

Title Certificate

This title report is for general information only. Reader should rely solely on his/her own research or that of a legal representative of his/her choice as to any matters related to the validity of the title or any other concerns that may arise in this regard. Contents may include property survey, recent tax bill, copies of deeds, and/or other documentation.

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ATTORNEY'S TITLE CERTIFICATE AND OPINION ON THE PROPERTY OF

FULTON COUNTY

CLIENT:	Fulton County	TAX PARCEL:	14-0103-LL-031-3
PROJECT:	Fulton County Surplus Property	OUR FILE:	11-20014
DISTRICT:	14	LAND LOT(S):	103
PARCEL:	5	EFFECTIVE DATE:	June 6, 2011

This is to certify that in consideration of a fee to be paid to the undersigned attorneys, the undersigned does hereby certify that a careful examination has been made of the public records of Fulton County, Georgia affecting title to property described in Caption insofar as is correctly shown by indexes to said records from which indexes this certificate is furnished; and we hereby certify that record fee simple title to said property is now vested in **FULTON COUNTY** by virtue of that certain **Warranty Deed** dated **February 15, 1949** and recorded in **Deed Book 2432, Page 177**, Fulton County, Georgia records, as described therein; subject, however, to the below referenced objections. This title certificate and opinion is prepared solely for the use of the client and project listed herein for the property interests described by the above referenced parcel designation and may not be relied upon by any third party or for any other purpose.

STANDARD EXCEPTIONS

- (a) The exact location of boundary lines, unrecorded easements, possible encroachments and other facts or conditions which would be disclosed by an accurate survey and inspection of the property.
- (b) Any matters not shown by the public records or which are improperly indexed of record.
- (c) Any documents, instruments, or encumbrances filed under names other than those appearing in the chain of title.
- (d) Title to that portion of the property included within the bounds of roads, highways, easements and rights of way, particularly roads and easements which are created by adverse or prescriptive usage.
- (e) Rights of upper and lower riparian owners to the streams, creeks and branches crossing, abutting, or located on the property, free from diminution or pollution thereof.
- (f) Rights, if any, of tenants or other persons who may be in possession under claims not appearing of record.
- (g) Possible liens of architects, laborers and materialmen for improvement of the property, not filed for record as of the effective date of this Certificate of Title.
- (h) All municipal or county zoning laws, ordinances and regulations, and all governmental regulations of the use and occupancy of the property.
- (i) Any matters relating to the presence or absence of any hazardous materials or waste on or within the property, and any violations with regard to hazardous materials or waste under any and all Federal and State environmental protection laws, rules or regulations.
- (j) Pay-as-you-enter water or sewer lines, which, while not technically liens, will be payable upon connection with such lines.
- (k) The location of any portion of the property within the limits of any "wet lands," and any laws, rules and regulations affecting wet land areas.
- (l) Any matters relating to past due utility bills, including but not limited to gas, water, electricity, telephone, sewer, and sanitary services.
- (m) Liens for taxes not yet due and payable.

SPECIAL EXCEPTIONS

SECURITY DEEDS

1. None found open of record. Please inquire.

PROTECTIVE COVENANTS AND SURVEY AND PLAT RESTRICTIONS

1. State Restriction of Sale of Property dated August 9, 1949, filed August 15, 1949 and recorded in Deed Book 2450, Page 506, Fulton County, Georgia records, although such restriction were to cease twenty years after the "completion of the construction of the Auxil[i]ary Health Center – No. Ga-34 - Perkerson."

EASEMENTS, RIGHT-OF-WAY DEEDS AND AGREEMENTS

1. Right of Way Deed and associated easement from Fulton County to the State Highway Department of Georgia, dated April 11, 1962, filed May 8, 1962 and recorded in Deed Book 3879, Page 390, aforesaid records.

LIENS AND JUDGMENTS

1. Numerous filings involving Fulton County.

TAXES

1. The subject property is currently listed as exempt from real property ad valorem taxation according to the Fulton County Tax Commissioner's records. All matters related to taxation of the subject property are hereby excepted.

OTHER EXCEPTIONS

1. None.

This the 26th day of July, 2011.

JOHN W. BELL, P.C.

