

1 A RESOLUTION AUTHORIZING THE GRANTING OF A PERMANENT  
2 EASEMENT IN FULTON COUNTY-OWNED LAND TO THE ATLANTA  
3 DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA BY AND THROUGH  
4 ITS DESIGNATED SPECIAL AGENT ATLANTA BELTLINE, INC.;  
5 AUTHORIZING THE CHAIRMAN OF THE FULTON COUNTY BOARD OF  
6 COMMISSIONERS TO EXECUTE THE EASEMENT AGREEMENT AND  
7 RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO  
8 APPROVE THE EASEMENT AGREEMENT AND RELATED DOCUMENTS AS  
9 TO FORM AND MAKE NECESSARY MODIFICATIONS THERETO PRIOR TO  
10 EXECUTION; AND FOR OTHER PURPOSES

11  
12 **WHEREAS**, Fulton County, Georgia ("Fulton County") owns a certain real  
13 property located at 860 Marietta Boulevard in northwest Atlanta which is in close  
14 proximity to the Westside Trail of the Atlanta Beltline; and

15 **WHEREAS**, the Atlanta Development Authority d/b/a Invest Atlanta, a  
16 Georgia public body corporate and politic, by and through its agent, Atlanta  
17 Beltline, Inc., a Georgia non-profit corporation, has made an offer to acquire a  
18 Permanent Construction and Maintenance Easement (the "Easement") over the  
19 County's property to facilitate the construction and maintenance of the Westside  
20 Trail Extension Project; and

21 **WHEREAS**, the Easement to be acquired is further described in Exhibit  
22 "A," attached hereto and made a part hereof by reference; and

23 **WHEREAS**, the Fair Market Value ("FMV") of the Easement has been  
24 appraised at \$1,269.00; and

25 **WHEREAS**, Atlanta Beltline, Inc. has offered to purchase the Easement  
26 for its FMV of \$1,269.00; and

27 **WHEREAS**, O.C.G.A. § 36-9-2 provides that "the county governing  
28 authority shall have the control of all property belonging to the county and may,  
29 by order entered on its minutes, direct the disposal of any real property which

1 may lawfully be disposed of and make and execute good and sufficient title  
2 thereof on behalf of the county;" and

3 **WHEREAS**, the Fulton County Board of Commissioners finds that it is in  
4 the public interest for Fulton County to grant an Easement to the Atlanta  
5 Development Authority d/b/a Invest Atlanta, a Georgia public body corporate and  
6 politic, by and through its agent, Atlanta Beltline, Inc., a Georgia nonprofit  
7 corporation, for \$1,269.00, the appraised FMV of said Easement.

8 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of  
9 Commissioners hereby authorizes the grant of an Easement to the Atlanta  
10 Development Authority d/b/a Invest Atlanta, a Georgia public body corporate and  
11 politic, by and through its agent, Atlanta Beltline, Inc., a Georgia nonprofit  
12 corporation, for One Thousand Two Hundred and Sixty-Nine Dollars and 00/100  
13 Dollars (\$1,269.00), the appraised FMV of said Easement, in substantially the  
14 same form of the Easement, attached hereto as EXHIBIT "A," and incorporated  
15 herein by this reference.

16 **BE IT FURTHER RESOLVED**, that the Chairman is hereby authorized to  
17 execute the Easement and other necessary documents to effectuate the grant,  
18 conveyance, and delivery of the Easement on behalf of Fulton County.

19 **BE IT FURTHER RESOLVED**, that the County Attorney is hereby  
20 authorized to approve the Easement and other necessary documents as to form  
21 and make any necessary changes thereof prior to execution by the Chairman.

22 **BE IT FURTHER RESOLVED**, that the execution, delivery and  
23 performance of any and all documents necessary or required by a title company

1 to grant the Easement over the County's Property to the Atlanta Development  
2 Authority d/b/a Invest Atlanta, a Georgia public body corporate and politic, by and  
3 through its agent, Atlanta Beltline, Inc., a Georgia nonprofit corporation, is hereby  
4 authorized and approved, and to be delivered at the closing on the sale and  
5 conveyance of the Easement.

6 **BE IT FINALLY RESOLVED**, that any and all resolutions or parts of  
7 resolutions in conflict with this Resolution shall be and the same hereby are  
8 repealed, and this Resolution shall be in full force and effect from and after its  
9 adoption.

10 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton  
11 County, Georgia, this 14th day of April, 2021.

12 **FULTON COUNTY**

13 **BOARD OF COMMISSIONERS**

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18 Robert L. Pitts, Chairman  
19 Fulton County Board of Commissioners

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22 **ATTEST:**

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28 Tonya R. Grier  
29 Clerk to the Commission



30 **APPROVED AS TO FORM:**

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34 Kaye Woodard Burwell  
35 Interim County Attorney  
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All that tract or parcel of land lying and being located in Land Lot 113, 14th District of Fulton County, Georgia and being more particularly described as follows:

Thence from the TRUE POINT OF BEGINNING commence along said northern right-of-way of Jefferson Street North 89 Degrees 49 Minutes 09 Seconds West for a distance of 16.51 feet to a point; thence leaving said right-of-way North 45 Degrees 26 Minutes 45 Seconds East for a distance of 25.01 feet to a point on the western right-of-way of Marietta Boulevard (apparent 70' right-of-way); thence along said right-of-way South 04 Degrees 16 Minutes 51 Seconds West for a distance of 17.65 feet to a point formed by the intersection of the western right-of-way of Marietta Boulevard (apparent 70' right-of-way) and the northern right-of-way of Jefferson Street (apparent 40' right-of-way), said point being the TRUE POINT OF BEGINNING.

Said property contains 145 Square Feet, more or less.



**ATLANTA BELTLINE**

**PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT**

GEORGIA, FULTON COUNTY

PROJECT: Westside BeltLine Connector – Phase 3

THIS CONVEYANCE made and executed the \_\_\_\_ day of April, 2021 and effective as of the 23<sup>rd</sup> day of April, 2021.

WHEREAS, The Atlanta Development Authority d/b/a Invest Atlanta, by and through its agent Atlanta BeltLine, Inc., desires to construct a trail project designated as the Atlanta BeltLine Westside BeltLine Connector Trail – Phase 3;

NOW, THEREFORE, for value received, **FULTON COUNTY**, a political subdivision of the State of Georgia (hereinafter referred to as "Grantor"), does hereby grant to **THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA**, a Georgia public body corporate and politic, by and through its agent, **ATLANTA BELTLINE, INC.**, a Georgia nonprofit corporation (hereinafter referred to as "Grantee") the right to execute certain construction over and upon Grantor's land abutting on and adjacent to the right of way in such manner as Grantee may reasonably deem proper to support or accommodate the construction and maintenance of said trail, including the right to construct and maintain any slopes within the easement area being more particularly described as follows:

All that tract or parcel of land lying and being in **Land Lot 113** of the **14th Land District** of Fulton County, Georgia, consisting **145 square feet** and being more particularly described on Exhibit "A" attached hereto and made a part hereto by this reference, and being shown on the attached plat of the Permanent Easement for Atlanta Beltline, Inc. prepared by Floyd & Associates, Inc., dated October 13, 2020, said plat attached hereto and made a part of this instrument as Exhibit "B".

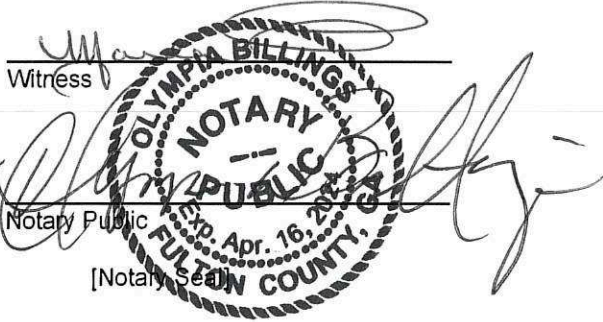
[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

Signed, Sealed and Delivered

this 4 day of May,  
2021, in the presence of:

Witness

  
[Notary Seal]

FULTON COUNTY, a political subdivision of the  
State of Georgia

By:



Robert L. Pitts, Chairman  
Fulton County Board of Commissioners


Attest:

  
Tonya R. Grier  
Clerk to the Commission

[AFFIX COUNTY SEAL]

APPROVED AS TO FORM

This \_\_\_\_ day of \_\_\_\_\_, 2021.

