

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1963**

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1963**

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Sequential Number: 222

Short Title: CITY OF MARIETTA -- CHARTER AMENDED.

Law Number: No. 283

Origin: (House Bill No. 554).

Full Title: An Act to amend an Act providing a new charter for the City of Marietta, approved August 15, 1904 (Ga. L. 1904, pp. 519-533), as amended, together with related Acts, pertaining to the Marietta Board of Education, the Marietta Board of Lights and Waterworks, and other Marietta agencies, so as to change the corporate limits of said city; to amend provisions with regard to fines, or penalties, for violations of ordinances; to amend provisions pertaining to the school tax; to grant powers of eminent domain to the Marietta Board of Education; to amend provisions pertaining to payments from Board of Lights and Waterworks to the City Board of Education; to amend provisions pertaining to disability benefits for the city policemen and firemen; 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, pp. 519-533), as amended, is hereby amended by striking section 20 in its entirety and substituting in lieu thereof a new section 20 to read as follows:

"Section 20. The mayor and council of the City of Marietta shall have authority to make such contracts as they may deem necessary for said city, and to purchase, hold and sell real and personal property. For the purpose of raising revenues for the support and maintenance of the general purposes of the government of the City of Marietta, the mayor and council of said city shall have full power and authority to levy and collect annually an ad valorem tax of not exceeding 80¢ on the one hundred dollars upon all taxable property, real and personal, or otherwise, as subject to said tax by said city, within the corporate limits of said city and upon all money and choses in action whose owner resides within the corporate limits of said city which are subject to taxation by the said city under the laws of the State of

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Georgia; and, in addition thereto, the mayor and council shall have power and they are hereby authorized to levy and collect an ad valorem tax annually in addition to that now allowed by law to the City of Marietta for general purposes of city government, or otherwise not to exceed \$1.10

per one hundred dollars on all taxable property in the City of Marietta, as may be subject to an ad valorem tax by said city, for the purposes of supporting and maintaining the public schools of said city, it appearing the city schools may lose part, or all, impacted area funds from the Federal Government; and in addition thereto, the mayor and council of said city are hereby authorized to levy and collect annually an ad valorem tax on all taxable property in said city for the purposes of providing a sinking fund for the purpose of paying principal of any bonds heretofore issued by the said city or as may hereafter be issued by the city authorities; and to provide a fund for the payment of the annual interest on said bonds a greater ad valorem tax may be levied and collected annually on all taxable property in said city by the mayor and council. The mayor and council of the city of Marietta shall have power and they are hereby authorized to provide by ordinances for the return of all taxable property in the City of Marietta as may be subject to taxation by said city and to provide penalties for neglect or refusal by the property owners or agents thereof to comply with the ordinances."

[Sidenote: Tax rates.]

Section 2. Said Act is further amended by striking section 25 in its entirety and substituting in lieu thereof a new section 25 to read as follows:

"Section 25. The mayor shall be the chief executive officer of said city, and he shall have general supervision over all its affairs. He shall sign all deeds and contracts, preside at all meetings of the council, and cast the deciding vote in case of a tie vote. It shall be his duty to see the laws of the State and ordinances of the city are faithfully executed within the corporate limits; to see that each officer of said city discharges his duty, and to cause any officer and employee to be prosecuted for neglect or violation of duty, or immoral conduct. He shall keep the council advised from time to time of the general condition of the city, and shall

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recommend measures as he may deem necessary or expedient for the welfare thereof. He shall call the council together when so requested by a majority of the council, or when it seems to him to be important to the welfare of the city. At the first regular meeting of the council after his qualification, he shall appoint standing committees, to whom shall be referred such business as the council may deem proper. He shall preside over the mayor's court for the trial of offenders against the ordinances of the City of Marietta and violations of the laws of said State within the corporate limits of said city. He shall have full power and authority to impose such fines not exceeding two hundred dollars and costs for the violation of any ordinance of said city, as shall seem to him reasonable and just, or he may require such violator to work on the streets or public works of said city, or be confined to the calaboose of said city, for such time as will be just punishment for the offense, but not in any single instance to exceed fifty (50) days. The fines imposed under this section may be enforced in the same manner as is provided for the collection of taxes, or by labor on the streets or confinement in the calaboose, as herein provided. The mayor and each member of the council shall have all the powers of a justice of the peace to issue warrants, try and commit to the superior court of said county for trial of violators of the laws of said State for offenses committed within the corporate limits of said city. The mayor shall perform and is hereby empowered to perform such other duties as the ordinances of said city

shall provide and require or that council may refer to him from time to time."
[Sidenote: Mayor.]

Section 3. Said Act is further amended by striking section 1F in its entirety and substituting in lieu thereof a new section 1F to read as follows:

"Section 1F. Participating employees shall be entitled to either retirement or disability benefits prescribed by this section. Any participating employee shall be entitled to retire on a pension of one-hundred (\$100.00) dollars per month after being employed by the city for twenty (20) years. If any participating employee elects to continue his employment after being eligible for retirement hereunder, he shall continue to pay to the fund the contributions required

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hereunder for an additional five (5) years and retire on a pension of one-hundred and twenty-five (\$125.00) dollars, after being employed for twenty-five years, provided that such employee may, at his option, continue his employment with the city after twenty-five (25) years and retire at such date as he may desire. If any employee so elects to continue his employment after he becomes eligible for retirement hereunder, he shall during such continued employment continue to pay to the fund the contributions required hereunder. Any participating employee who shall, for any reason, become disabled to the extent that he is unable to perform his duties for a period of thirty days (30) or more, shall be entitled to the following disability benefits during the period of disability in excess of the first thirty (30) days thereof:

Length of Employment: Disability Benefits per month:

Over 20 years	\$120.00
15-20 years	100.00
10-15 years	80.00
5-10 years	60.00
Under 5 years	40.00

Periods for which disability benefits are paid shall not be considered in determining years of employment for retirement purposes."

Section 4. Said Act is further amended by adding thereto a new sub-section to be designated 5-A (a) to read as follows:

"5-A. (a) The Board of Lights and Waterworks of the City of Marietta, subject to the terms and approval of the mayor and city council of Marietta, shall pay to the treasurer of the Board of Education of the City of Marietta an additional sum, as may be requested by the Board of Education of the said city for the benefit of the public schools of the said city, not to exceed five per cent. of the gross income received and collected for water, lights, and power furnished the public, if requested so to do by a resolution by the Board of Education of the City of Marietta in which it

is certified that the sum so specified is necessary for the maintenance of the public schools of the City of Marietta."

[Sidenote: Funds for school purposes.]

Section 5. In addition to the area embraced within the corporate limits of the City of Marietta under the charter, as amended, the corporate limits of the City of Marietta shall include all that area embraced within the following described tracts:

Tract AA -- 1 All that tract or parcel of land lying and being in land lots 1238, 1239, 1282 and 1283 of the 16th district and 2nd section of Cobb County, Georgia, being more particularly described as follows:

Beginning at a point on the northeasterly side of highway 41, which point is 451 feet northwest of intersection of the northeasterly side of highway 41 and the district line dividing the 16th and 17th districts; running thence north 25 degrees, 38 minutes west 1012.7 feet along the northeasterly side of highway 41 to a point and corner; running thence north 84 degrees, 15 minutes east 762.4 feet to a point on the west side of Frey's Gin Road; running thence in a southerly direction along the westerly side of Frey's Gin Road 953.3 feet to a point and corner; running thence south 84 degrees, 22 minutes west 421.5 feet to point of beginning, excepting therefrom a strip of land uniform in width paralleling the East right-of-way of U. S. 41 4-Lane highway, which strip is already incorporated into the City of Marietta, Georgia.

[Sidenote: Corporate limits.]

Tract A -- 1 All that tract or parcel of land lying and being in land lot 1153, 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point on the West right-of-way of Mountain View Road, 187 feet north of the north right-of-way line of Mountain View Ridge; said west right-of-way line of Mountain View Road is also present city limit line, of Marietta, Georgia; running thence south 89 degrees 30 minutes west for a distance of 324 feet to the east right-of-way line of Mountain View Ridge; running thence north 0 degrees

30 minutes west along the east right-of-way line of Mountain View Ridge for a distance of 53 feet to a point; running thence north 89 degrees 30 minutes east for a distance of 325 feet to a point on the west right-of-way line of Mountain View Road, said right-of-way also being the present city limit line; running thence southerly along the west right-of-way line of Mountain View Road and present city limit line for a distance of 53 feet to the point of beginning.

Tract B -- 1 All that tract or parcel of land lying and being in land lots 1238 and 1239, 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the South right-of-way of Roswell Road and east right-of-way of Frey's Gin Road; running thence southeasterly along the east right-of-way line of Frey's Gin Road, for a distance of approximately 400 feet to the point of intersection of the east right-of-way line of Frey's Gin Road and the west right-of-way line of an unnamed county road, said point of intersection being on the present city limit line of Marietta, Georgia; thence westerly along the present city limit line and crossing Frey's Gin Road to a point on the west right-of-way line of Frey's Gin Road; running thence southeasterly along the west right-of-way line of Frey's Gin Road and the present city limit line to a point 899 feet south of the south right-of-way line of Roswell Road; running thence south 84 degrees 37 minutes west to a point on the present city limit line which is 500 feet east of and parallel to the center line of the (US-41) four lane highway; running thence northwesterly along the present city limit line 500 feet east of and parallel to the center line of the (US-41) four lane highway to the south right-of-way line of Roswell Road; running thence easterly along the south right-of-way line of Roswell Road to the east right-of-way line of Frey's Gin Road and the point of beginning.

Tract C -- 1 All that tract or parcel of land lying and being in land lots 214 and 215 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

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Beginning at a point on the east right-of-way line of Powder Springs Road; said beginning point is 50 feet south of the intersection of the south right-of-way line of Garrison Road and the east right-of-way line of Powder Springs Road; running thence southeasterly for a distance of 175 feet to a point on the present city limit line of Marietta, Georgia, 50 feet south of the south right-of-way of Garrison Road; running thence southwesterly along the present city limit line for a distance of 125 feet to a point; running thence northwesterly for a distance of 175 feet to the east right-of-way line of Powder Springs Road; running thence northeasterly along the east right-of-way line of Powder Springs Road for a distance of 125 feet to the point of beginning.

Tract D -- 1 All that territory situated, lying and being within land lots 1295 of the 16th district and land lots 72 and 73, of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at a point where the district line separating the 16th and 17th districts of Cobb County, Georgia, intersects the center line of Kirkpatrick Drive and the present city limit line of Marietta, Georgia; running thence westerly along the said district line and the present city limit line to the southwest corner of land lot 1294, of the 16th district and 2nd section, Cobb County, Georgia; running thence northerly along the western boundary of land lot 1294 and the present city limit line to the northern boundary of Whitlock Valley subdivision, unit one; running thence south 89 degrees 0 minutes west along the northern boundary of unit one, Whitlock Valley subdivision to the northwest corner of said Whitlock Valley subdivision, unit one; running thence south 0 degrees 56 minutes east along western boundary of said Whitlock Valley subdivision, unit one and two for a distance of 1246.4 feet to the southwest corner of Whitlock Valley subdivision, unit two; running thence north 88 degrees 54 minutes east along the southern

boundary of Whitlock Valley subdivision, unit two, and the present city limit line for a distance of 796.00 feet to a point on the west right-of-way line of Kirkpatrick Drive; thence continuing easterly along the present city limit line to the center line

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of Kirkpatrick Drive; thence running northerly along the center line of Kirkpatrick Drive and the present city limit line to a point on the district line separating the 16th and 17th districts of Cobb County, Georgia, and the point of beginning.

Tract E -- 1 All that tract or parcel of land lying and being in land lots 1014 and 1015, 16th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the point where the northern boundary of land lot 1074 intersects the east right-of-way line of Church Street; said beginning point is on the present city limit line of Marietta, Georgia; running thence westerly along the northern boundaries of land lots 1074 and 1075, and the present city limit line to a point opposite the northwest corner of the intersection of the right-of-way line of Tower Road and Campbell Hill Street; running thence northerly along the present city limit line to the northwest corner of the intersection of the right-of-way lines of Tower Road and Campbell Hill Street; running thence northerly along the west right-of-way line of Campbell Hill Street and the present city limit line for a distance of approximately 544 feet to a point; running thence easterly and crossing Campbell Hill Street to the northwest corner of Peoples Insurance Service property on the east right-of-way of Campbell Hill Street; running thence easterly along the northern boundary of Peoples Insurance Service property for a distance of 316 feet to the west right-of-way line of Church Street; thence continuing easterly and crossing Church Street to the east right-of-way of Church Street; running thence southerly along the East right-of-way of Church Street to the northern boundary of land lot 1074 and the point of beginning.

Tract F -- 1 All that tract or parcel of land lying and being in land lots 141 and 148 of the 17th district, 2nd section, Cobb County, Georgia, and being more particularly described as follows:

Beginning at the point where the southwesterly side of

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Booth Road intersects the southeasterly side of Powder Springs Road; said beginning point is on the present city limit line of Marietta, Georgia; running thence northwesterly along the present city limit line and crossing Powder Springs Road to the northwesterly side of Powder Springs Road; running thence northeasterly along the northwesterly side of Powder Springs Road and the present city limit line to a point 75 feet northeasterly from the western boundary of land lot 148 as measured along the northwesterly side of Powder Springs Road; running thence northwesterly along a line forming a 90 degree angle with the northwesterly side of Powder Springs Road for a distance of 602 feet to a point; running thence northeasterly forming an interior angle of 75

degrees 45 minutes for a distance of 275 feet to a point on the south right-of-way line of Chestnut Hill Road; running thence easterly along the south right-of-way line of Chestnut Hill Road for a distance of 265 feet to a point; running thence southeasterly for a distance of 402 feet to the northwesterly side of Powder Springs Road; thence continuing in the same direction and crossing Powder Springs Road to the southeasterly side of Powder Springs Road; running thence southwesterly along the southeasterly side of Powder Springs Road to the point of intersection of the northeasterly side of Booth Road and the southeasterly side of Powder Springs Road; thence continuing in the same direction and crossing Booth Road to the point of intersection of the southeasterly side of Powder Springs Road and the southwesterly side of Booth Road and point of beginning.

Section 6. 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 manner affect the other sections, subsections, clauses or phrases of this Act which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrases so declared or adjudged invalid or unconstitutional was not originally a part hereof. The General Assembly hereby declared 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.]

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Section 7. 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.-March 1963 session of the General Assembly of Georgia a bill to amend the charter of the City of Marietta (Ga. L. 1950, p. 2506, et. seq.) as heretofore amended, and for other purposes.

This 7th day of January, 1963.

Robert E. Flournoy, Jr. E. W. Teague Joe Mack Wilson Kyle Yancey Ed Kendrick State
Legislators

Georgia, Fulton County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, robert E. Flournoy, Jr., E. W. Teague, Joe Mack Wilson, Kyle Yanvey, and Ed Kendrick, who on oath, depose and say that they are Representatives and Senators 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 Cobb County, on the following dates:
January 11, 18, 25, 1963 and February 1, 1963.

/s/ Joe Mack Wilson /s/ Robert E. Flournoy, Jr. /s/ E. W. Teague Representatives, Cobb County
/s/ Kyle Yancey Edward S. Kendrick Senators, Cobb County

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Sworn to and subscribed before me,

this 4th day of March, 1963.

/s/ Shirley B. Johnson
Notary Public.
(Seal).

Approval Date: Approved April 4, 1963.