By: 

John W. Bell, Examining Attorney

For Restriction of Sale of Property See 2450-506

STATE OF GEORGIA, Fulton County

No. 1117085

FR
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7a

THIS INDENTURE, made this 15th day of February in the Year of Our Lord One Thousand Nine Hundred and FORTY NINE between

FULTON COUNTY BOARD OF EDUCATION

of the State of GEORGIA and County of FULTON of the first part,
and FULTON COUNTY, A POLITICAL SUBDIVISION OF GEORGIA

of the State of GEORGIA and County of FULTON of the second part,

WITNESSETH: That the said part...y... of the first part, for and in consideration of the sum of

TEN AND 00/100 DOLLARS AND OTHER CONSIDERATIONS DOLLARS,

in hand paid at and before the sealing and delivery of these presents, the receipt ~~whereof~~ whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do ~~as~~ grant, bargain, sell and convey unto the said part...y... of the second part, its ^{successors} heirs and assigns, all that tract or parcel of land, lying and being in

Land Lot 103 of the 14th District of Fulton County, Georgia and more particularly described as follows:

BEGINNING at the northeast corner of Brewer Boulevard and Lakewood Avenue and continuing along the east side of Brewer Boulevard in a northerly direction one hundred seventy-five (175) feet; thence east one hundred (100) feet; thence south one hundred seventy-five (175) feet to Lakewood Avenue; thence west along the north side of Lakewood Avenue one hundred (100) feet to the point of beginning.

To HAVE AND TO HOLD the said bargained premises together, ~~with all and singular the rights, members and appurtenances thereof to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of~~ the said part...y...

of the second part, its heirs and assigns forever, in Fee Simple.

And the said part...y... of the first part, for its heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property, unto the said part...y... of the second part, its heirs and assigns, against the ~~lawful~~ claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part...y... of the first part, has hereunto set its hand and affixed its seal, the day and year ^{first} above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Elizabeth R. Krauth

Anisa Troth (N. P. SEAL OF ATLANTA, GA.)

Notary Public, Georgia, State at Large

My Commission Expires March 2, 1949

FULTON COUNTY BOARD OF EDUCATION

BY: James C. Shelton President [Seal]

BY: Paul D. West Secretary [Seal]

(CORP. SEAL)

Filed 4:03 P. M. Apr. 1, 1949

Recorded Apr. 13, 1949

C. S. C.

STATE RESTRICTION OF SALE OF PROPERTY

Book 2432
Page 177
- 1130812
BOOK 2450 PAGE 506

Commissioners of Roads & Revenue, Fulton County agrees that in the event the contract now pending for a State grant-in-aid is approved, and State funds are received to assist in the construction of Auxiliary Health Center - No. Ga-34 Parkerson, at Atlanta, Georgia, the following statement will be recorded with the deed to the property on which the facility is constructed as an encumbrance on the transfer or sale of the premises, and that a Statement by the Clerk of the Circuit Court certifying that this has been done will be promptly furnished to the Georgia Department of Public Health.

In conformity with Section 7 (d) of Act 62, Georgia Laws 1949, if at any time within twenty years after the completion of the construction of the Auxiliary Health Center - No. Ga-34 - Parkerson at Atlanta, Georgia, said facility (A) is sold or transferred to any person, agency, or organization which (1) is not qualified to file an application under the provision of the above Act or (2) is not approved as a transferee by the State Agency or its successor, or (B) has ceased to be a publicly-owned facility, the State of Georgia shall be entitled to recover from either the transferor or the transferee a per centum of the then value of such facility equal to the same percentage as the State grant was to the total cost of the construction of the facility. This amount to be determined by agreement of the parties or by action brought in court in due process of law.

Commissioners of Roads & Revenue, Fulton County
(Applicant)
By [Signature]
(Authorized Representative)
[Signature]
(Title of Authorized Representative)

Aug. 9, 1949
(Date)
GEORGIA, Fulton County, Clerk's Office, Superior Court
Filed for Record, this 15 day of Aug. 1949
at 11:45 A.M. Recorded in Book 2450
Page 506 this 15 day of Aug. 1949
[Signature] Clerk

