

08-0-0844

AN ORDINANCE BY *Carla Smith and Caesar C. Mitchell*

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED CONVEYING THE CITY'S INTEREST IN LAKEWOOD HEIGHTS ELEMENTARY SCHOOL LOCATED AT 335 SAWTELL AVENUE, ATLANTA, GEORGIA, IN LAND LOTS 39 AND 40 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA ("PROPERTY"), IN AN AMOUNT NOT TO EXCEED ONE DOLLAR (\$1.00), TO THE ATLANTA INDEPENDENT SCHOOL SYSTEM, SO AS TO ALLOW THE ATLANTA INDEPENDENT SCHOOL SYSTEM TO DISPOSE OF THE PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") holds fee simple title in the property located at 335 Sawtell Avenue, Atlanta, Georgia, in Land Lots 39 and 40 of the 14<sup>th</sup> District, Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"), which used to be an Atlanta Independent School System school property; and

WHEREAS, the Atlanta Independent School System has declared the said property as surplus property, and that the property is no longer needed for school purposes; and

WHEREAS, the Atlanta Independent School System desires to dispose of aforesaid property; and

WHEREAS, the City of Atlanta desires to quitclaim the aforesaid property to the Atlanta Independent School System for consideration of one dollar (\$1.00) and other valuable consideration, for the purpose of releasing any and all interest that the City may have in the property for the Atlanta Independent School System.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1:** The Mayor be and is hereby authorized to execute a quitclaim deed conveying the City of Atlanta's ("City") interest in the property located at 335 Sawtell Avenue, Atlanta, Georgia, in Land Lots 39 and 40 of the 14<sup>th</sup> District, Fulton County, Georgia, and being more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"), for consideration of one dollar (\$1.00) and other valuable consideration, to the Atlanta Independent School System to allow the Atlanta Independent School System to dispose of the property.

**SECTION 2:** The City Attorney is directed to prepare the appropriate quitclaim deeds as described above, for execution by the Mayor.

**SECTION 3:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

**QUITCLAIM DEED**

**STATE OF GEORGIA**

**COUNTY OF FULTON**

THIS INDENTURE, made this \_\_\_ day of \_\_\_\_\_ in the year of Two Thousand and Eight, between

**CITY OF ATLANTA, A MUNICIPAL CORPORATION**

of the State of **GEORGIA**, and County of **FULTON** of the first part, hereinafter called Grantor, and

**ATLANTA INDEPENDENT SCHOOL SYSTEM**

of the County of **FULTON**, State of **GEORGIA**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for an in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said grantee.

All that tract or parcel of land lying and being in Land Lots 39 and 40 of the 14<sup>th</sup> District, Fulton County, Georgia, and being more particularly described at EXHIBIT "A" attached hereto and made a part hereof by reference.

Any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities.

This conveyance is made pursuant to an ordinance \_\_\_\_\_ adopted by the City Council on \_\_\_\_\_, 2008, and approved by the Mayor on \_\_\_\_\_, 2008.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

CITY OF ATLANTA

By: \_\_\_\_\_ (Seal)  
Mayor

\_\_\_\_\_  
(Unofficial Witness) (AFFIX CORPORATE SEAL) \_\_\_\_\_ (Seal)

\_\_\_\_\_  
(Notary Public) \_\_\_\_\_ (Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING PARTLY IN LAND LOTS THIRTY-NINE (39) AND FORTY (40) OF THE FOURTEENTH (14<sup>TH</sup>) DISTRICT OF FULTON COUNTY, GEORGIA, MORE DEFINITELY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHEAST SIDE OF SHERWOOD STREET (CALLED SAWTELL STREET) AT A POINT 325 FEET NORTHEAST FROM THE SOUTHEAST CORNER OF SAID SHERWOOD (OR SAWTELL) STREET AND JONESBORO ROAD; THENCE EXTENDING NORTHEAST ALONG THE SOUTHEAST SIDE OF SHERWOOD (SAWTELL) STREET 200 FEET; THENCE EXTENDING SOUTHEASTERLY 400 FEET, PARALLEL WITH RICHMOND AVENUE; THENCE EXTENDING SOUTHWEST, PARALLEL WITH SHERWOOD STREET 200 FEET; THENCE NORTHWEST AND PARALLEL WITH RICHMOND AVENUE 400 FEET TO BEGINNING POINT.

