

**A RESOLUTION
BY COUNCILMEMBER CLAIR MULLER**

A RESOLUTION AUTHORIZING THE CITY OF ATLANTA TO ACCEPT FROM THE BROOKWOOD PARK CONDOMINIUM ASSOCIATION, INC., A PERMANENT EASEMENT GRANTED TO ACCOMMODATE AND FACILITATE THE CONSTRUCTION AND MAINTENANCE OF AN OPEN CONCRETE CULVERT AND TO EXECUTE AND DELIVER TO BROOKWOOD PARK CONDOMINIUM ASSOCIATION, INC., ANY DOCUMENTS NECESSARY TO EVIDENCE THE CITY'S ACCEPTANCE OF THE NEW SEWER EASEMENT; AND FOR OTHER PURPOSES.

WHEREAS, an Easement was executed between The Woodlawn Company, a Georgia corporation and the City of Atlanta granting an easement and right of entry to the City of Atlanta dated December 2, 1938 and recorded December 20, 1938 at Deed Book 1692, Page 555 et. seq., Fulton County, Georgia land records ("Easement"), to construct and maintain an open channel (hereinafter referred to as being the "Tanyard Creek Culvert") for the purpose of storm water drainage; and

WHEREAS, the concrete culvert is in need of repair and as part of the repairs the City intends to "cap" or "armor" the land abutting the concrete channel to add additional protection from erosion; and

WHEREAS, the City is of the belief that the cap falls within the scope of the original easement as the soil immediately behind the concrete channel by necessity has to be considered part of the original support and construction of the concrete channel; and

WHEREAS, the current owners of the property, Brookwood Park Condominium Association, Inc., disagree with the City's position but are willing to grant the City a new easement to cover the disputed scope of the original easement

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

SECTION 1: The City of Atlanta is authorized to accept from Brookwood Park Condominium Association an easement to construct and maintain a concrete open channel and accompanying appurtenances, with the right of entry for purposes of inspection and repair through the property owned by the Brookwood Park Condominium Association, Inc. located in Land Lots 109 and 147 of the Seventeenth District of Fulton County, recorded in deed book 1689, page 449 of the Fulton County Records.

SECTION 2: The City of Atlanta is authorized to execute and deliver to Brookwood Condominium Association, Inc. any documents necessary to evidence the City's acceptance of the new easement, to be approved by the City Attorney as to form.



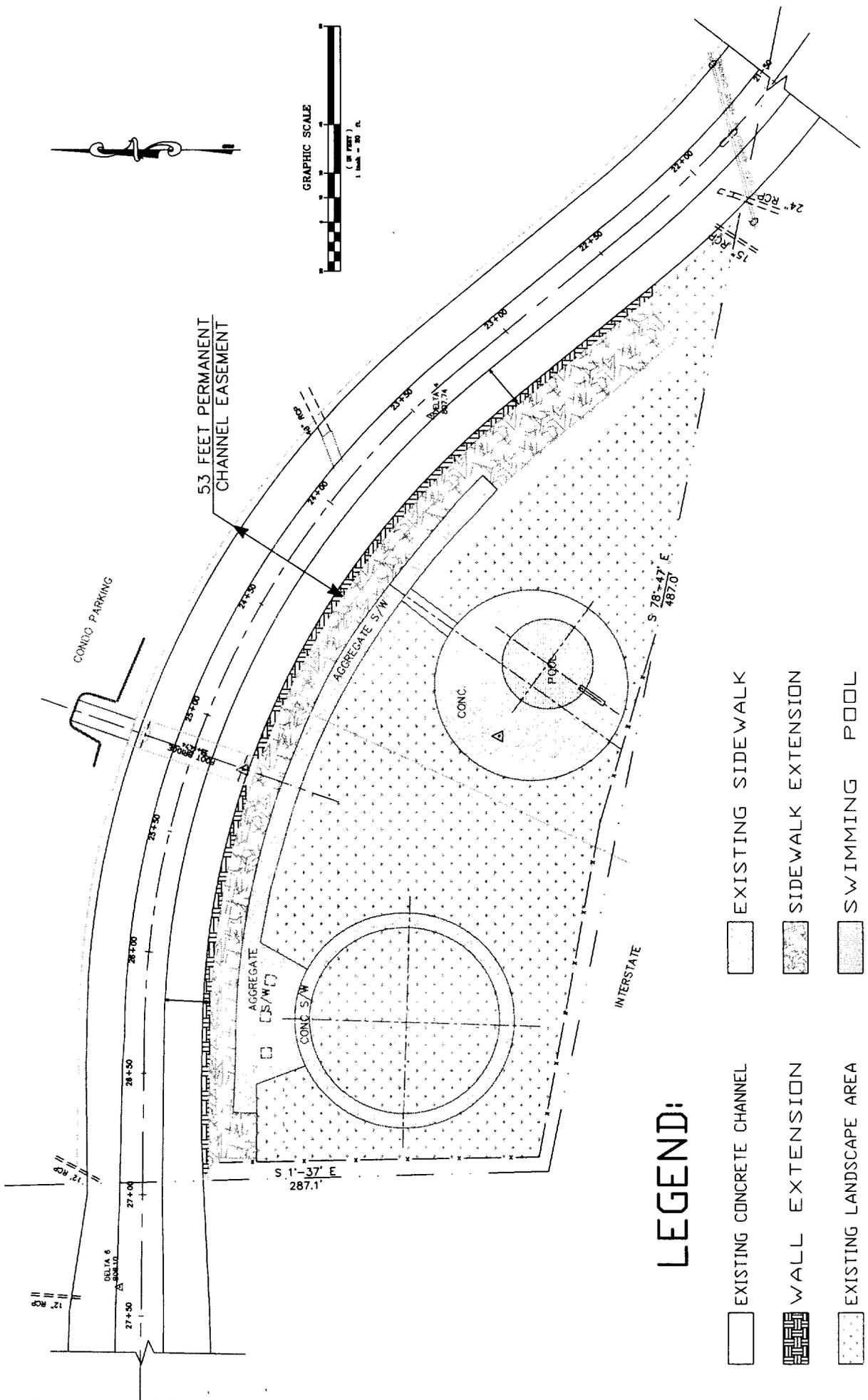
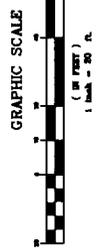
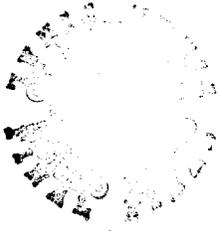
SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

March 7, 2005
March 15, 2005



LEGEND:

- EXISTING CONCRETE CHANNEL
- WALL EXTENSION
- EXISTING LANDSCAPE AREA
- EXISTING SIDEWALK
- SIDEWALK EXTENSION
- SWIMMING POOL

RCS# 6520
3/07/05
1:38 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 4-15

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

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

CONSENT I



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05-R-0396
(Do Not Write Above This Line)

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ADOPTED

MAR 07 2005

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

Date Referred 02/21/05

Referred To: City Utilites

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Clair Muller
 Chair
 Date 2/21/05

Clair Muller
 Action
 Fav, Adv, Hold (see rev. side)
 Other _____

Members

Clair Muller
 Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Consent V Vote RC Vote

CERTIFIED

MAR 07 2005

Clair Muller
 Mayor's Office

MAYOR'S ACTION

Clair Muller
 Mayor's Office