

Parks Dept

CITY OF ATLANTA

DEPARTMENT OF PARKS AND RECREATION

CITY HALL ANNEX

ATLANTA, GEORGIA 30303

September 12, 1969



City Law Department
2614 First National Bank Building
Atlanta, Georgia 30303

Attention: Mr. Ferrin Y. Mathews, Assistant City Attorney
Mr. Thomas F. Choyce, Associate City Attorney

Dear Ferrin and Tom:

This letter concerns a problem we are having with Fulton County involving certain County and City property known as the Adamsville Health/Recreation Center, and also land now owned by Fulton County (and sometimes referred to as the "Nelson property") adjacent to Bagley Park in the Northeast section of our City; finally, as part of the overall package, this letter also concerns an undeveloped park site in Northwest Atlanta, known as the Sandy Creek Park Site. The latter is adjacent to the Fulton County Airport.

Let me say at the onset that the Parks Committee is aware that Mr. Choyce is the Attorney assigned to the Parks Department, but they feel since considerable amount of research apparently was done by Mr. Mathews in rendering a decision concerning Adamsville, that this letter should be addressed to both of you gentlemen.

I am enclosing Xerox copies of the entire Adamsville, Bagley, and Sandy Creek Park files. I have asked my secretary to place these copies in chronological order and, to further simplify the matter, I have attempted to extract from the Adamsville file all the pertinent information as to who said what, and when. It is included as an enclosure to this letter.

To summarize the Adamsville Health/Recreation Center situation, there exists at 3404 Del Mar Lane, S. W., a small parcel of property which contains two buildings connected by a breezeway. One of the buildings is a recreation center operated by the City of Atlanta ever since the Plan of Improvement. The other is a now recently vacated Fulton County Health Clinic. We contend that we already own half of the property--namely, the Recreation Center, and would like to acquire the other half from Fulton County at some reasonable value. Fulton County generally claims that we have no interest in this property because of a twenty-year covenant placed on it in 1949 to secure Federal and State Health money, said covenant expiring in 1969. Note that the covenant was placed on the property prior to the Plan of Improvement.

JACK C. DELIUS
GENERAL MANAGER
STANLEY T. MARTIN, JR.
ASST. GEN. MANAGER
F. PIERCE WHITLEY
ASST. GEN. MANAGER
CARL W. RYALS, JR.
SR. ADMIN. ASSISTANT
VIRGINIA CARMICHAEL
DIR. OF RECREATION



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You have rendered a legal opinion stating that we do own half the property, and your opinion has been substantiated by a legal opinion rendered to Mr. Paul Ivey by Mr. Ralph Jenkins, of your office. The County Attorney has advised me that he is in the process of selling this property to a private individual for its recently appraised value of \$85,000.00 if we don't make up our minds quickly as to what we intend to do about buying it ourselves. He made it clear that his position is the City has no interest in the property. However, shortly before Mr. Earl Landers' retirement, Mr. Landers contacted the County Attorney and apparently worked out an agreement where the City would have to pay for only half the appraised value. You will note, among the Xerox copies attached, my copy of Mr. Landers' letter to Mr. Harold Sheats.

Problem No. 2 involved a small parcel of land adjacent to Bagley Park, which for years we thought belonged to the City of Atlanta. Some time ago, prior to discovering who really owned the land, my department installed a number of white-way poles which lie on the property by a matter of a few inches. By the time we discovered that we did not own the land, Fulton County let it be known that they were going to widen Pharr Road. Mr. Paul Ivey, our Land Agent, reached an agreement with the County whereby the County would buy this private property, generally known as the "Nelson property," and would take off the front of it that which they needed for the widening of Pharr Road, then would transfer this property to the City of Atlanta at their net cost. In turn, the City would transfer to the County the frontage of Bagley Park, also needed for the widening of Pharr Road. The net results of this transaction would be that the City of Atlanta would pay to Fulton County approximately \$2,500.00. Ever since 1964 Mr. Ivey has been making repeated efforts to get Fulton County to go ahead and prepare a deed to transfer the "Nelson property" to the City. Mr. Ivey has let it be known that the City is ready to buy the property. However, Mr. Ivey reports that he has been put off on numerous occasions by various representatives of the County. The County has now contacted Mr. Ivey and is asking, "Why in the world doesn't the City go ahead and buy it," and have now placed the value at \$3,500.00. The County's representative says that the land is now worth that amount and, if we wish to buy it, that is what it is going to cost us.

Thrown into this is a small and rather minor situation where the County desires to acquire from the City what we call the Sandy Creek Park Site in Northwest Atlanta. The County needs the land to expand their clear zone for the Fulton County Airport. We are perfectly willing to accommodate Fulton County in selling them Sandy Creek Park Site at the appraised value so that they might expand the runways. The property was deeded to the City of Atlanta with a number of restrictions and easements and is in the flood plains; therefore we would not be losing any particularly valuable piece of park property.

Messrs. Ferrin Y. Mathews, Assistant City Attorney
Thomas F. Choyce, Associate City Attorney

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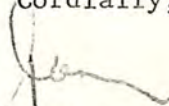
What the City of Atlanta would like to do is to purchase from Fulton County their half of the Adamsville/Health Recreation property for approximately \$42,500.00, to pay them approximately \$2,500.00 for the "Nelson property" adjacent to Bagley Park, and to sell the County the Sandy Creek Park Site for its appraised value. What the County apparently proposes to do is to sell the City Adamsville for \$85,000.00, the "Nelson property" for \$3,500.00, and to pay the City the exact appraisal for the Sandy Creek Park Site property.

It is the opinion of the Parks Committee of the Board of Aldermen that every possible effort has been made to settle the above in a friendly and fair manner and we wish to do nothing whatsoever that would disrupt friendly relations between our sister government. However, the Parks Committee apparently has grown quite weary of the discussions and problems arising from these transactions and has instructed me to proceed to turn the matter over to you to be settled from the legal standpoint.

Alderman Leftwich has expressed a willingness on his part to go with you to Fulton County and attempt to settle this matter; however the Parks Committee is so disgusted with the whole affair that they would be perfectly happy to let the courts decide the Adamsville and Bagley situation. Apparently, at this point, we are under no legal compulsion to sell the Sandy Creek Park Site to Fulton County although possibly they have the right of condemnation in the expansion of their public airport.

I know both of you gentlemen are busy and so we particularly appreciate your assistance, and I am

Cordially,


Jack C. Delius
General Manager of
Parks and Recreation

Enclosures

JCD:jw

cc: Aldermanic Parks Committee
Mr. Paul Ivey, City Land Agent
Mr. Dan Sweat, Mayor's Office ✓
Mr. Stanley T. Martin, Assistant General Manager of Parks
Mr. Carl Ryals, Senior Administrative Assistant
Mr. A. P. Brindley, Parks Engineer