

1 A RESOLUTION APPROVING FULTON COUNTY, GEORGIA'S TRANSFER OF COUNTY-
2 OWNED RIGHT OF WAY AND PROVIDING A TEMPORARY CONSTRUCTION EASEMENT
3 LOCATED AT 1332 METROPOLITAN PARKWAY SW, ATLANTA, GEORGIA TO THE
4 METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY, FOR THE PURPOSE OF
5 INSTALLING BUS STOP IMPROVEMENTS; AUTHORIZING THE CHAIRMAN TO EXECUTE
6 THE RIGHT OF WAY DEED AND TEMPORARY CONSTRUCTION EASEMENT
7 DECLARATION; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE THE RIGHT OF
8 WAY DEED AND TEMPORARY CONSTRUCTION EASEMENT DECLARATION AS TO FORM
9 AND TO MAKE MODIFICATIONS THERETO PRIOR TO EXECUTION; AND FOR OTHER
10 PURPOSES.

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

15 **WHEREAS**, Fulton County has fee simple ownership of 1332 Metropolitan
16 Parkway SW, Atlanta, Georgia (Tax Parcel ID: 14008800020442) located in the 14th
17 District, Land Lot 88, formally known as the Metropolitan Branch Library and more
18 particularly described in Attachment "A" ("Property") hereto; and

19 **WHEREAS**, the Metropolitan Atlanta Rapid Transit Authority ("MARTA") desires
20 to improve bus stop amenities and safety for patrons at bus stop #124074 located on the
21 Property as part of MARTA's Cleveland Avenue/Metropolitan Parkway Arterial Rapid
22 Transit Project ("Bus Stop Improvement Project"); and

23 **WHEREAS**, the planned Bus Stop Improvement Project will make boarding and
24 exiting buses safer, provide passengers with shelter from inclement weather, reduce
25 traffic congestion, and provide real-time bus arrival information at bus stop #124074; and

26 **WHEREAS**, MARTA and the Fulton County Department of Real Estate and
27 Asset Management ("DREAM") have determined that a transfer of right-of-way and
28 temporary construction easement are required to complete the Bus Stop Improvement
29 Project; and

1 **WHEREAS**, MARTA desires to acquire approximately 272.82 square feet of real
2 property as right of way and 362.50 square feet of temporary construction easement of
3 the Property; and

4 **WHEREAS**, as consideration for the transfer of the real property and temporary
5 construction easement property rights, MARTA has agreed to relocate their planned bus
6 stop improvements to a mutually acceptable location that does not impact primary access
7 to the Metropolitan Branch Library; and

8 **WHEREAS**, the Board of Commissioners finds that it is the best interest of its
9 citizens for Fulton County to transfer approximately 272.82 square feet of right of way
10 and 362.50 square feet of temporary construction easement to MARTA to facilitate the
11 Bus Stop Improvement Project at the Property to avoid adverse impacts to the
12 Metropolitan Branch Library; and

13 **WHEREAS**, O.C.G.A. § 36-9-3(a)(3)(A) authorizes the granting of rights of way
14 without a competitive process, and Fulton County Code § 1-117, gives the Board of
15 Commissioners exclusive jurisdiction and control over directing and controlling all the
16 property of the County, as they may deem expedient, according to law.

17 **NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners hereby
18 approves the transfer of approximately 272.82 square feet of right of way and 362.50
19 square feet of temporary construction easement area at 1332 Metropolitan Parkway
20 located in the City of Atlanta, in the 14th District, Land Lot 88 of Fulton County, Georgia,
21 as more particularly described in Attachment "A" attached hereto, to the Metropolitan
22 Atlanta Rapid Transit Authority ("MARTA"), for the purpose of facilitating improvements

for bus stop #124074 as part of the Cleveland Avenue/Metropolitan Parkway Arterial Rapid Transit Project.


BE IT FURTHER RESOLVED, that the Chairman of the Board of Commissioners is hereby authorized and directed to execute and deliver to MARTA the right of way deed in substantially the form attached hereto as Attachment "B", and the temporary construction easement declaration in substantially the form attached hereto as Attachment "C", and any other related documents necessary to complete the transfer.

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

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

SO PASSED AND ADOPTED, this 4 day of June 2025.

ATTEST:



Tonya R. Grier
Clerk to the Commission



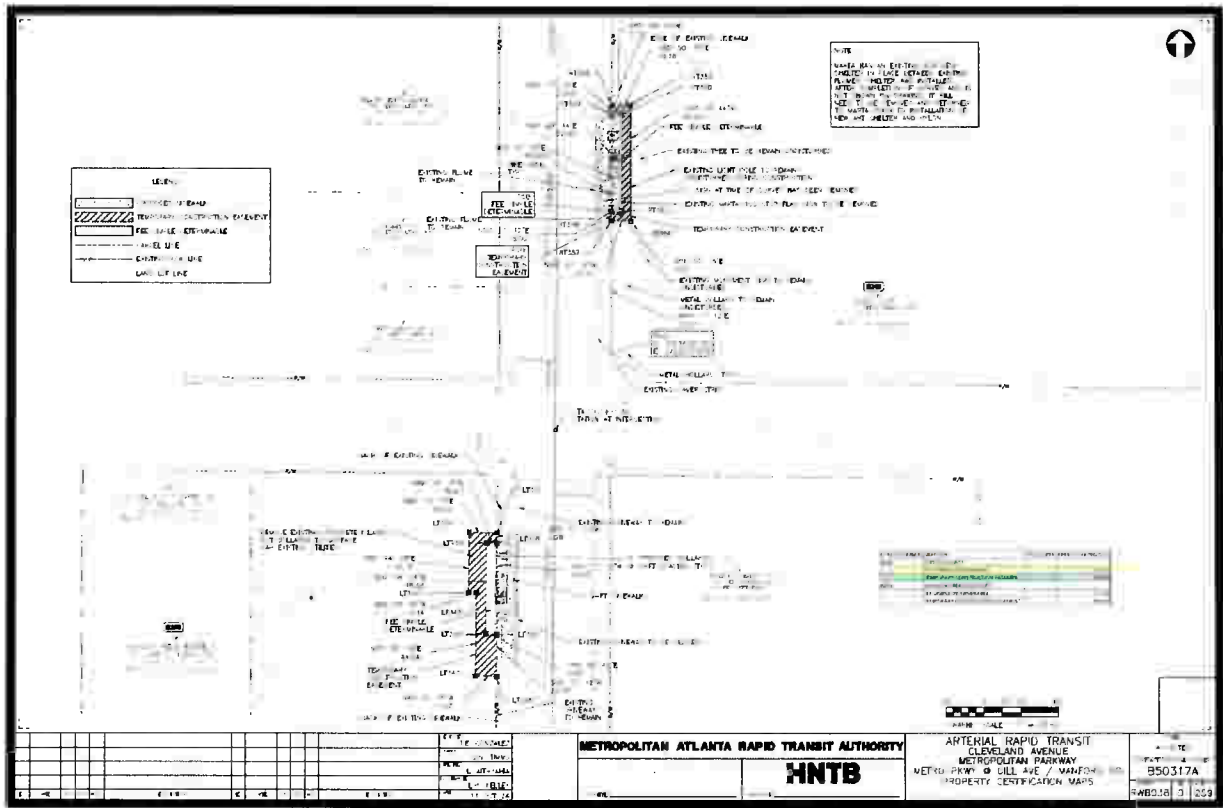
**FULTON COUNTY BOARD
OF COMMISSIONERS**


Robert L. Pitts, Chairman (At-large)

APPROVED AS TO FORM:


Y. Soo Jo
Office of the County Attorney

ATTACHMENT "A"



ATTACHMENT "B"

Right of Way Deed

ATTACHMENT "C"

