

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1962**

[missing title]

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Sequential Number: 021

Short Title: CITY OF MARIETTA -- CHARTER AMENDED.

Law Number: No. 563

Origin: (House Bill No. 1167).

Full Title: An Act to amend an Act providing a new charter for the City of Marietta, approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, so as to change the corporate limits of said city; to change certain provisions relating to the pension fund for firemen and policemen; to change the election date; to provide for run-off elections for members of council; to provide for two year terms for the mayor and members of council; to provide for compensation and expenses for the mayor; to provide that neither the mayor nor any member of council may be city manager during the term for which elected; to provide that the mayor and each member of council must be freeholders; to provide for the sale of general obligation bonds of the city on a public bid basis; to provide an effective date; to provide for severability; to provide the procedure connected with the foregoing; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. An Act providing a new charter for the City of Marietta, approved August 15, 1904 (Ga. L. 1904, p. 519), as amended, is hereby amended by adding a new section to be known as section 2B which shall read as follows:

"Section 2B. In addition to the area embraced within the corporate limits described in section 2 and section 2A the corporate limits of the City of Marietta shall include all

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that area embraced and lying within the following described tracts:

Tract A. All that tract or parcel or land lying and being in land lots 214, 215, 218 and 219 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point where the south boundary of land lot number 218 intersects the northern right of way line of Garrison Road, running thence northwesterly along the northern right of way line of Garrison Road to a point 175 feet east of the intersection of the east right of way line of Powder Springs Street and the north right of way line of Garrison Road; running thence

southerly and crossing Garrison Road to a point on the south right of way line of Garrison Road 175 feet east of the intersection of the east right of way of Powder Springs Road and the south right of way line of Garrison Road; running thence south 36 degrees 10 minutes west, a distance of 233 feet to a point and corner; running thence south 1 degree 8 minutes east for a distance of 65 feet to a point and corner; running thence south 32 degrees 31 minutes west for a distance of 70 feet to a point and corner; running thence south 75 degrees 4 minutes east for a distance of 47 feet to a point and corner; running thence south 2 degrees 28 minutes west for a distance of 164 feet to a point and corner; running thence southwesterly for a distance of 217 feet to a point and corner; running thence southeasterly a distance of 300 feet to a point and corner; running thence north 1 degree 30 minutes west for a distance of 282 feet to a point and corner; running thence easterly for a distance of 139 feet to a point and corner; running thence northeasterly for a distance of 365 feet to a point on the south right of way of Garrison Road; running thence northwesterly along the south right of way line of Garrison Road for a distance of 370 feet to a point and corner; running thence northerly and crossing Garrison Road to a point on the North right of way line of Garrison Road where the north right of way of Garrison Road intersects the southern boundary of land lot number 218, and point of beginning.
[Sidenote: Corporate limits.]

Tract B. All that tract or parcel of land lying and being in land lot 286, 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point located on the north right of way line of Hill Street, a distance of 506.2 feet east of the intersection of the north right of way line of Hill Street with the east right of way line of North Avenue; and running thence northerly 242.3 feet to a point on the northern boundary of land lot 286, which is also the present city limit line of Marietta, Georgia; running thence easterly along the northern boundary of land lot 286, which is also the present city limit line of Marietta, Georgia, for a distance of 100 feet to a point; running thence south 1 degree east a distance of 246.2 feet to the north right of way line of Hill Street; running thence westerly along the north right of way line of Hill Street for a distance of 100 feet to point of beginning.

