

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia Land Lot 1231, District 16, Parcels 0260 & 0270 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **224 & 226 Crescent Circle**.

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**WHEREAS**, application has been filed by **BERCHER HOMES, LLC** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

**WHEREAS**, following proper notice, a public hearing was held before this body; and,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:**

**Section 1:** The following property to wit:

All that land or parcel, lying and being in the 16<sup>th</sup> District, 2<sup>nd</sup> Section, Land Lot 1231 in the City of Marietta, containing 0.73 acre, more or less, and being more particularly described as follows: To find the True Point of Beginning, commence at the intersection of the western most right-of-way of Trammel Street and the southernmost right-of-way of Crescent Circle, proceeding 388 feet west along the southernmost right-of-way of Crescent Circle to a point, said point being the TRUE POINT OF BEGINNING.

From the Point of Beginning, running south 40° 31' 08" west distance of 34.71 feet to a point; thence running north 87° 13' 29" west a distance of 44.00 feet to a point; thence running south 01° 47' 06" west a distance of 75.07 feet to a point; thence running north 89° 22' 50" west a distance of 106.05 feet to a point; thence running north 02° 09' 13" east a distance of 201.25 feet to a point; thence running north 01° 04' 38" a distance of 19.62 feet to a point; thence running north 82° 43' 58" east a distance of 97.96 feet to a point on the southerly right-of-way of Crescent Circle; thence running east along the southerly right-of-way of Crescent Circle along an arc having a chord bearing of south 24° 31' 21" east, an arc length of 22.97 feet, a chord length of 22.87 feet and a radius of 71.83 feet to a point; thence continuing along an arc on the southerly right-of-way of Crescent Circle having a chord bearing of south 45° 47' 38" east, an arc length of 63.24 feet, a chord length of 62.61 feet and a radius of 128.53 feet to a point; thence south 56° 34' 02" east a distance of 34.15 feet to a point; thence along an arc having a chord bearing of south 55° 46' 47", a chord distance of 24.34 feet, an arc length of 24.35 feet and a radius of 202.54 feet to a point, which is the POINT OF BEGINNING.

Said tract or parcel of land contains .43 acres.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to PRD-SF (Planned Residential Development – Single Family).

**Section 3:** The following stipulations are incorporated as conditions of zoning:

1. Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 6, 2020.

**Section 4:** It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

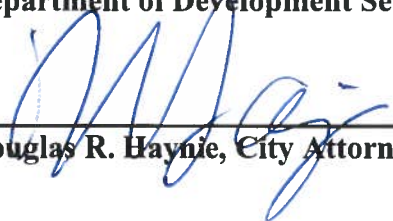
**Section 5:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**

  
\_\_\_\_\_  
Rusty Roth, Acting Director  
Department of Development Services

**Approved as to form:**

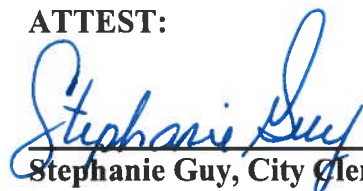
  
\_\_\_\_\_  
Douglas R. Haynie, City Attorney

**Approved by City Council:**

**DATE:** July 8, 2020

**APPROVED:**

**ATTEST:**

  
\_\_\_\_\_  
Stephanie Guy, City Clerk

  
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R. Steve Tumlin, Jr., Mayor