

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 726, District 17, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1175 Franklin Road**.

WHEREAS, application has been filed by **JERUSALEM RESTAURANT & BAKERY** 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 726 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin set at the intersection of the eastern side of Franklin Road (having a 80 foot right of way) and the northern corner of the sight triangle acquired by the City of Marietta by instrument recorded in deed book 4281, page 404, Cobb County, Georgia, deed records, and running thence north 1 degree 19 minutes 13 seconds west, along said eastern side of Franklin Road, a distance of 250.62 feet to an iron pin found; running thence north 89 degrees 40 minutes 2 seconds east, along property now or formerly of Kingston Court Business Park, a distance of 199.92 feet to an iron pin found; running thence south 1 degree 19 minutes 0 seconds east, along property now or formerly of Kent W. Miller, a distance of 269.86 feet to an iron pin found on the northern side of Kingston Court (having a 60 foot right of way); running thence south 89 degrees 27 minutes 5 seconds west, along said northern side of Kingston Court, a distance of 179.89 feet to an iron pin set at the eastern corner of the above described sight triangle; running thence north 45 degrees 56 minutes 4 seconds west, along the northeastern side of said sight triangle, a distance of 28.47 to the iron pin set at the point of beginning.

Said tracts contain 54,014.4 square feet or 1.24 acres.

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

Section 3: The following stipulations are incorporated as conditions of zoning:

Letter of stipulations from Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated October 13, 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.

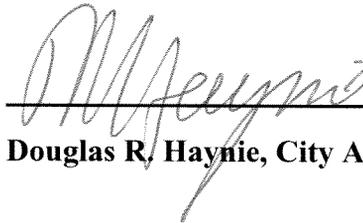
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



Douglas R. Haynie, City Attorney

Approved by City Council:

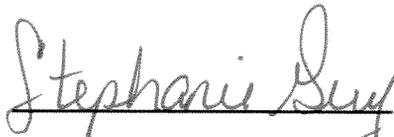
DATE: October 14, 2015

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk