

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia, Land Lots 949 & 996, District 16, Parcel 0260 of the 2<sup>nd</sup> Section, Cobb County, Georgia, and being known as **1083 Allgood Road**.

**WHEREAS**, application has been filed by **MARIETTA CHURCH OF GOD**, 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 Lot 996 of the 16th District, 2nd Section of Cobb County, Georgia, being 3.538 acres, as per plat of Paul Lee Consulting Engineering Associates, Inc. dated July 23, 1997, prepared for The Marietta Church of God, and being described as follows:

BEGINNING at an iron pin located at the mitred side closest to Sawyer Road at the intersection of the south R/W of Sawyer Road and the west R/W of Allgood Road, running thence S 02 degrees 27'39"E 52.48 feet to an iron pin (and the mitred side closest to Allgood Road); thence along the northwest R/W of Allgood Road a chord bearing S 30 degrees 07' 33" W 161.61 feet to an arc distancer of 161.64 feet on a radius of 2576.48 to an iron pin; thence continuing along said road S 28 degrees 19'43"W 59.73 feet to an iron pin; thence N 84 degrees 08'32"W 356.07 feet to an iron pin; thence N 05 degrees 59'58"E 485.1 feet to an iron pin located on the south R/W of Sawyer Road; thence along said R/W S 56 degrees 17'32" E 493.72 feet to an iron pin and the point of BEGINNING.

**TRACT ONE:**

All that tract or parcel of land lying and being in Land Lots 949 and 996 of the 16th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the westerly side of Allgood Road, said point being 523 feet southerly as measured along the westerly side of Allgood Road from the intersection of the westerly side of Allgood Road and the southerly side of Sawyer Road running thence North 76 degrees, 18 minutes West for a distance of 296.11 feet to a point and corner: running thence

North 27 degrees 44 minutes East for a distance of 213.9 feet to a point; running thence North 87 degree 45 minutes West for a distance of 76.7 feet to a point on the original line between Land Lots 948 and 949, said district and section; running thence South 01 degrees 48 minutes East along the aforementioned land lot line for a distance of 613.8 feet to a point; running thence North 87 degrees 21 minutes East for a distance of 797.9 feet to the westerly side of Allgood Road; running thence North 24 degrees 50 minutes East along the westerly side of Allgood Road for a distance of 316.7 feet to a point, said point being the point of beginning.

**TRACT TWO:**

All that tract or parcel of land lying and being in Land Lot 949 of the 16th District, 2nd Section, Cobb County, Georgia, as per plat of survey prepared for The Marietta: Church of God, dated October 10, 1990 and prepared by J.A. Evans, G.R.L.S. No. 2167 and being more particularly described as follows:

Beginning at an iron pin located on the westerly side of the right of way of Allgood Road, which point is 403.5 feet as measured along the westerly side of the right of way of Allgood Road, from a point which is located 26 feet south of the centerline of Sawyer Road; from said beginning point, running thence South 24 degrees 23 minutes 38 seconds West along the westerly side of the right of way of Allgood Road for a distance of 99.67 feet to a point; running thence South 22 degrees 49 minutes 28 seconds West along the westerly side of the right of way of Allgood Road for a distance of 22.53 feet to an iron pin and corner, running thence North 76 degrees 18 minutes 00 seconds West for a distance of 296.53 feet to an iron pin and corner; running thence North 27 degrees 46 minutes 20 seconds East for a distance of 101.02 feet to an iron pin and running thence South 80 degrees 37 minutes 01 seconds East for a distance of 294.88 feet to an iron pin at the point of beginning.

Said tract or parcel contains 15 acres, more or less.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 (Single Family Residential – Cobb County) to R-2 (Single Family Residential – 2 units/acre - City) with a Special Land Use Permit for a place of assembly.

**Section 3:** The following variance is incorporated as a condition of zoning:

1. Variance to reduce the seventy-five (75) foot setback along the southern and northern property lines for as-built conditions only. [§708.02 (E.1.b)]

**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 7:** 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:** September 11, 2019

**APPROVED:**

**ATTEST:**

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

  
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R. Steve Tumlin, Jr., Mayor