

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1961**

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Sequential Number: 260

Short Title: CITY OF MARIETTA -- CHARTER AMENDED.

Law Number: No. 355

Origin: (House Bill No. 632).

Full Title: An Act to amend an Act incorporating the City of Marietta approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, particularly by an Act approved March 13, 1957 (Ga. L. 1957, p. 3102), and particularly by an Act approved February 18, 1960 (Ga. L. 1960, p. 2173), so as to authorize the governing authority of said city, in its discretion, to expend any monies derived from the street improvement bond issue of January, 1960, or from general funds, to improve and pave the streets and sidewalks, curbs and gutter within the area known as Southern Tech campus, or elsewhere within the corporate limits; to change certain provisions relating to the policemen and firemen's pension fund; to add to and enlarge the corporate limits; to repeal all conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act incorporating the City of Marietta, approved August 15, 1904 (Ga. L. 1904, p. 519); as amended, is hereby amended as follows:

"The governing authority of said municipality, in its discretion, is hereby authorized to use and expend any monies derived from the street improvement bond issue of January, 1961, or from general funds, to improve and pave the streets and sidewalks, curbs and gutters within the area of said city known as the Southern Tech campus, and at such other places within the corporate limits as may be required for the general welfare of the citizens of the city."

[Sidenote: Paving of streets, etc.]

Section 2. Said Act, as amended, particularly as amended by an Act approved March 13, 1957 (Ga. L. 1957, p. 3102), is hereby amended by repealing section 1-I of the amendatory Act of 1957 in its entirety and by substituting therefor a new section to be designated section 1-I, to read as follows:

"Section 1-I. The beneficiary of any participating employee who shall die shall be entitled to receive from the fund the actual amount of money that the employee has paid into the fund, less any amounts received by such participating employee as benefits under this Act, provided that under no circumstances will any amount be due the fund from the beneficiary or estate of such participating employee."

[Sidenote: Pension fund.]

Section 3. Said Act, as amended, particularly as amended by an Act approved February 18, 1960 (Ga. L. 1960, p. 2173), is further amended by adding to the end of section 2 thereof a section to be designated section 2A, as follows:

"Section 2A. In addition to the area embraced within the corporate limits described in section 2, the corporate limits of the City of Marietta shall include all that area embraced and lying within the following boundary lines:

[Sidenote: Corporate limits.]

"Tract No. 1. All that tract or parcel of land lying and being in land lot 1153, of the 16th district and second section, Cobb County, Georgia, and being more particularly described as follows:

"Beginning at a point on the west right of way line of Mountain View Drive and the eastern boundary of land lot number 1153; said point is located 230 feet south of the northeast corner of land lot 1153; running thence south along the present city limit line of Marietta, Georgia, and the west right of way line of Mountain View Drive for a distance of 120 feet to a point and corner; running thence westerly for a distance of 175 feet to a point and corner; running thence northerly for a distance of 120 feet to a point and corner; running thence easterly for a distance of 175 feet to the west right of way line of Mountain View Drive and the point of beginning.

"Tract No. 2. All that tract or parcel of land lying and being in land lot no. 1240 and 1209, of the 16th

district and second section, Cobb County, Georgia, and being more particularly described as follows:

"Beginning at a point on the north right of way line of Power's Ferry Road, said point being located 787.5 feet southeast of the intersection of the north right of way line of Power's Ferry Road and the south right of way line of Roswell Road; the beginning point is also the southwest corner of lot 10, of the Hattie D. and O. L. Dickerson subdivision, as shown on a plat recorded in plat book 4, page 164, Cobb County records; running thence northeasterly along the present city limit line of Marietta, Georgia, and the western boundary of lot no. 10, of the Hattie D. and O. L. Dickerson subdivision, for a distance of 176.0 feet to the southeast corner of lot 24, of said

subdivision; thence running northwesterly along the present city limit line of Marietta, Georgia, and the southern boundary of lot no. 24, for a distance of 50.0 feet to the southeast corner of lot no. 25, of said subdivision; running thence northeasterly along the present city limit line of Marietta, Georgia, and the eastern boundary of lot no. 25 for a distance of 168.3 feet to a point on the south right of way line of Roswell R[UNK]oad; thence running northeasterly along the present city limit line of Marietta, Georgia, and the south right of way line of Roswell Road for a distance of 319.5 feet to the northeast corner of lot no. 19 of the Hattie D. and O. L. Dickerson subdivision; thence running southwesterly along the eastern boundary of lot no. 19 for a distance of 273.0 feet to the northeast corner of lot no. 14 and to a point on the present city limit line of Marietta, Georgia; thence continuing southwesterly along the present city limit line of Marietta, Georgia; and the eastern boundary of lot no. 14 for a distance of 211.0 feet to a point on the north right of way line of Power's Ferry Road; thence running northwesterly along the present city limit line of Marietta, Georgia, and the north right of way line of Power's Ferry Road for a distance of 150.0 feet to the southeast corner of lot no. 11, of the Hattie D. and O. L. Dickerson subdivision; thence running northeasterly along the present city limit line of Marietta, Georgia, and the eastern boundary of lot 11

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for a distance of 190.0 feet to the southeast corner of lot no. 22 of said subdivision; thence running northwesterly along the present city limit line of Marietta, Georgia, and the southern boundary of lot no. 22 for a distance of 50.0 feet to the northeast corner of lot no. 10 of the Hattie D. and O. L. Dickerson subdivision; thence running southwesterly along the present city limit line of Marietta, Georgia and the eastern boundary of lot no 10 for a distance of 183.0 feet to a point on the north right of way line of Power's Ferry Road; thence running northwesterly along the north right of way line of Power's Ferry Road for a distance of 50.0 feet to the southwest corner of lot no. 10 of the Hattie D. and O. L. Dickerson subdivision and the point of beginning.

"The above described property consists of lots no. 10, 12, 13, 14, 19, 20, 21, 22, 23 and 24 of the Hattie D. and O. L. Dickerson subdivision, as is shown clearly on a plat made by J. P. Phillips, Surveyor, dated April 1941, and recorded in plat book 4, page 164, Cobb County records.

"Tract No. 3. All that tract or parcel of land lying and being in land lot numbers 1239 and 1282, of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

"Beginning at the intersection of south right of way line of Wylie Drive, and the east right of way line of Frey's Gin Road; running thence southerly along the east right of way line of Frey's Gin Road for a distance of approximately 387 feet to a point on the existing city limit line of Marietta, Georgia; running thence easterly along the present city limit line of Marietta, Georgia, for a distance of approximately 980 feet to a point on the western boundary of land lot no. 1281; running thence north along the present city limit line of Marietta, Georgia, for a distance of 730 feet to a point on the south right of way line of Wylie Drive, running thence southwesterly along the south right of way line of Wylie Drive to the intersection of the east right of way line of Frey's Gin Road and the point of beginning."

"Tract No. 4. All that tract or parcel of land lying and being in land lot no. 1074 of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

"Beginning at a point where the present city limit line of Marietta, Georgia, intersects the south right of way line of Lewis Drive, said point of beginning is also located 200 feet East of Cherokee Street extension; running thence northeasterly and easterly along the south right of way line of Lewis Drive for a distance of approximately 291.5 feet to a point, said point is located 276 feet west of the center line of Cherokee Street, as measured along the south right of way line of Lewis Drive; running thence south 8 degrees 30 minutes west for a distance of 149.5 feet to a point on the present city limit line of Marietta, Georgia; running thence northwesterly along the present city limit line of Marietta, Georgia, to the south right of way line of Lewis Drive and the point of beginning."

Section 4. All laws and parts of laws in conflict with this Act are hereby repealed.

Georgia, Cobb County.

I, Brooks P. Smith, do hereby certify that I am publisher of The Marietta Daily Journal, the newspaper in which Sheriff's advertisements appear in Cobb County, and the attached copy of Notice of Intention to Introduce Local Legislation was published in said newspaper on the following days, to-wit: December 23, 1960, December 30, 1960, and January 6, 1961.

/s/ Brooks P. Smith

Sworn to and subscribed before me,

this 30 day of January, 1961.

/s/ Thelma Kemp

Notary Public, Cobb County, Georgia.

My Commission expires October 10, 1963.

(Seal).

Notice of Intention to Introduce Local Legislation.

Notice is hereby given that there will be introduced at the January-February 1961 session of the General Assembly of Georgia, a bill to amend the charter of the City of Marietta (Ga. L. 1904, p. 519, et seq.) as heretofore amended, and for other purposes.

This 23 day of December, 1960.

/s/ E. W. Teague /s/ Harold S. Willingham /s/ Joe Mack Wilson

Approval Date: Approved April 5, 1961.