

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.

72 **BE IT FINALLY RESOLVED** that the County Manager is hereby directed to
73 forward a copy of this Resolution to the Mayor and Council of the City of Johns Creek
74 upon its adoption.
75

76 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
77 Georgia, this 3RD day of March, 2021.
78

79 **FULTON COUNTY BOARD OF**
80 **COMMISSIONERS**
81

82 **SPONSORED BY:**
83

84 
85
86 Liz Hausmann, Commissioner
87 District 1
88
89
90
91

92 **ATTEST:**
93

94 
95
96 Tonya R. Grier, Clerk to the Commission
97

98 **APPROVED AS TO FORM:**
99

100
101 
102
103 Kaye Woodward Burwell
104 Interim County Attorney
105
106

107
108 P:\CAProjects\Land\Macedonia cemetery maintenance\2021\2.12.21. Resolution - Macedonia Cemetery Rights to Johns Creek.docx
109
110
111

ITEM # 2021-0153 RM 3,3,21
REGULAR MEETING

After recording, return to:
E. Ronald Bennett, Jr.
Carothers & Mitchell, LLC
1809 Buford Highway
Buford, GA 30518

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE, made as of the 12th day of March, 2021,
by and between **Fulton County**, a political subdivision of the State of Georgia, as party or parties
of the first part, hereinafter called Grantor, and **City of Johns Creek, Georgia**, a municipal
corporation created under the laws of the State of Georgia, as party or parties of the second part,
hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs,
successors and assigns where the context requires or permits).

WITNESSETH:

WHEREAS, on July 7, 1998, Grantor, by that certain Final Order and Judgment Decree,
referenced in Civil Action File No. E-70885 in the records of the Clerk of Superior Court of Fulton
County, Georgia, obtained the legal right to perform general maintenance of all that tract or parcel
of land being located in Land Lot 329 of the 1st District and 1st Section of Fulton County, Georgia,
as more particularly described therein ("Property"), to Fulton County, Georgia; and

WHEREAS, the maintenance easement was acquired for the purpose of accessing and
maintaining the Macedonia Cemetery pursuant to O.C.G.A. § 36-72-3, and grants Fulton County
staff, contractors, and vendors, the legal right to perform general landscaping maintenance; and

WHEREAS, Fulton County wishes to convey its easement rights to maintain the
Macedonia Cemetery to Grantee, and Grantee wishes to obtain Grantor's rights as confirmed in
the Final Order and Judgment Decree.

THEREFORE, Grantor, for and in consideration of the sum of One Dollar (\$1.00) and
other valuable consideration in hand paid at or before the sealing and delivery of these presents,
the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby
bargain, sell, remise, release convey and forever QUITCLAIM unto Grantee all the right, title,
claim or demand which Grantor has or may have in and to the Property described on Exhibit A
attached hereto.

THE PURPOSE OF THIS QUITCLAIM DEED IS TO CONVEY FULTON COUNTY'S COURT ESTABLISHED MAINTENANCE EASEMENT RIGHTS IN THE MACEDONIA CEMETERY TO THE CITY OF JOHNS CREEK, GEORGIA AS GRANTED AND ACKNOWLEDGED IN CIVIL ACTION FILE NO. E-70885, AFORESAID RECORDS. FULTON COUNTY SHALL HAVE NO FURTHER OBLIGATION TO MAINTAIN THE MACEDONIA CEMETERY SITE UPON JOHNS CREEK'S ACCEPTANCE OF THE CONVEYANCE.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any persons or persons claiming under Grantor shall at any time, by any means or ways, have, claim, or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this instrument as of the day and year first above written.

Signed, sealed and delivered, this 12th
day of March, 2021,
in the presence of:

Unofficial Witness

Notary Public



Fulton County, a political subdivision of the
State of Georgia

By:

Robb Pitts, Chairman
Fulton County Board of Commissioners

Attest:

Tonya R. Grier
Clerk to the Commission



APPROVED AS TO FORM

This 3rd day of March, 2021.

Office of Fulton County Attorney

ITEM # 21-0153 RM 3321
REGULAR MEETING

EXHIBIT A
LEGAL DESCRIPTION

All that tract or parcel of land lying in and being part of Land Lot 329, of the 1st Land District, of the 1st Section, City of Johns Creek, Fulton County, Georgia being Tax Parcel Id: 11-0940-0329-002-0 and being more particularly described as follows:

BEGINNING at a 2" pipe found located at the land lot corner common to land lots 299, 300, 329 and 330, said 2" pipe being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Myco Medlock Ltd.; Thence continuing along the common land lot line of land lots 300 and 329 and the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Myco Medlock Ltd., North 00°51'53" East for a distance of 378.51' to a 1" pipe found, said 1" pipe being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, Myco Medlock Ltd. and William & Johanna Simms; Thence leaving said land lot line proceed along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and William & Johanna Simms, South 87°46'08" East for a distance of 47.44' to a 5/8" rebar with cap found, said 5/8" rebar being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, William & Johanna Simms, and William T. & Sandy R. Shiver; Thence along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and William T. & Sandy R. Shiver, South 87°54'13" East for a distance of 187.64' to a 1" crimped top pipe found, said 1" crimped top pipe being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, William T. & Sandy R. Shiver, and Stephen G. & Joan A. Laube; Thence along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Stephen G. & Joan A. Laube, South 04°31'07" West for a distance of 89.97' to a 5/8" rebar with cap found, said 5/8" rebar being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, Stephen G. & Joan A. Laube, and Edward J. Thompson Jr. & Yohanna Thompson; Thence along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Edward J. Thompson Jr. & Yohanna Thompson, South 04°28'21" West for a distance of 101.10' to a 5/8" rebar with cap found, said 5/8" rebar being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, Edward J. Thompson Jr. & Yohanna Thompson, and Pelham L. & Shandle D. Williams; Thence along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Pelham L. & Shandle D. Williams, South 04°33'33" West for a distance of 100.93' to a 5/8" rebar w/ cap found, said 5/8" rebar being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, Pelham L. & Shandle D. Williams, and Joy L. Williamson; Thence along the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Joy L. Williamson, South 04°26'16" West for a distance of 78.93' to a 1" crimped top pipe found on the common land lot line of land lots 329 and 330, said 1" crimped top pipe being the property corner common and coincident to the properties now or formerly owned by Macedonia Methodist African Church, Joy L. Williamson, and Myco Medlock Ltd.; Thence continuing along the common land lot line of land lots 329 and 330 and the property line common and coincident to the properties now or formerly owned by Macedonia Methodist African Church and Myco Medlock Ltd., North 89°59'25" West for a distance of 211.53' to a 2" pipe, said 2" pipe being the TRUE POINT OF BEGINNING.

Said tract of land containing 1.92 acres or 83,570 square feet, being shown on and described by that certain plat entitled "Boundary Survey for City of Johns Creek - Macedonia Cemetery" prepared by KCI Technologies, Inc., dated March 23, 2020, and bearing the seal of James W. Clay III, Georgia Registered Land Surveyor No. 2850, which survey is hereby made part of this legal description by this reference.