  
Kaye W. Burwell  
Interim County Attorney

ITEM # 21-0243 RM 4/14/21  
REGULAR MEETING

**EXHIBIT "A"**

PARCEL #14-0144-LL-013-2  
PERMANENT EASEMENT

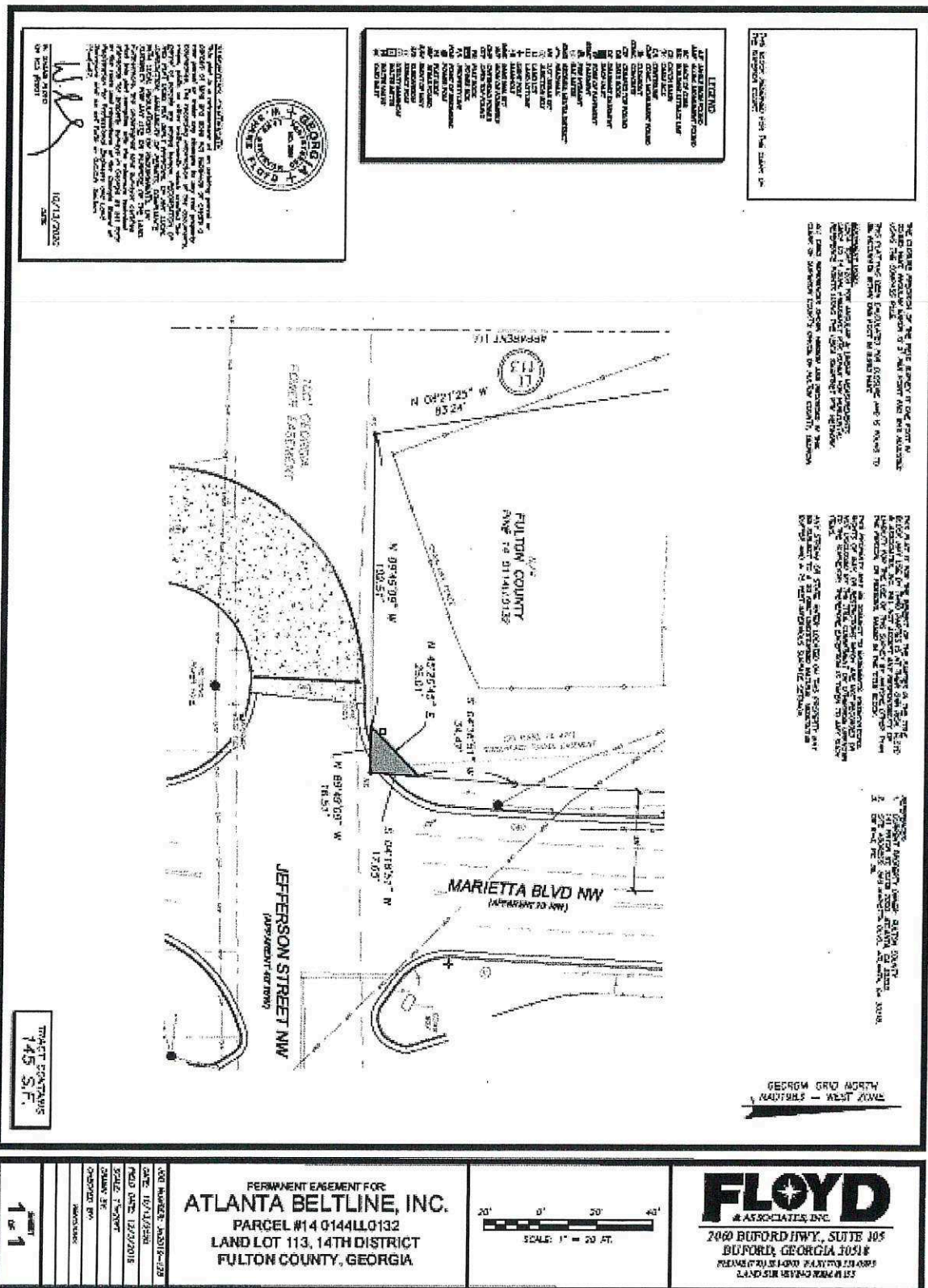
All that tract or parcel of land lying and being located in Land Lot 113, 14th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at a point formed by the intersection of the western right-of-way of Marietta Boulevard (apparent 70' right-of-way) and the northern right-of-way of Jefferson Street (apparent 40' right-of-way), said point being the TRUE POINT OF BEGINNING.

Thence from the TRUE POINT OF BEGINNING commence along said northern right-of-way of Jefferson Street North 89 Degrees 49 Minutes 09 Seconds West for a distance of 16.51 feet to a point; thence leaving said right-of-way North 45 Degrees 26 Minutes 45 Seconds East for a distance of 25.01 feet to a point on the western right-of-way of Marietta Boulevard (apparent 70' right-of-way); thence along said right-of-way South 04 Degrees 16 Minutes 51 Seconds West for a distance of 17.65 feet to a point formed by the intersection of the western right-of-way of Marietta Boulevard (apparent 70' right-of-way) and the northern right-of-way of Jefferson Street (apparent 40' right-of-way), said point being the TRUE POINT OF BEGINNING.

Said property contains 145 Square Feet, more or less.

# EXHIBIT "B"





1 A RESOLUTION AUTHORIZING THE GRANTING OF A PERMANENT  
2 EASEMENT IN FULTON COUNTY-OWNED LAND TO THE ATLANTA  
3 DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA BY AND THROUGH  
4 ITS DESIGNATED SPECIAL AGENT ATLANTA BELTLINE, INC.;  
5 AUTHORIZING THE CHAIRMAN OF THE FULTON COUNTY BOARD OF  
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8 APPROVE THE EASEMENT AGREEMENT AND RELATED DOCUMENTS AS  
9 TO FORM AND MAKE NECESSARY MODIFICATIONS THERETO PRIOR TO  
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10 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton  
11 County, Georgia, this 14<sup>th</sup> day of April, 2021.

12 **FULTON COUNTY**

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18 Robert L. Pitts, Chairman  
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