

**CITY COUNCIL  
ATLANTA, GEORGIA**

**A SUBSTITUTE ORDINANCE**

**#01-O-0721**

**BY COUNCILMEMBERS MICHAEL J. BOND AND DEBI STARNES**

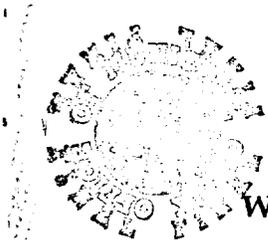
**AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

**A SUBSTITUTE ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY-OWNED PROPERTY LOCATED AT THE INTERSECTION OF THURMOND AND MAPLE STREETS NW, TO THE STATE OF GEORGIA, IN EXCHANGE FOR AN ELEVEN(11) YEAR EXTENSION OF THAT CERTAIN LEASE DATED AS OF DECEMBER 31, 1987 BETWEEN THE STATE OF GEORGIA, AS LESSOR, AND THE CITY OF ATLANTA, AS LESSEE, FOR AIR RIGHTS RELATED TO THE UNDERGROUND ATLANTA PROJECT; TO WAIVE THE REQUIREMENTS OF CITY CODE SECTION 2-1541(b); TO AUTHORIZE THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS EXCHANGE OF PROPERTY AND INTEREST IN PROPERTY; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City of Atlanta owns property located at the corner of Thurmond and Maple Streets NW in land Lot 83 of the 14<sup>th</sup> District, Fulton County, Georgia as identified in Exhibit "A" hereto attached; and

**WHEREAS,** the State of Georgia, through its State Properties Commission, owns property located in "Underground Atlanta" that consists of air rights lying and being above the Western and Atlantic Railroad right of way in Land Lot 77 of the 14<sup>th</sup> District, Fulton County, Georgia as identified in Exhibit "C" hereto attached; and

**WHEREAS,** the City has a current lease with the State of Georgia for said air rights for inclusion in the "Underground Atlanta" development; and



**WHEREAS**, the City has requested that the State extend the lease for an additional eleven (11) years; and

**WHEREAS**, in exchange for said extension, the State is requesting that the City convey the above-referenced parcel of land to the State; and

**WHEREAS**, the Commissioner of the Department of Administrative Services recommends the exchange of properties which is considered to be in the best interest of the City of Atlanta and the Director of the Bureau of Purchasing and Real Estate concurs.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, as follows:

**Section 1:** The conveyance of City-owned property located at the intersection of Thurmond and Maple Streets NW (as further described in Exhibit "A" hereto attached), to the State of Georgia, in exchange for an eleven (11) year extension of that certain lease dated as of December 31, 1987 between the State of Georgia as Lessor, and the City of Atlanta, as Lessee, for air rights related to the "Underground Atlanta" Project, is hereby authorized.

**Section 2:** The requirements of City Code Section 2-1541(b) are hereby waived for purposes of this ordinance only.

**Section 3:** The Mayor is hereby authorized to execute all documents necessary to effectuate this exchange of property and interest in property.

**Section 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 21, 2001  
MAY 25, 2001

All that tract or parcel of land lying and being in Land Lot 83 of the 14th district of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point at the intersection of the north side of Thurmond Street with the east side of Maple Street (formerly Lambert Street); running thence north along the east side of said Maple Street a distance of 106.7 feet to a point on the south line of the property of now/or formerly Georgia Power Company; running thence south 88 degrees 00 minutes east along the said south line of Georgia Power Company a distance of 385 feet to a point on the west line of the property of now/or formerly Georgia Power Company; running thence south 00 degrees 07 minutes east along the said west line of Georgia Power Company a distance of 106.7 feet to a point on the north side of Thurmond Street; running thence north 88 degrees 00 minutes west along the north side of Thurmond Street a distance of 385 feet to a point on the east side of Maple Street and the point of beginning.