IT IS HEREIN, SPECIFICALLY AGREED THAT WHEREAS SHERWOOD STREET (OR SAWTELL STREET) IS NOW FORTY (40) FEET WIDE, AND WHEREAS IT IS PROBABLE THAT IN THE FUTURE IT MAY BE DESIRABLE TO WIDEN SAID STREET, THEREFORE THIS DEED IS MADE WITH THE RIGHT TO RESERVE NOR MORE THAN THIRTY (30) FEET OFF FROM THE FRONT OF THIS LOT, OR SO MUCH OF SAID THIRTY (30) FEET AS MAY BE DETERMINED BY THE GRANTOR HEREOF, TO MAKE THE STREET WIDER. THE ABOVE DESCRIBED LOT TO CONTRIBUTE A STRIP ALONG THE ENTIRE 200 FEET OF FRONTAGE, EQUAL IN WIDTH (NOT EXCEEDING THIRTY (30) FEET) TO THAT WHICH GRANTOR HERETO MAY GIVE OFF THE FRONTAGE OF THE REMAINING PROPERTY IN SAID BLOCK FOR THE PURPOSE OF WIDENING SAID STREET ON THE SOUTHEAST SIDE OF SAID STREET.

BEING THE SAME PROPERTY CONVEYED TO THE CITY OF ATLANTA, A MUNICIPAL CORPORATION, BY FULTON COUNTY BOARD OF EDUCATION BY VIRTUE OF QUIT-CLAIM DEED RECORDED IN DEED BOOK 3196, PAGE 126, FULTON COUNTY, GEORGIA RECORDS.

AND

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS THIRTY-NINE (39) AND FORTY (40) OF THE FOURTEENTH (14<sup>TH</sup>) DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT NUMBER 12 OF THE H. R. TURMAN PROPERTY, ACCORDING TO PLAT MADE BY J. LOW ZACHRY, C. E., ON OCTOBER 30, 1920, AND RECORDED IN PLAT BOOK 8, PAGE 78, FULTON COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTHWEST SIDE OF SOUTH BEND STREET 284.9 FEET NORTHEASTERLY FROM THE INTERSECTION OF THE

NORTHWEST SIDE OF SOUTH BEND STREET WITH THE NORTHEAST SIDE OF JONESBORO ROAD; THENCE NORTHEAST ALONG THE NORTHWEST SIDE OF SOUTH BEND STREET 50 FEET; THENCE NORTHWEST ALONG THE SOUTHWEST SIDE OF LOT 13, SAID SUBDIVISION, 187.5 FEET; THENCE SOUTHWEST ALONG THE SOUTHEAST SIDE OF LOT 9, SAID SUBDIVISION 50 FEET; THENCE SOUTHEAST ALONG THE NORTHEAST SIDE OF LOT 11, SAID SUBDIVISION 187.5 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO THE CITY OF ATLANTA, A MUNICIPAL CORPORATION, BY FULTON COUNTY BOARD OF EDUCATION BY VIRTUE OF QUIT-CLAIM DEED RECORDED IN DEED BOOK 3196, PAGE 124, FULTON COUNTY GEORGIA RECORDS.