Tract C. All that tract or parcel of land lying and being in land lots 1240 and 1239, of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning on the southern right of way line of Power's Ferry Road, which is also the present city limit line of Marietta, Georgia, at a point 131 feet west of the intersection of the southern right of way line of Power's Ferry Road and the western right of way line of Wylie Drive; running thence south 60 degrees 40 minutes west, for a distance of 135 feet to a point and corner; running thence south 59 degrees 22 minutes 30 seconds east for a distance of 135 feet to the western right of way line of Wylie Drive; running thence south 56 degrees 8 minutes 30 seconds west along the western right of way of Wylie Drive for a distance of 100 feet to a point and corner; running thence north 57 degrees 54 minutes west for a distance of 142 feet to a point and corner; running thence north 70 degrees 8 minutes 30 seconds west for a distance of 119.5 feet to a point and

corner; running thence south 89 degrees 7 minutes west for a distance of 200 feet to a point and corner; running thence north 9

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degrees 53 minutes 30 seconds east for a distance of 279.7 feet to a point on the south right of way of Power's Ferry Road which is also the present city limit line of Marietta, Georgia; running thence southeasterly along the south right of way of Power's Ferry Road and the present city limit of Marietta, Georgia, for a distance of 509 feet to the point of beginning.

Tract D. All that tract or parcel of land lying and being in land lots 1017, 1071, 1072 and 1073, of the 16th district and 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning on the northern boundary of land lot no. 1073 at a point 82.5 feet west of the northeast corner of land lot no. 1073; said beginning point is also where the present city limit line of Marietta, Georgia, intersects the northern boundary of said land lot no. 1073; running thence easterly along the northern boundary of land lot no. 1073 for a distance of 82.5 feet to the southwest corner of land lot no. 1017; running thence northerly along the western boundary of land lot no. 1017 for a distance of 280 feet to a point; running thence northeasterly for a distance of 482 feet to a point and corner; running thence southeasterly for a distance of 300 feet to a point and corner; running thence southwesterly for a distance of 15 feet to a point and corner; running thence southeasterly for a distance of 485 feet to a point and corner; running thence north easterly for a distance of 15 feet to a point and corner; running thence southeasterly along a line 300 feet south of and parallel to the south right of way line of the U. S. 41 highway for a distance of 300 feet to a point and corner; running thence northeasterly for a distance of 300 feet to a point on the south right of way line of U. S. 41 highway; running thence Southeasterly along the south right of way line of U. S. 41 highway for a distance of 50 feet to a point and corner; running thence southwesterly for a distance of 315 feet to a point and corner; running thence southeasterly along a line 315 feet south of and parallel to the south right of way line of the U. S. 41 highway for a distance of 475 feet to a point and corner; running thence southwesterly for a

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distance of 335 feet to a point and corner in the center line of a branch; running thence northwesterly and following the meandering of said branch for a distance of 425 feet to a point and corner; running thence southwesterly for a distance of 255 feet to a point and corner; running thence southerly for a distance of 177 feet to a point and corner on the southwesterly side of the right of way easement of the Georgia Power Company and the present city limit line of Marietta, Georgia; running thence northwesterly along the southwesterly line of the said right of way easement of the Georgia Power Company and the present city limit line of Marietta, Georgia for a distance of 1335.3 feet to the northern boundary of land lot 1073 and the point of beginning.

The above described property is shown more clearly on a plat made by J. P. Phillips, Surveyor, dated May 7, 1959, and is recorded in plat book 19, page 124, Cobb County Records and contains 21.2 acres.

Tract E. All that tract or parcel of land lying and being in land lot number 1222, of the 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning on the south right of way line of Faith Street, at a point 470 feet east of the intersection of the east right of way line of Lindley Avenue and the south right of way line of Faith Street; said beginning point is also where the present city limit line of Marietta, Georgia, intersects the south right of way line of Faith Street and is the northeast corner of lot no. 9, Glad Acres subdivision; running thence southerly along the present city limit line of Marietta, Georgia, and the eastern boundary of lot number 9, Glad Acres subdivision, for a distance of 155 feet to the southwest corner of lot number 8, Glad Acres, subdivision; running thence easterly along the present city limit line of Marietta, Georgia, and the southern boundaries of lot number 8 and 7, of Glad Acres subdivision, for a distance of 175 feet to the southeast corner of lot number 7, Glad Acres subdivision; running thence south 3 degrees 12 minutes east along the

