FILE REFERENCE NO: 20141207
ORDINANCE NO: 7775

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 02510, District 20, Parcel 0190, 2nd Section, Marietta, Cobb County, Georgia and being known as 1651 Gilbert Road.

WHEREAS, application has been filed by **ELLIOTT HOMES, LTD** 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 251 of the 20th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

COMMENCING at the common corner of Land Lots 250, 251, 282 and 283; THENCE, westerly along the common Land Lot line of Land Lot 251 and Land Lot 282 on a bearing of South 88 degrees 47 minutes 44 seconds East, for a distance of 498.82 feet to a concrete monument found at the common property corner with Kennesaw Mountain National Battlefield Park and Barbara Van Horn; Said point also being THE POINT OF BEGINNING.

THENCE, from THE POINT OF BEGINNING and westerly along the common property line of Subject Property with properties of Barbara Van Horn, Richard A. Segall, Kenneth D. & Barbara Z. Graham and Jack A. & Joni K. Lahue on a bearing of North 88 degrees 47 minutes 36 seconds West, for a distance of 603.00 feet to a 1" crimp top pipe found at the common property corner of subject property with Holland C. & Joanne S. Mersereau and Jack A. & Joni K. Lahue; THENCE, northerly leaving said common property corner and following the common property line with Holland C. & Joanne S. Mersereau on a bearing of North 02 degrees 34 minutes 21 seconds East, for a distance of 458.42 feet to a #4 rebar found at the common property corner of subject property with Holland C. & Joanne S. Mersereau and Patricia Kirk Duncan; THENCE, northeasterly leaving said common property corner and following the common property line with Patricia Kirk Duncan on a bearing of North 63 degrees 54 minutes 56 seconds East, for a distance of 1222.59 feet to a point located on the westerly side of a gravel road also known as Gilbert Road (No apparent right-of way); THENCE, southerly following along said gravel road (varying from edge to approximate centerline) on a bearing of South 00 degrees 53 minutes 43 seconds West, for a distance of 428.09 feet to a point located at the common property corner

with Kennesaw Mountain National Battlefield Park; THENCE, leaving said gravel road and southwesterly along the common property line with Kennesaw Mountain National Battlefield on a bearing of South 41 degrees 15 minutes 56 seconds West, for a distance of 771.87 feet to the POINT OF BEGINNING.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 [Single Family Residential - County] to R-2 [Single Family Residential – 2 units/acre (City)].

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

- Stipulation letter from Garvis L. Sams, Jr. to Russell J. Roth, AICP, dated December 9, 2014.

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: **December 10, 2014**

APPROVED:

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk