

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790 of the 2nd Section, Cobb County, Georgia, and being known as **708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway**.

WHEREAS, application has been filed by **NORTH MARIETTA PARKWAY 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 PARCEL OF LAND lying and being in Land Lots 1141 & 1142 of the 16th District, 2nd Section, of Cobb County, Georgia and being more particularly described as follows:

TO LOCATE THE POINT OF BEGINNING, commence at a Concrete Monument Found at the intersection of the southwest side of the right-of-way of North Cobb Parkway, also known as U.S. Highway 41 (variable R/W), and the southern right of way of North Marietta Parkway, (F/K/A Page Street) also known as S.R. 120 Alt. Thence proceed along said southern right-of-way of North Marietta Parkway the following courses and distances: South 89°55'44" West a distance of 49.22 feet to a point, thence along a curve to the left a distance of 69.15 feet with a radius of 2,573 feet (said curve being subtended by a chord bearing South 89°09'32" West a chord distance of 69.15 to a point (Concrete Monument Found), thence South 01°34'05" East a distance of 13.00 feet to a point (Concrete Monument Found), thence along a curve to the left a distance of 61.46 feet with a radius of 2,560 feet (said curve being subtended by a chord bearing South 87°42'04" West a chord distance of 61.46 to a point (Iron Pin Set, #4 Capped Re-Bar), said point being the TRUE POINT OF BEGINNING;

THENCE, from said Point of Beginning thus established, leaving said right-of-way proceed South 08°35'13" East a distance of 185.28 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 89°35'17" West a distance of 50.97 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 89°22'27" West a distance of 63.83 feet to a point (Iron Pin Set, #4 Capped Re-Bar); Thence proceed North 89°48'32" West a distance of 59.80 feet to a point (Iron Pin Found, #4 Re-Bar); Thence proceed South 88°55'14" West a distance of 70.07 feet to a point

(Iron Pin Found, #4 Re-Bar); Thence proceed South 87°23'20" West a distance of 9.29 feet to a point (Iron Pin Found, ½ Inch Open Top); Thence proceed North 88°12'58" West a distance of 60.20 feet to a point (Iron Pin Found, ½ Inch Crimped Top); Thence proceed North 85°30'34" West a distance of 8.27 feet to a point (Iron Pin Found, 1 Inch Open Top); Thence proceed South 85°32'21" West a distance of 8.87 feet to a point (Iron Pin Found, ½ Inch Crimped Top); Thence proceed South 88°57'19" West a distance of 143.17 feet to a point (Iron Pin Found, #3 Re-Bar); Thence proceed South 76°39'03" West a distance of 224.56 feet to a point (Iron Pin Found, 1-½ Inch Open Top); Thence proceed North 18°43'34" West a distance of 121.03 feet to a point (PK Nail Set) on the southeastern right-of-way of aforesaid North Marietta Parkway; Thence proceed along said southeasterly and southerly right-of-way the following courses and distances: along a curve to the right a distance of 60.41 feet with a radius of 2,823.20 feet (said curve being subtended by a chord bearing North 71°36'18" east a chord distance of 60.41 to a point (Iron Pin Set, #4 Capped Re-Bar), thence South 06°01'21" West a distance of 22.23 feet to a point (Concrete Monument Found), thence along a curve to the right a distance of 319.29 feet with a radius of 2,800.00 feet (said curve being subtended by a chord bearing North 75°17'54" east a chord distance of 319.12 to a point (Concrete Monument Found), thence South 11°26'06" East a distance of 5.00 feet to a point (Concrete Monument Found), thence North 78°33'54" East a distance of 17.91 feet to a point (Concrete Monument Found), thence along a curve to the right a distance of 282.51 feet with a radius of 2,565.00 feet (said curve being subtended by a chord bearing North 81°43'13" east a chord distance of 282.37 to a point (Concrete Monument Found), thence South 05°07'28" East a distance of 5.00 feet to a point (Concrete Monument Found), thence along a curve to the right a distance of 95.31 feet with a radius of 2,560.00 feet (said curve being subtended by a chord bearing North 85°56'32" east a chord distance of 95.30 to a point, said point being the POINT OF BEGINNING.

Said tract or parcel of land contains 2.5 ± acres, more or less.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional), R-4 (Single Family Residential – 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial).

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

1. City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.
2. A new site plan be submitted for review by City Council prior to development of the parcel(s).

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:



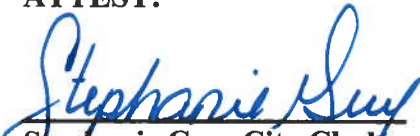
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: May 13, 2020

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor