FILE REFERENCE NO: **20101328**

ORDINANCE NO: 7515

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia, located in Land Lot 09340, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 1395 Cobb Parkway North.

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WHEREAS, application has been filed by **AMANDA S. KIRK (THE WILLIAM W. SCOGIN, JR. FAMILY INVESTMENTS, LLLP)** 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 867 & 934 of the 16th District, 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

To ascertain the point of beginning, commence at the intersection of the eastern line of Land Lot 934 with the southwestern right-of-way of North Cobb Parkway S. R. 41, thence along said right-of-way North 63 degrees 04 minutes 01 seconds west, 424.62 feet to a point; thence north 26 degrees 55 minutes 59 seconds east, 10.00 feet to a point; thence north 63 degrees 04 minutes 01 seconds west, 109.80 feet to a point; thence north 26 degrees 55 minutes 59 seconds east, 15.00 feet to a point; thence north 63 degrees 04 minutes 01 seconds west, 112.38 feet to a point, said point being the point of beginning.

Thence leaving said right-of-way south 26 degrees 55 minutes 59 seconds west, 178.52 feet to a point; thence south 08 degrees 08 minutes 27 seconds west, 297.85 feet to a point located on the northern right-of-way of the N. C. & St. L. Railroad; thence along said right-of-way along a curve to the right, said curve having a radius of 1182.36 feet and an arc length of 306.45 feet and being subtended by a chord of north 86 degrees, 53 minutes 28 seconds west, 305.60 feet to a point; thence leaving the railroad right-of-way north 06 degrees 33 minutes 54 seconds east, 516.33 feet to a point; thence north 26 degrees 55 minutes 59 seconds east, 99.88 feet to a point located on the southwestern right-of-way of North Cobb Parkway S. R. 41; thence along said

right-of-way south 63 degrees 04 minutes 01 seconds east, 363.32 feet to a point, said point being the point of beginning.

Said tract contains 4.10 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits of the City of Marietta, Georgia from CRC (Community Retail Commercial) to CRC with additional uses (Community Retail Commercial with additional uses.)

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

- Waive all Tree Protection and Landscaping requirements to allow the property to remain as-is. The stipulation should be discontinued upon the redevelopment of the site.

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:

Brian Binzer, Director
Department of Development Services

Approved as to form:

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: January 26, 2011

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk