

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia, Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as **1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard.**

WHEREAS, application has been filed by **TRATON, 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 TRACT OR PARCELS of land lying and being in Land Lot 863 and 866 of the 16th District, 2nd Section, Cobb County, Georgia, being comprised of 6.7 acres, more or less, and being more particularly described as follows:

BEGINNING at a point formed by the common corner of Land Lots 863, 864, 865, and 866 of said District, Section, and County; running thence along the common line between land lots 863 and 864 north 00 degrees 59 minutes 54 seconds east a distance of 50 feet to a point; thence leaving said land lot line and running south 87 degrees 49 minutes and 51 seconds east a distance of 423.94 feet to a point; thence running southwesterly along an arc having a length of 75.83 feet, a radius of 83.43 feet, and a chord bearing of south 56 degrees 02 minutes 19 seconds west and a chord distance of 73.25 feet to a point; thence south 30 degrees 00 minutes 00 seconds west a distance of 12.96 feet to a point; thence south 60 degrees 00 minutes 00 seconds east a distance of 94.72 feet; thence north 30 degrees 00 minutes 00 seconds east a distance of 12.96 feet to a point; thence running northeasterly along an arc having a length of 95.79 feet, a radius of 84.00 feet, and a chord bearing of north 62 degrees 40 minutes 07 seconds east and a chord distance of 90.69 feet to a point; thence south 55 degrees 10 minutes 22 seconds east a distance of 13.41 feet to a point on the line common to land lots 863 and 866 of said District, Section and County; running thence south 87 degrees 50 minutes 38 seconds east for a distance of 125.00 feet to an iron pin and corner; thence leaving said land lot line and running south 26 degrees 54 minutes 57 seconds east for a distance of 219.06 feet to an iron pin; running thence south 58 degrees 06 minutes 44 seconds east for a distance of 318.08 feet to an iron pin and corner; running thence south 28 degrees 47 minutes 13 seconds west for a distance of 249.40 feet to an iron pin and corner on the northeasterly right of way of U.S. Highway 41; running thence along said northeasterly right of way of U.S. Highway

41, north 61 degrees 24 minutes 18 seconds west for a distance of 328.00 feet to a right of way monument and corner; thence continuing along said northeasterly right of way of U.S. Highway 41, north 28 degrees 07 minutes 08 seconds east for a distance of 15.05 feet to a right of way monument and corner; thence continuing along said northeasterly right of way of U.S. Highway 41, north 61 degrees 23 minutes 45 seconds west for a distance of 100.83 feet to an iron pin and corner; thence continuing along said northeasterly right of way of U.S. Highway 41, north 60 degrees 59 minutes 15 seconds west a distance of 101.00 feet; thence south 29 degrees 00 minutes 45 seconds west a distance of 15.00 feet to a point; thence continuing along said northeasterly right of way of U.S. Highway 41, running north 60 degrees 59 minutes 15 seconds west a distance of 53.39 feet to a point; thence continuing along the northeasterly right of way of U.S. Highway 41 along an arc having a length of 467.76 feet, a radius of 6,990.27 feet, and a chord bearing of north 59 degrees 04 minutes 14 seconds west and a chord distance of 467.67 to a point on the line common to land lots 865 and 866 of the 16th District, 2nd Section, Cobb County, GA; thence running northerly along said common land lot line north 00 degrees 58 minutes 23 seconds east a distance of 86.34 feet to a point, said point being the point formed by the common corner of Land Lots 863, 864, 865, and 866 and the point of BEGINNING.

Said tract being 6.7 acres, more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from MXD (Mixed Use Development – City) and GC (General Commercial – County) to MXD (Mixed Use Development) in the City.

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 May 1, 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, Director
Department of Development Services

Approved as to form:



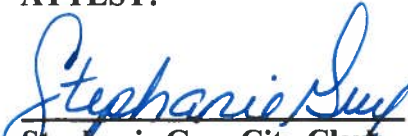
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: May 13, 2020

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor