

AN ORDINANCE

ANNEXING the following property in the corporate limits of the City of Marietta, Georgia consisting of 3.17 acres and all associated right-of-way, 2nd Section, Cobb County, Georgia as follows: 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 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:

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 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 October 6, 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 October 6, 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:

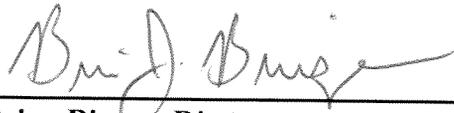
PIN	Property Address	Proposed Ward
17 07960 0260	770 Powers Ferry Road	6A
17 07960 0270	780 Powers Ferry Road	6A
17 07960 0390	786 Powers Ferry Road	6A
17 07960 0380	790 Powers Ferry Road	6A

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.

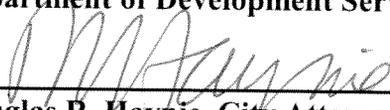
Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Brian Binzer, Director
Department of Development Services

Approved as to form:

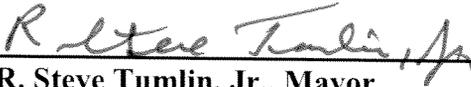


Douglas R. Haynie, City Attorney

Approved by City Council:

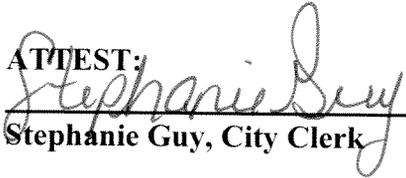
DATE: October 14, 2015

APPROVED:



R. Steve Tumlin, Jr., Mayor

ATTEST:



Stephanie Guy, City Clerk