

- C.** ORD2023-01 Approval of Ordinance ORD2023-01 - Annexation request (100% owners requesting annexation) - 0.33 Acre Tract – Parcel # 17037200940 - all that tract or parcel of land lying and being in Land Lot 372, 17th District, Cobb County, Georgia 2076 Gober Avenue SE, Smyrna, GA 30080, will be effective March 1, 2023 and part of Ward 5 and authorizes the Mayor to sign and execute all related documents.



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: ORD2023-01

Agenda Date: 2/6/2023

In Control: City Council

File Type: Ordinance

Agenda Section:
Community Development Items

Agenda Number: C.

Department: Community Development

Agenda Title:

Approval of Ordinance ORD2023-01 - Annexation request (100% owners requesting annexation) - 0.33 Acre Tract – Parcel # 17037200940 - all that tract or parcel of land lying and being in Land Lot 372, 17th District, Cobb County, Georgia 2076 Gober Avenue SE, Smyrna, GA 30080, will be effective March 1, 2023 and part of Ward 5 and authorizes the Mayor to sign and execute all related documents.

Ward 5 Councilmember - Susan Wilkinson

ISSUE AND BACKGROUND:

The applicants, Mary Allen and Victor Cantrell are seeking approval for annexation of approximately 0.33 acres, parcel number 17037200940 - all that tract or parcel of land lying and being in Land Lots 372, 17th District, 2nd Section, Cobb County, Georgia located at 2076 Gober Avenue SE, Smyrna, GA 30080. Effective date March 1, 2023. Hand delivered courier letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. The letter of non-objection from Cobb County was received and this property will be located in Ward 5.

RECOMMENDATION / REQUESTED ACTION:

Community Development recommends approval of Ordinance ORD2023-01 - Annexation request (100% owners requesting annexation) - 0.33 Acre Tract – Parcel # 17037200940 - all that tract or parcel of land lying and being in Land Lot 372, 17th District, Cobb County, Georgia 2076 Gober Avenue SE, Smyrna, GA 30080, will be effective March 1, 2023 and part of Ward 5 and authorizes the Mayor to sign and execute all related documents.

ORDINANCE ANNEXING PROPERTY
INTO THE CITY OF SMYRNA

Ordinance Number: 2023-01
Land Lot: 372
Parcel # 17037200940
Acres 0.33 acres

WHEREAS, the City of Smyrna is authorized pursuant to Title 36, Article 2, of the Official Code of Georgia Annotated to allow annexation of property; and

WHEREAS, the owners of 100 percent of the land described in Exhibit “A” attached hereto have been notified of the City’s desire that their property be annexed into the City of Smyrna as shown on said Exhibit; and

WHEREAS, the City of Smyrna has determined, and does hereby determine that the annexation of said property into the municipality would be in the best interests of the property owners of the area to be annexed and of the citizens of the municipality; and

WHEREAS, at a regular meeting of the City Council of Smyrna the motion to approve the annexation of said property passed by a majority vote without veto; and

NOW THEREFORE, BE IT ORDAINED, and it is hereby ordained that the Charter of the City of Smyrna be amended and the same is hereby amended by adding to the description of the City Limits the property herein annexed. Such legal description is attached hereto as Exhibit “A”.

BE IT ALSO ORDAINED that the Official Map of the City of Smyrna be amended to show the annexation of said property.

SO, ORDAINED by the City Council of the City of Smyrna, this 6th day of February 2023.

Derek Norton, Mayor

ATTEST:

Heather K. Peacon-Corn, City Clerk
City of Smyrna

Scott A. Cochran, City Attorney

CITY SEAL:





2800 King Street
Smyrna, Georgia 30080
(770) 434-6600

City of Smyrna

www.SmyrnaGA.gov

January 12, 2023

Ms. Jessica Guinn
Cobb County Community Development
Planning Division
PO Box 649
1150 Powder Springs Street, Suite 400
Marietta, GA 30064

HAND DELIVERED VIA COURIER

Greetings:

This is to advise that the proposed annexation of approximately 0.33 Acre Tract – Parcel # 17037200940 - all that tract or parcel of land lying and being in Land Lot 372, 17th District, Cobb County, Georgia 2076 Gober Avenue SE, Smyrna, GA 30080. This property will be part of Ward 5 and will retain the R-20 Zoning District, and Low Density Residential (LDL) Land Use.

We would like to schedule this annexation for consideration by the Smyrna Mayor and Council at the February 6, 2023 meeting.