AND

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS THIRTY-NINE (39) AND FORTY (40) OF THE FOURTEENTH DISTRICT OF FULTON COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 334.9 FEET FROM JONESBORO ROAD ON SOUTH BEND STREET; THENCE RUNNING NORTHEASTERLY 50 FEET TO PROPERTY OF FULTON COUNTY SOUTH BEND SCHOOL; THENCE ALONG FULTON COUNTY SCHOOL PROPERTY NORTHWESTERLY 187.5 FEET TO LOT NUMBER TEN (10); THENCE ALONG LOT NO. TEN (10) PROPERTY LINE 50 FEET TO THE JUNCTION OF LOTS NOS. NINE (9) AND TWELVE (12); THENCE SOUTHEASTERLY ALONG LOT NO. TWELVE (12) TO THE POINT OF BEGINNING, BEING LOT NO. THIRTEEN (13) OF THE SOUTH BEND DIVISION OF THE H. R. TURMAN PROPERTY.

BEING THE SAME PROPERTY CONVEYED TO THE CITY OF ATLANTA, A MUNICIPAL CORPORATION BY FULTON COUNTY BOARD OF EDUCATION BY VIRTUE OF QUIT-CLAIM DEED RECORDED IN DEED BOOK 3196, PAGE 118, FULTON COUNTY, GEORGIA RECORDS.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOT FORTY (40) OF THE FOURTEENTH (14<sup>TH</sup>) DISTRICT OF FULTON COUNTY, GEORGIA, BEING PART OF THAT PROPERTY IN THE CITY OF ATLANTA KNOWN AS 335 SAWTELL AVENUE, S.E., ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN SAID CITY, AND MORE PARTICULARLY DESCRIBED ACCORDING TO A PLAN FOR THE IMPROVEMENT AND ADDITIONS TO LAKEWOOD ELEMENTARY SCHOOL OF FILE IN THE FACILITIES SERVICES DEPARTMENT OF THE ATLANTA PUBLIC SCHOOLS AS FOLLOWS, TO WIT:

TRACT 1

FROM THE NORTHEAST CORNER OF ATLANTA PUBLIC SCHOOL BUILDING 201 C, RUN THENCE SOUTH 9 DEGREES WEST A DISTANCE OF 175 FEET TO THE POINT OF BEGINNING(WHICH POINT IS THE NORTHEAST CORNER OF THE PROPERTY HEREINAFTER DESCRIBED); AND RUN THENCE SOUTH 45 DEGREES EAST A DISTANCE OF 64 FEET TO A POINT; THENCE SOUTH 45 DEGREES WEST A DISTANCE OF 48 FEET TO A POINT; THENCE NORTH 45 DEGREES WEST A DISTANCE OF 64 FEET TO A POINT; THENCE NORTH 45 DEGREES EAST A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING.

TRACT 2

FROM THE NORTHEAST CORNER OF ATLANTA PUBLIC SCHOOL BUILDING 201 C, RUN THENCE SOUTH 59 DEGREES WEST A DISTANCE OF 143 FEET TO THE POINT OF BEGINNING (WHICH POINT IS THE NORTHEAST CORNER OF THE PROPERTY HEREINAFTER DESCRIBED); AND RUN THENCE SOUTH 45 DEGREES EAST A DISTANCE OF 61 FEET TO A POINT; THENCE SOUTH 45 DEGREES WEST A DISTANCE OF 48 FEET TO A POINT; THENCE NORTH 45 DEGREES WEST A DISTANCE OF 61 FEET; THENCE NORTH 45 DEGREES EAST A DISTANCE OF 48 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO THE BOARD OF EDUCATION OF THE CITY OF ATLANTA, THE GOVERNING BODY OF THE ATLANTA PUBLIC SCHOOLS BY THE CITY OF ATLANTA, A MUNICIPAL CORPORATION BY VIRTUE OF QUITCLAIM DEED RECORDED IN DEED BOOK 13983, PAGE 001, FULTON COUNTY, GEORGIA RECORDS AND CONVEYED TO SCHOOL BUILDINGS, INC. BY THE BOARD OF EDUCATION OF THE CITY OF ATLANTA BY VIRTUE OF QUITCLAIM DEED RECORDED IN DEED BOOK 13983, PAGE 63, AFORESAID RECORDS.