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present city limit line of Marietta, Georgia, for a distance of 318.5 feet to a point and corner; running thence north 89 degrees 8 minutes west for a distance of 243.7 feet to a point and corner; running thence north 4 degrees 37 minutes west for a distance of 305.9 feet to the southwest corner of lot number 9, Glad Acres subdivision, thence continued north 4 degrees 37 minutes west along the western boundary of lot number 9, Glad Acres subdivision for a distance of 155 feet to the south right of way of Faith Street; running thence easterly along the south right of way line of Faith Street for a distance of 75 feet to the northeast corner of lot number 9, Glad Acres subdivision and the point of beginning.

Tract F. All that tract or parcel of land lying and being in land lot 576, 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the northeast corner of land lot 576 which lies on the district line separating the 16th and 17th districts, said district line is also the present city limit line of Marietta, Georgia; running thence southerly along the eastern boundary of land lot no. 576 for a distance of 900 feet to the northeast corner of lot no. 56 of the G. R. Bentley subdivision, running thence westerly along the north lot line of said lot no. 56 for a distance of 240 feet to the northwest corner of said lot no. 56 which lies on the eastern right of way line of Lovena Road; running thence southwesterly and crossing Lovena Road to the northeast corner of lot no. 55 of the G. R. Bentley subdivision; running thence northwesterly along the north lot line of lot nos. 55, 54, and 53 of the G. R. Bentley subdivision for a distance of 180 feet to a point on the present city limit line of Marietta, Georgia; running thence northerly along said city limit line for a distance of 681 feet to a point and corner; running thence northwesterly and northerly along said Marietta city limit line for a distance of 379.6 feet to the district line separating the 16th and 17th district; said

district line is also the present city limit line of Marietta, Georgia; running thence easterly along said district line and present city limit line of

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Marietta, Georgia, to the northeast corner of land lot 576 and point of beginning."

Section 2. Said Act is further amended by striking section 1H in its entirety and inserting in lieu thereof a new section 1H to read as follows:

"Section 1H. Any participating employee leaving the services of the City of Marietta for any reason other than retirement under the provisions of this Act, shall be refunded the actual amount of money that he has paid into the fund; provided, however, that any participating employee who leaves the service of the City of Marietta and withdraws the amount of his contribution to this fund as provided in this section, and subsequently again becomes eligible to participate in the fund, shall not receive credit for the time of service represented by such withdrawal until and unless he shall have repaid said sum into said fund."

[Sidenote: Employee's retirement.]

Section 3. Said Act is further amended by striking section 3 in its entirety and inserting in lieu thereof a new section 3 to read as follows:

"Section 3. The present mayor and councilmen of the City of Marietta shall continue in office during the terms for which they were elected, and on the second Wednesday in October, 1963, and biennially on said day thereafter an election shall be held in said city for a mayor and seven councilmen. Said election shall be held by a justice of the peace, or ex-officio justice of the peace, and two freeholders of said city, or by three freeholders of said city; but no person who is a candidate for office at said election shall act as a manager, or clerk, thereof. The polls at the city hall shall be opened at 7:00 a.m. and shall be kept open until 7:00 p.m., and the person receiving the highest number of votes for the office voted for shall be declared duly elected, subject to the run-off provisions hereinafter set forth for councilmen who do not receive a majority of the votes in their respective wards, and the managers of the election shall give a certificate to that effect, which shall be recorded by the clerk of city council on the book of minutes, or other book kept for

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such purpose. The mayor and city council, in their discretion, may authorize a poll for each city ward for any election. The record aforesaid shall be evidence of the result of the said election, and the authority of those elected to act. No person shall be allowed to vote in said elections except he be eligible under the provisions of the Constitution of the State of Georgia to vote for the members of the General Assembly, and unless he shall have bona fide and continuously resided in said city as a citizen thereof for six months next preceding said election at which he offers to vote, and shall have registered for said election as provided for in the charter of

Marietta. Any person voting at such election in violation of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for a misdemeanor. The mayor shall be elected by the voters of the entire city and this shall apply to all primary, general and special elections. The mayor and all members of council shall serve for terms of two years. Neither the person serving as mayor nor any person serving as a member of council shall be eligible to serve as city manager during the term for which any such person is elected mayor or member of council. In order to be eligible to serve as mayor or as a member of council a person must be a free-holder of the city."

