FILE REFERENCE NO: 20150561

ORDINANCE NO: 7829

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 1212 & 1213, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as **Adams Circle, Beavers Street and Gunter Street right-of-way**.

WHEREAS, application has been filed by **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:

Beavers Street and Gunter Street right-of-way

ADAMS CIRCLE 40' RIGHT-OF-WAY

All that tract or parcel of land lying and being located in Lot 1213 of the 16th District, being the City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Commencing at the northwesterly mitered right-of-way intersection of Washington Avenue (apparent 40' R/W) and the easterly right-of-way of Howard Street (apparent 40' R/W); said point being a ½" rebar with cap found; thence continue along Howard Street N01•34'02"E, a distance of 137.08 feet to a 1/2" rebar with cap found; thence N02"00'54"E, a distance of 212.35 feet to a 1/2" rebar with cap found; thence N01•58'16" E, a distance of 188.98 feet to a ½" rebar found: thence N01"48'16"E, a distance of 87.61 feet to a ½" rebar found: thence N02"00'36•E. a distance of 87.50 feet to a concrete monument found; thence N01•59'04"E, a distance of 61.47 feet to a point and the right-of-way intersection of the southerly right-of-way of Gunter Street (40' R/W) and the easterly side of Howard Street (apparent 40' R/W): thence continue northerly along said line, NO1•59'04"E, a distance of 70.04 feet to a point of curve of a non-tangent curve to the left leaving Howard Street (40' R/W) with an arc distance of 24.06 feet, a radius of 15.00 feet, S43•57'44"E, with a distance of 21.56 feet: thence S89•54'3"E. a distance of 63.97 feet to the point of curve of a non- tangent curve to the right, with on arc distance of 66.16 feet, a radius of 738.64 feet. S86•39'51"E, with a distance of 66.13 feet; to a point of compound curve to the right, having an arc distance of 199.23 feet, a radius of 210.00 feet. S56"55'08•E with a distance of 191.85 feet; thence S29•44'23"E. a distance of 111.71 feet to a point on the most northwesterly

right-of-way Intersection of Gunter Street (40' R/W) and Adams Circle (40' R/W) and the POINT OF BEGINNING; thence a point of curve to the left having an arc length of 23.76 feet, a radius of 15.00 feet S75•07'24"E with a distance of 21.35 feet: thence N59•29"35"E, a distance of 52.50 feet to a point of curve to the left having an arc length of 55.32 feet, a radius of 85.00 feet N40'50'51"E with a distance of 54.35 feet; thence N22•12'06" E, a distance of 37.77 feet to a point of curve to the left having an arc length of 93.57 feet, a radius of 166.50 feet N06•06'10"E with a distance of 92.34 feet: thence N09•59'46"W, a distance of 284.35 feet to the northerly property line and the common Land Lot Line of Land Lots 1164 and 1213: thence S87•40'07"E, a distance of 40.94 feet; thence S09•59'46"E, a distance of 275.61 feet to a point of curve to the right having an arc length of 116.04 feet, a radius of 206.50 feet S06•06'10"W with a distance of 114.52 feet: thence S22•2'05"W, a distance of 37.77 feet to a point of curve to the right having an arc length of 81.36 feet, a radius of 125.00 feet S40•50'51"W with a distance of 79.93 feet: thence S59•29'35"W, a distance of 52.49 feet to a point of curve to the left having an arc length of 23.56 feet, a radius of 15.00 feet S14•29'35"W with a distance of 21.21 feet back to the easterly right-of-way of Gunter Street (40' R/W): thence N30•30'45"E, a distance of 70.20 feet to a point back to the POINT OF BEGINNING.

Said tract contains 22,433 square feet or 0.515 acres.

BEAVER STREET 20 ' RIGHT-OF-WAY

All that tract or parcel of land lying and being located In Land Lot 1213 of the 16th District, being the City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Commencing at the northwesterly mitered right-of-way intersection of Washington Avenue (apparent 40' R/W) and the easterly right-of-way of Howard Street (apparent 40' R/W); said

point being a ½" rebar with cap found; thence S51•20'17"E, a distance of 20.38 feet; thence N89•18'16"E, a distance of 126.75 feet along the northerly right-of-way of Washington Avenue (40' R/W) to a ½" rebar with cap found and the POINT OF BEGINNING;

Thence leaving Washington Avenue (40' R/W) N01•55'38"E, a distance of 150.04 feet to a point; thence N01•57'18"E, a distance of 122.76 feet to a point; thence N02•02'38"E, a distance of 74.94 feet to a point; thence N00•12'28"E, a distance of 76.75 feet to a concrete monument; thence S87•44'16"E, a distance of 19.92 feet to a point: thence S01•16'06"W, a distance of 161.46 feet to a 1" open top pipe found; thence S01•24'39"W, a distance of 89.95 feet to a 1" open top pipe found; thence S00•45'51"E, a distance of 172.23 feet to a 1/2" rebar with cap found and back to the northerly right-of-way of Washington Avenue (40" R/W); thence N89•53'42"W, a distance of 28.60 feet back to the POINT OF BEGINNING.