A copy of the file pertaining to the captioned annexation proposal is enclosed in its entirety.

Thank you for your attention in this matter.

Sincerely,

Heather K. Peacon-Corn
City Clerk

Enclosures

Mayor – Derek Norton

City Council: Ward 1 – Glenn Pickens / Ward 2 – Austin Wagner / Ward 3 – Travis Lindley / Ward 4 – Charles (Corkey) Welch
Ward 5 – Susan Wilkinson / Mayor Pro Tem ~ Ward 6 – Tim Gould / Ward 7 – Lewis Wheaton

Interim City Administrator – Joseph Bennett / City Clerk – Heather K. Peacon-Corn / City Attorney – Scott Cochran
Chief Municipal Court Judge – Phyllis Gingrey Collins / Municipal Court Solicitor – Tim Williams

2021 SUBMISSION UNDER SECTION 5
OF THE VOTING RIGHTS ACT
FOR THE CITY OF SMYRNA, GEORGIA

Map Designation# _____ LL/Parcel# _____

City Ward# 5 Census Tract# _____

Copies of annexation ordinance (council meeting minutes) are attached, marked:
Exhibit _____

Responsible body: Mayor and Council of the City of Smyrna
P.O. Box 1226
Smyrna, GA 30081
Telephone (770) 434-6600

*THIS SECTION TO BE COMPLETED BY APPLICANT. PLEASE BE SURE THIS
INFORMATION IS ACCURATE - IT WILL BE USED TO ESTABLISH EMERGENCY
SERVICE THROUGH OUR 911 SYSTEM.*

1. Is the property to be annexed vacant? Yes ☒ No ☐
2. If NO, name of resident(s): _____
3. Complete street address: 2076 Guber Ave S.E., Smyrna GA 30080
4. Telephone Number 770-436-6174 church OR 770-837-4933 LARRY PATE
5. Number of registered voters before annexation: NONE
Number and type of minorities or minority language groups: _____
6. Number of registered voters after annexation: NONE
Number and type of minorities or minority language groups: _____
7. Use of property before annexation (i.e., vacant, business, residential): Residential
8. Zoning classification before annexation: E2 - Exempt - Church
9. Use of property after annexation (i.e., vacant, business, residential). If residential, please state proposed number of dwelling units: _____
10. Zoning classification being requested (if any): NONE
11. Effect of change on members of racial or minority groups: NONE
12. Total number of acres being annexed: Lot

City of Smyrna
Application for Annexation

We, the undersigned, who constitute one hundred percent (100%) of the owners of the land by acreage, as described below, which is unincorporated and contiguous to the City of Smyrna, hereby apply to have said area annexed into the City of Smyrna under the provisions of laws of the State of Georgia, said property being annexed being described as follows:

WHEREFORE, THE UNDERSIGNED HEREBY APPLY FOR SUCH ANNEXATION.

Mary Ellen Martin
Owner's Printed Name
4242 Parkside Dr. (770)
Smyrna, GA 30082 584-8861
Address Telephone#

Victor Cantrell
Owner's Printed Name
3746 Villa Springs Cir (770)
222 8496
Address Telephone#

Witness the hands and seals of 100% of the record title holders of the land described above:

Mary Ellen Martin
Owner's Legal Signature/Date

Victor Cantrell 1-18-22
Owner's Legal Signature/Date



2800 King Street
Smyrna, Georgia 30080
(770) 434-6600

City of Smyrna

www.SmyrnaGA.gov

January 12, 2023

County Clerk Pamela Mabry
Cobb County Clerk's Office
100 Cherokee Street, Suite 300
Marietta, Georgia 30090- 9679

DELVIERED VIA COURIER SERVICE

Greetings:

This is to advise that the proposed annexation of approximately 0.33 Acre Tract – Parcel # 17037200940 - all that tract or parcel of land lying and being in Land Lot 372, 17th District, Cobb County, Georgia 2076 Gobar Avenue SE, Smyrna, GA 30080. This property will be part of Ward 5 and will retain the R-20 Zoning District, and Low Density Residential (LDL) Land Use.

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Thank you for your attention in this matter.

