
[SPACE ABOVE RESERVED FOR RECORDER’S USE]

UPON RECORDING RETURN TO:

Angela Robinson
Parker Poe Adams & Bernstein LLP
1075 Peachtree Street NE
Suite 1500
Atlanta, GA 30309

TAX PARCEL NO. 14-0088-0002-044-2

CROSS-REFERENCE:

Deed Book 52076, Pages 99 and 104,
Fulton County, Georgia records

**CLEVELAND AVENUE/METROPOLITAN PARKWAY
ARTERIAL RAPID TRANSIT (ART) PROJECT
PARCEL NO. B249**

FULTON COUNTY, GEORGIA

DECLARATION OF TEMPORARY CONSTRUCTION EASEMENT

THIS DECLARATION OF TEMPORARY CONSTRUCTION EASEMENT is made this _____ day of _____, 2025, by **FULTON COUNTY, GEORGIA**, a political subdivision of the State of Georgia (hereinafter referred to as “Grantor”), to and in favor of the **METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (MARTA)**, a public body corporate existing under the laws of the State of Georgia (hereinafter referred to as “Grantee”) (the terms “Grantor” and “Grantee” to include their respective heirs, legal representatives, successors and assigns where the context hereof requires or permits).

W I T N E S S E T H:

WHEREAS, Grantor is the owner of certain real property located in Fulton County, Georgia identified as Tax Parcel No. **14-0088-0002-044-2** and more particularly described in those certain **Limited Warranty and Quitclaim Deeds** dated **December 21, 2012**, filed and recorded in Deed Book 52076, Pages 99 and 104 (respectively), Fulton County, Georgia records (the “Property”); and

WHEREAS, in connection with Grantee's construction of the Cleveland Avenue/Metropolitan Parkway Arterial Rapid Transit (ART) Project in Fulton County, Georgia (hereinafter the "Project"), Grantor agrees to grant Grantee a non-exclusive temporary construction easement (hereinafter the "Temporary Construction Easement") over a portion of the said Property for the purposes described herein.

NOW, THEREFORE, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00), Grantee's agreement to relocate, in accordance with Grantor's request, the planned bicycle rack and other bus station amenities to be installed on and/or adjacent to the Property so that the same would not interfere with access to the Metropolitan Library, and other valuable consideration, in hand paid, the receipt and sufficiency of which are hereby acknowledged, Grantor hereby expressly grants, bargains, sells, conveys and declares unto and in favor of Grantee the Temporary Construction Easement on, over, upon, across, under and through the portion of the Property being more particularly described in **EXHIBIT "A"** attached hereto and made a part hereof by this reference and being more particularly described and shown in the Property Certification Map, Drawing No. **RWB038**, Page No. **259**, dated **10/11/2024**, last revised **N/A**, attached hereto as **EXHIBIT "B"** and made a part hereof by this reference (hereinafter the "Temporary Construction Easement Area"), for all purposes as may be deemed necessary, incidental or convenient, in Grantee's sole discretion, to the construction of the Project, including, but not limited to, the right, permission and authority to: (i) slope the ground within the Temporary Construction Easement Area provided, however, that upon expiration of the Temporary Construction Easement Term (as hereinafter defined), as the same may be extended, Grantee shall have no obligation to maintain any such slopes; (ii) use the Temporary Construction Easement Area for mobilization and demobilization of personnel, vehicles, materials, equipment and machinery; (iii) use the Temporary Construction Easement Area for storage of vehicles, materials, equipment and machinery; and (iv) construct temporary buildings and improvements within the Temporary Construction Easement Area provided, however, that any such buildings or improvements shall be removed from the Temporary Construction Easement Area prior to expiration of the Temporary Construction Easement Term, as the same may be extended.

Grantor also does hereby expressly grant unto Grantee all rights and privileges necessary, incidental or convenient for the full use and enjoyment of the Temporary Construction Easement and the Temporary Construction Easement Area for the purposes described herein, including, without limitation, the right, permission and authority to enter in a reasonable manner upon such portions of the Property lying outside of the Temporary Construction Easement Area for the sole purpose of providing ingress to and egress from the Temporary Construction Easement Area.

