CONVEYED all right, title and interest of Grantor in and to the alleys separating the above-described lots in the Nichols Subdivision and the Nichols Addition to the City of Dalton, as shown on the aforesaid plat of said subdivision.

Tax Parcel 12-257-07-065:

All that tract or parcel of land lying and being in Land Lot No. 257 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lots Nos. 180, 181, 182 and 183 of the Nichols Subdivision, as shown by plat of record in Deed Book 9 Page 46, Whitfield County, Georgia Land Records, reference to which plat is hereby made and incorporated herein by reference for a more complete description.

Tax Parcel 2-257-07-064:

All that tract or parcel of land lying and being in Land Lot No. 257 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lots Nos. 25 through 28, inclusive, in Block F of the Nichols Addition to the City of Dalton, as shown by plat of record in Plat Book 1 Page 58 (Plat Cabinet A Slide 14) and Lots Nos. 173 through 176, inclusive, of the Nichols Subdivision,

as shown by plat of record in Deed Book 9 Page 46, Whitfield County, Georgia Land Records, reference to which plats are hereby made and incorporated herein by reference to a more complete description.

Less and Except that portion of Lot 25 as described in that Warranty Deed of record in Deed Book 2030 Page 80, Whitfield County, Georgia Land Records.