

AN ORDINANCE

ANNEXING the following property in the corporate limits of the City of Marietta, Georgia consisting of 1.32 acres and all associated right-of-way, 2nd Section, Cobb County, Georgia as follows: Land Lots 939 & 1006, District 16, Parcels 0360, 0370, 0380, 0390, 0400, 0410, 0420, 0430, and 0440, 2nd 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 annexing 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,

WHEREAS, all conditions of home rule annexation as set forth by the State Legislature have been met; and

WHEREAS, the Mayor and Council are authorized and empowered to describe Ward boundaries within the corporate limits.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: Best Interest Determination:

Prior to annexing the property described herein, the Marietta City Council finds, as a matter of fact, that the annexation of the property described herein into the municipal corporation of the area proposed in the Application for Annexation would be in the best interest of the residents and property owners of the area proposed for annexation and of the citizens of the municipal corporation.

Section 2: 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 3: The above-described property is hereby annexed into the corporate limits of the City of Marietta, Georgia, and shall have an effective date of August 1, 2016; except that for ad valorem tax purposes, the effective date of annexation shall be December 31, 2016. However, for school enrollment purposes only, the effective date of annexation shall be August 1, 2016, as stated in Georgia law [§ 36-36-2].

Section 4: The above described properties are hereby placed in Wards within the corporate limits of the City of Marietta, Georgia, as identified below:

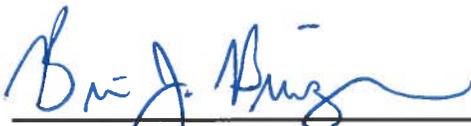
PIN	Property Address	Proposed Ward
16 0939 00360	840 Kennesaw Ave, Suite 1B	4A
16 0939 00370	840 Kennesaw Ave, Suite 2B & 3B	4A
16 0939 00380	840 Kennesaw Ave, Suite 4B & 5B	4A
16 0939 00390	840 Kennesaw Ave, Suite 6B	4A
16 0939 00410	840 Kennesaw Ave, Suite 8B	4A
16 0939 00420	840 Kennesaw Ave, Suite 9B	4A
16 0939 00430	840 Kennesaw Ave, Suite 10B	4A
16 0939 00400	840 Kennesaw Ave, Suite 7B	4A
16 0939 00440	840 Kennesaw Ave, Suite 11B	4A

Section 5: 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 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 7: 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:

R. Steve Tumlin, Jr.
R. Steve Tumlin, Jr., Mayor

ATTEST:

Stephanie Guy
Stephanie Guy, City Clerk