

House Bill 1134 (AS PASSED HOUSE AND SENATE)

By: Representatives Wilkerson of the 38th, Ehrhart of the 36th, Evans of the 42nd, Smith of the 41st, Thomas of the 39th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Powder Springs, approved March 13,
2 1970 (Ga. L. 1970, p. 2760), as amended, particularly by an Act approved April 10, 2014
3 (Ga. L. 2014, p. 4167), so as to provide for annexation of certain property; to provide for
4 deannexation of certain property; to provide for related matters; to repeal a certain act; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating a new charter for the City of Powder Springs, approved March 13, 1970 (Ga.
9 L. 1970, p. 2760), as amended, particularly by an Act approved April 10, 2014 (Ga. L. 2014,
10 p. 4167), is amended by revising Section 1.11 as follows:

11 "SECTION 1.11.
12 Corporate boundaries.

13 (a)(1) The boundaries of this city shall be those existing on the effective date of the
14 adoption of this charter and as may be annexed from time to time.

15 (2)(A) The boundaries of this city shall also include the following tracts and parcels:

16 (i) Property located at 4400 Brownsville Road known as Brownsville Commons
17 Shopping Center, as described in deeds recorded at Deed Book 4552, Page 3229 and
18 Deed Book 13474, Page 3811, Cobb County, Georgia records and being Cobb County
19 tax parcel no.19102700050 and 19102700230.

20 (ii) All that tract or parcel of land lying and being in the 19th District, 2nd Section,
21 Cobb County, Georgia and being a part of original Land Lots 825, 826, 877, 878,
22 more particularly described as follows:

23 Beginning at a point in the northwest corner of land lot 878; thence South along the
24 Western land lot line of 878 to the center line of Powder Springs Creek; thence travel

25 in the Southwesterly direction along the center line of Powder Springs Creek to the
 26 Easterly side of right of way of C.H. James Parkway; thence Southwesterly along the
 27 Easterly side of right of way of C.H. James Parkway to a point on the South land lot
 28 line of 878; thence East along the South land lot line of 878 and 877 to the
 29 Southeastern corner of 877; thence North along the Eastern land lot line of 877 to the
 30 center line of Powder Springs Creek; thence Southwest along the center line of
 31 Powder Springs Creek to the center of the fork at Florence Branch in Powder Springs
 32 Creek; thence Northwest along the center line of Florence Branch to a point on the
 33 Southwesterly right of way of Norfolk Southern Corp. Railway; thence Northwest
 34 along the Southwesterly right of way of Norfolk Southern Corp. Railway to a point
 35 at the Easterly side right of way C.H. James Parkway; thence South along the Eastern
 36 right of way of C.H. James Parkway to a point on a Northern land lot line of 878; and
 37 thence West along the Northern land lot line of 878 to a point in the Northwest Corner
 38 of land lot 878 and the point of beginning.

39 Said property consists of Sweetwater Landing Subdivision Units I & II as per plat
 40 recorded in Plat Book 256, Page 78, and Plat Book 262, Page 71, Cobb County,
 41 Georgia records and the following tracts adjoining said subdivision; identified as
 42 Cobb County tax parcels 19082500080, 169082500030, 19087700210, 19087800010,
 43 19087800030, and 19087800110.

44 (iii) Tapp Middle School, located at 3900 Macedonia Road, and being described as
 45 Cobb County Tax Parcel 19072300020.

46 (iv) That portion of Caley's Mill Subdivision Unit I lying and being in Land Lot 761
 47 of the 19th District, 2nd Section as shown on plat recorded at Plat Book 123, Page 60,
 48 Cobb County, Georgia records.

49 (v) All property located within Warren Farm Subdivision as shown and described on
 50 plat recorded at Plat Book 185, Page 97, Cobb County, Georgia records, and being
 51 located in land lots 735, 736, 745, and 746, of the 19th District, 2nd Section, Cobb
 52 County, Georgia.

53 (vi) All property located within Arden Field Subdivision as shown and described on
 54 plat recorded at Plat Book 218, Page 86, Cobb County, Georgia, and being located in
 55 Land Lots 735, 736, 745 and 746 of the 19th District, 2nd Section, Cobb County,
 56 Georgia.

57 (vii) All that tract or parcel being in Land Lot 1022 of the 19th District, 2nd Section,
 58 Cobb County, Georgia and being more particularly described as follows:

59 Beginning at a point at the intersection of the center line of Powder Springs Creek
 60 and the Southern land lot line of 1022, also being the Point of Beginning; thence
 61 North and Northwesterly along the center line of Powder Springs Creek to a point

62 at the Northeast corner of Springbrooke Estates Unit II, Phase II as per plat recorded
63 in Plat Book 273, Page 355; thence leaving the center line of Powder Springs Creek
64 South 28 degrees 28 minutes 26 seconds, West a distance of 114.26 feet; thence
65 South 19 degrees 53 minutes 5 seconds East a distance of 174.00 feet; thence South
66 37 degrees 32 minutes 56 seconds East a distance of 90.63 feet; thence South 14
67 degrees 58 minutes 34 seconds West a distance of 73.42 feet; thence South 21
68 degrees 34 minutes 01 seconds East a distance of 67.69 feet; thence South 85
69 degrees 36 minutes 40 seconds East a distance of 52.01 feet; thence South 05
70 degrees 16 minutes 01 seconds West a distance of 87.15 feet; thence South 32
71 degrees 24 minutes 53 seconds East a distance of 59.90 feet; thence South 76
72 degrees 22 minutes 42 seconds East a distance of 110.99 feet; thence South 47
73 degrees 44 minutes 00 seconds East a distance of 39.00 feet to a point on the South
74 land lot line of 1022; thence East along the South land lot of 1022 to Center Line
75 of Powder Springs Creek being the Point of Beginning, and also being described as
76 Cobb County Tax Parcel 19102200030.

77 (viii) Property located at 4144 Old Austell Road, being described in deed recorded
78 at Deed Book 12476, Page 233, Cobb County, Georgia records, and being Cobb
79 County Tax Parcel 1909460030.

80 (ix) The Powder Springs cemetery located on Old Austell Road, and being described
81 as Cobb County Tax Parcel 19090400360.

82 (x) The following properties located on Austell Powder Springs Road and being
83 Cobb County Tax Parcels 19094600070 and 19094600300.

84 (xi) The entire right of way of Powder Springs Road, from its intersection with
85 Hopkins Road, to its intersection with Wildhorse Creek, together with those
86 properties being described as Cobb County Tax Parcels 1908600040 and
87 19086800290.

88 (xii) That property located west of Hopkins Road and being in Land Lots 759, 760,
89 795, and 796 of the 19th District, 2nd Section, Cobb County, Georgia, being Cobb
90 County Tax Parcels 19076000020, 19079500020, 19079500010, and 19079600020.

91 (xiii) That property east of and adjoining the Norfolk Southern Railroad right of way
92 in Land Lot 949, of the 19th District, 2nd Section of Cobb County, Georgia, and
93 being Cobb County Tax Parcels 19094900030 and 19094900300.

94 (xiv) The entirety of the Silverbrooke Subdivision, as described in plat recorded at
95 Plat Book 234, Page 44, Cobb County, Georgia records; and also the entirety of the
96 Powder Springs Commons East development, as described in plat recorded at Plat
97 Book 273, Page 206, Cobb County, Georgia records; and also the entirety of
98 Commercial Tract 5, as described in plat recorded at Plat Book 271, Page 593; and

99 also the following tracts identified as Cobb County Tax Parcels 19066200030,
100 19066200040, 19067200060, 19067200010, and 1907300050.

101 (xv) The entirety of the Evergreen Park Subdivision as described in plat recorded at
102 Plat Book 184, Page 85, Cobb County, Georgia records.

103 (xvi) Property located at 4889 Hill Road, and contained within and known as Cobb
104 County Tax Parcel 19095200030, as further described in deed recorded at Deed Book
105 14523; Page 325, Cobb County, Georgia records.

106 (xvii) Property located at 5535 Powder Springs Dallas Rd, located in Land Lots 735,
107 746, 19th District, 2nd Section, Cobb County, Georgia and being Cobb County tax
108 parcel no. 19074600050.

109 (xviii) All property located within Powder Cove Subdivision as shown and described
110 on plat recorded at Plat Book 156, Page 49, Cobb County, Georgia records, and being
111 located in land lots 1021 and 1022, of the 19th District, 2nd Section, Cobb County,
112 Georgia.

113 (xix) Property located at 3411 Macedonia Road as described in Deed at Deed Book
114 4922, Page 522, and being further described as Cobb County Tax Parcel
115 19072000060.

116 (xx) Property located at 4247 Macedonia Road as described in Deed at Deed Book
117 15114, Page 0400, Deed Book 15029 Page 4796 and Deed Book 14740 Page 4127
118 and being further described as Cobb County Tax Parcel 19075500010, more
119 particularly described as follows:

120 BEGINNING at an iron pin on the southwesterly side of the right-of-way of
121 Macedonia Road, which iron pin is located 119.9 feet southeasterly from the
122 intersection of the southwesterly side of the right-of-way of Macedonia Road and
123 the southeasterly side of the right-of-way of Springville Road, as measured along
124 the southwesterly side of the right-of-way of Macedonia Road; running thence
125 South 60 degrees, 57 minutes, 46 seconds East along the southwesterly side of the
126 right-of-way of Macedonia Road a distanced of 120 feet to an iron pin; running
127 thence South 04 degrees, 30 minutes, 01 seconds West a distance of 234.52 feel to
128 an iron pin; running thence North 58 degrees, 28 minutes West a distance of 120
129 feet to an iron pin; running thence North 3 degrees, 56 minutes East a distance of
130 229.82 feet to an iron pin on the southwesterly side of the right-of-way of
131 Macedonia Road at the POINT OF BEGINNING and being improved property
132 having located thereon a residence known as 4247 Macedonia Road. according to
133 the present system of numbering house in and about the City of Powder Spring,
134 Georgia, and being made in accordance with a plat of survey made for the property

135 of Denise Messina by Perry E, McClung, Georgia Registered Land Surveyor, No.
136 1541, dated October 9, 1995.

137 (xxi) The following property located on Austell Powder Springs Road and being
138 Cobb County Tax Parcel 19094600470 and described in Deed Book 14282, Page
139 3769 and more particularly described as follows:

140 All that tract or parcel of land lying and being in Land Lot 946 of the 19th District
141 and 2nd Section of Cobb County, Georgia and being designated as a 0.45 acre tract
142 of land as described on that certain plat of survey for Richard Gomez and Robin W.
143 Gomez as prepared by George Willis Crusselle, G.R.L.S. no. 1373 of the Crusselle
144 Company, dated December 21, 2005.

145 (xxii) The properties located on Austell Powder Springs Road, being Cobb County
146 Tax Parcels 19094600280 and 19094600020.

147 (xxiii) The properties located on Lewis Road, being Cobb County Tax Parcels
148 19094900410 and 19094900340.

149 (xxiv) The property located on Oglesby Road and being Cobb County Tax Parcel
150 19105000010 and recorded in Deed Book 14234 Page 6221 and Deed Book 14141
151 Page 4120.

152 (xxv) All property located within Ashleigh Parc Condominiums as shown and
153 described on plat recorded at Plat Book 13, Page 8, Cobb County, Georgia records,
154 and being located in land lots 867, of the 19th District, 2nd Section, Cobb County,
155 Georgia.

156 (xxvi) All property located within Bagley Forest subdivision as shown and described
157 on plat recorded at Plat Book 229, Page 25, Cobb County, Georgia records, and being
158 located in land lots 683, of the 19th District, 2nd Section, Cobb County, Georgia.

159 (xxvii) All property located within Cameron Springs subdivision, including Phase 1
160 as shown and described on plat recorded at Plat Book 275, Page 155, Cobb County,
161 Georgia records; and Phase 2 as shown and described on plat recorded at Plat Book
162 275, Page 160, Cobb County, Georgia records; and being located in land lots 807,
163 808, 820, and 821, of the 19th District, 2nd Section, Cobb County, Georgia.

164 (xxviii) All property located within Akins Ridge subdivision as shown and described
165 on plat recorded at Plat Book 178, Page 55, Cobb County, Georgia records, and being
166 located in land lots 949, 978, 979, and 1021 of the 19th District, 2nd Section, Cobb
167 County, Georgia.

168 (xxix) All property located within Autumn Trace subdivision as shown and described
169 on plat recorded at Plat Book 144, Page 70 Cobb County, Georgia records, and being
170 located in land lots 834, 835, and 869 of the 19th District, 2nd Section, Cobb County,
171 Georgia.

172 (xxx) All property located within Caley's Mill subdivision, Unit 1 as shown and
173 described on plat recorded at Plat Book 123, Page 60, Cobb County, Georgia records,
174 and being located in land lots 720 and 761 of the 19th District, 2nd Section, Cobb
175 County, Georgia.

176 (xxxii) All property located within Country Cove subdivision, including Phase 1 as
177 shown and described on plat recorded at Plat Book 142, Page 88, Cobb County,
178 Georgia records; and Phase 2A as shown and described on plat recorded at Plat Book
179 130, Page 76, Cobb County, Georgia records; and Phase 2B as shown and described
180 on plat recorded at Plat Book 133, Page 81, Cobb County, Georgia records; and Phase
181 3 as shown and described on plat recorded at Plat Book 138, Page 67, Cobb County,
182 Georgia records; and being located in land lot 676 of the 19th District, 2nd Section,
183 Cobb County, Georgia.

184 (xxxii) All property located within Elliot Quarters subdivision, Phase 1 as shown and
185 described on plat recorded at Plat Book 115, Page 46, Cobb County, Georgia records;
186 and all property located within Elliot Quarters subdivision, Phase 2 as shown and
187 described on plat recorded at Plat Book 135, Page 22, Cobb County, Georgia records;
188 and being located in land lots 599, 659, and 660 of the 19th District, 2nd Section,
189 Cobb County, Georgia.

190 (xxxiii) All property located within Liberty Oaks subdivision as shown and described
191 on plat recorded at Plat Book 194, Page 26, Cobb County, Georgia records, and being
192 located in land lots 806, 807, 822, and 823 of the 19th District, 2nd Section, Cobb
193 County, Georgia.

194 (xxxiv) All property located within Evergreen Park subdivision as shown and
195 described on plat recorded at Plat Book 184, Page 85, Cobb County, Georgia records,
196 and being located in land lots 659 and 660 of the 19th District, 2nd Section, Cobb
197 County, Georgia.

198 (xxxv) All property located within Lost Mountain Lakes subdivision, Unit 1 as
199 shown and described on plat recorded at Plat Book 200, Page 90, Cobb County,
200 Georgia records; property located within Lost Mountain Lakes subdivision, Unit 2 as
201 shown and described on plat recorded at Plat Book 271, Page 621, Cobb County,
202 Georgia records; and being located in land lots 655 and 678 of the 19th District, 2nd
203 Section, Cobb County, Georgia.

204 (xxxvi) All property located within Paddocks West subdivision, including Unit 1 as
205 shown and described on plat recorded at Plat Book 120, Page 28, Cobb County,
206 Georgia records; and Unit 2 as shown and described on plat recorded at Plat Book
207 136, Page 57, Cobb County, Georgia records; and Unit 3 as shown and described on
208 plat recorded at Plat Book 157, Page 16; and Unit 4 as shown and described on plat

209 recorded at Plat Book 164, Page 96, Cobb County, Georgia records; and being located
210 in land lots 585, 586, 599, and 600, of the 19th District, 2nd Section, Cobb County,
211 Georgia.

212 (xxxvii) All property located within Pine Bluff subdivision, including Unit 1 as
213 shown and described on plat recorded at Plat Book 156, Page 4, Cobb County,
214 Georgia records; and Unit 2 as shown and described on plat recorded at Plat Book
215 163, Page 51, Cobb County, Georgia records; and being located in land lots 835, 836,
216 and 837, of the 19th District, 2nd Section, Cobb County, Georgia.

217 (xxxviii) All property located within Platinum Creek subdivision as shown and
218 described on plat recorded at Plat Book 138, Page 97, Cobb County, Georgia records,
219 and being located in land lots 867 and 868 of the 19th District, 2nd Section, Cobb
220 County, Georgia.

221 (xxxix) All property located within Preston Place subdivision as shown and described
222 on plat recorded at Plat Book 175, Page 2, Cobb County, Georgia records, and being
223 located in land lots 908 of the 19th District, 2nd Section, Cobb County, Georgia.

224 (xl) All property located within Sharon Place subdivision as shown and described on
225 plat recorded at Plat Book 118, Page 32, Cobb County, Georgia records, and being
226 located in land lots 907 of the 19th District, 2nd Section, Cobb County, Georgia.

227 (xli) All property located within Whispering Pines subdivision as shown and
228 described on plat recorded at Plat Book 203, Page 20, Cobb County, Georgia records,
229 and being located in land lots 1021 of the 19th District, 2nd Section, Cobb County,
230 Georgia.

231 (xlii) All property located within Warren Creek subdivision, Unit 2 as shown and
232 described on plat recorded at Plat Book 202, Page 87, Cobb County, Georgia records,
233 and being located in land lots 736 and 745 of the 19th District, 2nd Section, Cobb
234 County, Georgia.

235 (xliii) All property located within the Vineyards at New Macland subdivision as
236 shown and described on plat recorded at Plat Book 255, Page 91, Cobb County,
237 Georgia records, and being located in land lots 651 of the 19th District, 2nd Section,
238 Cobb County, Georgia.

239 (xliv) All property located within The Courtyard at Silver Springs Village
240 subdivision as shown and described on plat recorded at Plat Book 210, Page 2, Cobb
241 County, Georgia records, and being located in land lots 802, 803, 826, and 827 of the
242 19th District, 2nd Section, Cobb County, Georgia.

243 (xlv) All property located within New Towne Place subdivision as shown and
244 described on plat recorded at Plat Book 122, Page 56, Cobb County, Georgia records,
245 and being located in land lots 948 of the 19th District, 2nd Section, Cobb County,
246 Georgia.

247 (xlvi) All property located within Rosewood Park residential community as shown
248 and described on plat recorded at Plat Book 211, Page 63, Cobb County, Georgia
249 records; and Phase 2 as shown and described on plat recorded at Plat Book 221, Page
250 68, Cobb County, Georgia records; and being located in land lots 719 and 720 of the
251 19th District, 2nd Section, Cobb County, Georgia.

252 (xlvii) All property located within Villas of Seven Springs West Condominium as
253 shown and described on plat recorded at Plat Book 18, Page 293, Cobb County,
254 Georgia records, and being located in land lots 1025 and 1048 of the 19th District,
255 2nd Section, Cobb County, Georgia.

256 (xlviii) All property located within Country Walk subdivision, including Unit 1 as
257 shown and described on plat recorded at Plat Book 139, Page 1, Cobb County,
258 Georgia records; and Unit 2 as shown and described on plat recorded at Plat Book
259 140, Page 88, Cobb County, Georgia records; and Unit 3 as shown and described on
260 plat recorded at Plat Book 127, Page 14; and Unit 4 as shown and described on plat
261 recorded at Plat Book 137, Page 24, Cobb County, Georgia records; and being located
262 in land lots 677, 678, 729, and 730, of the 19th District, 2nd Section, Cobb County,
263 Georgia.

264 (xlix) All property located within Springbrooke Estates subdivision, including Unit
265 1, Phase 1 as shown and described on plat recorded at Plat Book 261, Page 67, Cobb
266 County, Georgia records; and Unit 2, Phase 1 as shown and described on plat
267 recorded at Plat Book 260, Page 90, Cobb County, Georgia records; and Unit 2, Phase
268 2 as shown and described on plat recorded at Plat Book 273, Page 355, Cobb County,
269 Georgia records; and being located in land lots 1023, 1024, 1049, and 1050, of the
270 19th District, 2nd Section, Cobb County, Georgia.

271 (l) All property located within Steeplechase subdivision, including Unit 1 as shown
272 and described on plat recorded at Plat Book 109, Page 41, Cobb County, Georgia
273 records; and Unit 1A as shown and described on plat recorded at Plat Book 109, Page
274 40, Cobb County, Georgia records; and Unit 2 as shown and described on plat
275 recorded at Plat Book 131, Page 56, Cobb County, Georgia records; and Unit 3 as
276 shown and described on plat recorded at Plat Book 139, Page 18, Cobb County,
277 Georgia records; and being located in Land Lots 974 and 1025, of the 19th District,
278 2nd Section, Cobb County, Georgia.

279 (li) All property located within Aiken's Mill subdivision, Unit 2 as shown and
 280 described on plat recorded at Plat Book 165, Page 54, Cobb County, Georgia records,
 281 and being located in Land Lots 904, 947, and 948 of the 19th District, 2nd Section,
 282 Cobb County, Georgia.

283 (lii) All property located within Morningside subdivision, including Unit 1 as shown
 284 and described on plat recorded at Plat Book 132, Page 92, Cobb County, Georgia
 285 records; and Unit 2 as shown and described on plat recorded at Plat Book 142, Page
 286 62, Cobb County, Georgia records; and Unit 3 as shown and described on plat
 287 recorded at Plat Book 156, Page 53; and Unit 4 as shown and described on plat
 288 recorded at Plat Book 156, Page 54, Cobb County, Georgia records; and being located
 289 in land lots 946, 947, 948, 977, 978, 1021, and 1022, of the 19th District, 2nd Section,
 290 Cobb County, Georgia.

291 (liii) All property located within the Ponderosa subdivision as shown and described
 292 in Plat Book 27, Page 87.

293 (B) Roads or Portions of Roads. The following roads or portions of roads adjoining
 294 or in proximity to the city limits of Powder Springs, Georgia:

295 (i) The entire right of way of Brownsville Road, from its intersection with Marietta
 296 Street to its intersection with Hiram Lithia Springs Road.

297 (ii) The entire right of way of Powder Springs Road, from its intersection with
 298 Marietta Street to a point thereon opposite and adjoining the southeast corner of Cobb
 299 County Tax Parcel 19086600015.

300 (iii) The entire right of way of C.H. James Pkwy, from its intersection with Oglesby
 301 Road to its intersection with the Paulding County Line.

302 (iv) The entire right of way of Austell Powder Springs Road, from its intersection
 303 with Marietta Street to its intersection with Sharon Drive.

304 (v) The entire right of way of Florence Road, from its intersection with Powder
 305 Springs Dallas Road to a point thereon opposite and adjoining the northeast corner of
 306 Cobb County Tax Parcel 19067500017.

307 (vi) The entire right of way of Old Lost Mountain Road, from its intersection with
 308 Powder Springs-Dallas Road to its intersection with Richard D. Sailors Parkway.

309 (vii) The entire right of way of Shipp Road, from its intersection with Florence Road
 310 to its intersection with eastern boundary Land Lot 678.

311 (viii) The entire right of way of Macedonia Road, from a point thereon opposite and
 312 adjoining the northwest corner of Cobb County Tax Parcel 19072600025 to its
 313 intersection with Red Rose Drive.

314 (ix) The entire right of way of Richard D. Sailors Parkway, from its intersection with
 315 C.H. James Parkway to its intersection with Powder Springs Road.

316 (x) The entire right of way of Lewis Road, from its intersection with C.H. James
317 Parkway to its intersection with the Norfolk Southern Railroad.

318 (3) The following property shall be deannexed and shall not be included in the boundary
319 of the city:

320 (A) Property located at 3267 Sharon Drive shall be deannexed and removed from the
321 City Boundary, being Cobb County Tax Parcel number 19094500290 and being
322 described in Deed Book 14597 Page 2978 and more particularly described as:

323 All that tract or parcel of land lying and being in Land Lot 945 of the 19th District,
324 2nd Section of Cobb County, Georgia, being Lot 12, John S. Walton Property, as per
325 plat recorded in Plat Book 25, Page 20, Cobb County, Georgia Records, which plat
326 is incorporated herein by reference thereto.

327 (B) Property located at Sharon Drive being Cobb County Tax Parcel number
328 19094500300 and being described in Deed Book 3674 Page 129 and more particularly
329 described as:

330 All that tract or parcel of land lying and being in Land Lot 945 of the 19th District,
331 2nd Section, Cobb County, Georgia and being known as Lot 11 of Property of John
332 S. Walton, as per plat recorded in Plat Book 25, page 20, Cobb County records."

333 **SECTION 2.**

334 An Act approved April 10, 2014 (Ga. L. 2014, p. 4167) is hereby repealed.

335 **SECTION 3.**

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