

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as **881 & 887 Powder Springs Street.**

WHEREAS, application has been filed by **INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)** 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 140 and 141 of the 17th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

BEGIN at the western end of the mitered intersection created by the southeasterly right of way line of Powder Springs Street (a.k.a S. R. 360) (variable right of way) and the southwesterly right of way line of Booth Road (40 foot right of way), said point being the TRUE POINT OF BEGINNING THENCE proceed along said miter South 80 degrees 26 minutes 10 seconds East a distance of 24.45 feet to an iron pin set at the easterly end of said miter; thence along said southwesterly right of way line of Booth Road South 34 degrees 50 minutes 55 seconds East a distance of 172.20 feet to a metal post found; thence leaving said southwesterly right of way of Booth Road and proceed along common property line between Pinehurst Apartments, LLC and Dennis L & Martha W Moore South 54 degrees 30 minutes 13 seconds West a distance of 391.74 feet to a 3/4 inch open top pipe found (disturbed); thence proceed along common property line between Pinehurst Apartments, LLC and Dennis L & Martha W Moore the following courses and distances: South 29 degrees 20 minutes 09 seconds East a distance of 234.43 feet to a metal post found; South 19 degrees 03 minutes 47 seconds West a distance of 280.67 feet to a 1/2 inch rebar found; thence along common property line between Dennis L & Martha W Moore and Inayatullah Hafiz & Nasreen Anayat North 71 degrees 38 minutes 30 seconds West a distance of 30.40 feet to a 1/2 inch open top pipe found; thence along common property line between Dennis L & Martha W Moore and John L & Sandra Anglin the following courses and distances: North 72 degrees 22 minutes 56 seconds West a distance of 68.73 feet to an iron pin set; North 65 degrees 30 minutes 26 seconds West a distance of 121.61 feet to an iron pin set; North 63 degrees 34 minutes 56 seconds West a distance of 114.99 feet to a concrete monument found; North 29

degrees 27 minutes 24 seconds West a distance of 313.10 feet to an iron pin set on said southerly right of way of Powder Spring Street; thence along said southerly right of way of Powder Springs Street the following courses and distances: North 54 degrees 56 minutes 44 seconds East a distance of 172.78 feet to a point; North 54 degrees 32 minutes 48 seconds East a distance of 173.08 feet to an iron pin set; North 54 degrees 33 minutes 02 seconds East a distance of 399.88 feet to an iron pin set; South 35 degrees 26 minutes 04 seconds East a distance of 9.79 feet to an iron pin set; North 54 degrees 32 minutes 59 seconds East a distance of 25.00 feet to an iron pin set, said point being the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 6.42 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-2 (Single Family Residential – 2 units/acre) to PRD-SF (Planned Residential Development – Single Family).

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, except to strike item #10.a. so the development will contain an active recreation feature.

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

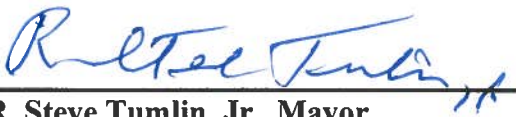
Approved by City Council:

DATE: May 13, 2020

APPROVED:

ATTEST:


Stephanie Guy, City Clerk


R. Steve Tumlin, Jr., Mayor