

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 290, District 17, Parcel 0640 of the 2nd Section, Cobb County, Georgia, and being known as **521 Atlanta Street**.

WHEREAS, application has been filed by **PULTE HOME COMPANY, 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 certain parcel tract or parcel of land containing 3.771 Acres, lying and being in Land Lot 290 of the 17th Land District, 2nd Section Cobb County, City of Marietta, Georgia and being more particularly described on an ALTA-NSPS survey by Maxwell-Reddick and Associates, dated February 25, 2020, which reads as follows:

BEGINNING at a right-of-way marker found (RWMF) located at the intersection of the northern right-of-way of Kings Court SE (right-of-way varies) and the eastern right-of-way of Atlanta Street SE (right-of-way varies); THENCE along the eastern right-of-way of Atlanta Street SE NORTH 24°01'42" WEST a distance of 115.68' to a right-of-way marker found (RWMF); THENCE along the eastern right-of-way of Atlanta Street SE counterclockwise along the arc of a curve (ARC=230.04', RADIUS=467.36') which subtends a chord of NORTH 37°54'09" WEST a distance of 227.72 feet to a one half inch rebar found (1/2"RBF); THENCE along the eastern right-of-way of Atlanta Street SE counterclockwise along the arc of a curve (ARC=88.49', RADIUS=922.29') which subtends a chord of NORTH 27°16'34" WEST a distance of 88.46 feet to a capped rebar set (CRBS); THENCE along the eastern right-of-way of Atlanta Street SE counterclockwise along the arc of a curve (ARC=91.48', RADIUS=435.15') which subtends a chord of NORTH 36°07'09" WEST a distance of 91.31 feet to a one half inch rebar found (1/2"RBF); THENCE leaving the right of way of Atlanta Street SE SOUTH 56°44'42" EAST a distance of 201.44' to a one half inch rebar found (1/2"RBF); THENCE SOUTH 56°34'46" EAST a distance of 75.64' to a one half inch rebar found (1/2"RBF); THENCE SOUTH 78°12'04" EAST a distance of 13.35' to a one half inch rebar found (1/2"RBF); THENCE SOUTH 87°16'30" EAST a distance of 357.98' to a one inch crimped top pipe found bent (1"CTPF BENT); THENCE SOUTH 87°29'59" EAST a distance of 66.03' to a one inch crimped top pipe found (1"CTPF); THENCE SOUTH 86°59'06" EAST a distance of 79.93' to a one half inch rebar found (1/2"RBF);

THENCE SOUTH 00°18'53" EAST a distance of 277.03' to a two inch open top pipe found (2"OTPF); THENCE NORTH 89°50'03" WEST a distance of 281.65' to a one half inch rebar found (1/2"RBF) located on the northern right-of-way of Kings Court SE; THENCE along the right-of-way of Kings Court SE NORTH 01°22'25" WEST a distance of 5.06' to a one half inch rebar found (1/2"RBF); THENCE along the right-of-way of Kings Court SE SOUTH 89°53'19" WEST a distance of 40.24' to a right-of-way marker found (RWMF); THENCE SOUTH 89°55'19" WEST along the right-of-way of Kings Court SE a distance of 109.48' to a broken right-of-way marker found (BWMF); THENCE along the right-of-way of Kings Court SE NORTH 71°01'24" WEST a distance of 38.79' to a right-of-way marker found (RWMF), which is the POINT OF BEGINNING.

Said tract or parcel of land contains 3.87 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 Rob Hosack and James A. Balli, Taylor English Decisions, LLC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated July 24, 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.

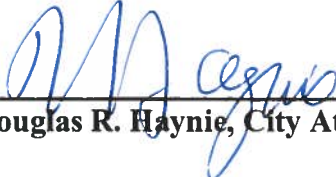
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Rusty Roth, Acting Director
Department of Development Services

Approved as to form:



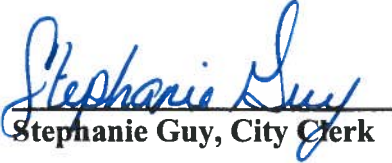
Douglas R. Haynie, City Attorney


Approved by City Council:

DATE: August 12, 2020

APPROVED:

ATTEST:


Stephanie Guy, City Clerk


R. Steve Tumlin, Jr., Mayor