Temporary Construction Easement Agreement

[SPACE ABOVE RESERVED FOR RECORDER'S USE]

After recording return to:

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

TAX PARCEL NO. 14-0088-0002-044-2 (PORTION)

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

FULTON COUNTY, GEORGIA

RIGHT-OF-WAY DEED

THIS INDENTURE is made and executed this _____ day of _____, 2025 by and between **FULTON COUNTY**, a political subdivision of the state of Georgia, having an address of 141 Pryor St SW, Atlanta GA 30303 ("**Grantor**") and the **METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (MARTA)**, a public body corporate existing under the laws of the State of Georgia, having an address of 2424 Piedmont Road, NE Atlanta, GA 30324-3311 ("**Grantee**") (the terms "**Grantor**" and "**Grantee**" shall include their respective successors and assigns where the context requires or permits).

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), 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 good and valuable consideration, in hand paid at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, does hereby remise, release and forever **QUITCLAIM** unto Grantee all the right, title, interest, claim or demand which Grantor has or may have had in and to all that portion of that tract or parcel of land located in FULTON County, Georgia and being more particularly described in **EXHIBIT "A"** attached hereto and incorporated herein by this reference and being described and shown in the Property Certification Map, Drawing No. **RWB038**, dated **10/11/2024**, last revised N/A, attached hereto as **EXHIBIT "B"** and incorporated herein by this reference (hereinafter the "Property").

TO HAVE AND TO HOLD the Property unto 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, title, or interest to the said Property or its appurtenances.

[SIGNATURE PAGE[S] FOLLOW]

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

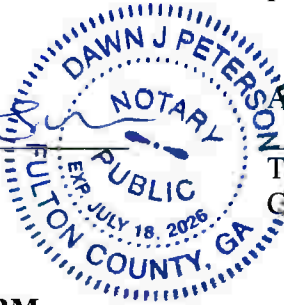
Signed, sealed and delivered this 18 day of June, 2022 in the presence of:

FULTON COUNTY, a political subdivision of the State of Georgia

Marjorie Alice Adam
Witness

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

Dawn J. Peterson
[Notarial Seal]



Attest: Tonya R. Grief
Tonya R. Grief
Clerk to the Commission



APPROVED AS TO FORM

Y. Soo Jo
Y. Soo Jo, County Attorney

[SIGNATURE PAGE - QUITCLAIM DEED - B249]

ITEM # 25.0418 FRM 6 / 4 / 25
FIRST REGULAR MEETING

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

FEE SIMPLE

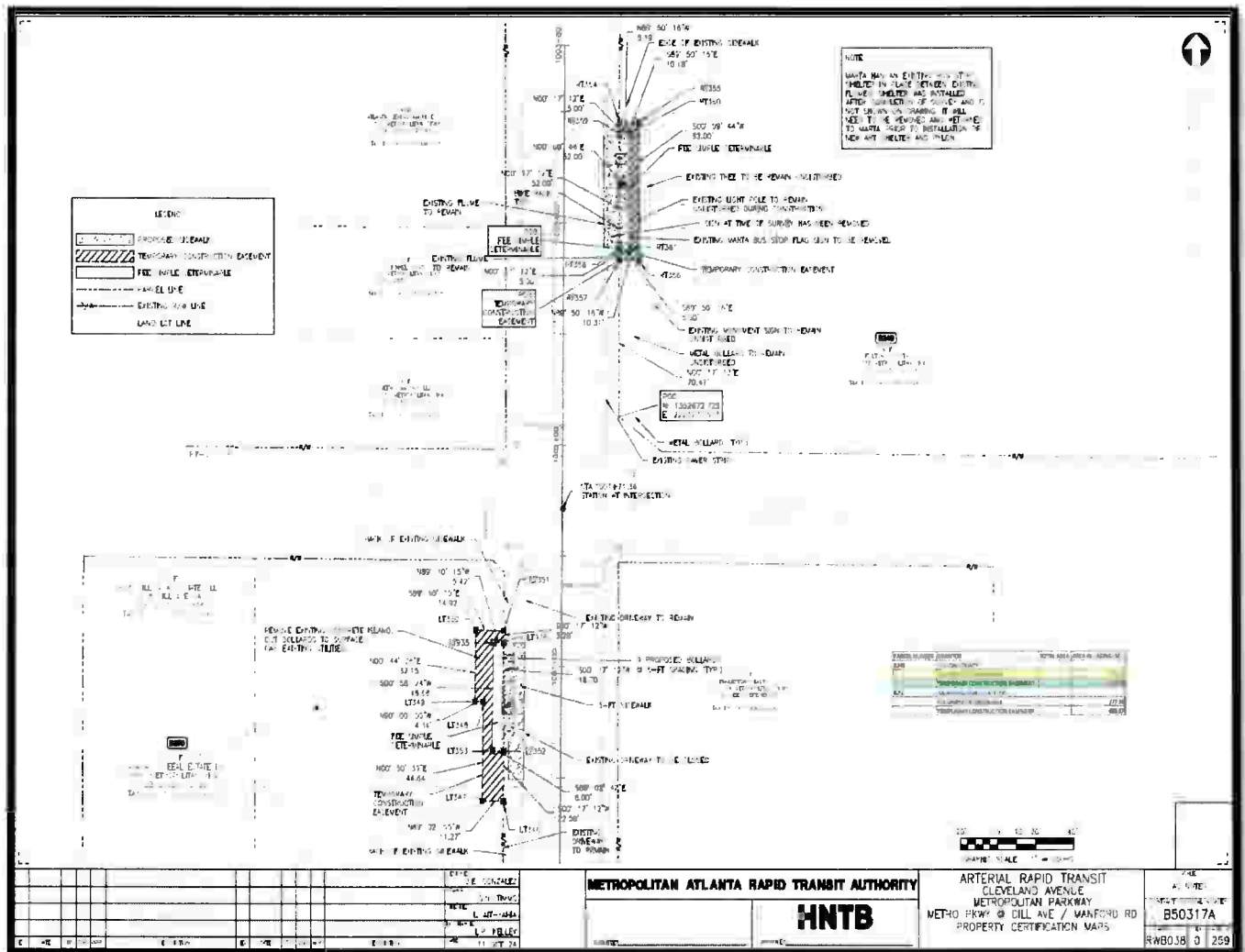
ALL THAT TRACT or parcel of land lying and being in Land Lot 88, District 14th, Fulton County, Georgia, and being a portion of Fulton County Tax Parcel 14 008800020442, and being more fully described as follows:

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 75.41 feet to a point, said point being the **POINT OF BEGINNING**; thence N 00° 17' 12" E for a distance of 52.00 feet to a point; thence S 89° 50' 16" E for a distance of 5.19 feet to a point; thence S 00° 09' 44" W for a distance of 52.00 feet to a point; thence N 89° 50' 16" W for a distance of 5.30 feet to a point, said point being the **POINT OF BEGINNING**, and containing 272.82 square feet or 0.006 acres of land, more or less. Perimeter: 114.49 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



[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]

[REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

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

Signed, sealed and delivered this 18 day of June, 2025 in the presence of:

FULTON COUNTY, a political subdivision of the State of Georgia

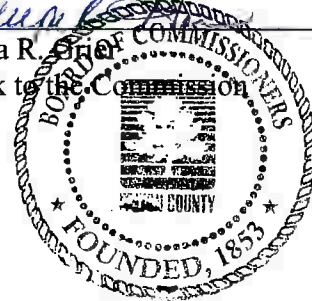
Martin Allen Dean
Witness

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

Dawn J. Peters
[Notarial Seal]



Attest: Tonya R. Grier
Tonya R. Grier, Clerk to the Board of Commissioners



APPROVED AS TO FORM

Y. Soo Jo
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.

THE PROPERTY CERTIFICATION MAP

