

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as **840 Kennesaw Avenue**.

**WHEREAS**, application has been filed by **RICHARD CARLTON ET AL**, (due to number of individual parcels, a full list of titleholders is available at the Marietta Planning & Zoning Division) 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 939 and 1006 of the 16th district, 2nd section, City of Marietta, Cobb County, Georgia; said property being known as Oakton park II, 840 Kennesaw Avenue, and being more particularly described as follows:

Commencing at a point at the intersection of the easterly right of way of Marble Mill road and the northerly right of way of Kennesaw Avenue; Thence leaving the easterly right of way of Marble Mill Road and following along the northerly right of way of Kennesaw Avenue the following courses: north a distance of 133.08 feet to an iron pi #4 rebar found, said point being the point of beginning; Thence along said northerly right of way north 27 degrees 57 minutes 18 seconds west a distance of 86.00 feet to a point; Thence continuing along said northerly right of way north 22 degrees 43 minutes 47 seconds west (rad. = 1093.76'; arc = 190.41') a distance of 190.17 feet to an iron pin found; Thence leaving said northerly right of way, north 70 degrees 14 minutes 40 seconds east a distance of 219.78 feet to an iron pin found; Thence south 22 degrees 44 minutes 42 seconds east a distance of 179.76 feet to an iron pin found; Thence south 27 degrees 43 minutes 29 seconds east a distance of 62.00 feet to an iron pin found; Thence south 62 degrees 02 minutes 22 seconds west a distance of 65.00 feet to an iron pin found; Thence south 27 degrees 45 minutes 54 seconds east a distance of 3.00 feet to an iron pin found; Thence south 62 degrees 02 minutes 22 seconds west a distance of 153.27 feet to an iron pin found at the northerly right of way of Kennesaw Avenue, said point being the point of beginning.

Said tract or parcel contains 1.32 acres, more or less (57,499 square feet).

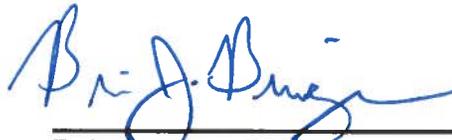
**Section 2:** The above-described property is hereby rezoned into the corporate limits in the City of Marietta, Georgia from OS (Office/Service – Cobb County) to OI (Office Institutional).

**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.

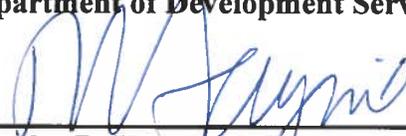
**Section 5:** This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

**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**