

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 1217 & 1232, District 16, Parcels 1450, 1470, 0740, 0750, & 0670 of the 2nd Section, Cobb County, Georgia, and being known as **225, 237, & 251 Roswell Street and 311 & 313 Anderson Street.**

WHEREAS, application has been filed by **CAPITAL CITY BANK** 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 tract or parcel of land lying and being in Land Lots 1217 and 1232 of the 16th District, 2nd Section, Cobb County, Georgia and being more particularly described and shown on that certain Plat for Robert Donovan & Lori Donovan and Robert E. Flournoy, III dated November 10, 1993, and recorded in Plat Book 147, Page 100, on December 16, 1993, Records of Cobb County, Georgia; LESS AND EXCEPT, that certain 0.3351 acre tract and parcel of land lying and being in Land Lot 1217 of the 16th District, 2nd Section, Cobb County, Georgia, as more particularly described in that certain Warranty Deed from Robert I. Donovan and Lori T. Donovan, as Grantor, and D. Victor Reynolds and Jimmy D. Berry, as Grantee, dated November 24, 2003, filed and recorded on December 16, 2003, in Deed Book 13903, Page 1650, Records of Cobb County, Georgia.

ALONG WITH:

All that tract or parcel of land lying and being in the City of Marietta, in Land Lots 1217 and 1237 of the 16th District, 2nd Section of Cobb County Georgia, and being more particularly described as follows.

Commencing at the intersection of the currently located right-of-way of the northern line of Roswell Street (having a variable right-of-way) and the western right-of-way of Alexander Street (having a variable right-of-way) and thence run along said northern right-of-way North 67 degrees 30 minutes 38 seconds West a distance of 55.11 feet to a point and the POINT OF BEGINNING; thence from said point of beginning thus established and continue along said right-of-way South 22 degrees 52 minutes 45 seconds West a distance of 5.09 feet to a 5/8-inch rebar set; thence continue North 67 degrees 30 minutes 38 seconds West a distance of 54.25 feet to a 5/8-inch rebar

set; thence leaving said right-of-way and run North 06 degrees 09 minutes 00 seconds East a distance of 102.60 feet to a 1/2-inch rebar found; thence North 89 degrees 20 minutes 30 seconds West a distance of 18.94 feet to a 5/8-inch rebar set; thence North 05 degrees 08 minutes 30 seconds East a distance of 10.57 feet to a 5/8-inch rebar set; thence North 05 degrees 08 minutes 30 seconds East a distance of 130.00 feet to a 1/2-inch rebar found; thence South 87 degrees 22 minutes 55 seconds East a distance of 72.18 feet to a 3/4-inch open top found; thence South 05 degrees 39 minutes 47 seconds West a distance of 76.04 feet to a 5/8-inch rebar set; thence South 89 degrees 52 minutes 56 seconds East a distance of 52.97 feet to a 5/8-inch rebar set; thence South 05 degrees 39 minutes 47 seconds West a distance of 65.78 feet to a 5/8-inch rebar set; thence North 87 degrees 38 minutes 39 seconds West a distance of 15.37 feet to a 5/8-inch rebar set; thence South 22 degrees 52 minutes 45 seconds West a distance of 124.16 feet to a 5/8-inch rebar set on said northern right of way line and the Point of Beginning.

Said tract or parcel of land containing a combined acreage of approximately 1.194 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from CRC (Community Retail Commercial) and OI (Office Institutional) to CRC (Community Retail Commercial).

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

- 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 January 13, 2021 with the condition that Variance 5(a) be limited to the design presented in Exhibit "A."

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, Director
Department of Development Services

Approved as to form:

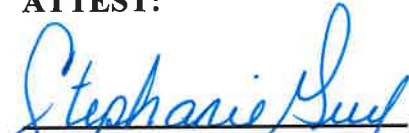


Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: January 13, 2021

ATTEST:


Stephanie Guy, City Clerk

APPROVED:


R. Steve Tumlin, Jr., Mayor