Said tract containing 9,130 square feet or 0.210 acres.

GUNTER STREET 40' RIGHT-OF-WAY

All that tract or parcel of land lying and being located in Land Lots 1212 & 1213 of the 16th District, being the City of Marietta, Cobb County, Georgia and being more particularly described as follows:

Commencing at the northwesterly mitered right-of-way intersection of Washington Avenue (apparent 40' R/W) and the easterly right-of-way of Howard Street (apparent 40' R/W); said point being a ½" rebar with cap found; thence continue along Howard Street N01°34'02"E, a distance of 137.08 feet to a ½" rebar with cap found; thence N02°00'54"E, a distance of 212.35 feet to a ½" rebar with cap found; thence N01°58'16"E, a distance of 188.98 feet to a ½" rebar found; thence N01°48'16"E, a distance of 87.61 feet to a ½" rebar found; thence N02°00'36"E, a distance of 87.50 feet to a concrete monument found; thence N01°59'04"E, a distance of 61.47 feet to a point and the right-of-way intersection of the southerly right-of-way of Gunter Street (40' R/W) and the easterly side of Howard Street (apparent 40' R/W) and the POINT OF BEGINNING;

Thence continue northerly along said line, N01°59'04"E, a distance of 70.04 feet to the point of curve of a non tangent curve to the left, with an arc distance of 24.06 feet, a radius of 15.00 feet, S43°57'44"E, with a distance of 21.56 feet; thence S89°54'31"E, a distance of 63.97 feet to the point of curve of a non tangent curve to the right, with an arc distance of 66.16 feet, a radius of 738.64 feet, S86°39'51"E, with a distance of 66.13 feet; to a point of compound curve to the right, having an arc distance of 199.23 feet, a radius of 210.00 feet, S56°55'08"E with a distance of 191.85 feet; thence S29°44'23"E, a distance of 111.71 feet to the right-of-way intersection of Adams Circle (40' R/W); thence continuing across Adams Circle right-of-way S30°30'25"E, a distance of 70.20 feet to a point; thence S30°30'25"E, a distance of 196.72 feet to a point of curve to the left having an arc length of 139.73 feet, a radius of 280.00 feet S44°48'10"E with a distance of 138.28 feet; thence S59°05'55"E, a distance of 89.74 feet to a point of curve to the right having an arc length of 135.43 feet, a radius of 130.00 feet S29°15'17"E with a distance of 129.39 feet; thence S00°35'21"W, a distance of 146.62 feet to the right-of-way intersection of Washington Avenue; thence N88°25'53"W, a distance of 40.01 feet to a PK nail found in the existing concrete curb; thence N00°35'21"E, a distance of 145.93 feet to a point of curve to the left having an arc length of 93.76 feet, a radius of 90.00 feet N29°15'17"W with a distance of 89.57 feet; thence N59°05'55"W, a distance of 89.74 feet to a point of curve to the right having an arc length of 159.69 feet, a radius of 320.00 feet N44°48'10"W with a distance of 158.04 feet; thence N30°30'25"W, a distance of 267.72 feet; thence N29°44'23"W, a distance of 111.46 feet to a point of curve to the left having an arc length of 161.28 feet, a radius of 170.00 feet N56°55'08"W with a distance of 155.30 feet; to a point of compound curve to the left, having an arc distance of 62.34 feet, a radius of 698.64 feet, N86°39'16"W with a distance of 62.32 feet; thence N89°54'31"W, a distance of 66.05 feet to a point of curve to the left having an arc length of 23.07 feet, a radius of 15.00 feet S46°02'16"W with a distance of 20.86 feet back to the right-of-way intersection of Howard Street and Gunter Street and the POINT OF BEGINNING.

Said tract containing 48,246 square feet or 1.107 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from unzoned to PRD-SF [Planned Residential Development – Single 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: **August 12, 2015** **APPROVED:**

ATTEST:

R. Steve Tumlin, Jr., Mayor

Stephanie Guy, City Clerk