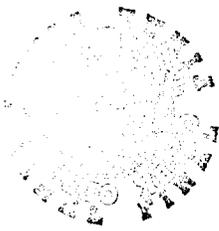


Legal Description

TRACT 1A

All the air space over and above a horizontal elevation plane located both 1042 feet above United States Coast and Geodetic Survey 1929 Adjusted Mean Sea Level and within the boundary of all that tract of land lying and being in the City of Atlanta and in Land Lot 77 of the 14th District of Fulton County, Georgia, as the same is shown on a certain December 9, 1987 plat of survey prepared by Riley, Park, Hayden & Associates, Inc., Engineers & Surveyors, more particularly Larry W. Clark, Georgia Registered Land Surveyor No. 1709, a copy of which is recorded in Plat Book 158 Page 38 in the Office of the Clerk of the Superior Court of Fulton County, Georgia, incorporated herein, and by this reference made a part hereof, and being more particularly described from said plat as follows:

BEGINNING at an X mark in concrete located at a point formed by the intersection of the southeastern right-of-way line of Peachtree Street with the southwestern right-of-way line of Wall Street; thence running South 56 degrees 31 minutes 40 seconds East, along and following the southwestern right-of-way line of Wall Street, a distance of 225.23 feet to an X mark in concrete located at a point formed by the intersection of the right-of-way line of Wall Street with the northwestern right-of-way line of Pryor Street (having a right-of-way width of 60 feet); thence running South 33 degrees 35 minutes 26 seconds West, along and following the northwestern



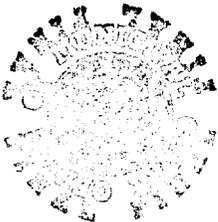
right-of-way line of Pryor Street, a distance of 95.88 feet to an X mark in sidewalk located on the northwestern right-of-way line of Pryor Street; thence running North 42 degrees 10 minutes 54 seconds West a distance of 6.24 feet to a point; thence running North 38 degrees 19 minutes 04 seconds West a distance of 40.19 feet to a point; thence running North 28 degrees 52 minutes 09 seconds West a distance of 25.72 feet to a point; thence running North 52 degrees 41 minutes 08 seconds West a distance of 26.45 feet to a point; thence running North 40 degrees 31 minutes 05 seconds West a distance of 109.79 feet to a point; thence running North 46 degrees 12 minutes 37 seconds West a distance of 39.51 feet to an X mark in concrete located on the southeastern right-of-way line of Peachtree Street; thence running North 56 degrees 03 minutes 20 seconds East, along and following the southeastern right-of-way line of Peachtree Street, a distance of 33.26 feet to an X mark in concrete located at a point formed by the intersection of the southeastern right-of-way line of Peachtree Street with the southwestern right-of-way line of Wall Street and marking the POINT OF BEGINNING.

TRACT 1B

All the air space (1) over and above the higher of the horizontal elevation planes set forth in (a) or (b) as follows: (a) a horizontal elevation plane located 1043.75 feet above United States Coast and Geodetic Survey 1929 Adjusted Mean Sea Level or (b) such other elevations as are provided for in that certain document entitled "AMENDMENT OF LEASE CONTRACT WESTERN AND ATLANTIC RAILROAD December 28, 1969-December 31,

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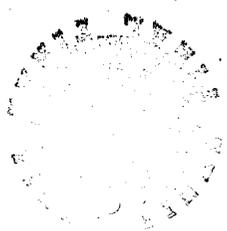


1994 and AMENDMENT for January 1, 1986-December 31, 2019 and Sidetrack Facilities List WESTERN & ATLANTIC RAILROAD SERVED INDUSTRIES" between the State of Georgia and the Seaboard System Railroad, Inc., dated March 25, 1986 and recorded as Deed Record No. 7352 in the Office of the State Properties Commission and in Deed Book 10161 Pages 437-487 in the Office of the Clerk of the Superior Court of Fulton County, Georgia; and (2) within the boundary of all that tract of land situate, lying and being in the City of Atlanta and in Land Lot 77 of the 14th District of Fulton County, Georgia, as the same is shown on a certain December 9, 1987 plat of survey prepared by Riley, Park, Hayden & Associates, Inc., Engineers & Surveyors, a copy of which is recorded in Plat Book 158 Page 38 in the Office of the Clerk of the Superior Court of Fulton County, Georgia, incorporated herein, and by this reference made a part hereof, and being more particularly described from said plat as follows:

TO FIND THE POINT OF BEGINNING, commence at a point formed by the intersection of the northeastern right-of-way line of Alabama Street with the southeastern right-of-way line of Peachtree Street; thence running North 61 degrees 49 minutes 38 seconds East, along and following the southeastern right-of-way line of Peachtree Street, a distance of 213.78 feet to an X mark in sidewalk located on the southeastern right-of-way line of Peachtree Street; thence running North 65 degrees 04 minutes 10 seconds East, along and following the southeastern right-of-way line of Peachtree Street, a distance of 16.70 feet to a point located on the southeastern right-of-way line of Peachtree Street; thence running North 56 degrees 03 minutes 20 seconds East, along and following the southeastern right-of-way line of

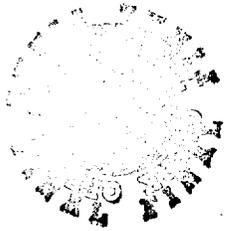
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Peachtree Street, a distance of 7.30 feet to a railroad spike in a joint located on the southeastern right-of-way line of Peachtree Street and marking the POINT OF BEGINNING; thence running North 56 degrees 03 minutes 20 seconds East, along and following the southeastern right-of-way line of Peachtree Street, a distance of 45.67 feet to an X mark in concrete located on the southeastern right-of-way line of Peachtree Street; thence running South 46 degrees 12 minutes 37 seconds East a distance of 39.51 feet to a point; thence running South 40 degrees 31 minutes 05 seconds East a distance of 109.79 feet to a point; thence running South 52 degrees 41 minutes 08 seconds East a distance of 26.45 feet to a point; thence running South 28 degrees 52 minutes 09 seconds East a distance of 25.72 feet to a point; thence running South 38 degrees 19 minutes 04 seconds East a distance of 40.19 feet to a point; thence running South 42 degrees 10 minutes 54 seconds East a distance of 6.24 feet to an X mark in sidewalk located on the northwestern right-of-way line of Pryor Street (having a right-of-way width of 60 feet); thence running South 33 degrees 35 minutes 26 seconds West, along and following the northwestern right-of-way line of Pryor Street, a distance of 49.99 feet to an X mark in sidewalk located on the northwestern right-of-way line of Pryor Street; thence running North 35 degrees 39 minutes 59 seconds West a distance of 9.93 feet to a point; thence running North 35 degrees 39 minutes 59 seconds West a distance of 19.21 feet to a point; thence running North 33 degrees 57 minutes 47 seconds West a distance of 18.24 feet



to a point; thence running North 40 degrees 06 minutes 15 seconds West a distance of 7.96 feet to a point; thence running South 47 degrees 11 minutes 55 seconds West a distance of 2.32 feet to a point; thence running North 40 degrees 06 minutes 20 seconds West a distance of 143.90 feet to a point; thence running North 43 degrees 34 minutes 04 seconds West a distance of 66.64 feet to a railroad spike in a joint located on the southeastern right-of-way line of Peachtree Street and marking the POINT OF BEGINNING.

Together with so much of the "Excepted Area" (as hereinafter defined), as is necessary for supports and appurtenances for the structures which may be constructed, operated, repaired, maintained, removed, and replaced within the air space lying over and above said horizontal elevation planes, including without limitation, among such supports and appurtenances, pilings, foundations, piers and columns, sewer and drainage conduits, utility facilities, and other structures or facilities which must reach the ground level or below, and together with the right of reasonable access in, over, across and through said Excepted Area as may be necessary for the construction, operation, repair, maintenance, removal and replacement of said supports and appurtenances or as may be necessary for vehicular and pedestrian access to and from any street, viaduct, or public way; provided, however, (1) that no such supports or appurtenances shall be placed in or upon said Excepted Area after the date hereof without the express prior written consent of the State of Georgia, acting by and through its State Properties Commission, which consent the State of Georgia, acting by and through its State Properties Commission, may grant or deny in its sole discretion; and (2) that the said right of access shall in no event be exercised without the express prior written consent of the State of Georgia, acting



by and through its State Properties Commission, which consent may be granted or denied by the State of Georgia, acting by and through its State Properties Commission, in its sole discretion.

The "Excepted Area" shall mean the following:

1.

All the air space and land under and below a horizontal elevation plane located both 1042 feet above United States Coast and Geodetic Survey 1929 Adjusted Mean Sea Level and within the boundary of all that tract of land lying and being in the City of Atlanta and in Land Lot 77 of the 14th District of Fulton County, Georgia, as the same is shown on a certain December 9, 1987 plat of survey prepared by Riley, Park, Hayden & Associates, Inc., Engineers & Surveyors, more particularly Larry W. Clark, Georgia Registered Land Surveyor No. 1709, a copy of which is recorded in Plat Book 158 Page 38 in the Office of the Clerk of the Superior Court of Fulton County, Georgia, incorporated herein, and by this reference made a part hereof, and being more particularly described from said plat as follows:

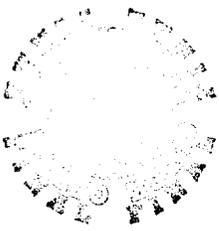
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2.

All the air space and land (1) under and below the higher of the horizontal elevation planes set forth in (a) or (b) as follows: (a) a horizontal elevation plane located 1043.75 feet above United States Coast and Geodetic Survey 1929 Adjusted Mean Sea Level or (b) such other elevations as are provided for in that certain document entitled "AMENDMENT OF LEASE CONTRACT WESTERN AND ATLANTIC RAILROAD December 28, 1969-December 31, 1994 and AMENDMENT for January 1, 1986-December 31, 2019 and

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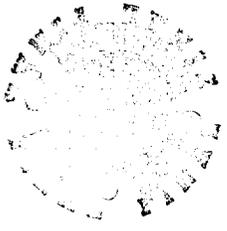


Sidetrack Facilities List WESTERN & ATLANTIC RAILROAD SERVED INDUSTRIES" between the State of Georgia and the Seaboard System Railroad, Inc., dated March 25, 1986 and recorded as Deed Record No. 7352 in the Office of the State Properties Commission and in Deed Book 10161 Pages 437-487 in the Office of the Clerk of the Superior Court of Fulton County, Georgia; and (2) within the boundary of all that tract of land situate, lying and being in the City of Atlanta and in Land Lot 77 of the 14th District of Fulton County, Georgia, as the same is shown on a certain December 9, 1987 plat of survey prepared by Riley, Park, Hayden & Associates, Inc., Engineers & Surveyors, a copy of which is recorded in Plat Book 158 Page 38 in the Office of the Clerk of the Superior Court of Fulton County, Georgia, incorporated herein, and by this reference made a part hereof, and being more particularly described from said plat as follows:

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minutes 15 seconds West a distance of 7.96 feet  
to a point; thence running South 47 degrees 11  
minutes 55 seconds West a distance of 2.32 feet  
to a point; thence running North 40 degrees 06  
minutes 20 seconds West a distance of 143.90 feet  
to a point; thence running North 43 degrees 34  
minutes 04 seconds West a distance of 66.64 feet  
to a railroad spike in a joint located on the  
southeastern right-of-way line of Peachtree  
Street and marking the POINT OF BEGINNING.

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5 the exchange of certain state owned parcels of real property  
6 located in Dawson, Lumpkin, Union and Gilmer counties,  
7 Georgia; to repeal conflicting laws; and for other purposes.

