

CITY OF ATLANTA



*Parks
File*

CITY HALL ATLANTA, GA. 30303

Tel. 522-4463 Area Code 404

IVAN ALLEN, JR., MAYOR

R. EARL LANDERS, Administrative Assistant
MRS. ANN M. MOSES, Executive Secretary
DAN E. SWEAT, JR., Director of Governmental Liaison

June 27, 1969

MEMORANDUM

TO: Johnny Robinson

FROM: George J. Berry

SUBJECT: City-owned lot at Richardson and Conley Streets.

At your request, I reviewed our situation on this piece of property with the following findings:

1. In 1944, Mayor Hartsfield granted an elderly lady permission to use this lot. The city had owned it for a very long time. In the late 1800's the lot had been used as a dump for "night soil." The lady had continued to use the property and had some sort of church constructed on it which the City Housing Code Division has recently required her to demolish. Consequently, she does not now occupy the property. This lady now feels that she has a legal right to the property, however, because she has had effective possession for this length of time.
2. In 1967 the City Parks Department was investigating all city-owned property to determine their feasibility for use as playlots. When Jack Delius was investigating this property the elderly lady (known locally as "the witch doctor") placed a "hex" on him for proposing to use her property.
3. Because of its possible use by the Parks Department, the Law Department initiated an action to determine the validity of the city's title. Associate City Attorney, Ralph Jenkins, represented the city and while he was unable to remove the hex from Mr. Delius, did succeed in winning the case and clearing the city's title to the lot.


June 27, 1969

Memo to Johnny Robinson

Page Two

4. Pete Williams of the Land Department says that the boundaries of the lot need to be surveyed. He feels that an adjoining building is encroaching on the property.
5. Because of the time factor, the Parks Department arranged for another playlot in the vicinity with which they are satisfied. Mr. Delius advised me that they now have no plans to use this lot.
6. Mr. Jenkins advised me by telephone that if the city is serious in wanting to assert its title to this property, it is important that this property be put to some definite use or it be declared surplus and sold. I did not inquire into his legal reasons for this position, but he felt that the failure of the city to act would strengthen the claimant's case and could possibly result in overturning the court's decision. A third alternative, therefore, would be to abandon the property to the claimant.

Very truly yours,



George J. Berry

GJB:p