



CITY COUNCIL
ATLANTA, GEORGIA
CLERK OF COUNCIL
Atlanta, Ga.

04-R-0882

A RESOLUTION

BY: CITY UTILITIES COMMITTEE

April __, 2004

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND TO ACCEPT EASEMENTS AND/OR DEEDS FOR MARTA'S EAST AND SOUTH RAPID RAIL LINES NECESSITATED BY THE REARRANGEMENT OF FACILITIES BY MARTA

WHEREAS, the City of Atlanta and MARTA entered into that certain Rearrangement Cooperative Agreement ("RCA") dated October 10, 1975, which sets forth certain duties and procedures governing the City and MARTA with respect to the acquisition and exchange of property rights and easements which are necessitated by various facility rearrangements associated with the construction of the MARTA System; and,

WHEREAS, construction of the East and South Rapid Rail Lines resulted in the rearrangement of City facilities and thereby requires the exchange of property and easement rights between the City and MARTA; and,

WHEREAS, MARTA has issued deeds and easements to the City for property rights necessitated by the various facility rearrangements on the East and South Rapid Rail Lines, as prescribed.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA THAT:

- 1) The Mayor or his designee be and hereby is authorized to accept and file for record all deeds and easements issued by MARTA for the various facility rearrangements on the East and South Rapid Rail Lines, on behalf of the City of Atlanta in the form of that hereto attached and made a part thereof.
- 2) The Mayor be and is hereby authorized to execute the quit claim deed(s) and grant of easement(s) for property and easement rights, on behalf of the City of Atlanta, to MARTA resulting from facility rearrangements for the MARTA system in the form of that hereby attached and made a part thereof.

BE IT FURTHER RESOLVED, that the City Clerk be and is hereby directed to send a copy of the resolution to the General Manager/CEO of the Metropolitan Atlanta Rapid Transit Authority.

A true copy,

Rhonda Daughia Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 25, 2004



C1142A
CCU E112/120
DCE48

STATE OF GEORGIA
COUNTY OF FULTON

DEED AND GRANT OF EASEMENTS

THIS DEED AND GRANT OF EASEMENTS is made this 7th day of April, 2004 by the METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, a public body corporate created and existing under the laws of the State of Georgia (hereinafter referred to as "Grantor"), in favor of CITY OF ATLANTA, GEORGIA, a municipal corporation of the State of Georgia (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits).

WITNESSETH

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt whereof is hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, those tracts or parcels of land lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia, and being more particularly described as Tracts 10, 11, 12, and 13 on Exhibit A attached hereto and by this reference made a part hereof (hereinafter referred to as the "Street Easement Areas"), for all purposes necessary or incidental to the construction, installation, maintenance, repair, and replacement and other use of a public street, including, without limitation, street improvements, sidewalks and public utility facilities

and equipment located or to be located in part, upon said Street Easement Area and for any and all purposes for which public roads may be used under Georgia law.

GRANTOR DOES HEREBY FURTHER grant, bargain, sell and convey unto Grantee and Grantee does hereby accept, perpetual, permanent easement through and across that tract or parcel of land lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia and being more particularly described as Tracts 14 and 15 on Exhibit B attached hereto and by this reference made a part hereof (hereinafter referred to as the "Utility Easement Area"),

Signed, sealed and delivered in the presence of:

Adrienne Dimson
Unofficial Witness

Sworn to and subscribed by me this 17 day of September, 2004.

Linda B. Morgan
Notary Public
My Commission Expires SEPT 20 2004
FULTON COUNTY, GEORGIA
NOTARY PUBLIC
(NOTARY)

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

By: Nathaniel P. Ford, Sr.
Name: Nathaniel P. Ford, Sr.
Title: General Manager/CEO

ATTEST: Rebecca Ellison Taylor
Name: Rebecca Ellison Taylor
Title: Assistant Secretary



APPROVED AS TO LEGAL FORM:

Michael J. Sloan
Michael J. Sloan, Counsel
Metropolitan Atlanta Rapid Transit Authority

EXHIBIT A

TRACT 10

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 52 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point located south 41°42'58 west, 364.99 feet, as measured along the southeasterly right-of-way line of Piedmont Avenue, from the southerly corner formed by the intersection of said southeasterly right-of-way line of Piedmont Avenue and the southwesterly right-of-way line of Decatur Street, said point also being located north 33°45'03" east, 422.65 feet from MARTA Monument E-3 located at Coordinates N1, 354,365.383 and E433, 491.85, 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in 19744 for Metropolitan Atlanta Rapid Transit Authority, as set forth in Plat Book 107, Pages 1 through 18, inclusive, in the Office of the Clerk of the Superior Court of Fulton County, Georgia; thence running along the arc of curve to the left, 13.04 feet to a point (said curve having a chord distance of 13.04 feet on a bearing of south 49°11'50 east, and having a radius of 2,857.24 feet); Thence running south 41°35'29" west, 28.78 feet to a point; thence running 48°23'07" west, 3.28 feet to a point; thence running south 41°32'01" west, 150.19 feet to a point; thence running south 51°03'13" west, 55.10 feet to a point; thence running south 41°35'29 west, 112.26 feet to a point; thence running north 47°14'04" west, 0.78 feet to a point; thence running north 41°32'01" east, 302.01 feet to a point; thence running north 41°53'46" east, 43.38 feet to the POINT OF BEGINNING. Said tract or parcel of land containing 2,269 square feet.

LESS AND EXCEPT that portion of the above-described property located above the elevation of 1,023.00 feet.

The term "elevation" shall mean the elevation above United States Coast and Geodetic Survey, 1929 Adjusted Mean Sea Level.

TRACT 11

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:



Beginning at a point located north $41^{\circ}40'37''$ east, 540.79 feet, as measured along the northwesterly right-of-way line of Butler Street, as said northwesterly right-of-way line existed prior to the relocation of Butler Street, from the northerly corner formed by the intersection of said formerly existing northeasterly right-of-way line of Martin Street and the northeasterly right-of-way line of Martin Luther King, Jr. Drive, said point also being located north $08^{\circ}47'13''$ west, 603.43 feet from MARTA Monument E-3 located at Coordinated N1,364,652.383 and E433,491.859, 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in 1974 for Metropolitan Atlanta Rapid Transit Authority, as set forth in Plat Book 107, Pages 1 through 18, inclusive, in the office of the Clerk of the Superior Court of Fulton County, Georgia; thence running south $41^{\circ}40'37''$ west, 161.73 feet to a point; thence running north $49^{\circ}18'47''$ west, 7.81 feet to a point; thence running north $41^{\circ}33'16''$ east, 108.80 feet to a point; thence running north $49^{\circ}18'48''$ west, 1.29 feet to a point; thence running north $41^{\circ}33'16''$ east, 51.62 feet to a point; thence running along the arc of a curve to the left, 9.56 feet to a point (said curve having a chord distance of 9.56 feet on a bearing of north $57^{\circ}10'13''$ west, and having a radius of 2,857.24 feet), said point also being the Point OF BEGINNING. Said tract or parcel of land containing 1,354 square feet.

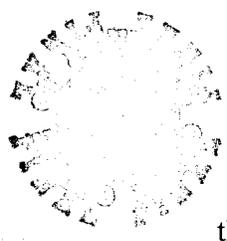
LESS AND EXCEPT that portion of the above-described property located above the elevation of 1,024.00 feet.

The term "elevation" shall mean the elevation above United States Coast and Geodetic Survey, 1929 Adjusted Mean Sea Level.

TRACT 12

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

BEGINNING at a point located 551.68 feet, as measured along the southeasterly right-of-way of Butler Street, as said southeasterly right-of-way line existed prior to the relocation of Butler Street, from the easterly corner formed by the intersection of said formerly existing southeasterly right-of-way line of Butler and the northeasterly right-of-way line of Martin Luther King, Jr. Drive, said point also being located north $13^{\circ}37'02''$ east, 636.56 feet from MARTA Monument E-3 located at Coordinates N1,364.652.383 and E433,491.859, 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in 1974 for Metropolitan Atlanta Rapid Transit Authority, as set forth in Plat Book 107, Pages 1 through 18, inclusive, in the Office of the Clerk of the Superior Court of Fulton County, Georgia; thence running south $63^{\circ}21'35''$ east, 6.07 feet to a point; thence running south $41^{\circ}33'16''$ west, 148.64 feet to a point; thence running north $49^{\circ}18'47''$ west 7.37 feet to a point; thence running north $41^{\circ}24'06''$ east, 82.32 feet to a point;



thence running north $43^{\circ}04'31''$ east, 64.90 feet to the POINT OF BEGINNING. Said tract or parcel of land containing 1,056 square feet.

LESS AND EXCEPT that portion of the above-described property located above the elevation of 1,024.00 feet.

The term "elevation" shall mean the elevation above United States Coast and Geodetic Survey, 1929 Adjusted Mean Sea Level.

