FILE REFERENCE NO: 20150291
ORDINANCE NO: 7810

AN ORDINANCE

ANNEXING the following property in the corporate limits of the City of Marietta, Georgia consisting of 1.14 acres and all associated right-of-way, 2nd Section, Cobb County, Georgia as follows: Land Lot 1138, District 16, Parcel 0040 (also known as **1350 Gresham Road**) and Land Lot 1167, District 16, Parcel 0040 (also known as **1330 Gresham Road**).

WHEREAS, application has been filed by **VERMEER SOUTHEAST SALES AND SERVICE, INC.** for annexing 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,

WHEREAS, all conditions of home rule annexation as set forth by the State Legislature have been met; and

WHEREAS, the Mayor and Council are authorized and empowered to describe Ward boundaries within the corporate limits.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Best Interest Determination:

Prior to annexing the property described herein, the Marietta City Council finds, as a matter of fact, that the annexation of the property described herein into the municipal corporation of the area proposed in the Application for Annexation would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the municipal corporation.

Section 2: The following property to wit:

ALL THAT TRACT or parcel of land lying and being in land lots 1138 and 1167 of the 16™ district, 2nd section, Cobb County, Georgia and being shown as 1.14 acres of land on plat of survey by Hennings Land Surveys dated June 18, 2003 and being more particularly described as follows:

Commencing at an iron located at the intersection of the southeasterly right-of-way of Gresham Road (50 foot right-of-way) and the southwesterly right-of-way of Glencrest Drive (50 foot right-of-way) thence south 15 degrees 06 minutes 27 seconds east a distance of 75.70 feet along the southwesterly right-of-way of Glencrest Drive to an iron pin; thence in a southerly and southeasterly direction along the southwesterly right-of-way of Glencrest Drive a distance of 72.07 feet to an iron pin; thence south 02 degrees 51 minutes 47 seconds west a distance of 171.13 feet to an iron pin; thence north 83 degrees 57 minutes 35 seconds west a distance of 283.92 feet to an iron pin located on the southeasterly right-of-way of Gresham Road; thence in a northeasterly direction along the southeasterly right-of-way of Gresham Road a distance of 82.83 feet to a concrete right-of-way monument; thence

north 43 degrees 29 minutes 47 seconds east a distance of 287.20 feet to an iron pin, the same being the point of beginning.

Section 3: The above-described property is hereby annexed into the corporate limits of the City of Marietta, Georgia, and shall have an effective date of June 1, 2015; except that for ad valorem tax purposes, the effective date of annexation shall be December 31, 2015. However, for school enrollment purposes only, the effective date of annexation shall be June 1, 2015, as stated in Georgia law [§ 36-36-2].

Section 4: The above described properties are hereby placed in Wards within the corporate limits of the City of Marietta, Georgia, as identified below:

PIN	Property Address	Proposed Ward
16116700040	1330 Gresham Road	5
16113800040	1350 Gresham Road	5

Section 5: 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 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: 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: **May 13, 2015** **APPROVED:**

R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy, City Clerk