1775812 STATE HIGHWAY DEPARTMENT OF GEORGIA

RIGHT OF WAY DEED

1. GEORGIA, Fulton County Project No. U 120-1 (1)
2. THIS CONVEYANCE made and executed the 11th day of April, 19-62
3. WITNESSETH that Fulton County, a Political Subdivision
4. the undersigned, is the owner of a tract of land in said county through which a state aid road, known as project
5. No. U 120-1 (1), ~~is State Highway No. X~~ between X and X
6. ~~X~~ X has been laid out by the State Highway Department of Georgia as a part
7. of the State Aid Road System of Georgia, as provided in Acts of the General Assembly of Georgia of 1919 and 1921,
8. said road being more particularly described in a map and drawing of said road in office of the State Highway Depart-
9. ment of Georgia, Atlanta, Ga., to which reference is hereby made.
10. Now, therefore, in consideration of the benefit to my property by the construction or maintenance of said road, and
11. in consideration of ONE DOLLAR (\$1.00) in hand paid the receipt whereof is hereby acknowledged, I do hereby grant,
12. bargain, sell and convey to said State Highway Department of Georgia, and their successors in office so much land in Land
13. Lot No. 103 of the 14th Land District ~~of~~ X District of said County as to
14. make a right of way for said road as surveyed and measured from the center line of the highway location as follows:

BEGINNING on the north street line of Lakewood Avenue at a point which is one hundred six (106) feet more or less, northeast of and opposite Station 246+60 on the construction center line of Georgia Highway Project U 120-1 (1); running thence northeasterly along a straight line to a point which is one hundred sixty (160) feet northeast of and opposite said Station 246+60; thence southeasterly along a straight line forty (40) feet to a point which is one hundred sixty (160) feet northeast of and opposite Station 247+00 on said construction center line; thence southwesterly along a straight line to said north street line at a point which is one hundred seventeen (117) feet, more or less, northeast of and opposite said Station 247+00; thence westerly along said north street line back to the point of beginning.

16. Said right of way is more particularly described according to a plat of the right of way ~~through the property~~
16. ~~at~~ X ~~X~~ X ~~X~~ X prepared by the State Highway Department of
17. Georgia, dated the 1st day of November 1961 and made a part of this description.
Rev. Nov. 17, 1961
18. Said plat is hereto attached or is on file in the office of the State Highway Department of Georgia, No. 2 Capitol Square,
19. Atlanta, Georgia.
20. Said right of way ~~begins at Station~~ X ~~X~~ X ~~which is the boundary line~~
21. ~~between the X and X~~ X ~~X~~ X ~~and the X and X~~ X ~~and the X and X~~ X ~~and the X and X~~ X
22. ~~continues to Station~~ X ~~X~~ X ~~X~~ X ~~which is the boundary line between the lands~~
23. ~~of the X and X and X~~ X ~~X~~ X ~~X~~ X ~~and totals~~ 0.046 Acres.

CONDITIONS AND RESERVATIONS

25. The information filled in with ink in the above description was inserted before the execution by the Grantor.
26. AND for the same consideration, I do further grant the right to all necessary drainage in the construction and
27. maintenance of said road constructed over the said right of way and on my lands adjacent thereto, and also release
28. said County and State Highway Department from any claim of damage arising on account of construction of said roads
29. or fills and embankments, ditches or culverts or bridges, on account of back water, changing of courses of streams, or
30. in any other manner.
31. To have and to hold the said conveyed premises in fee simple.
32. I hereby warrant that I have the right to sell and convey said land and bind myself, my heirs, executors and admin-
33. istrators forever to defend by virtue of these presents.
34. In Testimony whereof, I have hereunto set my hand and seal the day above written.
35. Signed, sealed and delivered in the
36. presence of
37. *George J. Morris*
38. *R. L. LaCroy*
39. Notary Public
R. L. LaCROY
Notary Public, Georgia, State of Large
My Commission Expires Jan. 14, 1964
- FULTON COUNTY (L. S.)
BY *J. H. Reddick*
CHAIRMAN, of Board of
Commissioners of Roads and Revenues (L. S.)
(L. S.)
(L. S.)
(L. S.)

FILED
FULTON CO., GA.

MAY 8 3 30 PM '62

RECORDED

MAY 11 '62

39-E-3

N. P.
SEAL

John L. Liversone
CLERK, SUPERIOR COURT

[Signature]
CLERK, SUPERIOR COURT

BOOK 3879 PAGE 390

TOTAL AREA
17,940 or .41 AC