TRACT 13

All THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 14th District of Fulton, County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the southerly corner of the intersection formed by the newly established southeasterly right-of-way line of relocated Butler Street and the southwesterly right-of-way line of Decatur Street, said point also being located north $43^{\circ}02'54''$ west, 545.83 feet from MARTA Monument E-3 located at Coordinated N1364,652.383 and E433,491.859, 1927 Transverse Mercator Grid System, West Zone, a adjusted in 1974 for Metropolitan Rapid Transit Authority, as set forth in plat Book 107, Pages 1 through 18, inclusive, in the Office of the Clerk of the Superior Court of Fulton County, Georgia; thence running along the arc of a curve to the left, 23.57 feet to a point (said curve having a chord distance of 21.22 feet on a bearing of south $86^{\circ}34'31''$ west, and having a radius of 15.00 feet); thence running south $41^{\circ}33'16''$ west, 55.99 feet to a point; thence running north $48^{\circ}24'15''$ west, 10.81 feet to a point; thence running north $41^{\circ}27'20''$ east 71.00 feet to a point; thence running south $48^{\circ}24'15''$ east, 25.94 feet to the POINT OF BEGINNING. Said tract or parcel of land containing 819 square feet.

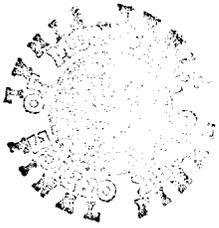


EXHIBIT B

TRACT 14

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia, and being more particularly described as follows;

BEGINNING at a point located at the easterly corner of the intersection formed by the southeasterly right-of-way line of Butler Street and the northeasterly right-of-way line of Decatur Street, said point also being located north $50^{\circ}26'07''$ west, 520.49 feet from Marta Monument E-3 located at Coordinated N1,364,652.383 and E433,491.859, 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in 1974 for Metropolitan Atlanta Rapid Transit Authority, As set forth in Plat Book 107, Pages 1 through 18, inclusive, in the Office of the Clerk of the Superior Court of Fulton County, Georgia; thence running north $41^{\circ}25'42''$ east, 336.74 feet to a point; thence running south $48^{\circ}33'07''$ east, 4.07 feet to a point; thence running south $41^{\circ}19'51''$ west, 336.64 feet to a point; thence running north $49^{\circ}48'02''$ west, 4.64 feet to the POINT OF BEGINNING. Said tract or parcel of land containing 1,466 square feet.

TRACT 15

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 52 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

Beginning at a point located at the southerly corner of the intersection formed by the southeasterly right-of-way line of Butler Street and the southwesterly right-of-way line of Gilmer Street, said point also being located south $87^{\circ}04'12''$ west, 727.59 feet from MARTA Monument E-3 located at Coordinates N1,364,652.383 and E433,491.859, 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in set forth in Plat Book 107, Pages 1 through 18, inclusive, in the Office of the Clerk of the Superior Court of Fulton County, Georgia; thence running south $49^{\circ}27'00''$ east, 10.12 feet to a point; thence running south $41^{\circ}29'08''$ west, 106.74 feet to a point; thence running north $48^{\circ}30'52''$ west, 6.00 feet to a point; thence running north $48^{\circ}30'52''$ west, 4.00 feet to a point; thence running north $41^{\circ}25'42''$ east 123.08 feet to the POINT OF BEGINNING. Said tract or parcel of land containing 1,141 square feet.

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Norwood
Y Starnes	Y Archibong	Y Muller	B Maddox	Y Willis
Y Young	Y Fauver	Y Moore	Y Mitchell	

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
<ol style="list-style-type: none"> 1. 04-O-0858 2. 04-O-0869 3. 04-O-0372 4. 04-O-0373 5. 04-O-0641 6. 04-O-0642 7. 04-O-0646 8. 04-O-0648 9. 04-O-0650 10. 04-O-0652 11. 04-O-0653 12. 04-O-0656 13. 04-O-0657 14. 04-O-0874 15. 04-O-0488 16. 04-O-0700 17. 04-O-0872 18. 04-O-0660 19. 04-O-0661 20. 04-O-0873 21. 03-R-2228 22. 04-R-0805 23. 04-R-0806 24. 04-R-0808 25. 04-R-0809 26. 04-R-0822 27. 04-R-0859 28. 04-R-0882 29. 04-R-0889 30. 04-R-0369 31. 04-R-0870 32. 04-R-0876 33. 04-R-0815 34. 04-R-0847 35. 04-R-0862 36. 04-R-0863 37. 04-R-0821 38. 04-R-0807 39. 04-R-0811 40. 04-R-0812 	<ol style="list-style-type: none"> 41. 04-R-0813 42. 04-R-0865 43. 04-R-0824 44. 04-R-0825 45. 04-R-0826 46. 04-R-0827 47. 04-R-0828 <p>ITEMS ADVERSED ON CONSENT</p> <ol style="list-style-type: none"> 48. 04-R-0829 49. 04-R-0830 50. 04-R-0831 51. 04-R-0832 52. 04-R-0833 53. 04-R-0834 54. 04-R-0836 55. 04-R-0837 56. 04-R-0838 57. 04-R-0839 58. 04-R-0840 59. 04-R-0841 60. 04-R-0842 61. 04-R-0843 62. 04-R-0844 63. 04-R-0845 64. 04-R-0846