

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 651, 652, 717, and 718, District 17, Parcels 0020 and 0050, 2nd Section, Marietta, Cobb County, Georgia, and being known as **849 and 861 Franklin Road.**

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:

849 Franklin Road:

All that tract or parcel of land lying in Land Lots 651 & 652 of the 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point at the intersection of the northern right-of-way of Franklin Road (80' right-of-way) and the line common to Land Lots 645 and 652, said point being the TRUE POINT OF BEGINNING: Thence along said Land Lot line North 00 degrees 02 minutes 35 seconds West,

351.72 feet to a 1-1/2 inch crimped top pipe found at the corner common to Land Lots 645, 646, 651 and 652; Thence along the line common to Land Lots 646 and 651 North 00 degrees 07 minutes 51 seconds West., 1300.28 feet to a 1/2 inch rebar set at the corner common to Land Lots 646, 647, 650, and 651; Thence leaving said Land Lot line North 89 degrees 58 minutes 46 seconds East, 276.46 feet to a 1 inch crimped top pipe found at the western right-of-way of Interstate 75 (variable right-of-way); Thence along said right-of-way South 53 degrees 32 minutes 33 seconds East, 1327.44 feet to a point; Thence leaving said right-of-way South 00 degrees 31 minutes 50 seconds East, 8.71 feet to a 1/2 inch rebar set; Thence North 68 degrees 04 minutes 09 seconds West, 187.36 feet to a 1/2 inch rebar set; Thence North 51 degrees 22 minutes 34 seconds West 249.98 feet to a 1/2 inch rebar set; Thence South 00 degrees 25 minutes 24 seconds West, 294.98 feet to a point located on the centerline of an existing sanitary sewer line; Thence along said sanitary sewer line the following courses and distances: North 58 degrees 52 minutes 56 seconds West. 34.32 feet to a sanitary sewer manhole found; North 41 degrees 38 minutes 18 seconds West, 96.10 feet to a sanitary sewer manhole found; South 75 degrees 57 minutes 53 seconds West. 107.99 feet to a sanitary sewer manhole found; North 44 degrees 38 minutes 47 seconds West, 56.62 feet to a 1/2 inch rebar set; Thence leaving said sanitary sewer line South 50 degrees 37 minutes 36 seconds West, 386.76 feet to a 1/2 inch rebar set; Thence South 03 degrees 59 minutes

01 seconds West, 357.53 feet to a 1/2 inch rebar set; Thence South 17 degrees 08 minutes 52 seconds East, 256.69 feet to a 1/2 rebar found; Thence South 66 degrees 45 minutes 46 seconds East, 58.04 feet to a 1/2 inch rebar set; Thence: South 25 degrees 31 minutes 28 seconds West, 243.49 feet to a 1/2 inch rebar set at the northern right-of-way of Franklin Road; Thence along said right-of-way North 65 degrees 05 minutes 44 seconds West, 476.48 feet to a point; said point being the TRUE POINT OF BEGINNING.

Said tract contains 25.26± Acres or 1,100,326.6± Square Feet.

861 Franklin Road:

All that tract or parcel of land lying and being in land lots 651, 652, 717, and 718 of the 17th district, 2nd section, Cobb County, Georgia, and being more fully described as follows:

Beginning at an iron pin located on the northeasterly original right-of-way of Franklin Road (80' R/W), said iron pin being south 64 degrees 37 minutes 35 seconds east a distance of 476.48 feet from the intersection of the northeasterly original right-of-way of Franklin Road and the land lot line common to land lot 645 and 652, said iron pin. Thence running north 26 degrees 8 minutes 38 seconds east along the said northwesterly right-of-way of Franklin Road a distance of 46.74 feet to an iron pin being the point of beginning. Thence from the point of beginning and leaving the said right-of-way of Franklin Road and running north 26 degrees 8 minutes 38 seconds east a distance of 198.21 feet to an iron pin; thence running north 66 degrees 09 minutes 55 seconds west a distance of 57.63 feet to an iron pin; thence running north 16 degrees 24 minutes 01 seconds west a distance of 256.53 feet to an iron pin; thence running north 04 degrees 44 minutes 28 seconds east a distance of 357.43 feet to an iron pin; thence running north 51 degrees 17 minutes 40 seconds east a distance of 386.72 feet to an iron pin; thence running south 43 degrees 24 minutes 27 seconds east a distance of 57.47 feet to a sanitary sewer manhole; thence running north 76 degrees 22 minutes 04 seconds east a distance of 108.05 feet to a sanitary sewer manhole; thence running south 40 degrees 53 minutes 04 seconds east a distance of