Sincerely,

Heather K. Peacon-Corn
City Clerk

Enclosures

Mayor – Derek Norton

City Council: Ward 1 – Glenn Pickens / Ward 2 – Austin Wagner / Ward 3 – Travis Lindley / Ward 4 – Charles (Corkey) Welch
Ward 5 – Susan Wilkinson / Mayor Pro Tem ~ Ward 6 – Tim Gould / Ward 7 – Lewis Wheaton

Interim City Administrator – Joseph Bennett / City Clerk – Heather K. Peacon-Corn / City Attorney – Scott Cochran
Chief Municipal Court Judge – Phyllis Gingrey Collins / Municipal Court Solicitor – Tim Williams



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

P.O. Box 649
Marietta, GA 30061-0649
Phone (770) 528-2128 Fax: (770) 528-2126
jessica.guinn@cobbcounty.org

Jessica Guinn, AICP
Director

DELIVERED

Via Certified Mail

7020 0090 0000 6545 4233

January 17, 2023

The Honorable Derek Norton
Mayor
City of Smyrna
3180 Atlanta Road
Smyrna Georgia 303380

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

Dear Mayor Norton:

We are in receipt of the above-referenced rezoning and annexation request. Please accept this response to the proposal for 2076 Gober Avenue. The subject tract of land is currently zoned R-20 (Single Family Residential), and is within an area identified as LDR (Low Density Residential) according to the Cobb County Future Land Use Map. The subject property has the required contiguity with the existing City of Smyrna boundary for annexation. No unincorporated islands would be created or extended with the proposed annexation. There are no county buildings or facilities on the property. This property is currently used as a single-family home. Based on our HB 489 Intergovernmental Agreement, this is a non-objectionable request.

In summary, please accept this letter as the County's formal **notice of non-objection** to the proposed annexation. Please see the attached comments from the Cobb County departments below. Should you have any questions or need any additional information, please contact Donald Wells, Intergovernmental Coordinator, at (770) 528-2199 or donald.wells@cobbcounty.org.

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

Sincerely,

Lisa Cupid, Chair

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

Keli A. Gambrill

Keli Gambrill, District 1 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

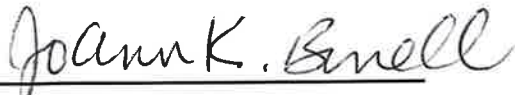
Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,

A handwritten signature in dark ink, reading "JoAnn K. Birrell". The signature is fluid and cursive, with the first name "JoAnn" and last name "Birrell" clearly legible. A horizontal line is drawn beneath the signature.


JoAnn K. Birrell, District 3 Commissioner

cc: JackiJackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

Re: Petition for Annexation– Land Lot 372 of the 17th District, Parcel 17037200940 2nd Section, 2076 Gober Avenue, Cobb County, Georgia; Notice of Non-Objection.

[signature page continued]

Sincerely,



Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – VIA E-mail
James Gisi, Deputy County Manager – VIA E-mail
H. William Rowling, Jr., County Attorney- VIA E-mail
Brian Johnson, Senior Associate County Attorney, VIA E-mail
Jessica Guinn, Community Development Director – VIA E-mail
Pamela Mabry, County Clerk – Via E-Mail
Phillip Westbrook, Senior Planner – VIA E-mail
Russell Martin, City of Smyrna, Community Development Director- VIA E-mail
Heather Corn, City of Smyrna, City Clerk- VIA E-mail
Joey Staubes, City of Smyrna, Planner II- VIA E-mail

County Staff Comments and Recommendations

2076 Gober Avenue
City of Smyrna

Water System- Tim Davidson

Water service for 2076 Gober Avenue is provided by the existing CCWS water main in Gober Avenue.

Wastewater for the parcel will be treated at the South Cobb WRF where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements.

Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss.

Planning- Historic Preservation-Mandy Elliott

No comment.

Cobb County Fire Marshal's Office-Rock Toler

The Fire Department does not object to the annexation

GIS- Brad Gordon

No objections from a GIS or addressing perspective.

Stormwater Management- Carl Carver

Stormwater Management has no objection to this annexation.

Cobb DOT-Amy Diaz

No significant DOT comments.