8 WHEREAS:

9 (1) The State of Georgia is the owner of a certain  
10 parcel of real property located in Chatham County,  
11 Georgia;

12 (2) Said real property is all that tract or parcel of  
13 land lying and being in the City of Savannah being  
14 located in the 4th Georgia Militia District of Chatham  
15 County and containing approximately 12.13 acres as shown  
16 on a plat of survey prepared by Paul D. Wilder, Georgia  
17 Registered Land Surveyor No. 1559, dated October 29,  
18 1996, and on file in the offices of the State Properties  
19 Commission, and may be more particularly described on a  
20 plat of survey prepared by a Georgia registered land  
21 surveyor and presented to the State Properties  
22 Commission for approval;

23 (3) Said property is under the custody of the Department  
24 of Defense and is the location of the Air National Guard  
25 Armory for Chatham County;

26 (4) The Department of Defense is consolidating its  
27 activities and responsibilities throughout the state and  
28 has determined that at some point in the future the  
29 subject property may be declared surplus;

30 (5) The Chatham County Board of Commissioners conveyed  
31 the above-described property to the State of Georgia on  
32 February 6, 1956, for the consideration of \$1.00; and

33 (6) The Chatham County Board of Commissioners is  
34 desirous of acquiring the above-described state owned  
35 property if the property is declared surplus; and

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LC 10 3055

1 WHEREAS:

2 (1) The State of Georgia is the owner of a certain  
3 parcel of real property located in Chatham County,  
4 Georgia;

5 (2) Said real property is all that tract or parcel of  
6 land lying and being in the City of Savannah being  
7 located in the 4th Georgia Militia District of Chatham  
8 County and containing approximately 27.31 acres as shown  
9 on a plat of survey prepared by Paul D. Wilder, dated  
10 October 29, 1996, and on file in the offices of the  
11 State Properties Commission, and may be more  
12 particularly described on a plat of survey prepared by a  
13 Georgia registered land surveyor and presented to the  
14 State Properties Commission for approval;

15 (3) Said property is under the custody of the Department  
16 of Defense and is the location of the Army National

17 Guard Armory for Chatham County;

18 (4) The Department of Defense is consolidating its  
19 activities and responsibilities throughout the state and  
20 has determined that at some point in the future, when  
21 and if adequate replacement facilities are provided for,  
22 the subject property may be declared surplus;

23 (5) The Chatham County Board of Commissioners conveyed  
24 the above-described property to the State of Georgia on  
25 August 9, 1957, for the consideration of \$1.00; and

26 (6) The Chatham County Board of Commissioners is  
27 desirous of acquiring the above-described state owned  
28 property if the property is declared surplus; and

29 WHEREAS:

30 (1) The State of Georgia is the owner of a certain  
31 parcel of real property located in Fulton County,  
32 Georgia;

33 (2) Said real property is all those tracts or parcels of  
34 land lying and being in the City of Atlanta being  
35 located in Land Lot 77 of the 14th Land District of  
36 Fulton County and containing approximately 1.889 acres  
37 shown as Tract 1A and 1B on a plat of survey prepared by  
38 Riley, Park, Hayden & Associates, Inc., Engineers &  
39 Surveyors, more particularly Larry W. Clark, Georgia  
40 Registered Land Surveyor No. 1709, dated December 9,  
41 1987, and on file in the offices of the State Properties

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LC 10 3055

1 Commission, and may be more particularly described on a  
2 plat of survey prepared by a Georgia registered land  
3 surveyor and presented to the State Properties  
4 Commission for approval;

5 (3) Said property is under the custody of the State  
6 Properties Commission and consists of air rights lying  
7 and being above the Western and Atlantic Railroad right  
8 of way;

9 (4) Pursuant to an Act authorizing the state to enter  
10 into a lease agreement with the City of Atlanta  
11 pertaining to two described state owned tracts or  
12 parcels of property located in Fulton County, approved  
13 March 19, 1987 (Ga. L. 1987, p. 276), S.R. No. 45, Act  
14 No. 1, the above-described property was leased to the  
15 City of Atlanta for inclusion in the "Underground  
16 Atlanta" development;

17 (5) Said lease, being State Properties Commission Real  
18 Property Record No. 7663, has a term of 50 years  
19 beginning December 31, 1987, and expiring December 30,  
20 2037;

21 (6) The City of Atlanta has entered into a sublease of  
22 the "Underground Atlanta" facility to CV Underground LLC