The rights and privileges herein granted by Grantor to Grantee shall be effective for eighteen (18) months (the "Temporary Construction Easement Term"), commencing upon ten (10) days advance written notice thereof given by Grantee to Grantor.

Any notice (collectively, "Notice" or "Notices") required or permitted to be given by hereunder shall be delivered by one of the following methods: (a) personal delivery; (b) U.S. Certified or Registered Mail, postage prepaid; or (c) reputable overnight courier (e.g., UPS or FedEx) addressed as follows:

IF TO GRANTOR:

Fulton County
Attention: Dir. of Real Estate & Asset Management
141 Pryor Street, Suite 6001
Atlanta, Georgia 30303

With a copy to:

Fulton County
Attention: County Attorney
141 Pryor Street, Suite 4038
Atlanta, Georgia 30303

With a copy to:

Fulton County
Attention: County Manager
141 Pryor Street, 10th Floor
Atlanta, Georgia 30303

With a copy to:

Fulton County
Attention: Land Administrator
141 Pryor Street Suite 8021
Atlanta, Georgia 30303

IF TO GRANTEE:

MARTA
2424 Piedmont Road, N.E.
Atlanta, GA 30324-3330
Attn: Director of Real Estate

Any Notice shall be deemed given or delivered, as the case may be, on the date of delivery in the case of personal delivery, on the date of the postmark in the case of U.S. Certified or Registered Mail, or the date of deposit with the reputable overnight courier. Grantor may by written Notice to Grantee in the manner provided above, designate a different address for receiving any Notices hereunder; provided, however, that such address change shall not be effective until three (3) days after Grantee's actual receipt of the written Notice.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, Grantor herein has hereunto set hand and seal, the day and year first above written.

Signed, sealed and delivered this ____ day of _____, 202_ in the presence of:

FULTON COUNTY, a political subdivision of the State of Georgia

Witness

By: _____
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

[Notarial Seal]

Attest: _____
Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM

Y. Soo Jo, County Attorney

[SIGNATURE PAGE - DECLARATION OF TEMPORARY CONSTRUCTION EASEMENT - PARCEL NO. B249]

EXHIBIT "A"

LEGAL DESCRIPTION OF THE TEMPORARY CONSTRUCTION EASEMENT AREA

TEMPORARY CONSTRUCTION EASEMENT

ALL THAT TRACT or parcel of land lying and being in Land Lot 88, District 14th, Fulton County, Georgia, and being a portion of Fulton County Tax Parcel 14 008800020442, and being more fully described as follows:

COMMENCING AT A POINT on the east Right-of-Way Line of Metropolitan Parkway, said point being the southwest corner of property owned by Fulton County (NAD83/2011) GA-West N: 1352672.725/E: 2223277.573, thence N 00° 17' 12" E for a distance of 70.41 feet to a point, said point being the **POINT OF BEGINNING**; thence N 00° 17' 12" E for a distance of 5.00 feet to a point; thence S 89° 50' 16" E for a distance of 5.30 feet to a point; thence N 00° 09' 44" E for a distance of 52.00 feet to a point; thence N 89° 50' 16" W for a distance of 5.19 feet to a point; thence N 00° 17' 12" E for a distance of 5.00 feet to a point; thence S 89° 50' 16" E for a distance of 10.18 feet to a point; thence S 00° 09' 44" W for a distance of 62.00 feet to a point; thence N 89° 50' 16" W for a distance of 10.31 feet to a point, said point being the **POINT OF BEGINNING**, and containing 362.50 square feet or 0.008 acres of land, more or less. Perimeter: 154.98 feet.

The above description is based on MARTA Property Certification Map Drawing No. RWB038, Page No. 259 dated 10/11/2024.

EXHIBIT "B"

THE PROPERTY CERTIFICATION MAP

