FILE REFERENCE NO: **20110160**

ORDINANCE NO: 7538

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia, located in Land Lot 1014, District 16, Parcels 750 and 760, 2nd Section, Marietta, Cobb County, Georgia and being known as 819 and 821 Cogburn Avenue.

WHEREAS, application has been filed by **TOWER PARTNERS, 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 Lot 1014, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, the same being more particularly described as follows:

BEGINNING AT A POINT on the westerly right-of-way line of Cogburn Avenue (variable right-of-way width) marked by a 3/4" bent open top pipe found and being located 468.63 feet north of the intersection of the southerly right-of-way line of Cogburn Avenue (variable right-of-way width) with the northerly right-of-way line of Tower Road; thence leaving said right-of-way line of Cogburn Avenue North 81 degrees 30 minutes 17 seconds West for a distance of 144.91 feet to a point and corner marked by an iron pin set; thence North 05 degrees 44 minutes 33 seconds East for a distance of 63.40 feet to a point marked by an iron pin set; thence running North 07 degrees 35 minutes 17 seconds East for a distance of 43.74 feet to a point marked by an iron pin set; thence South 84 degrees 35 minutes 25 seconds East for a distance of 6.0 feet to a point marked by an iron pin set; thence running North 05 degrees 44 minutes 33 seconds East for a distance of 20.0 feet to a point marked by an iron pin set; thence running South 86 degrees 54 minutes 45 seconds East for a distance of 134.58 feet to a point marked by a bent #4 rebar located on the westerly right-of-way line of Cogburn Avenue; thence running along said westerly right-of-way line of Cogburn Avenue South 03 degrees 10 minutes 25 seconds West for a distance of 67.22 feet to a point, thence continuing along said westerly right-of-way line of Cogburn Avenue South 05 degrees 49 minutes 54 seconds West for a distance of 73.20 feet to a point, being the POINT OF BEGINNING. Said tract contains 0.438 acres, more or less.

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

Section 3: The following stipulations are incorporated into this approval:

1. All variances set forth in the Ordinance attached hereto.
2. All stipulations (5) contained in the letter from applicant's attorney dated June 1, 2011.
3. The applicant shall work with the city on the feasibility, design, location and standards to be applied for a possible crosswalk for a pedestrian crossing across Cogburn Avenue and, if all of these conditions are met, same shall be submitted to the Marietta City Council for review and approval with the expense thereof being paid by the applicant.

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: June 8, 2011

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk