

House Bill 1347 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32<sup>nd</sup>, Tumlin of the 38<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Johnson of the 37<sup>th</sup>, and Setzler of the 35<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971  
2 (Ga. L. 1971, p. 3620), as amended, so as to change the provisions relating to the corporate  
3 limits of the city; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 An Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L.  
7 1971, p. 3620), as amended, is amended by adding at the end of Section 1.02 the following:

8 "The corporate limits of the City of Kennesaw shall also include the following described  
9 parcels of land:

10 TRACT NO. 1

11 All that tract or parcel of land lying and being in Land Lot 136, 20th District, 2nd  
12 Section, Cobb County, Georgia, and being more particularly described as follows:

13 Beginning at an iron pin placed at the northeast corner of the intersection of Big Shanty  
14 Road (50' R/W) and Carrie Road (50' R/W); thence running north 03 degrees 51  
15 minutes 16 seconds east along the easterly right-of-way line of Carrie Road, 220.10 feet  
16 to an open top pipe found at the southwest corner of Lot 3 of Big Shanty Industrial  
17 Park, as per Plat recorded in Plat Book 154, Page 95, Cobb County records; thence  
18 running south 87 degrees 35 minutes 51 seconds east along the southerly line of said  
19 Lot 3, 198.27 feet to a rebar found at the northwest corner of Lot 4 of the said Big  
20 Shanty Industrial Park; thence running south 03 degrees 54 minutes 52 seconds west  
21 along the westerly line of said Lot 4, 220.23 feet to an open top pipe found on the  
22 northerly right-of-way line of Big Shanty Road and the southwest corner of said Lot 4;  
23 thence running north 87 degrees 33 minutes 39 seconds west along the northerly  
24 right-of-way line of Big Shanty Road, 198.04 feet to the Point of Beginning, being  
25 43,612 S.F. more fully shown on the Above The Ground As Built Survey prepared for

1 McGee & Oxford, LLP, by Solar Land Surveying Company, John W. Stanzilus, Jr.,  
 2 Registered Land Surveyor No. 2108, dated September 9, 2004.

3 TRACT NO. 2

4 1503 Old 41 Highway

5 All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd  
 6 Section of Cobb County, Georgia, as shown on plat of survey made for Jerry W. Cooper  
 7 and Debbie L. Cooper by Lana S. Bishop, Registered Land Surveyor, dated March 30,  
 8 1973, and being more particularly described as follows:

9 BEGINNING at an iron pin at the point of intersection of the southwesterly side of Old  
 10 41 Highway and the South line of Land Lot 212, running thence northwesterly along  
 11 the southwesterly side of Old 41 Highway, and following the curvature thereof, 398.8  
 12 feet to an iron pin, thence South 12 degrees 42 minutes West 285.62 feet to a marble  
 13 marker on the South line of Land Lot 212; thence South 88 degrees 34 minutes 57  
 14 seconds East along said Land Lot line 320 feet to the point of beginning.

15 1515 Old 41 Highway

16 All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd  
 17 Section, Cobb County, Georgia, and being more particularly described as follows:

18 BEGINNING at a marble corner on the south line of said Land Lot 212, at the  
 19 southwest corner of property now or formerly owned by E.W. Harris; running thence  
 20 northeasterly along the northwesterly line of said Harris property, two hundred eighty-  
 21 six (286) feet to an iron pin on the southwesterly line of Old U.S. Highway No. 41;  
 22 running thence northwesterly along the southwesterly line of said Highway, two  
 23 hundred twenty-one (221) feet to an iron pin at the northeast corner of property now  
 24 or formerly owned by Harold T. Ellison; running then southwesterly along the  
 25 southeasterly line of said Ellison Property, four hundred thirty-seven (437) feet to an  
 26 iron pin on the south line of said Land Lot 212; running thence east along the south  
 27 line of said Land Lot 212, two hundred (200) feet to a marble corner and the point of  
 28 beginning, said premises being shown by plat of survey prepared by J.P. Phillips,  
 29 Surveyor, date March 21, 1957.

30 1535 Old 41 Highway

31 Parcel 14

32 All that tract or parcel of land lying and being in Cobb County, Georgia, and in the 20th  
 33 District and 2nd Section and in Land Lot No. 212 and containing 2.27 (Two and Twenty-  
 34 Seven One-Hundredths) acres and is more particularly described as follows:

1 BEGINNING at an iron pin on the south west side of Old U.S. Highway No. 41 and at  
 2 the north west corner of property now or formerly owned by Howard D. Ellison, (this  
 3 iron pin is also 236 feet, more or less, as measured along the south west side of Old  
 4 U.S. Highway No. 41 from a driveway that leads south from the Old U.S. Highway  
 5 near this point), thence running south 11 degrees west along the land now or formerly  
 6 owned by Howard D. Ellison, 437 feet to an iron pin on the original land line that is on  
 7 the south side of said lot, thence west along the original line 200 feet to an iron pin,  
 8 thence north 11 degrees east along the land now or formerly owned by C.L. Ellison,  
 9 580 feet to an iron pin on the south west side of Old Highway No. 41, thence south  
 10 easterly along the south west side of Old Highway No. 41, 221 feet to an iron pin and  
 11 point of beginning.

12 1535 Old 41 Highway

13 Parcel 29

14 All that tract or parcel of land lying and being in Land Lot 212 of the 20th District, 2nd  
 15 Section, Cobb County, Georgia, being part of the land shown in said land lot on plat of  
 16 same prepared by J.P. Phillips, dated August 30, 1961, said plat being designated  
 17 property of C.L. Ellison and being more particularly described as follows:

18 TO FIND THE POINT OF BEGINNING, BEGIN at the intersection of the center line  
 19 of the Georgia Power Company power line with the south west side of the right of way  
 20 of Old Highway 41 as is shown on the aforesaid plat, thence run southerly along the  
 21 west property line of the property now or formerly owned by Mrs. Belle Ellison for a  
 22 distance of 502 feet to an iron pin; thence running east southeasterly along the southerly  
 23 side of the property now or formerly owned by Mrs. Belle Ellison and forming an  
 24 interior angle within property now or formerly owned by Mrs. Belle Ellison of 87  
 25 degrees 17 minutes and running for a distance of 339.4 feet to an iron pin and corner  
 26 and the point of beginning; from this point of beginning thence run southerly forming  
 27 an interior angle with the preceding course of 94 degrees 35 minutes for a distance of  
 28 200 feet along the property belonging to Harold T. Ellison and being transferred to  
 29 Mary Morris Ellison this date; thence running westerly forming an interior angle of 85  
 30 degrees 25 minutes with the preceding course for a distance of 200 feet; thence running  
 31 northerly forming an interior angle with the preceding course of 94 degrees 35 minutes  
 32 for a distance of 200 feet to an iron pin and corner and the property now or formerly  
 33 owned by Mrs. Belle Ellison; thence running southerly forming an interior angle with  
 34 the preceding course 85 degrees 25 minutes for a distance of 200 feet to an iron pin and  
 35 corner and the point of beginning.

1 The above-described property is in the shape of a parallelogram and is part of the tract  
 2 of property, which was conveyed to Harold T. Ellison by C.L. Ellison on March 14, 1966,  
 3 by deed recorded in Deed Book 900, Page 563, Cobb County Records, Georgia.

4 1565 Old 41 Highway

5 All that tract or parcel of land lying and being in Land Lot No. 212 of the 20th District,  
 6 2nd Section, Cobb County, Georgia, as shown on plat of same prepared by Robert T.  
 7 Weaver, Surveyor, dated December 30, 1959, recorded in Plat Book 20, Page 41, Cobb  
 8 County Records, Georgia, and being more particularly described as follows:

9 BEGINNING at an iron pin located on the Southwest side of the Old U.S. Highway 41  
 10 (Dixie Highway) 338 feet Southeasterly of the intersection of the Southeast side of the  
 11 Collins Road right of way with the Southwest side of the Old U.S. Highway 41 (Dixie  
 12 Highway) right of way; Thence running South 49 degrees 37 minutes East for a  
 13 distance of 309.5 feet along the Southwest side of the Old U.S. Highway 41 (Dixie  
 14 Highway) right of way to an iron pin and corner; thence running South 12 degrees 08  
 15 minutes West for a distance of 380 feet to an iron pin and corner; thence running North  
 16 72 degrees 46 minutes West for a distance of 339 feet to an iron pin and corner; thence  
 17 running North 19 degrees 33 minutes East a distance of 500.5 feet to an iron pin and  
 18 corner and the point of beginning.

19 TRACT NO. 3

20 ALL that tract of parcel of land lying and being located in Land Lot 63, of the 20th  
 21 District, 2nd Section, Cobb County, Georgia and being more particularly described as  
 22 follows:

23 To find the TRUE POINT OF BEGINNING commence at an iron pin located at the  
 24 intersection of the Northeasterly right-of-way of the CSX Railroad (right-of-way varies  
 25 and the North line of Land Lot 63 and running thence in a Southeasterly direction along  
 26 the Northeasterly right-of-way of the CSX Railroad and following the curvature thereof  
 27 for an arc distance of 324.73 feet (said arc having a radius of 2162.15 feet with a chord  
 28 of South 63 degrees 45 minutes 36 seconds East 324.43 feet to a point; thence running  
 29 South 59 degrees 27 minutes 27 seconds East along the Northeasterly right-of-way of  
 30 the CSX Railroad for a distance of 179.48 feet to an iron pin (#4 rebar) which is the  
 31 TRUE POINT OF BEGINNING; thence running North 30 degrees 32 minutes 33  
 32 seconds East for a distance of 138.60 feet to an iron pin (#4 rebar); thence running  
 33 South 80 degrees 43 minutes 16 seconds East for a distance of 275.74 feet to an iron pin  
 34 (#4 rebar); thence running South 30 degrees 32 minutes 33 seconds West for a distance  
 35 of 170.00 feet to an iron pin (#4 rebar) located on the Northeasterly right-of-way of the

1 CSX railroad; thence running North 74 degrees 24 minutes 17 seconds West along the  
2 Northeasterly right-of-way of the CSX Railroad for a distance of 265.97 feet to an iron  
3 pin (#4 rebar) which is the TRUE POINT OF BEGINNING.  
4 Said tract contains 0.91 acres.

5 TRACT NO. 4

6 1695 Kennesaw-Due West Road

7 All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd  
8 section, Cobb County, Georgia, and being known as 0.95 acres as per plat of survey  
9 prepared by North Georgia Engineers, Inc. for Steve Womack, dated July 20, 1988, and  
10 being more particularly described as follows:

11 Beginning at a point located on the west right-of-way of Kennesaw-Due West Road,  
12 said point being located a distance of 941.50 feet in a southerly direction from the  
13 intersection of the west right-of-way of Kennesaw-Due West Road with the north line  
14 of Land Lot 215; running thence in a southwesterly direction along the west right-of-  
15 way of Kennesaw-Due West Road a distance of 190.00 feet to a point; running thence  
16 South 89 degrees 32 minutes 00 seconds West a distance of 204.49 feet to a point;  
17 running thence North 03 degrees 49 minutes 00 seconds West a distance of 189.52 feet  
18 to a point; running thence North 89 degrees 32 minutes 00 seconds East a distance of  
19 233.00 feet to the west right-of-way of Kennesaw-Due West Road and the point of  
20 beginning.

21 1701 Kennesaw Due-West Road

22 All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd  
23 section, Cobb County, Georgia, and being that property shown on a plat of survey  
24 prepared for Virgil Womack by J.P. Phillips, Surveyor, on March 20, 1963, and being  
25 more particularly described as follows:

26 BEGINNING at an iron pin on the west side of Kennesaw-Due West Road 597.5 feet  
27 southerly of the point where said road intersects the north original line of said land lot;  
28 running thence south along the west side of said Kennesaw-Due West Road 644 feet  
29 to an iron pin; thence west 248 feet to an iron pin; thence northwesterly forming an  
30 interior angle of 93 degrees 21 minutes with the preceding course 300 feet to an iron  
31 pin on the center line of a Georgia Power Company Tower line; thence continuing  
32 northwesterly forming an interior angle of 190 degrees with the preceding course 402  
33 feet to an iron pin; thence easterly forming an interior angle of 70 degrees with the  
34 preceding course 422 feet to the iron pin at the point of beginning.

1 1751 Kennesaw Due-West Road

2 All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd  
3 section, Cobb County, Georgia as shown survey prepared for Mrs. C.E. Wilkins, Sr., by  
4 J.P. Phillips, Surveyor, dated November 1, 1966, and being more particularly described  
5 as follows:

6 BEGINNING at an iron pin on the westerly side of Kennesaw-Due West Road 387.5  
7 feet southerly, as measured along the westerly side of Kennesaw-Due West Road, from  
8 the intersection of the westerly side of Kennesaw-Due West Road with the north line  
9 of Land Lot 216; run thence southerly along the westerly side of Kennesaw-Due West  
10 Road a distance of 210 feet to an iron pin; run thence westerly a distance of 422 feet to  
11 an iron pin; run thence northerly a distance of 210 feet to an iron pin; run thence  
12 easterly along a line that forms an interior angle of 98 degrees, 40 minutes with the  
13 preceding course a distance of 206 feet to an iron pin; run thence easterly along a line  
14 that forms an interior angle of 167 degrees, 15 minutes with the preceding course a  
15 distance of 220.5 feet to an iron pin on the westerly side of Kennesaw-Due West Road  
16 and the point of beginning; being improved property having a house located thereon  
17 know as 222 Kennesaw-Due West Road according to the present system of numbering  
18 houses in Cobb County, Georgia.

19 1791 Kennesaw-Due West Road

20 All that tract or parcel of land lying and being in land lot 216 of the 20th district, 2nd  
21 section, Cobb County, Georgia, containing 3.4 acres as shown on that certain plat of  
22 survey prepared by J.P. Phillips, registered land surveyor, dated July 3, 1962 and being  
23 more particularly described as follows:

24 BEGINNING at an iron pin located on the northwesterly right-of-way of Kennesaw  
25 Due West Road (40 foot right-of-way) at its intersection with the south land lot line of  
26 land lot 203, same being the north land lot line of land lot 216; run thence south along  
27 the northwesterly right-of-way of Kennesaw Due West Road and following the  
28 curvature thereof a distance of 387.5 feet to an iron pin; run thence north 12 degrees 45  
29 minutes west, 220.5 feet to an iron pin; run thence westerly a distance of 206 feet to an  
30 iron pin; run thence north at a corner angle of 88 degrees 50 minutes a distance of 300  
31 feet to an iron pin located on the north land lot line of land lot 216; thence running east  
32 along the dividing land lot line of land lots 203 and 216; run thence at a corner angle  
33 of 90 degrees 00 minutes a distance of 600 feet to an iron pin located on the  
34 northwesterly right-of-way of Kennesaw Due West Road and the point of beginning."

1

**SECTION 2.**

2

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