

1 A RESOLUTION BY THE BOARD OF COMMISSIONERS AUTHORIZING THE
2 TRANSFER OF 740.52 SQUARE FEET OF RIGHT OF WAY AND 8,948.97 SQUARE
3 FEET OF TEMPORARY CONSTRUCTION EASEMENT AREAS TO THE CITY OF
4 SOUTH FULTON, GEORGIA, FOR THE PURPOSE OF MAKING ROADWAY
5 IMPROVEMENTS AT 0 STONEWALL TELL ROAD; AUTHORIZING THE CHAIRMAN
6 TO EXECUTE A RIGHT OF WAY DEED, TEMPORARY CONSTRUCTION EASEMENT
7 AGREEMENT AND RELATED DOCUMENTS; AUTHORIZING THE COUNTY
8 ATTORNEY TO APPROVE THE RIGHT OF WAY DEED, TEMPORARY
9 CONSTRUCTION EASEMENT AGREEMENT AND RELATED DOCUMENTS AS TO
10 FORM; AND FOR OTHER PURPOSES.

11
12 **WHEREAS**, Fulton County, Georgia ("Fulton County") is a political subdivision of the
13 State of Georgia, existing as such under the Constitution, statutes, and laws of the State
14 of Georgia; and

15 **WHEREAS**, the City of South Fulton (the "City") desires to improve its roadway
16 system via Project No. OSI 615 (the "Project"), which will require the acquisition of right of
17 way and temporary construction easement areas on Fulton County real property located at
18 0 Stonewall Tell Road, in the 9F District, Land Lots 148 and 149, more particularly
19 described in Exhibit "A", attached hereto, and incorporated herein by this reference, and

20 **WHEREAS**, the City has submitted an offer to acquire the necessary property rights
21 for the sum of One Thousand Two Hundred and 00/00 Dollars (\$1,200.00), which is based
22 on a market value assessment of property values within the area; and

23 **WHEREAS**, it is the recommendation of the Department of Real Estate and Asset
24 Management ("DREAM") that the Fulton County Board of Commissioners accept the offer
25 from the City for the City to purchase for \$1,200.00 right of way and temporary construction
26 easement areas that are necessary to complete planned roadway improvements near the
27 intersection of Stonewall Tell Road and Union Road; and

1 **WHEREAS**, Fulton County is agreeable to selling approximately 740.52 square feet
2 of right of way and a temporary construction easement of approximately 8,948.97 square
3 feet, to the City for the express purpose of constructing roadway improvements and
4 maintaining slopes as part of the Project to promote the efficiency of traffic flow and improve
5 travel safety; and

6 **WHEREAS**, O.C.G.A. § 36-9-3(a)(2)(A) authorizes the granting of rights of ways and
7 easements by a local government to another local government without a competitive
8 process; and

9 **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners
10 has exclusive jurisdiction and control over directing and controlling all the property of the
11 county, as they may deem expedient, according to law.

12 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners hereby
13 approves the transfer of approximately 740.52 square feet of right of way and a temporary
14 construction easement of approximately 8948.97 square feet of County-owned real
15 property to the City of South Fulton, as more particularly described in Exhibit "A", attached
16 hereto and incorporated herein by reference, for the purpose of constructing roadway
17 improvement and maintaining slopes along Stonewall Tell Road near its intersection with
18 Union Road for the Project located in the City of South Fulton.

19 **BE IT FURTHER RESOLVED** that the Chairman of the Board of Commissioners is
20 authorized and directed to execute and deliver such appropriate right-of-way deeds,
21 temporary construction easements and other necessary documents to the City of South
22 Fulton to complete the conveyance of the required property rights.

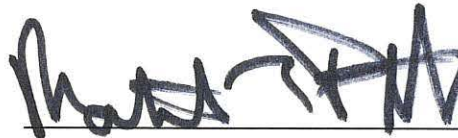
1 **BE IT FURTHER RESOLVED** that prior to execution of any documents by the
2 Chairman, the County Attorney shall approve any and all documents as to form and make
3 any necessary changes thereto to protect Fulton County's interest.

4 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
5 adoption and that all resolutions and parts of resolutions in conflict with this Resolution
6 are hereby repealed to the extent of such conflict.

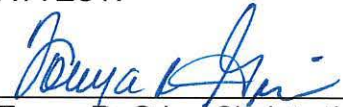
7 **SO PASSED AND ADOPTED**, this 1st day of May, 2024.



**FULTON COUNTY
BOARD OF COMMISSIONERS**


Robert L. Pitts, Chairman

15 ATTEST:

16 
17 _____
18 Tonya R. Grier, Clerk to the Commission

19
20 APPROVED AS TO FORM:

21 
22 _____
23 Y. Soo Jo, County Attorney

ITEM # 24-0296 FRM 5 / 1 / 24
FIRST REGULAR MEETING

Exhibit A
1 of 3

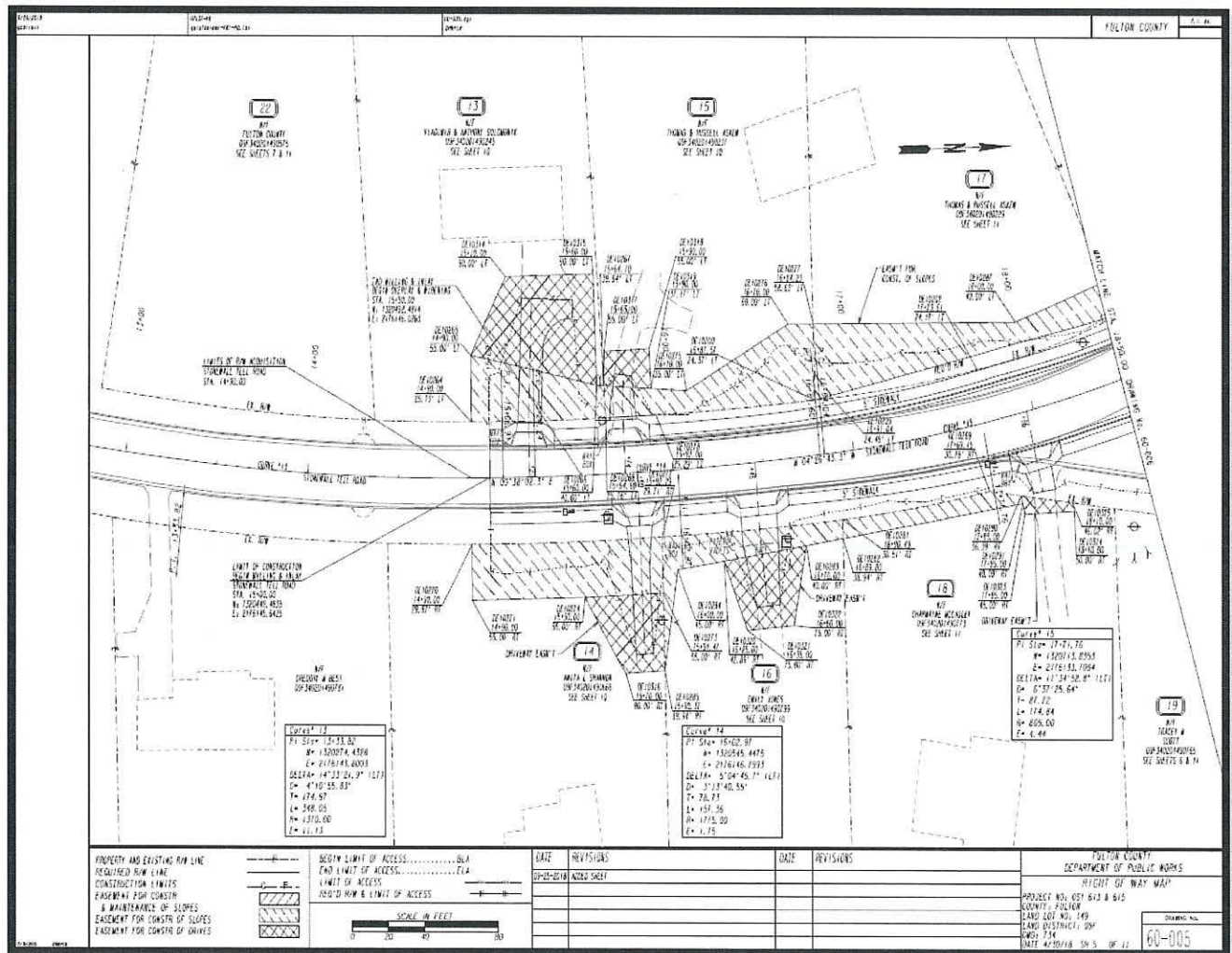


Exhibit A
2 of 3

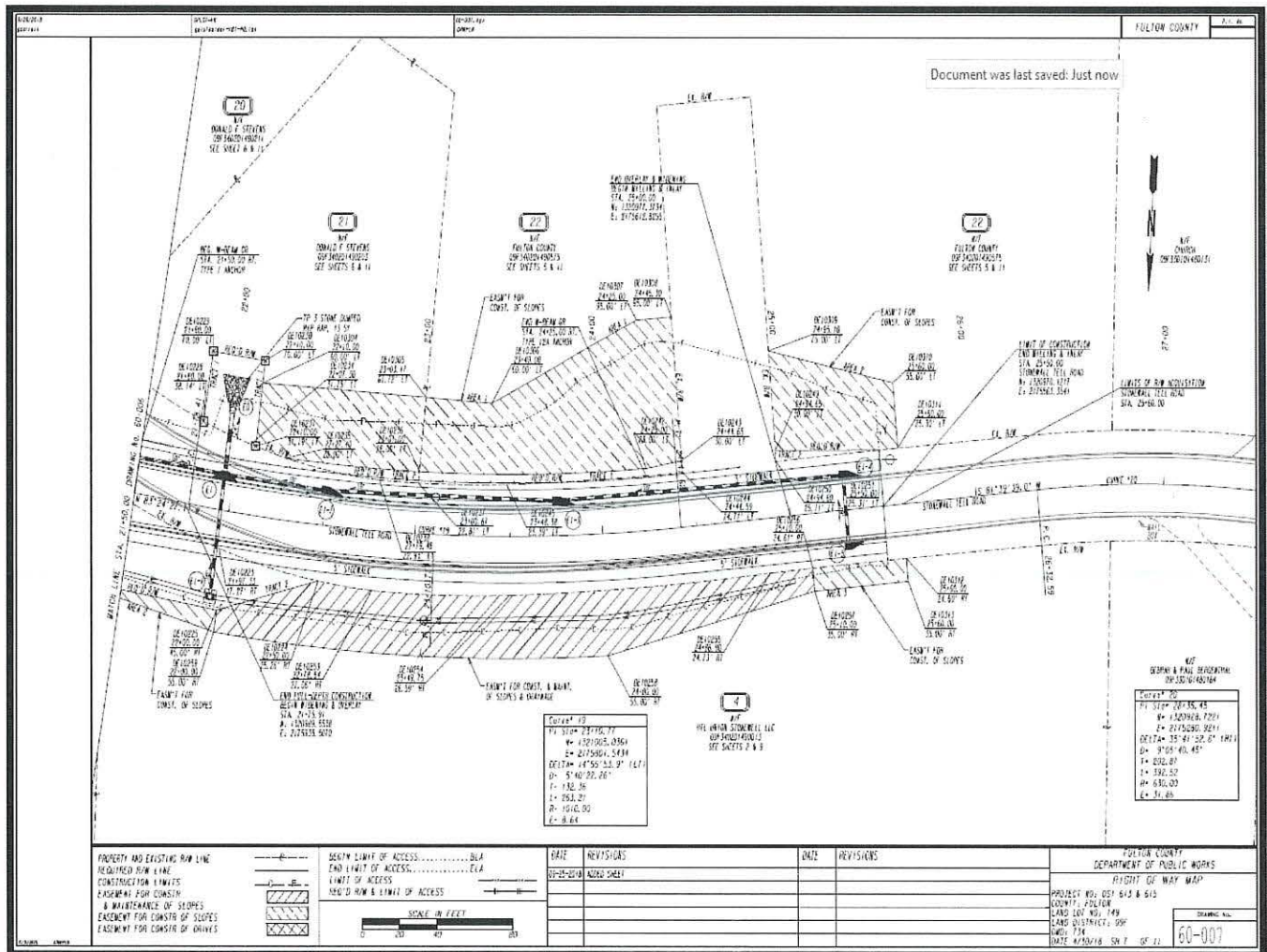


Exhibit A
3 of 3

[illegible]

TAX ID: 09F-3402-0149-057-5
Prepared by and Return to:
Atlas Technical Consultants LLC
Attn: Julie Krolak
2540 Commerce Avenue, Suite 100
Duluth, GA 30096

TEMPORARY EASEMENT FOR CONSTRUCTION OF SLOPES

STATE OF GEORGIA
FULTON COUNTY

THIS EASEMENT granted this 1st day of May, 2024, between Fulton County, a **political subdivision of the State of Georgia**, as patties of the first part, hereinafter referred to as Grantors, and **City of South Fulton**, a political subdivision of the State of Georgia, as patty of the second part, hereinafter referred to as Grantee.

WITNESSETH THAT; Grantors, for and in consideration of the sum of One Dollar (\$1.00) in hand paid at and before the sealing and delivery of these presents, and by these presents, grant unto the Grantee an easement over, under, upon and across the following described prope1ty:

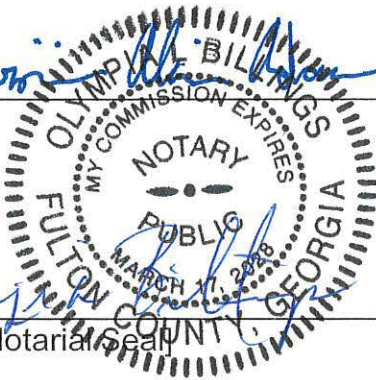
This easement consists of **0.20544 acres** of temporary construction easement, located in Land **Lot 149** of the 9F District, Fulton County, Georgia and is designated as Parcel: 22, Tax Map No.: **09F-3402-0149-020-3**, on the attached plat which is a portion of Fulton County Right of Way plans by: **American Engineers, Inc**, Titled: **Old Stonewall Tell Road at Union Road, Sheet Nos.: 5, 7, and 11**, dated: **May 1, 2018**, and revised **September 25, 2018**, attached hereto and incorporated herein by reference and on file with City of South Fulton Department of Public Works at 5440 Fulton Industrial Blvd., SW, Suite A, Atlanta, Ga 30336.

The purpose of this easement is to allow Grantee, or its agents, to construct slopes, fills and embankments as necessary, in order to support improvements on roadway; as per Exhibit A, attached. The easement granted herein is subject to all matters of record.

NOTE: This easement is to expire upon completion of the project.

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

Signed, sealed and delivered this
30th day of May, 2024
in the presence of:

Marilyn B. Williams
Witness

Christina Williams
[Notarial Seal]

FULTON COUNTY, a political subdivision of
the State of Georgia

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

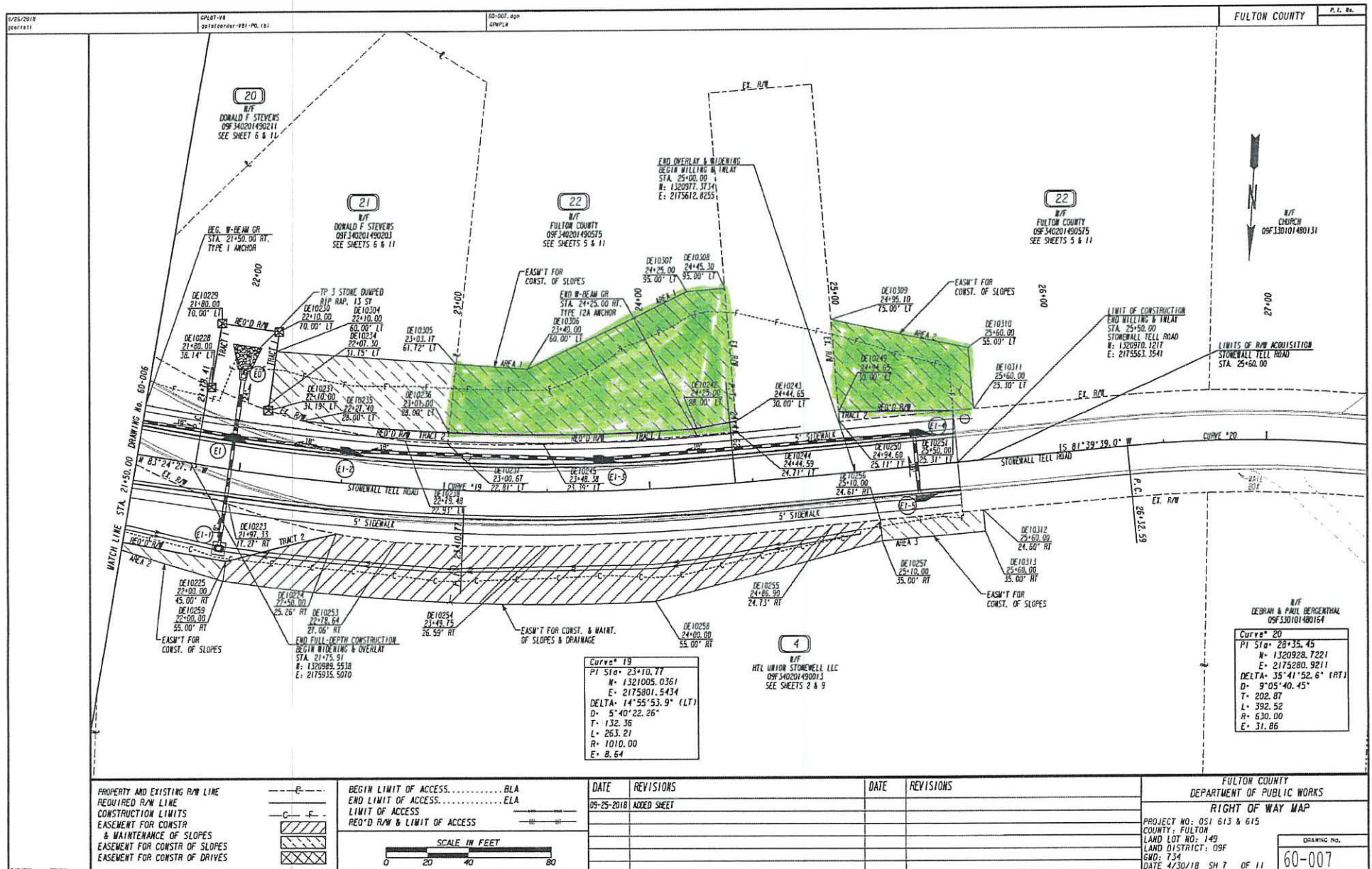
Attest: Tonya R. Grier
Tonya R. Grier,
Clerk to the Commission

APPROVED AS TO FORM

Y. Soo Jo
Y. Soo Jo, County Attorney



ITEM # 24-0006 FRM 5 / 1 / 24
FIRST REGULAR MEETING



2 of 2

[illegible]

TAX ID 09F-3402-0149-057-5

Prepared by and Return to:

Atlas Technical Consultants LLC

Attn: Julie Krolak

2540 Commerce Avenue, Suite 100

Duluth, GA 30096

RIGHT OF WAY DEED

STATE OF GEORGIA

FULTON COUNTY

THIS INDENTURE made this 1st day of May, 2024, between **Fulton County**, a political subdivision of the State of Georgia, (Grantors) and **The City of South Fulton**, a political subdivision of the State of Georgia (Grantee).

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) in hand paid, and the benefits flowing from the project hereinafter described, Grantors do grant and convey unto Grantee, its successors and assigns, the following property, to-wit: **0.017 acres in Fee Simple Required Right-of-Way** of required right-of-way. Located in Land Lot 149 of the 9F District, Tax Map No.: 09F-3402-0149-057-5, Fulton County, Georgia, as shown on Exhibit "A", labeled Parcel: 22 which is a portion of Fulton County right of way plans by: **American Engineers, Inc.** titled: **Stonewall Tell Road at Union Road**, dated: **May 1, 2018**, Sheet Nos.: **5, 7 and 11**, and revised **September 25, 2018**, attached hereto and incorporated herein by reference and on file with City of South Fulton, 5440 Fulton Industrial Blvd., Ste A, South Fulton, Ga. 30336.

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee simple. Grantor will forever warrant and defend the title to the bargained premises unto Grantee, its successors and assigns against the claims of all persons whomsoever.

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

Signed, sealed and delivered this 30th day
of March, 2024
in the presence of:
[Signature]
Witness [Signature]
FULTON COUNTY, GEORGIA
[Notarial Seal]

FULTON COUNTY, a political subdivision of the
State of Georgia

By: [Signature]
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

Attest: [Signature]
Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM

Y Soo Jo / K3
Y. Soo Jo, County Attorney



ITEM # 24-0278 FRM 5 / 1 24
FIRST REGULAR MEETING

Exhibit A
1 of 3

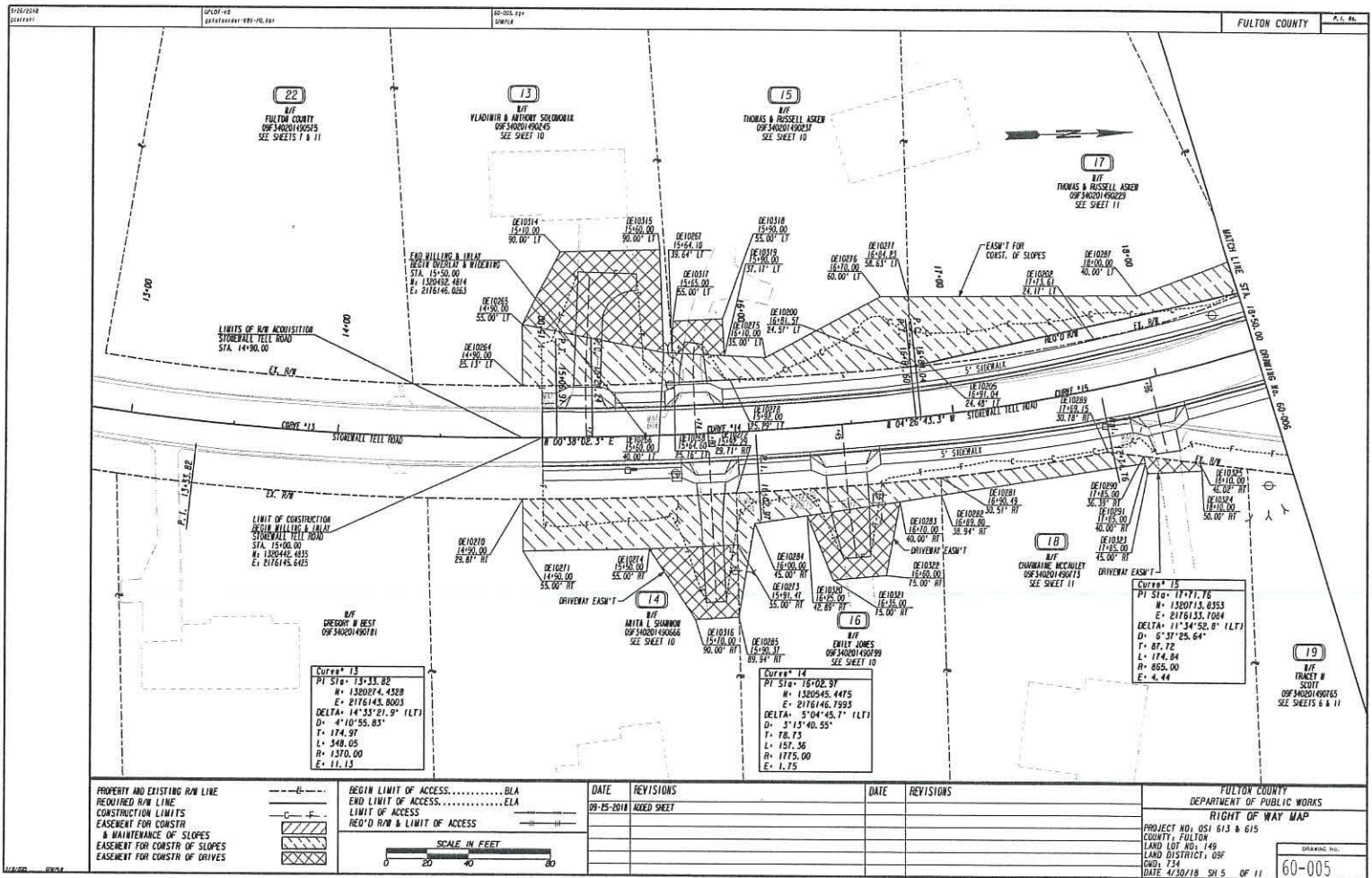
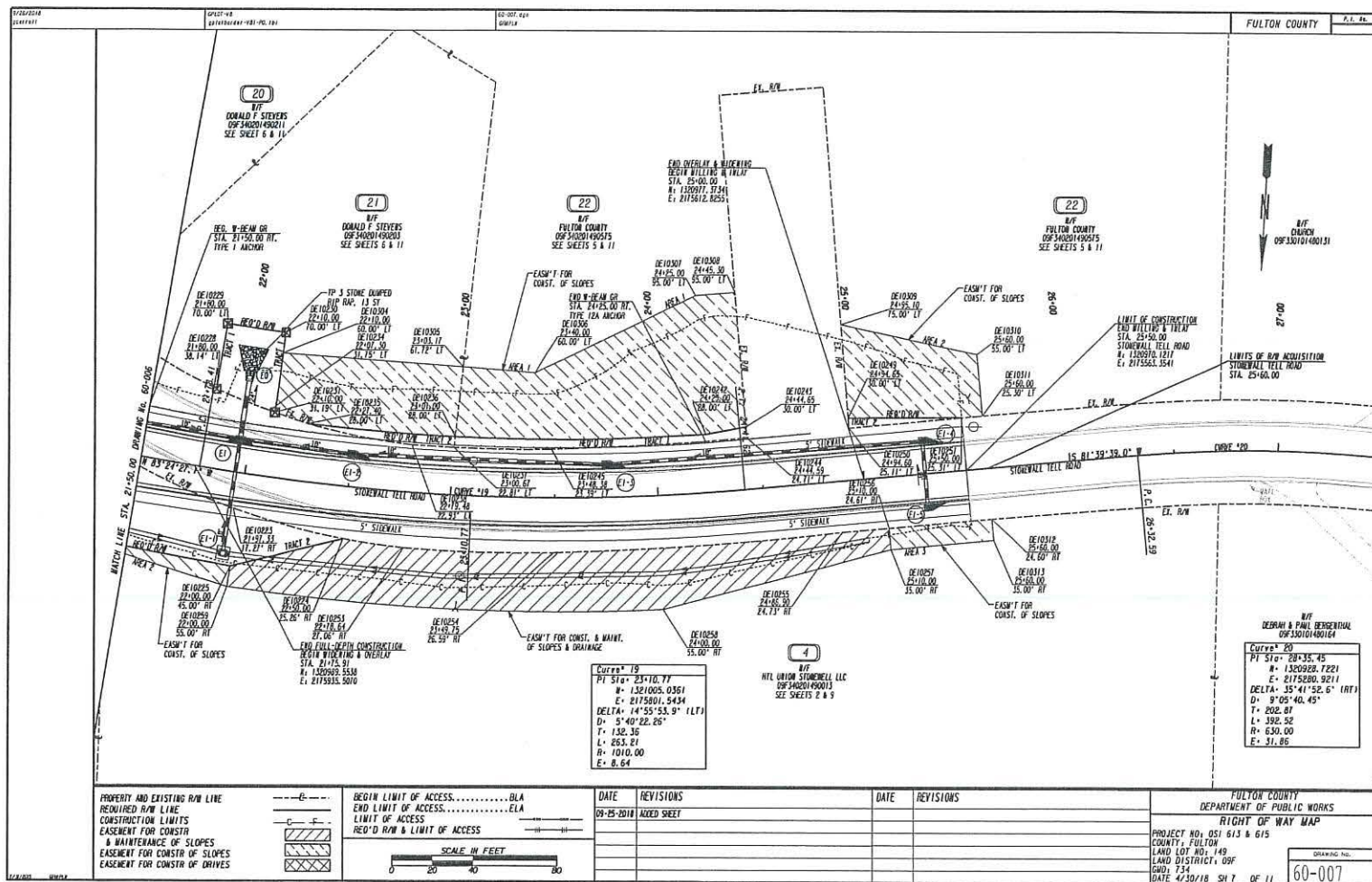


Exhibit A
2 of 3



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