

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

November 17, 1969

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 discontinuation of its use as parks property would not create a reverter

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to the grantors of the property.

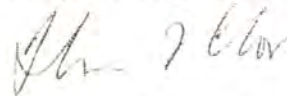
Therefore, I am of the tentative opinion that should the City of Atlanta wish to dispose of the property in question, it may do so, provided that the charter and related ordinances of the City of Atlanta are followed in this respect.

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 behest of several clients.

With my kindest regards to you all, I am,

Very truly yours,



Thomas F. Choyce

TFC:cc