23 for the operation of the facility, and said sublease has  
 24 a 50 year term which expires December 31, 2048; and  
 25 (7) The City of Atlanta is desirous of extending its  
 26 lease with the state over the subject property to  
 27 coincide with the term of its sublease with CV  
 28 Underground LLC, thereby extending its lease with the  
 29 state by approximately 11 years; and

30 WHEREAS:

31 (1) The State of Georgia is the owner of certain parcels  
 32 of real property located in Dawson, Lumpkin, Union and  
 33 Gilmer counties, Georgia;

34 (2) Said real properties are all that tract or parcel of  
 35 land lying and being Land Lot 12 of the 5th District in  
 36 the 1st Section of Dawson County and containing  
 37 approximately 42.240 acres as shown on a plat of survey  
 38 prepared by Farley-Collins Associates; all that tract of  
 39 parcel of land lying and being Land Lot 52 of the 15th  
 40 District, 1st Section of Lumpkin County containing  
 41 approximately 40.27 acres as shown on a plat of survey  
 42 prepared by Herbert Lovell, Georgia Registered Land

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LC 10 3055

1 Surveyor No. 1553; all that tract or parcel of land  
 2 lying and being in Land Lots 554 and 35 of Union County  
 3 and containing approximately 4.62 acres as shown  
 4 highlighted in yellow on a drawing prepared by Know T.  
 5 Thomas, Civil Engineer, dated January 30, 1927; and all  
 6 that tract or parcel of land lying and being in Land  
 7 Lots 27 and 46 of the 10th District, 2nd Section of  
 8 Gilmer County and containing approximately 154.88 acres  
 9 as shown on a plat of survey drawn from existing USA  
 10 deed descriptions and surveys dated June 12, 1996, all  
 11 being on file in the offices of the State Properties  
 12 Commission, and may be more particularly described on a  
 13 plat of survey prepared by a Georgia registered land  
 14 surveyor and presented to the State Properties  
 15 Commission for approval;

16 (3) Said parcels of real property are under the custody  
 17 of the Department of Natural Resources and are located  
 18 in Amicalola Falls State Park, Chestatee Wildlife  
 19 Management Area, Vogel State Park, and Cohutta Wildlife  
 20 Management Area, respectively;

21 (4) The Department of Natural Resources has negotiated  
 22 with the United States Forestry Service for the exchange  
 23 of the above-described state owned parcels of real  
 24 property for certain other parcels of real property of  
 25 the United States Forestry Service located in Murray,  
 26 Union, and White counties; and

27 (5) The exchange of the above-mentioned parcels of real  
 28 property would be beneficial to the State of Georgia and  
 29 the United States Forestry Service.

30 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL

31 ASSEMBLY OF GEORGIA:

32

ARTICLE I

33

SECTION 1.

34 That the State of Georgia is the owner of the 12.13 acres of  
35 described real property located in Chatham County as first  
36 described in this resolution and that, in all matters  
37 relating to the conveyance of the real property, the State  
38 of Georgia is acting by and through its State Properties  
39 Commission.

40

S. R. 503

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LC 10 3055

1

SECTION 2.

2 That all or a portion of the above-described real property  
3 may be conveyed by appropriate instrument to Chatham County  
4 by the State of Georgia, acting by and through the State  
5 Properties Commission after the Department of Defense  
6 declares all or a portion of the property surplus to its  
7 needs, for the consideration of the fair market value of the  
8 improvements placed on the property by the Department of  
9 Defense or the State of Georgia, as determined by the State  
10 Properties Commission to be in the best interest of the  
11 State of Georgia, and such further consideration and  
12 provisions as the State Properties Commission shall in its  
13 discretion determine to be in the best interests of the  
14 State of Georgia.

15

SECTION 3.

16 That the authorization in this resolution to convey the  
17 above-described property to Chatham County shall expire five  
18 years after the date that this resolution becomes effective.

19

SECTION 4.

20 That the State Properties Commission is authorized and  
21 empowered to do all acts and things necessary and proper to  
22 effect such conveyance.

