

1 **APPROVAL OF A RESOLUTION AUTHORIZING THE CONVEYANCE OF FULTON**
2 **COUNTY'S MAINTENANCE, EASEMENT, AND ALL OTHER KNOWN OR UNKNOWN**
3 **INTERESTS IN THE PROPERTY FORMALLY KNOWN AS THE MACEDONIA**
4 **CEMETERY TO THE CITY OF JOHNS CREEK; AUTHORIZING THE CHAIRMAN TO**
5 **EXECUTE THOSE DOCUMENTS NECESSARY TO COMPLETE THE CONVEYANCE**
6 **OF THE REAL PROPERTY RIGHTS; AUTHORIZING THE COUNTY ATTORNEY TO**
7 **APPROVE ALL DOCUMENTS AS TO FORM AND TO MAKE MODIFICATIONS**
8 **THERETO PRIOR TO EXECUTION BY THE CHAIRMAN; AND FOR OTHER**
9 **PURPOSES.**

10 **WHEREAS**, the real property identified and formally known as the "Macedonia
11 Cemetery" is located within Land Lot 329 of District 1, Section 1, of the City of Johns
12 Creek, Fulton County, Georgia, which is further identifiable as Parcel I.D. 11-0940-0329-
13 002-0, a two (2) acre tract being fully described in Exhibit A, attached hereto; and

14 **WHEREAS**, on or about July 7, 1998, Fulton County, Georgia, in Civil Action File
15 Number E-70885, Fulton County Superior Court, exercised its power of eminent domain,
16 pursuant to O.C.G.A. § 36-72-3, to acquire the necessary easement interest required to
17 maintain the Macedonia Cemetery for the purpose of alleviating the deterioration caused
18 to the site by prolonged abandonment; and

19 **WHEREAS**, the Macedonia Cemetery is replete with historical significance
20 including, but not limited to, (i) being the burial location of slaves, (ii) having historical ties
21 to the Civil War, and (iii) having possible ties to the founders of the City of Johns Creek;
22 and

23 **WHEREAS**, due to the Macedonia Cemetery's historical significance and its
24 location within the Johns Creek City limits, the Johns Creek City Council has expressed
25 an interest in acquiring the maintenance rights of Fulton County, and any other rights
26 Fulton County may have in the real property, and assume the sole responsibility in
27 maintaining, preserving and protecting the Macedonia Cemetery for posterity; and

28 **WHEREAS**, the Johns Creek City Council further wishes to protect and
29 memorialize the Macedonia Cemetery's historical significance by initiating the procedure
30 to have it placed on the National Register of Historic Places; and

31 **WHEREAS**, pursuant to O.C.G.A. § 36-9-2, the Fulton County Board of
32 Commissioners has control of all properties belonging to Fulton County and may, by
33 authorization entered on its minutes, direct the transfer or disposition of any real property
34 interest and make and execute good and sufficient title thereof on behalf of the County;
35 and

36 **WHEREAS**, pursuant to O.C.G.A. § 36-9-3(a)(2)(A), Fulton County may convey
37 the County's interest in property to another governmental entity, without first having to
38 offer this property interest by bid to a highest responsible bidder; and

39 **WHEREAS**, pursuant to O.C.G.A. § 36-37-2, the City of Johns Creek is authorized
40 to receive any conveyance, donation or gift of real or personal property which may be
41 made to it by deed of gift, will, or otherwise, subject to such conditions as may be specified
42 in the instrument conveying or donating the property, if the governing body of the City of
43 Johns Creek approves of such conditions; and

44 **WHEREAS**, the City of Johns Creek is authorized to preserve and protect any
45 abandoned cemetery or any burial ground which the municipality determines has been
46 abandoned or is not being maintained pursuant to O.C.G.A. § 36-72-3; and

47 **WHEREAS**, in light of the long-standing cooperation between Fulton County and
48 the City of Johns Creek, and in light of the City of Johns Creek's assurances that it shall
49 take steps to preserve, maintain, and protect the Macedonia Cemetery's historical
50 significance, the Fulton County Board of Commissioners finds it beneficial and in the best
51 interests of the public to convey its maintenance easements and any other rights held by
52 Fulton County in or over the Macedonia Cemetery site to the City of Johns Creek, with
53 Fulton County having no further obligation to maintain the cemetery upon John's Creek
54 acceptance of the conveyance.

55 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of
56 Fulton County hereby conveys all maintenance, easement interests or other interests held
57 by Fulton County in and over the Macedonia Cemetery site to the City of Johns Creek,
58 such that Fulton County shall have no further obligation to maintain the Macedonia
59 Cemetery site upon Johns Creek's acceptance of the conveyance.

60 **BE IT FURTHER RESOLVED**, that any conveyance shall be subject to all legal
61 formalities necessary to effectuate a valid conveyance and transfer of any maintenance,
62 easements or other rights held by Fulton County in or over the Macedonia Cemetery site
63 to the City of Johns Creek, with such agreements to be approved as to legal form by the
64 County Attorney, who can make necessary modifications thereto prior to execution, along
65 with the transfer and delivery of applicable deeds, substantially in the form of that which
66 is attached hereto as Exhibit A, and the execution and delivery of all necessary legal
67 documents by the Chairman of the Board of Commissioners and the City of Johns Creek,
68 which may be necessary to consummate the donation and transfer.

69 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon its
70 adoption and that all Resolutions and parts of Resolutions in conflict with this Resolution
71 are hereby repealed to the extent of the conflict.

BE IT FINALLY RESOLVED that the County Manager is hereby directed to forward a copy of this Resolution to the Mayor and Council of the City of Johns Creek upon its adoption.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this _____ day of March, 2021.

FULTON COUNTY BOARD OF COMMISSIONERS

SPONSORED BY:

Liz Hausmann, Commissioner
District 1

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Kaye Woodard Burwell
Interim County Attorney