

10-0-0128

(Do Not Write Above This Line)

AN ORDINANCE
FINANCE/EXECUTIVE
COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CORRECTION DEED TO CURE AN INCORRECT LEGAL DESCRIPTION ON A DEED AUTHORIZED BY ORDINANCE 94-0-1280, EXECUTED ON NOVEMBER 3, 1994 AND RECORDED ON NOVEMBER 7, 1994 APPROVING THE TRANSFER OF THE FINCH ELEMENTARY SCHOOL PROPERTY TO THE ATLANTA BOARD OF EDUCATION; AND FOR OTHER PURPOSES.

SUBSTITUTE

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

Date Referred 01/19/10

Referred To: Finance Exec.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Finance Executive
 Date 1/19/10
 Chair Ed Johnson
 Referred To Ed Johnson

Copyrightee

Date 1/23/10

Chair Ed Johnson

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Ed Johnson
John White
John White

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

FEB 01 2010

COUNCIL

Refer To

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

- FINAL COUNCIL ACTION
- 2nd
 - 1st & 2nd
 - 3rd
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

FEB 01 2010

CERTIFIED

Ed Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

[Handwritten signature]

CITY COUNCIL
ATLANTA, GEORGIA

A SUBSTITUTE ORDINANCE

10-O-0128

BY FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE BY THE CITY OF ATLANTA AUTHORIZING THE MAYOR TO EXECUTE A CORRECTION DEED TO CURE AN INCORRECT LEGAL DESCRIPTION ON A DEED AUTHORIZED BY ORDINANCE 94-O-1280, EXECUTED ON NOVEMBER 3, 1994 AND RECORDED ON NOVEMBER 7, 1994 APPROVING THE TRANSFER OF THE FINCH ELEMENARY SCHOOL PROPERTY TO THE ATLANTA BOARD OF EDUCATION; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Board of Education (the "Board") sent a request for the transfer of the Finch Elementary School property and attached a legal description with an error on it on June 3, 1994; and

WHEREAS, the City of Atlanta approved the transfer of real property located at the Finch Elementary School to the Board by Ordinance 94-O-1280 on September 6, 1994; and

WHEREAS, the City of Atlanta did quitclaim the property to Board with the incorrect legal description by deed dated November 3, 1994 and recorded on November 7, 1994 at Book 1893 Page 329; and

WHEREAS, the Board conveyed a deed to the Carver Hills Neighborhood Association a/k/a Carver Hills Community Association with the incorrect legal description, and

WHEREAS, the Carver Hills Community Association contracted with the Atlanta Greenspace Initiative to convey the property but the incorrect legal description was discovered; and

WHEREAS, Atlanta Greenspace Initiative has brought suit to quiet title related to the erroneous legal description under Civil Action 2008CV144921.

NOW, THE MAYOR AND COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS as follows:

Section 1: That the legal description of that certain deed approved by the City of Atlanta, executed on November 3, 1994 and recorded on November 7, 1994 be corrected to include the legal description attached hereto as Exhibit "A".

Section 2: That the Mayor is authorized to execute a Correction Deed to include the correct legal description.

Section 3: That the City Attorney is authorized to execute a Settlement Agreement conveying the correct deed and legal description to the Atlanta School Board.

Section 4: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of any conflict.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

FEB 01, 2010
FEB 09, 2010

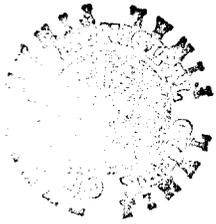
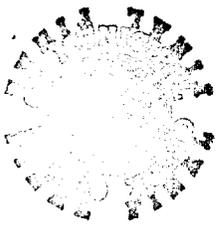


Exhibit "A"

Property Description

ALL THAT TRACT or parcel of land lying and being in Land Lot 246 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument located on the southwesterly right of way line of Ajax Drive one-hundred sixty-three and two tenths (163.2) feet northwesterly as measured along the southwesterly line of Ajax Drive from the point of intersection of the southwesterly right of way line of Ajax Drive with the westerly right of way of McCallie Boulevard, said point of beginning being the northernmost corner of Lot 1, Block F, of the Carver Hills Subdivision, Unit 4, Section 2, as shown on Subdivision Plat recorded in Plat Book 74, Page 107, Fulton County Records; thence running North 43 degrees 22 minutes West along the southwesterly right of way line of Ajax Drive two hundred eighty-two (282) feet to a concrete monument located at the easternmost corner of Lot 1 of Block C of said Subdivision; thence running South 46 degrees 43 minutes West along the southeasterly line of said Lot 1, one hundred sixty-one and five tenths (161.5) feet to a concrete monument; thence running South 88 degrees 17 minutes West along the south line of said Lots 1, 2, 3, 4, 5 and 6 of Block C of said Subdivision two hundred fifty-seven and six tenths (257.6) feet to a iron pin; thence running South 88 degrees 21 minutes West and continuing along the south line of Lots 6, 7, 8, and 9 of Block C of said Subdivision four hundred thirty-one (431) feet to a concrete monument; thence continuing South 88 degrees 21 minutes West along the south line of Lot 9 of Block C of said Subdivision fifty-one and nine tenths (51.90) feet to a point located at the center line of Proctor Creek; thence running southerly, southeasterly, easterly, northeasterly, and southeasterly along the center line of said creek and following the meanderings thereof a total distance of twelve hundred forty eight and three tenths (1248.34) feet to the southwesterly corner of Lot 16 of Block F of said Subdivision; thence running North 1 degree 44 minutes West twenty-seven and seven tenths (27.68) feet to a iron pin; thence continuing North 1 degree 44 minutes and 26 seconds West along the west line of Lots 16, 15, and 14 of Block F of said Subdivision two hundred eighty four and seven tenths (284.7) feet to a iron pin; thence running North 88 degrees 11 minutes East along the north line of Lots 14 and 13 of Block F of said Subdivision one hundred ninety-seven and five tenths (197.5) feet to a iron pin; thence running North 86 degrees 55 minutes East and continuing along the north line of Lots 13, 11, 10, 9 and 8 of Block F of said Subdivision three hundred thirty - five (335) feet to a concrete monument; thence running North 21 degrees 49 minutes 30 seconds West along the southwesterly line of Lot 4, Block F of Carver Hills Subdivision, Unit 4, Section 1, shown on subdivision plat recorded in Plat Book 70, Page 103, Fulton County Records, sixty-four (64) feet to a concrete monument at the southwesterly corner of Lot 3; thence North 21 degrees 37 minutes 35 seconds West along the southwesterly line of Lot 3, Block F, Carver Hills Subdivision Unit 4, Section 1, and continuing along the southwesterly line of Lot 1 of said first mentioned subdivision a total distance of one hundred sixty-eight (168.03) feet to a concrete monument; thence running North 46 degrees 38 minutes and 42 seconds East and continuing along the northwesterly line of said Lot 1, one hundred forty-nine and two tenths (149.423) feet to a concrete monument located on the southwesterly right of way of Ajax Drive at the point of beginning. The above described property being shown as 13.5912 acres as shown on plat of survey prepared by Ernest L. Boggus, Registered Land Surveyor, dated November 1963, revised June 1964 and January 1967.



After recording return to:

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QUITCLAIM DEED

THIS INDENTURE is made as of the ____ day of _____, 2010 between

CITY OF ATLANTA, a Municipal corporation

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

ATLANTA BOARD OF EDUCATION

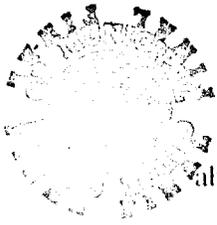
of the County of **FULTON**, State of **GEORGIA**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which are hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto Grantee

ALL THAT TRACT OR PARCEL of land lying and being in and described in 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. These easements shall remain in effect until such time as said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

This deed was authorized by an Ordinance 94-O-1280 adopted by the Council on September 4, 2004. This deed is given to correct and clarify the legal description of the property by the parites hereto to have been conveyed by the City of Atlanta, a municipal corporation under the laws of the State Georgia and the Atlanta Board of Education, dated November 3, 1994 filed and recorded on November 7, 1994 in Deed Book 18931, Page 330, Fulton County records.

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 rights 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.

Signed, sealed and delivered in the presence of:

"GRANTOR"

CITY OF ATLANTA

Witness

By: _____
MAYOR

Notary Public

(AFFIX CORPORATE SEAL)

My Commission Expires: _____

[NOTARY PUBLIC SEAL]

RCS# 42
2/01/10
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	02-01-10 ITEMS ADVERSED ON CONSENT
1. 10-O-0118 2. 10-O-0119 3. 10-O-0120 4. 10-O-0121 5. 10-O-0122 6. 10-O-0123 7. 10-O-0126 8. 10-O-0127 9. 10-O-0128 10. 10-O-0129 11. 10-O-0220 12. 10-O-0221 13. 10-O-0057 14. 10-O-0135 15. 10-R-0134 16. 10-R-0162 17. 10-R-0227 19. 10-R-0164 20. 10-R-0165 21. 10-R-0166 22. 10-R-0169 23. 10-R-0170 24. 10-R-0171 25. 10-R-0222 26. 10-R-0228 27. 10-R-0173 28. 10-R-0174 29. 10-R-0175 30. 10-R-0176 31. 10-R-0177 32. 10-R-0178 33. 10-R-0179 34. 10-R-0180 35. 10-R-0181	36. 10-R-0182 37. 10-R-0183 38. 10-R-0184 39. 10-R-0185 40. 10-R-0186 41. 10-R-0187 42. 10-R-0188 43. 10-R-0189 44. 10-R-0190 45. 10-R-0191 46. 10-R-0192 47. 10-R-0193 48. 10-R-0194 49. 10-R-0195 50. 10-R-0196 51. 10-R-0197 52. 10-R-0198 53. 10-R-0199 54. 10-R-0200 55. 10-R-0201 56. 10-R-0202 57. 10-R-0203 58. 10-R-0204 59. 10-R-0205	