23

SECTION 5.

24 That the deed of conveyance shall be recorded by the grantee  
25 in the Superior Court of Chatham County and a recorded copy  
26 shall be forwarded to the State Properties Commission.

27

SECTION 6.

28 That Article V of an Act authorizing the conveyance of  
29 certain state owned real property located in various areas  
30 of the state, approved April 28, 1999 (Ga. L. 1999, p. 969),  
31 H.R. No. 169, Act No. 15, is repealed in its entirety;  
32 provided, however, that only the provisions of Article V,  
33 relating to Chatham County, are repealed.

34

SECTION 7.

35 That notwithstanding Code Sections 45-12-92 and 50-16-44 or  
36 any other provision of law, the Department of Defense is  
37 authorized to retain any proceeds derived from the sale of  
38 the property authorized in Section 2 of this article and  
39 apply it to the acquisition, construction, and equipping of  
40 facilities deemed necessary by the Department of Defense.

41

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1

## ARTICLE II

2

SECTION 8.

3 That the State of Georgia is the owner of the 27.31 acres of  
4 described real property located in Chatham County and  
5 described subsequent to the property authorized to be  
6 conveyed in Article I of this resolution and that, in all  
7 matters relating to the conveyance of the real property, the  
8 State of Georgia is acting by and through its State  
9 Properties Commission.

10

SECTION 9.

11 That all or a portion of the above-described real property  
12 may be conveyed by appropriate instrument to Chatham County  
13 by the State of Georgia, acting by and through the State  
14 Properties Commission after the Department of Defense  
15 declares all or a portion of the property surplus to its  
16 needs, for the consideration of the fair market value of the  
17 improvements placed on the property by the Department of  
18 Defense or the State of Georgia, less the value of any  
19 improvements provided for or placed upon the property by  
20 Chatham County, as determined by the State Properties  
21 Commission to be in the best interest of the State of  
22 Georgia, and such further consideration and provisions as  
23 the State Properties Commission shall in its discretion  
24 determine to be in the best interests of the State of  
25 Georgia.

26

SECTION 10.

27 That the Department of Defense may declare the  
28 above-described property surplus after funding is provided  
29 for and construction is completed of adequate replacement  
30 facilities as determined by the Department of Defense.

31

SECTION 11.

32 That the authorization in this resolution to convey the  
33 above-described property to Chatham County shall expire five  
34 years after the date that this resolution becomes effective.

35

SECTION 12.

36 That the State Properties Commission is authorized and  
37 empowered to do all acts and things necessary and proper to  
38 effect such conveyance.

39

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SECTION 13.

2 That the deed of conveyance shall be recorded by the grantee  
3 in the Superior Court of Chatham County and a recorded copy  
4 shall be forwarded to the State Properties Commission.

5

SECTION 14.

6 That notwithstanding Code Sections 45-12-92 and 50-16-44 or  
7 any other provision of law, the Department of Defense is  
8 authorized to retain any proceeds derived from the sale of  
9 the property authorized in Section 8 of this article and  
10 apply it to the acquisition, construction, and equipping of  
11 facilities deemed necessary by the Department of Defense.

12

## ARTICLE III

13

SECTION 15.

14 That the State of Georgia is the owner of the  
15 above-described real property located in Fulton County and  
16 that, in all matters relating to the extension of the lease  
17 of the real property, the State of Georgia is acting by and  
18 through its State Properties Commission.

19

SECTION 16.

20 That the lease of the above-described real property may be  
21 extended by appropriate instrument to the City of Atlanta,  
22 Fulton County, acting by and through the State Properties  
23 Commission, to provide that the term of the lease expires  
24 December 31, 2048, for the consideration of the fair market  
25 value of the extension or for the exchange of certain other  
26 property or properties owned by the City of Atlanta of value  
27 equal to said extension, and such other terms and conditions  
28 as determined by the State Properties Commission to be in  
29 the best interest of the State of Georgia.

30

SECTION 17.

31 That the authorization in this resolution to extend the  
32 lease of the above-described property to the City of  
33 Atlanta, Fulton County, shall expire three years after the  
34 date that this resolution becomes effective.

35

SECTION 18.

36 That the State Properties Commission is authorized and  
37 empowered to do all acts and things necessary and proper to  
38 effect such extension.

39

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SECTION 19.

2 That the instrument of lease extension shall be recorded by  
3 the grantee in the Superior Court of Fulton County and a  
4 recorded copy shall be forwarded to the State Properties  
5 Commission.

ARTICLE IV

SECTION 20.

8 That the State of Georgia is the owner of the  
9 above-described real properties located in Dawson, Lumpkin,  
10 Union, and Gilmer counties and that, in all matters relating  
11 to the exchange of the real properties, the State of Georgia  
12 is acting by and through its State Properties Commission.

SECTION 21.

14 That the above-described state owned parcels of real  
15 property may be conveyed to the United States Forestry  
16 Service in exchange for certain parcels of real property  
17 owned by the United States Forestry Service located in  
18 Murray, Union, and White counties; and said exchange will be  
19 for parcels of real property of equal value and such other  
20 terms and conditions as determined by the State Properties  
21 Commission to be in the best interest of the State of  
22 Georgia.

SECTION 22.

24 That the authorization in this resolution to exchange the  
25 above-described properties with the United States Forestry  
26 Service shall expire five years after the date that this  
27 resolution becomes effective.

SECTION 23.

29 That the State Properties Commission is authorized and  
30 empowered to do all acts and things necessary and proper to  
31 effect such exchange.

SECTION 24.

33 That the respective deeds of conveyance shall be recorded by  
34 the grantee in the superior courts of Dawson, Lumpkin, Union  
35 and Gilmer counties and a recorded copy shall be forwarded  
36 to the State Properties Commission.

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ARTICLE V

SECTION 25.

3 That all laws and parts of laws in conflict with this  
4 resolution are repealed.

5

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RCS# 2891  
5/21/01  
8:04 PM

Atlanta City Council

Regular Session

01-O-0721 Exchange prop @ Thurmond & Maple Sts for  
air rights Re. Underground Atl. Project  
ADOPT ON SUB

YEAS: 11  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	N Thomas
B Starnes	E Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

01-O-0721

01-0-0721

(Do Not Write Above This Line)

ORDINANCE BY 

AN ORDINANCE AUTHORIZING THE EXCHANGE OF PROPERTIES BETWEEN THE CITY OF ATLANTA AND THE STATE OF GEORGIA, STATE PROPERTIES COMMISSION, WHEREBY THE CITY WILL ACQUIRE AIR RIGHTS IN PROPERTY LOCATED IN UNDERGROUND ATLANTA IN EXCHANGE FOR PROPERTY LOCATED AT THE CORNER OF THURMOND AND MAPLE STREETS, N. W., AND FOR OTHER PURPOSES.

ADOPTED BY  
MAY 2 1 2001

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 5/7/01

Referred To: Finance + Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee FIN EXC	Date 5-16-01	Chair 	Action: Fav, Adv, Hold (see rev. side)	Other: Subst. Rate	Members   	Refer To
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Committee	Date	Chair	Action: Fav, Adv, Hold (see rev. side)	Other:	Members	Refer To
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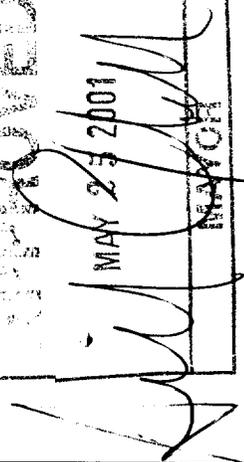
FINAL COUNCIL ACTION  
 2nd  
 1st & 2nd  
 3rd  
 Readings  
 Consent  
 V Vote  
 RC Vote

CERTIFIED

**CERTIFIED**  
MAY 2 1 2001  
ATLANTA CITY COUNCIL PRESIDENT  


**CERTIFIED**  
MAY 2 1 2001  
  
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

**APPROVED**  
MAY 2 5 2001  
  
MAYOR