[Sidenote: Mayor and Council.]

Section 4. Said Act is further amended by adding a new section to be known as section 3A to read as follows:

"Section 3A. Any other provisions of this Act or any other Act to the contrary notwithstanding, the mayor shall receive as compensation the sum of \$7400.00 per annum, plus his actual expenses incurred in the performance of his official duties as mayor. He shall not be reimbursed for any such expenses unless and until he has submitted itemized vouchers therefor to the council and such vouchers have been approved by council. He shall also receive the sum of \$600.00 per annum for service as a member of the board of lights and waterworks. The sums provided herein shall be his full and complete compensation for all services rendered the city and its board of lights and waterworks in whatever capacity, and he shall receive no other compensation,

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salary, per diem, expenses, allowances, or any other emoluments or perquisites whatsoever. The sums provided above shall be paid in equal monthly installments from the funds of Marieetta and its board of lights and waterworks."

[Sidenote: Compensation of Mayor.]

Section 5. Said Act is further amended by adding a new section to be known as section 3B to read as follows:

"Section 3B. In order to be elected as a councilman from a ward a candidate must receive a majority of the votes either in a special election or in the regular election in such ward. In the event no candidate receives the majority of the votes, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off election shall be held two weeks from the date of the regular election or a special election as the case may be. In the event any political party holds a primary, the nominee of such party must receive the majority of the votes in the ward, and if no person receives such majority a run-off primary shall be held two weeks from the regular primary. Any primary must be held on a date which will allow sufficient time for persons to qualify in the regular city election after such primary, or in the event of a run-off primary."

[Sidenote: Councilmen.]

Section 6. Said Act is further amended by adding a new section to be known as section 3C to read as follows:

"Section 3C. All general obligation bonds of the City of Marietta shall be sold on a public bid basis after advertising therefor. The governing authority of the city shall publish the request for bids once a week for two weeks immediately preceding the date specified for the receipt of such bids in the official organ of Cobb County, and in a national financial publication."

[Sidenote: Bonds.]

Section 7. The provisions of this Act shall become effective April 1, 1962.

[Sidenote: Effective date.]

Section 8. In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no

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manner affect the other sections, subsections, sentences, clauses or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional was not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

[Sidenote: Severability.]

Section 9. All laws and parts of laws in conflict with this Act are hereby repealed.

Notice of Intention to Introduce Local Legislation.

Notice is hereby given that there will be introduced at the Jan.-Feb., 1962, 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 the 5 day of January, 1962.

/s/ E. W. Teague, /s/ Joe Mack Wilson, /s/ Harold S. Willingham, Cobb County Representatives.
Georgia, Fulton County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Harold S. Willingham, E. W. Teague, Joe Mack Wilson, who, on oath, deposes and says that they are Representatives from Cobb County, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in The Marietta Daily Journal, which is the official organ of said county, on the following dates: Jan. 5, 12, 19, 1962.

/s/ Harold S. Willingham, Representative, Cobb County. /s/ Joe Mack Wilson, Representative, Cobb County. /s/ E. W. Teague, Representative, Cobb County.

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Sworn to and subscribed before me
this 31st day of January, 1962.
/s/ Patricia Anne Bowen,
Notary Public, Georgia, State at Large.
My commission expires March 17, 1964.
(Seal).

Approval Date: Approved February 15, 1962.