

AN ORDINANCE

SPECIAL LAND USE PERMIT for property in the corporate limits of the City of Marietta, Georgia in Land Lot 926, District 16, Parcels 0460 and 0060, 2nd Section, Marietta, Cobb County, Georgia and being known as 1392 & 1394 Cobb Industrial Way.

WHEREAS, application has been filed by **CUSTOM DISPOSAL SERVICE, INC. (D & N INVESTORS, LLC)** for a Special Land Use Permit for 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:

(1394 Cobb Industrial Way)

All that tract or parcel of land lying and being in Land Lot 926, 16th District, 2nd Section, Cobb County, Georgia, as shown on plat of survey by J.S. Ross & Associates dated May 17, 1976, a copy of which is recorded in Plat Book 65, page 179, Cobb County Records, and being more particularly described as follows:

Commence at an iron pin found in the following manner: Commence at the intersection of the southeasterly right-of-way of Cobb Industrial Drive and the southerly right-of-way of Owenby Drive; run thence southwesterly along the southeasterly right-of-way of Cobb Industrial Drive 395.37 feet to a point and corner (said point and corner being the proposed intersection of the northeasterly right-of-way of Cobb Industrial Way with the southeasterly right-of-way of Cobb Industrial Drive); thence south 47 degrees 27 minutes 16 seconds east 575.73 feet to an iron pin and the TRUE POINT OF BEGINNING; from the POINT OF BEGINNING thus established; thence south 47 degrees 24 minutes 20 seconds east 200 feet to an iron pin; thence south 12 degrees 36 minutes 18 seconds west 228.8 feet to an iron pin; thence north 47 degrees 27 minutes 16 seconds west 310 feet to an iron pin; thence north 41 degrees 20 minutes 4 seconds east 198.48 feet to an iron pin and the POINT OF BEGINNING.

(1392 Cobb Industrial Way)

All that tract or parcel of land lying and being in Land Lot 926, 16th District, 2nd Section, Cobb County, Georgia, being Lot 4, Cochise Development Corporation Industrial Park and being more particularly described as follows:

BEGINNING at an iron pin on the southwesterly right-of-way line of Cobb Industrial Way (a 50 foot right-of-way), said iron pin being 287.86 feet southeasterly as measured along the southwesterly right-of-way of Cobb Industrial Way from the intersection of the southwesterly right-of-way line of Cobb Industrial Way and the southeasterly right-of-way line of Cobb Industrial Drive (a 60 foot right-of-way); running thence south 40 degrees 41 minutes 53 seconds west 150.25 feet to a point; running thence south 47 degrees 27 minutes 16 seconds east 289.42 feet to a point; running thence north 41 degrees 20 minutes 4 seconds east 150.03 feet to a point on the southwesterly right-of-way line of Cobb Industrial Way; running thence northwesterly along the southwesterly right-of-way line of Cobb Industrial Way 289 feet, more or less, to the POINT OF BEGINNING.

Said properties together containing a 1.66 ± acres, 72, 310 square feet ±.

Section 2: A Special Land Use Permit for or uses (offices and truck parking) associated with hauling and storage of sanitation trucks for property currently zoned HI (Heavy Industrial).

Section 3: The following stipulations are incorporated as conditions of zoning:
Stipulation letter from J. Kevin Moore to Russell J. Roth, AICP, dated April 8, 2015.

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.

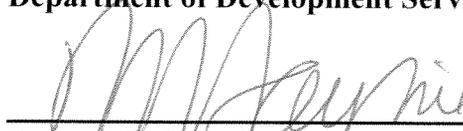
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Brian Binzer, Director
Department of Development Services

Approved as to form:



Douglas R. Haynie, City Attorney

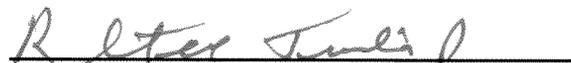
Approved by City Council:

DATE: April 8, 2015

ATTEST:


Stephanie Guy, City Clerk

APPROVED:


R. Steve Tumlin, Jr., Mayor