

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 796, District 17, Parcels 0260, 0270, 0390, & 0380 (also known as **770, 780, 786, & 790 Powers Ferry Road**).

WHEREAS, application has been filed by **ALAN SCHLACT (KRAFT MARK HOMES, LLLP)** 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:

770 Powers Ferry Road:

All that tract or parcel of land lying and being in and Lot 796 of the 17th District of 2nd Section of Cobb County, Georgia, and being more particularly described as follows: BEGINNING at a point on the Southwesterly side of Powers Ferry Road at the intersection formed by the Southwesterly side of Powers Ferry Road with the Southeasterly side of Tuxedo Drive, also known as Forest Ridge Drive; and running thence Southeasterly along the Southwesterly side of Powers Ferry Road, One Hundred Sixty (160) feet to an iron pin; running thence Southwesterly Two Hundred Eighty (280) feet to an iron pin; running thence Northwesterly One Hundred Sixty (160) feet to an iron pin, running thence Northeasterly Two Hundred Seventy-Nine and Nine-Tenths (279.9) feet to the Southwesterly side of Powers Ferry Road and the Southeasterly side of Tuxedo Drive. Improved property formerly known as 1457 Powers Ferry Road. Now numbered as 2492 Powers Ferry Road.

LESS AND EXCEPT the property conveyed to Cobb County by the Right-of-Way Deed recorded in Deed Book 8347, Page 355, Cobb County, Georgia Records.

780 Powers Ferry Road:

All that tract or parcel of land lying and being in Land Lot 796 of the 17th District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point on the southwesterly side of Powers Ferry Road, One Hundred Sixty (160) feet southeasterly from the intersection formed by the southwesterly side of Powers Ferry Road with the southeasterly side of Tuxedo Drive, also known as Forest Ridge Drive; running thence southeasterly along the southwesterly side of Powers Ferry Road, one hundred forty

(140) feet to an iron pin; running thence south 25 degrees 13 minutes west, two hundred eighty (280) feet to an iron pin; running thence north 59 degrees 36 minutes west, one hundred forty (140) feet to an iron pin, running thence northeasterly, two hundred eighty (280) feet to the southwesterly side of Powers Ferry Road and the point of beginning. Improved property known as 1459 Powers Ferry Road (now 780 Powers Ferry Road, SE. Marietta, Georgia 30067)

LESS AND EXCEPT the property conveyed to Cobb County by the Right-of-Way Deeds recorded in Deed Book 8347, Page 357, Cobb County, Georgia Records and in Deed Book 8347, Page 359, aforesaid records

786 Powers Ferry Road:

All that tract or parcel of land lying and being in Land Lot 796 of the 17th District of the Second Section, Cobb County, Georgia, and more particularly described as follows: TO FIND THE POINT OF BEGINNING, BEGIN at an iron pin on the southwest side of Powers Ferry Road where the southeast side of Tuxedo Drive intersects and running thence southwesterly 279.9 feet to an iron pin, WHICH IRON PIN IS THE POINT OF BEGINNING, and running thence southwesterly 30.1 feet to an iron pin; running thence southerly 70.0 feet to an iron pin, running thence southeasterly 136.3 feet to an iron pin; running southeasterly 140.0 feet to an iron pin; running thence northeasterly 100.0 feet to an iron pin; running thence northwesterly along the southwesterly side of the Walker property 140.0 feet to an iron pin; running thence northwesterly along the southwesterly side of the Skinner property 159.8 feet to an iron pin at the point of beginning, as shown on plat by William H. Veal, dated February 24, 1969.

790 Powers Ferry Road:

All that tract or parcel of land lying and being in Land lot 796 of the 17th District of the Second Section, Cobb County, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwesterly side of Powers Ferry Road 300 feet southeasterly front the southwest corner of Powers Ferry Road and Tuxedo Drive and running thence southwesterly 380 feet to an iron in; running thence southeasterly 100 feet to an iron pin; running thence northeasterly 380 feet to the southwesterly side of Powers Ferry Road; running thence northwesterly along the southwesterly side of Powers Ferry Road 100 feet to the POINT OF BEGINNING.

LESS AND EXCEPT the property conveyed to Cobb County by the Right-of-Way Deeds recorded in Deed Book 8347, Page 357, Cobb County, Georgia Records and in Deed Book 8347, Page 359, aforesaid records.

Said tracts contain 138,085.2 square feet or 3.17 acres.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from R-20 (Single Family Residential – County) to R-4 (Single Family Residential 4 units/acre - City).

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

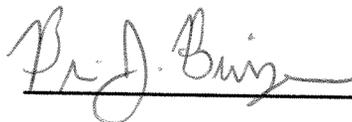
1. Letter of stipulations from Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated September 24, 2015.
2. The homes will be fee simple, owner-occupied with no rentals.
3. Any repairs required to existing fencing which is located on the subject property shall be undertaken and completed prior to the development of the property.

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:



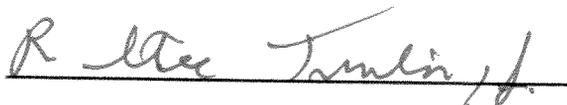
Douglas R. Haynie, City Attorney

Approved by City Council:

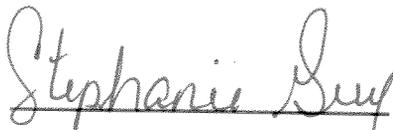
DATE: October 14, 2015

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk