

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 1158, District 16, Parcel 1240, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as a portion of 180 Locust Street.

**WHEREAS**, application has been filed by **WILLIAM C. HAGEMANN PROFIT SHARING PLAN** 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 1158, 16<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Commencing at a point at the intersection of the easterly right of way of Locust Street (apparent 30' r/w) and the northerly right of way of Polk Street (apparent 40' r/w);

Thence leaving the northerly right of way of Polk Street and following along the easterly right of way of Locust Street the following courses: north a distance of 166.0 feet to a #4 rebar found. Thence north 01 degrees 36 minutes 49 seconds east a distance of 99.01 feet to a #4 rebar set, said point being the point of beginning.

Thence continuing along the easterly right of way of Locust Street north 01 degrees 36 minutes 49 seconds east a distance of 2.00' to a #4 rebar found;

Thence leaving the easterly right of way of Locust Street and following along the former property line the following courses: North 89 degrees 23 minutes 54 seconds east a distance of 116.80 feet to a #4 rebar found; Thence north 39 degrees 23 minutes 42 seconds east a distance of 31.20 feet to a #4 rebar found;

Thence following along the common property of First Presbyterian Church of Marietta, Inc., south 86 degrees 43 minutes 19 seconds east a distance of 26.75 feet to a #4 rebar found on the westerly right of way of North Marietta Parkway (variable r/w);

Thence following along the westerly right of way of North Marietta Parkway South 02 degrees 24 minutes 02 seconds west a distance of 24.62 feet to a #4 rebar set;

Thence leaving the westerly right of way of North Marietta Parkway South 89 degrees 34 minutes 29 seconds west a distance of 162.32 feet to a #4 rebar set on the easterly right of way of Locust Street, said point being the point of beginning.

Said tract contains 0.028 acres (1,206 square feet) more or less.

**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OI (Office Institutional) to R-4 (Single Family Residential – 4 units / acre).

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

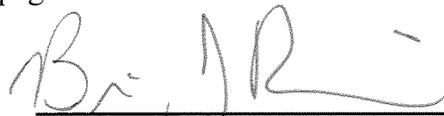
- Reduction of the required minimum lot size from 20,000 s.f. to 15,158.88 s.f. for the remaining portion of 180 Locust Street.

**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.

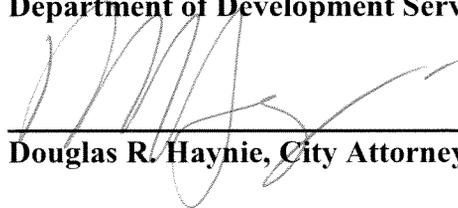
**Section 6:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**Final Ordinance submitted by:**



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

**Approved as to form:**



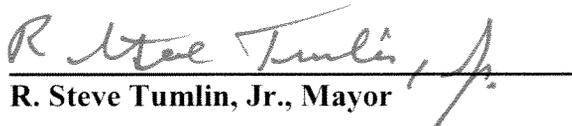
**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

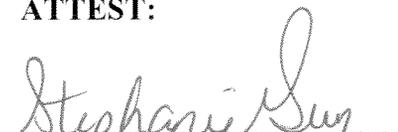
**DATE:** April 8, 2015

**APPROVED:**

**ATTEST:**



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



**Stephanie Guy, City Clerk**