CITY OF ATLANTA DEPARTMENT OF LAW 2614 FIRST NATIONAL BANK BUILDING ATLANTA, GEORGIA 30303

November 17, 1969

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Mr. Jack C. Delius
General Manager Department of Parks and Recreation
City Hall Annex Atlanta, Georgia
Mr. Collier B. Gladin, Director Department of Planning City Hall Atlanta, Georgia
Mr. Johnny C. Johnson, Director
Model Cities Program 673 Capitol Avenue, S.W. Atlanta, Georgia
Re: Pittman Park
Gentlemen:

The writer, after conferring with Messrs. James B. Pilcher and Horace T. Ward, has come to the conclusion that the use to which property in Pittman Park is now being put is a superior governmental land use and, therefore, cannot be the subject of eminent domain by a railroad, even though that railroad is authorized to exercise that power of eminent domain.

Also, I have come to the conclusion that the land which the Southern Railway Company wants was acquired in such a manner that any didcontinuation of its use as parks property would not create a reverter Mr. Jack C. Delius, Mr. Collier B. Gladin, and Mr. Johnny C. Johnson Page 2 November 17, 1969

to the grantors of the property.

Therefore, I am of the tentative opinion that should the City of Atlanta wish to dispose of the property in question, it may do so, provided that the charter and related ordinances of the City of Atlanta are followed in this respect.

The primary purpose of this letter is to request that you three gentlemen sit down and attempt to bring about a unified position of the City of Atlanta with respect to this matter.

Once you have made some sort of a resolution, if you would kindly apprise the writer of what that is, we shall then proceed with your wishes. For purposes of 'legal economy', Messrs, Pilcher and Ward and myself feel that we would better serve a unified position rather than each of us going off on a separate course at the behast of several clients.

With my kindest regards to you all, I am,

Very truly yours,

Thomas P. Choyce

TFC;cc