96.27 feet to a sanitary sewer manhole; thence running south 58 degrees 36 minutes 02 seconds east a distance of 33.35 feet to an iron pin; thence running north 01 degrees 28 minutes 22 seconds east a distance of 283.52 feet to an iron pin located on the said southwesterly right-of-way of interstate highway no. 75; thence running south 53 degrees 15 minutes 10 seconds east along the said southwesterly right-of-way of interstate highway no. 75 a distance of 175.99 feet to an iron pin; thence running south 50 degrees 17 minutes 52 seconds east a distance of 65.27 feet to an iron pin; thence running south 67 degrees 09 minutes 53 seconds west a distance of 9.81 feet to an iron pin located on the southwesterly right-of-way of interstate highway no. 75; thence running south 53 degrees 41 minutes 13 seconds east and along the said southwesterly right-of-way of interstate highway no. 75 a distance of 594.06 feet to an iron pin; thence leaving the said southwesterly right-of-way of interstate no. 75 and running south 34 degrees 50 minutes 43 seconds.

A distance of 634.30 feet to an iron pin; thence running south 00 degrees 21 minutes 05 seconds east a distance of 146.25 feet to an iron pin; thence running south 70 degrees 27 minutes 02 seconds west a distance of 133.26 feet to an iron pin; thence running south 69 degrees

49 minutes 31 seconds west a distance of 227.32 feet to an iron pin; thence running south 69 degrees 30 minutes 27 seconds west a distance of 229.23 feet to an iron pin; thence running south 66 degrees

11 minutes 41 seconds west a distance of 40.76 feet to an iron pin located on the said northeasterly right-of-way of Franklin Road; thence running northwesterly along the said northwest right-of-way of Franklin Road and following the arc of a curve to the left an arc distance of 88.14 feet (said arc having a radius of 1,468.99 feet. A chord bearing of north 61 degrees 50 minutes 03 seconds west, and a chord distance of 88.13 feet) to a point; thence running north 52 degrees 34 minutes 6 seconds west along the said northeasterly right-of-way of Franklin Road a distance of 57.36 feet to a point; thence running north 66 degrees 04 minutes 11 seconds west along the said northeasterly right-of-way of Franklin Road a distance of

34.35 feet to a point; thence running north 72 degrees 27 minutes 50 seconds west along the said northeasterly right-of-way of Franklin Road a distance of 103.16 feet to a point; thence running north 16 degrees 37 minutes 21 seconds east along the said southeasterly right-of-way of Franklin Road a distance of 43.41 feet to a point; thence running north 80 degrees 35 minutes 45 seconds

West along the said northeasterly right-of-way of Franklin Road a distance of 22.90 feet to the said iron pin and the point of beginning.

Said tract contains 24.455± Acres or 1,065,257± Square Feet.

Section 2: The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from PRD-MF (Planned Residential Development Multi Family) to PCD (Planned Commercial Development).

Section 3: The following stipulation is incorporated as a condition of zoning:

1. The property will be posted and advertised at least 15 days prior to consideration of the detailed plan by the Mayor and City Council.

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.

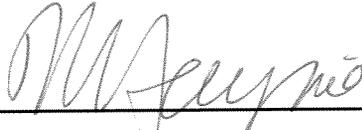
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



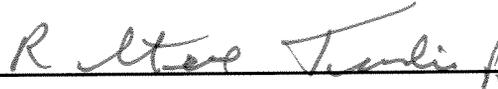
Douglas R. Haynie, City Attorney

Approved by City Council:

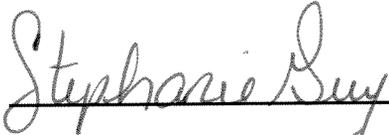
DATE: October 14, 2015

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk