

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia Land Lot 07990, District 17, Parcel 0040, 2nd Section, Marietta, Cobb County, Georgia and being known as 2390 Delk Road.

WHEREAS, application has been filed by **TITLEMAX OF GEORGIA, INC.** 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 799, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at a point where the southerly right-of-way line of Delk Road intersects the northeasterly right-of-way line of Interstate 75 (Project No. 1-75-3 (21) 273) at Section 17 & 12 and run thence South 88 degrees 59 minutes 32 seconds East a distance of 188.15 feet to a point; running thence North 79 degrees 42 minutes 53 seconds East a distance of 153.11 feet to a point; running thence South 88 degrees 59 minutes 32 seconds East a distance of 350 feet to an iron pin found on the South right-of-way line of Delk Road (variable right-of-way) and the POINT OF BEGINNING; thence continue South 88 degrees 59 minutes 32 seconds East along the southerly right-of-way of Delk Road a distance of 300 feet to an iron pin; thence running South 1 degree 28 seconds West a distance of 139.04 feet to an iron pin; thence running South 21 degrees 01 minute 00 seconds East an arc distance of 66.6 feet which arc distance is subtended by a chord distance of 65.8 feet to an iron pin; thence running South 01 degree 08 minutes West a distance of 50 feet to an iron pin; thence running South 00 degrees 00 minutes West a distance of 51 feet to an iron pin; thence running North 88 degrees 44 minutes 00 seconds West an arc distance of 27.4 feet which arc distance is subtended by a chord distance of 25.3 feet to an iron pin; thence running South 35 degrees 45 minutes 00 seconds West a distance of 150 feet to an iron pin; thence running southwesterly along the rightward curve an arc distance of 102.6 feet (said curve having a radius of 225 feet with a chord bearing South 35 degrees 45 minutes 00 seconds West at a chord distance of 100 feet) to a point; thence running South 28 degrees 54 minutes West a distance of 50.42 feet to an iron pin; thence running South 32 degrees 32 minutes West a distance of 70.20 feet to an iron pin; thence running South 59 degrees 59 minutes 00 seconds West an arc distance of 24.3 feet, said arc distance being subtended by a chord distance of 24.2 feet to an iron pin; thence running North 50 degrees 02 minutes West an arc distance of

48.6 feet; said arc distance being subtended by a chord distance of 48.5 feet to an iron pin; thence running North 65 degrees 08 minutes West an arc distance of 50.3 feet, said arc distance being subtended by a chord distance of 50.2 feet to an iron pin; thence running North 65 degrees 05 minutes West an arc distance of 50.02 feet; said arc distance being subtended by a chord distance of 50.05 feet to an iron pin; thence proceeding North 50 degrees 34 minutes 57 seconds West an arc distance of 50.90 feet, said arc distance being subtended by a chord distance of 50.8 feet to an iron pin; thence running North 48 degrees 04 minutes West an arc distance of 51.3 feet, said arc distance being subtended by a chord distance of 51.2 feet to an iron pin; thence running North 60 degrees 31 minutes 43 seconds west a distance of 20.0 feet to an iron pin; thence running North 29 degrees 28 minutes 17 seconds East a distance of 314.73 feet to an iron pin; thence running North 01 degree 00 minutes 28 seconds East a distance of 200 feet to an iron pin and the TRUE POINT OF BEGINNING.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 799, 17th District, 2nd Section, Cobb County, Georgia and being more particularly described as follows:

Commencing at the intersection of the eastern right-of-way of Interstate 75 (variable right-of-way) with the southern right-of-way of Delk Road (variable right-of-way); thence along said right-of-way of Delk Road the following courses and distances: South 89 degrees 01 minutes 10 seconds East; a distance of 188.15 feet to a point; North 79 degrees 41 minutes 15 seconds East, a distance of 153.11 feet to a point: South 89 degrees 01 minutes 10 seconds East, a distance of 350 feet to a ½-inch rebar found; thence continuing along said right-of-way, South 89 degrees 01 minutes 10 seconds East a distance of 183.04 feet to a PK nail set, said PK nail set being the TRUE POINT OF BEGINNING.

Thence continuing along said right-of-way, South 89 degrees 01 minutes 10 seconds East a distance of 116.96 feet to a PK nail set; thence leaving said right-of-way South 00 degrees 54 minutes 22 seconds West a distance of 140.88 feet to a 5/8-inch rebar set; thence along a curve to the right an arc length of 66.58 feet, said curve having a radius of 125.00 feet and a chord distance of 65.80 feet, at South 21 degrees 02 minutes 46 seconds East, to a 5/8-inch rebar set; thence South 01 degrees 06 minutes 14 seconds West a distance of 50.00 feet to a point; thence South 00 degrees 01 minutes 46 seconds East a distance of 51.00 feet to a point; thence along a curve to the right an arc length of 27.39 feet, said curve having a radius of 20.00 feet and a chord distance 25.30, at south 88 degrees 42 minutes 14 seconds West, to a ½-inch rebar found; thence South 35 degrees 41 minutes 53 seconds West a distance of 150 feet to a 5/8-inch rebar set; thence along a curve to the right an arc length of 63.75 feet, said curve having a radius of 225.00 feet and a chord distance of 63.54 feet, at south 32 degrees 26 minutes 09 seconds west, to a 5/8-inch rebar set; thence North 01 degrees 07 minutes 49 seconds East a distance of 481.38 feet to a PK nail set on the southern right-of-way of Delk Road; said PK nail set being the TRUE POINT OF BEGINNING.

Said tract contains 49,571.28 square feet or 1.138 acres.

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

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

- Extended stay hotel(s) shall not be allowed to operate on this property.

JCM
on behalf of
Applicant &
owner
3-11-15

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

**Brian Binzer, Director
Department of Development Services**

Approved as to form:

Douglas R. Haynie

Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: March 11, 2015

APPROVED:

ATTEST:

R. Steve Tumlin, Jr.

R. Steve Tumlin, Jr., Mayor

Stephanie Guy

Stephanie Guy, City Clerk