**FILE REFERENCE NO: 20150124**
**ORDINANCE NO: 7791**

# AN ORDINANCE

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 215, District 17, 2nd Section, Marietta, Cobb County, Georgia and being known as right-of-way of Gramling Street.

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**WHEREAS**, application has been filed by the **CITY OF MARIETTA** 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:

Tract 1:

All that tract or parcel of land lying in and being in Land Lot 215 of the 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a railroad spike found in the curb at the mitered right of way intersection of the westerly right of way of Powder Springs Street (R/W Varies) and the southerly right of way of Gramling Street (30'R/W), thence following along said southerly right of way of Gramling Street (30' R/W) South 88 degrees 54 minutes 05 seconds West, 580.96' to a pk nail found; said point being the POINT OF BEGINNING;

Thence leaving said southerly right of way of Gramling Street (30'R/W) South 00 degrees 16 minutes 53 seconds East, 340.61 feet to a point; thence South 89 degrees 56 minutes 36 seconds West, 30.00 feet to a point; thence North 00 degrees 16 minutes 53 seconds West, 340.06 feet to a point on said southerly right of way of Gramling Street (30'R/W); thence North 88 degrees 54 minutes 05 seconds East, 30.00 feet to a pk nail found; said point being the POINT OF BEGINNING;

Said tract or parcel contains 0.23 acres (10,210 square feet).

Tract2:

All that tract or parcel of land lying in and being in Land Lot 215 of the 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a railroad spike found in the curb at the mitered right of way intersection of the westerly right of way of Powder Springs Street (R/W Varies) and the southerly right of way of Gramling Street (30'R/W), thence following along said southerly right of way of Gramling Street (30' R/W) South 88 degrees 54 minutes 05 seconds West, 580.96' to a point; said point being the POINT OF BEGINNING;

Thence along said southerly right of way of Gramling Street (30'R/W) South 88 degrees 54 minutes 05 seconds East, 45.06 feet to a point; thence leaving said southerly right of way of Gramling Street (30'R/W) along the property of Wynhaven North 00 degrees 16 minutes 53 seconds West, 34.94 feet to an iron pin found on the northerly right of way of Gramling Street (30'R/W); thence along said northerly right of way of Gramling Street (30'R/W) following along the property of Club Office Park North 89 degrees 21 minutes 51 seconds East, 44.84 feet to a point; thence leaving said northerly right of way of Gramling Street (30'R/W) South 00 degrees 38 minutes 35 seconds East, 34.57 feet to a point on said southerly right of way of Gramling Street (30'R/W); said point being the POINT OF BEGINNING;

Said tract or parcel contains 0.04 acres (1,562 square feet).

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from Unzoned right-of-way to PRD-MF (Planned Residential Development – Multi-Family).

**Section 3:** 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 4:** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

**Section 5:** 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:** **March 11, 2015**

**APPROVED:**

**R. Steve Tumlin, Jr., Mayor**

**ATTEST:**

**Stephanie Guy, City Clerk**