

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1290, 16th District, Parcels 0360 and 0370, 2nd Section, Marietta, Cobb County, Georgia, and being known as a **portion of 392, 404, 408, 412, 422, 430, and 436 Powder Springs Street.**

WHEREAS, application has been filed by **CENTURY COMMUNITIES, LLC** 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 217 of the 17th District and Land Lot 1290 of the 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows: Beginning at a concrete monument found at the mitered right of way intersection of the westerly right of way of Powder Springs Road, a.k.a. Georgia Highway 360 (100' R/W) and the northerly right of way of Griggs Street (apparent 30' R/W); THENCE following along the northerly right of way of Griggs Street (apparent 30' R/W) North 83 degrees 04 minutes 10 seconds West, 30.37 feet to a point on the northerly right of way of Griggs Street (apparent 30' R/W); said point being the POINT OF BEGINNING; THENCE running along said right of way North 83 degrees 04 minutes 10 seconds West, 12.62 feet to a #5 rebar found; THENCE leaving the northerly right of way of Griggs Street (apparent 30' R/W) and following along the property of now or formerly Future Marietta Walk North 58 degrees 10 minutes 36 seconds East, 39.01 feet to a #5 rebar found; THENCE following along the property of now or formerly Future Marietta Walk along a curve to the right, an arc distance of 65.13 feet, said curve having a radius of 6869.36 feet and being subtended by a chord of 65.13 feet, at North 19 degrees 56 minutes 17 seconds East, to a #5 rebar found; THENCE following along the property of now or formerly Future Marietta Walk along a curve to the right, an arc distance of 127.91 feet, said curve having a radius of 6969.36 feet and being subtended by a chord of 127.91 feet, at North 20 degrees 47 minutes 09 seconds East, to a #5 rebar found; THENCE following along the property of now or formerly Future Marietta Walk North 21 degrees 32 minutes 36 seconds East, 244.28 feet to a #5 rebar found; THENCE following along the property of now or formerly Edwin Cubbedge South 80 degrees 46 minutes 33 seconds East, 7.42 feet to a #4 rebar set; THENCE following along the property of the City of Marietta (P.B. 232, Pg. 81) South 20 degrees 59 minutes 57 seconds West, 441.47 feet to a

#4 rebar set; THENCE following along the property of the City of Marietta (P.B. 232, Pg. 81) South 58 degrees 10 minutes 36 seconds West, 31.82 feet to a point on the right of way of Griggs Street (apparent 30' R/W) and the TRUE POINT OF BEGINNING;

Said tract or parcel contains 0.09 acres (4130 square feet).

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

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

- This property shall be incorporated into the Marietta Walk development, and all previously approved stipulations to zoning and detailed plans for Marietta Walk, including site plans, landscaped plans and architectural elevations, shall also apply to this 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: April 13, 2016

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk