

CITY OF ATLANTA

DEPARTMENT OF LAW

1114 WILLIAM-OLIVER BUILDING
Atlanta, Georgia 30303

September 1, 1964

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Mr. Jack C. Delius
General Manager of Parks
City Hall
Atlanta, Georgia 30303

Dear Jack:

In Re: Health Center and Recreation Building
at Delmar Lane and Brownlee Road, S. W.

This letter is in response to your phone call and letter of August 13, 1964, concerning the above.

As I understand the situation, under the "Plan of Improvement" in 1952 the City of Atlanta assumed operation of the Recreation Building and the County continued managing the Health Center, all at the same location.

Around the year 1949, according to the County, the entire parcel of land was dedicated for public health purposes until 1969, in order to qualify for State and Federal funds. You outlined that the County desires to expand the Health Center, which would involve rededication for 20 years.

It is my opinion that when the "Plan of Improvement" took effect in 1952 that the City of Atlanta acquired fee simple title to the property used by the Recreation Building subject to any incumbrances existing upon said property at the said time.

It is my further opinion that the County does not have the legal right or authority to rededicate the recreation property for an additional 20 years inasmuch as any interest the County

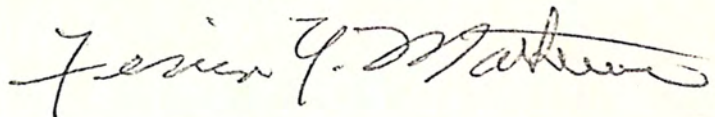
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had in said property was extinguished by the Legislature under the "Plan of Improvement."

It is my further opinion that the City of Atlanta would not have the authority to dedicate park property for a period of 20 years for public health purposes.

I trust that you will find the foregoing satisfactory.

Yours very truly,

A handwritten signature in cursive script, reading "Ferrin Y. Mathews". The signature is written in dark ink and is positioned above the typed name.

Ferrin Y. Mathews
Associate City Attorney

FYM/ljl