

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lots 716, 717, 724, & 725, District 17, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia, and being known as **1019 Franklin Gateway**.

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:

All that tract or parcel of land lying and being in land lots 716, 717, 724 & 725 of the 17th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the northeasterly right of way of Franklin Road (80' R/W), said point is located 540.43 feet southeasterly as measured along the northeasterly side of Franklin Road from its intersection with the northern line of land lot 716, said point being the point of beginning.

Thence leaving said northeasterly right of way of Franklin Road north 37 degrees 56 minutes 14 seconds east 1428.37 feet to a #4 rebar found on the southwesterly right of way of Interstate 75; thence along said southwesterly right of way of Interstate 75 along a curve to the right, an arc distance of 1563.29 feet, said curve having a radius of 5566.17 feet and being subtended by a chord of 1558.16 feet, at south 33 degrees 00 minutes 24 seconds east, to a point at the intersection of the southwesterly right of way of Interstate 75 and the centerline of Rottenwood Creek; thence leaving said southwesterly right of way of Interstate 75 and following along said centerline of Rottenwood Creek 806.2 feet ± and being subtended by the following courses: South 85 degrees 53 minutes 58 seconds west, 381.60 feet to a point; South 58 degrees 54 minutes 16 seconds west, 398.52 feet to a point; thence leaving said centerline of Rottenwood Creek north 36 degrees 19 minutes 49 seconds west, 516.21 feet to a point; thence south 76 degrees 21 minutes 22 seconds west, 229.23 feet to a #4 rebar Found; Thence south 76 degrees 07 minutes 36 seconds west, 183.11 feet to a #4 rebar found; thence south 46 degrees 46 minutes 38 seconds west, 138.72 feet to a point on the northeasterly right of way of Franklin Road; thence following along said northeasterly right of way of Franklin Road north 46 degrees 04 minutes 26 seconds west, 274.42 feet to a point, said point being the point of beginning.

Said tract containing 28.65± acres and more particularly described on that certain survey entitled "ALTA/ACSM LAND TITLE SURVEY for: Marquise Place LLC, a Georgia Limited Liability Company, its successors and/or assigns, Chicago Title Insurance Company and Branch Banking

& Trust Company, its successors and assigns prepared by Gaskins, being the seal and certification of Christopher A. Evans, GRLS #2784 dated October 8, 2007 and last revised August 9, 2011 and incorporated herein by reference.

Less And Except Right Of Way:

All that tract or parcel of land lying and being in land lot 717, 724 & 725 of the 17th land district of Cobb County, Georgia, being more particularly described as follows:

Beginning at a point 29.18 feet left of and opposite station 406+08.76 on the construction centerline of I-75 managed lanes on Georgia Highway Project No. CS-NHS-0008-00(256); running thence s 40°56'19.5" W a distance of 47.34 feet to a point 75.00 feet left of and opposite station 405+96.77 on said construction centerline laid out for I-75 managed lanes; thence northwesterly 613.61 feet along the arc of a curve (said curve having a radius of 528.00 feet and a chord distance of 613.46 feet on a bearing of N 37°48' 14.2" W) to a point 75.00 feet left of an opposite station 412+19.29 on said construction centerline laid out for I-75 managed lanes; thence no 37°58'45.4" E a distance of 47.52 feet to a point 28.33 feet left of an opposite station 412+28.31 on said construction centerline laid out for I-75 managed lanes; thence southeasterly 616.20 feet along the arc of a curve (said curve having a radius of 5588.54 feet and a chord distance of 615.89 feet on a bearing S 37°50'16.6" E) back to the point of beginning. Containing 0.649 acres more or less.

The above property is subject to the following permanent easement:

Beginning at a point 35 feet left of and opposite station 406+07.25 on the construction centerline of I-75 managed on Georgia Highway Project No. CS-NHS-0008-00(256); running thence n 40°56' 19.5" E a distance of 6.02 feet to a point 29.18 feet left of and opposite station 406+08.76 on said construction centerline laid out for I-75 managed lanes; thence southeasterly 938.98 feet along the arc of a curve (said curve having a radius of 5588.71 feet and a chord distance of 937.88 feet on a bearing of S 29°51 '57.9" E) to the point 24.16 feet left of and opposite station 396+64.99 on said construction centerline laid out for I-75 managed lanes; thence N 59°15'35.5" W a distance of 7.43 feet to a point 26.38 feet left of and opposite station 396+71.12 on said construction centerline laid out for I-75 managed lanes; thence S 87°12'38.9" W a distance of 7.13 feet to a point 35.00 feet left of and opposite station 396+73.78 on said construction centerline laid out for I-75 managed lanes; thence N 27°06'08.0" W a distance of 463.03 feet to a point 35.00 feet left of and opposite station 401+40.00 on said construction centerline laid out for I-75 managed lanes; thence N 32°05'28.9" W a distance of 464.05 feet back to the point of beginning. Containing 0.238 acres more or less.

Also granted are 613.81 linear feet of access rights: beginning at a point 75.00 feet left of an opposite station 405+96.77 on the survey centerline of I-75 managed lanes on Georgia Highway Project No. CS- NHS-0008-00(256) thence proceeding 813.81 feet to an ending point 75.00 feet left of and opposite station 412+19.29 on said centerline.

Said tracts or parcels contains 28.6 acres, more or less (1,245,816 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: 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: July 13, 2016

APPROVED:

ATTEST:



R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk