

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 1213, 1235, 1236, District 16, 2nd Section, Marietta, Cobb County, Georgia, and being known as **portions of 10' unnamed alley, Roswell Street right-of-way, and Victory Drive 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:

774 Roswell Street Dedication 1:

All that tract or parcel of land and being in Land Lot 1235 of the 16th District, 2nd Section of Cobb County, in the City of Marietta, Georgia and being more particularly described as follows:

COMMENCING at a PK Nail located at the intersection of the Southerly right-of-way of Roswell Street (having a variable right-of-way) and the Easterly right-of-way of Victory Drive (having a variable foot right-of-way), said point also being the POINT OF BEGINNING;

THENCE along the Easterly right-of-way of Victory Drive, South 01 degrees 43 minutes 51 seconds West for a distance of 306.06 feet to a point;

THENCE North 88 degrees 16 minutes 09 seconds West for a distance of 7.00 feet to a point located on the proposed Easterly right-of-way of Victory Drive;

THENCE along said proposed right-of-way, North 01 degrees 43 minutes 51 seconds East for a distance of 305.28 feet to a point located on the Southerly right-of-way of Roswell Street;

THENCE along said right-of-way, North 85 degrees 22 minutes 30 seconds East for a distance of 7.04 feet to the POINT OF BEGINNING.

Said property contains 0.049 acres or 2,140 square feet more or less.

774 Roswell Street Dedication 2:

All that tract or parcel of land and being in Land Lot 1235 and 1236 of the 16th District, 2nd Section of Cobb County, in the City of Marietta, Georgia and being more particularly described as follows:

COMMENCING at a PK Nail located at the intersection of the Southerly right-of-way of Roswell Street (having a variable right-of-way) and the Easterly right-of-way of Victory Drive (having a variable foot right-of-way);

THENCE along the Southerly right-of-way of Roswell Street, North 85 degrees 22 minutes 30 seconds East for a distance of 30.00 feet to a point, said point being the POINT OF BEGINNING;

THENCE North 40 degrees 03 minutes 46 seconds East for a distance of 23.21 feet to a point located on the proposed Southerly right-of-way of Roswell Street;

THENCE along the proposed Southerly right-of-way of Roswell Street the following bearings and distances:

THENCE North 89 degrees 45 minutes 42 seconds East for a distance of 17.50 feet to a point;

THENCE North 81 degrees 56 minutes 51 seconds East for a distance of 102.07 feet to a point;

THENCE along a curve to the left having a radius of 3208.43 feet and an arc length of 306.58 feet, being subtended by a chord of North 85 degrees 03 minutes 28 seconds East for a distance of 306.47 feet to a point;

THENCE North 82 degrees 19 minutes 11 seconds East for a distance of 143.17 feet to a point;

THENCE South 24 degrees 15 minutes 00 seconds East for a distance of 36.06 feet to a point located on the existing Southerly right-of-way of Roswell Street;

THENCE along the existing Southerly right-of-way of Roswell Street: THENCE South 83 degrees 34 minutes 46 seconds West for a distance of 30.64 feet to a point;

THENCE South 84 degrees 28 minutes 37 seconds West for a distance of 65.05 feet to a point;

THENCE South 82 degrees 12 minutes 17 seconds West for a distance of 73.32 feet to a point;

THENCE South 82 degrees 48 minutes 46 seconds West for a distance of 56.33 feet to a point;

THENCE along a curve to the right having a radius of 30.00 feet and an arc length of 41.58 feet, being subtended by a chord of North 56 degrees 52 minutes 15 seconds West for a distance of 38.33 feet to a point;

THENCE along a curve to the right having a radius of 3216.43 feet and an arc length of 241.74 feet, being subtended by a chord of South 86 degrees 16 minutes 34 seconds West for a distance of 241.68 feet to a point;

THENCE South 04 degrees 08 minutes 56 seconds East for a distance of 15.34 feet to a point;

THENCE South 85 degrees 22 minutes 30 seconds West for a distance of 99.97 feet to the POINT OF BEGINNING.

Said property contains 0.256 acres or 11,166 square feet more or less.

767 Roswell Street Right-of-Way Abandonment B:

All that tract or parcel of land and being in Land Lot 1213 and 1236 of the 16th District, 2nd Section of Cobb County, in the City of Marietta, Georgia and being more particularly described as follows:

COMMENCING at a point located at the intersection of Northerly right-of-way of Roswell Street (having a variable right-of-way) and the Westerly right-of-way of an alley with a width of 10 feet, said point also being the POINT OF BEGINNING;

THENCE along the Westerly right-of-way of said alley, North 00 degrees 32 minutes 53 seconds West for a distance of 276.95 feet to a Mag Nail;

THENCE leaving said right-of-way, South 89 degrees 32 minutes 30 seconds East for a distance of 10.42 feet to a point on the Easterly right-of-way of the alley;

THENCE along the Easterly right-of-way of said alley, South 00 degrees 27 minutes 47 seconds East for a distance of 275.44 feet to a Mag Nail on the Northerly right-of-way of Roswell Street;

THENCE along the Northerly right-of-way of Roswell Street and along a curve to the right having a radius of 2934.52 feet and an arc length of 10.09 feet, being subtended by a chord of South 81 degrees 55 minutes 14 seconds West for a distance of 10.09 feet to the POINT OF BEGINNING

Said property contains 0.065 acres or 2,820 square feet more or less.

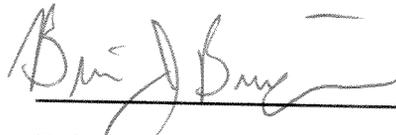
Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from unzoned to CRC (Community Retail Commercial).

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.

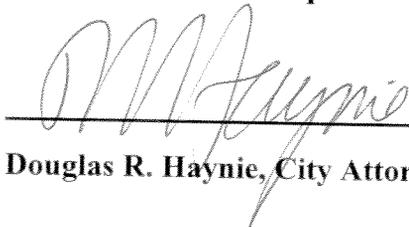
Section 5: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



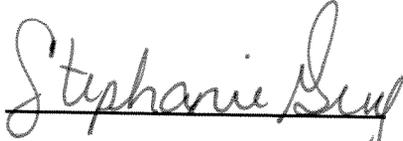
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: October 14, 2015

APPROVED:

ATTEST:


Stephanie Guy, City Clerk


R. Steve Tumlin, Jr., Mayor