

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 1016 and 1017, District 16, Parcels 0190, 0210, 0100, and 0300, 2nd Section, Marietta, Cobb County, Georgia, and being known as **720, 730, and 750 Canton Road; and 899 Cobb Parkway North.**

WHEREAS, application has been filed by **HCA REALTY, INC (TRATON HOMES, 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 1016 & 1017 of the 16th district, 2nd section, city of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a #4 rebar found at the common corner of land lots 1016, 1017, 1072 & 1073, said point being the point of beginning. Thence leaving the common corner of land lots 1016, 1017, 1072 & 1073 and following along the southern line of land lot 1016 and the property line of sequoia hills subdivision lots 15 & 16 the following courses: North 87 degrees 55 minutes 15 seconds west for a distance of 176.84 feet to a 1" open top pipe found; Thence north 87 degrees 22 minutes 40 seconds west for a distance of 99.64 feet to a 1" crimped top pipe found; Thence continuing along the southern line of land lot 1016 and following along the property line of Kennestone Heights subdivision lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 the following courses: North 87 degrees 27 minutes 28 seconds west for a distance of 93.52 feet to a #4 rebar found; Thence north 88 degrees 11 minutes 40 seconds west for a distance of 92.90 feet to a 1" open top pipe found; Thence north 87 degrees 42 minutes 17 seconds west for a distance of 93.06 feet to a 1" open top pipe found; Thence north 87 degrees 47 minutes 27 seconds west for a distance of 92.98 feet to a 1" crimped top pipe found; Thence north 87 degrees 44 minutes 33 seconds west for a distance of 185.29 feet to a #4 rebar set; Thence north 87 degrees 50 minutes 47 seconds west for a distance of 93.54 feet to a #4 rebar set; Thence north 88 degrees 09 minutes 58 seconds west for a distance of 80.61 feet to a #4 rebar set; Thence north 88 degrees 07 minutes 17 seconds west for a distance of 290.58 feet to a #4 rebar set at the intersection of the southern line of land lot 1016 and the easterly right of way of Canton Road (a/k/a Cherokee Street, variable r/w); Thence leaving the southern line of land lot 1016 and following along the easterly right of way of Canton Road north 00 degrees 40 minutes 43 seconds east for a distance of 140.51 feet to a #4 rebar set; Thence leaving the easterly right of way of Canton Road and following along the common property line of G & E Healthcare REIT the following courses: North 77 degrees 18 minutes 44 seconds east for a distance of 146.05 feet to a #4 rebar set; Thence north 87 degrees 50 minutes 16 seconds

east for a distance of 103.24 feet to a #4 rebar set; Thence south 84 degrees 41 minutes 36 seconds east for a distance of 292.51 feet to a #4 rebar found; Thence north 76 degrees 20 minutes 06 seconds east for a distance of 40.19 feet to a #4 rebar found; Thence north 50 degrees 03 minutes 49 seconds east for a distance of 54.81 feet to a #4 rebar found; Thence north 22 degrees 07 minutes 35 seconds east for a distance of 20.89 feet to a #4 rebar found; Thence north 00 degrees 07 minutes 42 seconds west for a distance of 96.53 feet to a #4 rebar set; Thence north 08 degrees 39 minutes 44 seconds east for a distance of 73.23 feet to a #4 rebar set; Thence north 00 degrees 36 minutes 41 seconds east for a distance of 195.52 feet to a #4 rebar set; Thence south 87 degrees 40 minutes 02 seconds west for a distance of 35.62 feet to a #4 rebar set; Thence north 82 degrees 18 minutes 12 seconds west for a distance of 141.53 feet to a #4 rebar set; Thence following along the property line of Pal Princeton Place south 89 degrees 03 minutes 42 seconds east for a distance of 605.50 feet to a ¾" open top pipe found; Thence following along the property line of Randy Womack north 72 degrees 07 minutes 34 seconds east for a distance of 275.01 feet to a #4 rebar found; Thence following along the property line of Public Storage Institutional Fund II south 38 degrees 03 minutes 33 seconds east for a distance of 425.69 feet to a #4 rebar found; Thence following along the property line of Sequoia Hills Subdivision, addition #1, block 'a', lots 13 and 14 the following courses: South 70 degrees 02 minutes 36 seconds west for a distance of 79.38 feet to a 1" crimped top pipe found; Thence south 70 degrees 23 minutes 49 seconds west for a distance of 226.47 feet to a 1" open top pipe found on the common line of land lots 1016 & 1017; Thence following along the common line of land lots 1016 & 1017 and continuing along the property line of Sequoia Hills Subdivision, addition #1, block 'a', lots 14 & 16 south 01 degrees 40 minutes 01 seconds west for a distance of 280.03 feet to a #4 rebar found at the common corner of land lots 1016, 1017, 1072 & 1073, said point being the point of beginning.

Said tract or parcel contains 13.92 acres, more or less (606,355 square feet).

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

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

- Letter of stipulations from J. Kevin to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated June 6, 2016.

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.

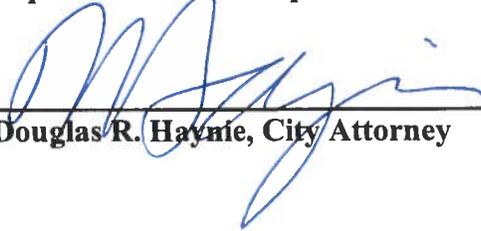
Section 6: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



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

Approved as to form:



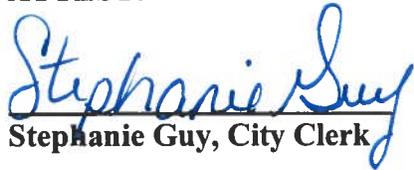
Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: June 8, 2016

APPROVED:

ATTEST:



Stephanie Guy, City Clerk



R. Steve Tumlin, Jr., Mayor