



# Fulton County

## Legislation Text

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File #: 21-0153, Version: 1

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### **Requested Action** *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Resolution authorizing the conveyance of Fulton County's maintenance, easement, and other interests in the real property formally known as the Macedonia Cemetery to the City of Johns Creek; authorizing the Chairman to execute those documents necessary to complete the conveyance of the real property rights; and authorizing the County Attorney to approve all documents to form and substance prior to execution by the Chairman. **(APPROVED UPON THE ADOPTION OF THE CONSENT AGENDA)**

### **Requirement for Board Action** *(Cite specific Board policy, statute or code requirement)*

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

### **Strategic Priority Area related to this item** *(If yes, note strategic priority area below)*

Open and Responsible Government

### **Commission Districts Affected**

- All Districts
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6

### **Is this a purchasing item?**

No

### **Summary & Background** *(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)*

**Scope of Work:** Fulton County's maintenance and any other interests it may have in the Macedonia Cemetery are being requested by the City of Johns Creek for the purpose of initiating the City's comprehensive plan to obtain fee simple interest in the cemetery and the legal right to maintain and memorialize the cemetery's historical significance by having the Macedonia Cemetery placed on the National Register of Historic Places.

Fulton County exercised its power of eminent domain via Civil Action File Number E-70885 to obtain its real property interests required to maintain the Macedonia Cemetery. The Macedonia Cemetery historical significance includes the burial location of slaves and historical ties to the Civil War and the founders of the City of Johns Creek.

Conveyance of the County's maintenance rights will allow the City of Johns Creek to legally assume Fulton County's maintenance rights, easements and other interest it may have, and remove any potential cloud on title.

In accordance with Fulton County Policy, the approval of the Fulton County Board of Commissioners is required to convey real property interests.

**Community Impact:** The City of Johns Creek has begun the process of obtaining fee simple ownership of the Macedonia Cemetery through the courts for the purpose of providing regular maintenance and placement of the cemetery on the National Register of Historic Places. The granting of a quit claim deed conveying Fulton County's real property rights in the Macedonia Cemetery is the initial action required by the City of Johns Creek before assuming sole maintenance of cemetery.

**Department Recommendation:** The Department of Real Estate and Asset Management recommends approval a resolution authorizing the conveyance of Fulton County's maintenance and easement interests in the real property formally known as the Macedonia Cemetery to the City of Johns Creek.

**Project Implications:** None

**Community Issues/Concerns:** None

**Department Issues/Concerns:** None

**History of BOC Agenda Item:** Fulton County obtained its real property rights in the Macedonia Cemetery via a resolution approved as agenda item# 0524 at the Board of Commissioners meeting held April 15, 1998 and Civil Action File Number E-70885 filed in Fulton County Superior Court July 7, 1998.