County Staff Comments and Recommendations

2076 Gober Avenue
City of Smyrna

Code Enforcement- Brent Farrell

No history at this location

Cemetery Preservation Committee- Helga Hong

No comments

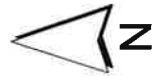
De/Annexation Location Map

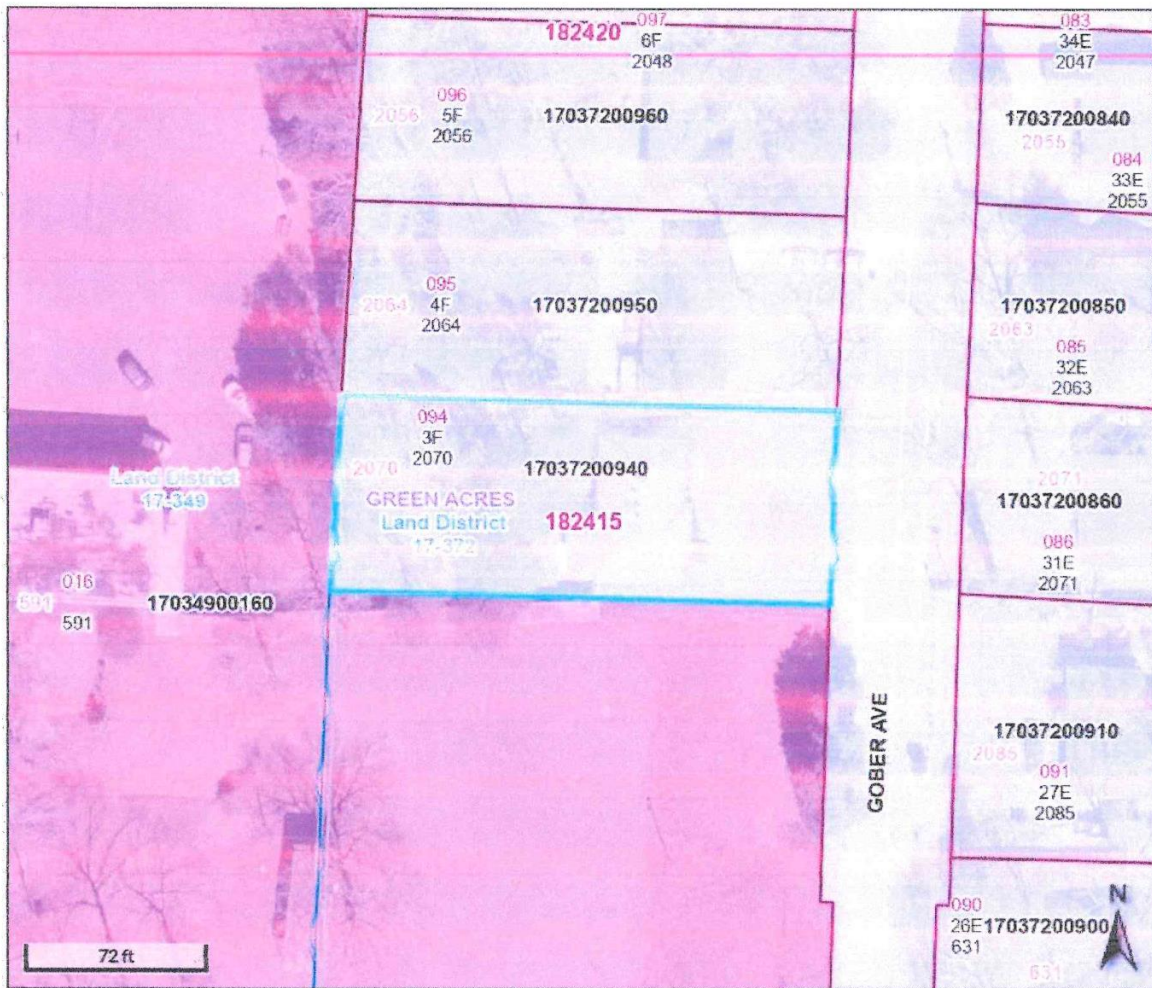
January 2023

17th District
Landlot: 0372
Parcel: 094

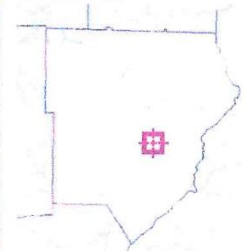
Legend

- De/Annexation Areas
 - Acworth
 - Austell
 - Kennesaw
 - Mableton
 - Marietta
 - Powder Springs
 - Smyrna
 - Unincorporated
- Douglas County Boundary





Overview



Legend

Cobb Tile Index

Cities

- Acworth
- Austell
- Kennesaw
- Marietta
- Powder Springs
- Smyrna
- Unincorporated

Administrative Facilities

- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks

Zoning Districts

- CF
- NRC
- UVC
- PVC
- CRC
- UC
- NS
- PSC
- GC
- RRC
- HI
- IF
- LI
- LRO
- O&I
- OMR
- OHR
- OS
- R-80
- RR
- R-40