

**AN ORDINANCE**

**REZONING** property in the corporate limits of the City of Marietta, Georgia in Land Lot 1074, District 16, Parcels 0390 and 0500, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as **732 Cherokee Street and 120 Lewis Drive.**

**WHEREAS**, application has been filed by **MCWHIRTER REALTY PARTNERS, 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 1074, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northerly right of way of Cherokee Street (right of way varies) and the easterly right of way of Lewis Drive (right of way varies); thence along said right of way of Lewis Drive the following courses and distances: N04°16'55"E a distance of 92.85 feet to a point; thence along a curve to the right, following the curvature thereof for an arc distance of 190.08 feet, said curve having a radius of 139.80 feet and being subtended by a chord of N41°59'48"E 175.77 feet to a point; thence S77°05'37"E a distance of 173.78 feet to an iron pin found; thence leaving said right of way S13°08'22"W a distance of 163.55 feet to a nail found; thence N65°15'10"W a distance of 73.47 feet to an iron pin set; thence S16°13'03"W a distance of 163.16 feet to a point located on the northerly right of way of Cherokee Street; thence along said right of way the following courses and distances: N56°38'24"W a distance of 101.35 feet to a point; thence along a curve to the right, following the curvature thereof, an arc distance of 74.90, said curve having a radius of 776.43 feet and being subtended by a chord of N53°00'55"W 74.87 feet to the POINT OF BEGINNING.

Said tracts or parcels contains 1.358 acres, more or less (59,154.48 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 NRC (Neighborhood Retail Commercial).

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

- Letter of stipulations from J. Kevin Moore, Moore, Ingram, Johnson & Steele, LLP, to Russell J. Roth, AICP, Planning & Zoning Manager for the City of Marietta, dated December 13, 2016; except that stipulation #10 shall be stricken in its entirety.

**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:**



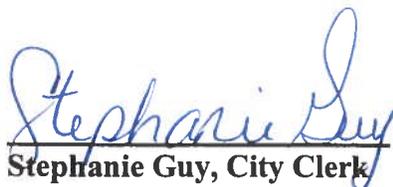
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**Douglas R. Haynie, City Attorney**

**Approved by City Council:**

**DATE:** December 14, 2016

**APPROVED:**

**ATTEST:**

  
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**R. Steve Tumlin, Jr., Mayor**  
\_\_\_\_\_  
**Stephanie Guy, City Clerk**