

A RESOLUTION

NO: 493-87

A RESOLUTION AUTHORIZING THE EXECUTION, RECORDING AND DELIVERY OF A QUITCLAIM DEED TO MUSCOGEE COUNTY SCHOOL DISTRICT WITH REGARD TO A 13.575 ACRE TRACT OF LAND UPON WHICH IS PRESENTLY LOCATED THE COLUMBUS AREA VOCATIONAL SCHOOL.

WHEREAS, the City of Columbus acquired title to certain real property located in Land Lot 74, 8th Land District of Muscogee County, Georgia, by virtue of the following deed, to-wit: Deed from R. E. Martin, R. E. Martin, Jr. and E. D. Martin (a co-partnership doing business as "Martin Theaters") to the City of Columbus, said instrument being dated the 26th day of April, 1946 and having been filed for record on April 27, 1946 and recorded in Deed Book 231, Page 168 of the records in the Office of the Clerk of the Superior Court of Muscogee County, Georgia; and

WHEREAS, an Act of the General Assembly of Georgia approved February 25, 1949, published in Georgia Laws 1949, pp. 1086 et seq., created the Muscogee County School District and provided that all property, real and personal, . . . held by said City for its existing independent school system. . . shall pass to and be held by the Muscogee County School District; and

WHEREAS, the Muscogee County School District is transferring ownership of the above described property to the State Board of Postsecondary Vocational Education and attorneys for the State of Georgia have requested, since title was originally acquired in the name of the City of Columbus, that a Quitclaim Deed from the City of Columbus to Muscogee County School District be executed and recorded in order to evidence and clarify of record that the Muscogee County School District is the true, legal and equitable owner in fee simple of such property;

NOW, THEREFORE, THE COUNCIL OF COLUMBUS, GEORGIA HEREBY RESOLVES:

RESOLVED, that the Mayor and Clerk of Council of Columbus, Georgia are authorized and directed to execute, under seal, a Quitclaim Deed to the 13.575 acre tract of property referred to hereinabove. The Clerk of the Council is further hereby authorized and directed to have said deed recorded in the records in the Office of the Clerk of the Superior Court of Muscogee County, Georgia, and after recordation, to deliver same to Muscogee County School District.

Introduced and read at the regular meeting of the Council of Columbus, Georgia held on the 3rd day of November, 1987 and adopted at said meeting by the affirmative vote of ten members of said Council.

Councilor Batastini voting	<u>YES</u> .
Councilor Chester voting	<u>YES</u> .
Councilor Hyles voting	<u>YES</u> .
Councilor Kendrick voting	<u>YES</u> .
Councilor Land voting	<u>YES</u> .
Councilor McClung voting	<u>YES</u> .
Councilor McDaniel voting	<u>YES</u> .
Councilor Peters voting	<u>YES</u> .
Councilor Rodgers voting	<u>YES</u> .
Councilor Strong voting	<u>YES</u> .

Lemuel H. Miller, Jr.
LEMUEL H. MILLER, JR., CLERK

James E. Jernigan
JAMES E. JERNIGAN, MAYOR

CHARLES J. KING
ATTORNEYS AT LAW
SUITE 301 - 1246 FIRST AVENUE
COLUMBUS, GEORGIA 31902

CHARLES J. KING
ALLAN E. KAMENSKY

October 12, 1987

MAILING ADDRESS
POST OFFICE BOX 549
(404) 324-3193

HAND DELIVERED

Mr. C. L. Moffitt
City Manager
Columbus Consolidated Government
Columbus, Georgia 31901

RE: Transfer of Columbus Area Vocational
Technical School from Muscogee County
School District to the State of Georgia

Dear Mr. Moffitt:

I am a Special Assistant Attorney General for the State of Georgia, and in such capacity, I have examined title to the 13.575 acre tract of property located on 45th Street upon which is located Columbus Area Vocational Technical School. In connection therewith, I would like to ask your assistance in obtaining execution of a Quitclaim Deed from Columbus, Georgia to the Muscogee County School District. To this end, please find enclosed herein the following:

- (1) Proposed Resolution;
- (2) Quitclaim Deed and Transfer Tax Declaration;
and
- (3) Copy of a plat of survey of the Columbus Area Vocational Technical School done by James D. Webb, RLS, under date of November 6, 1986 and referenced in the above Quitclaim Deed.

The 13.575 acre tract is partially composed of property deeded to the City of Columbus by R. E. Martin, R. E. Martin, Jr. and E. D. Martin (a co-partnership doing business as "Martin Theatres") by virtue of deed dated the 26th day of April, 1946, same being recorded in Deed Book 231, Page 168 of the records in the Office of the Clerk of the Superior Court of Muscogee County, Georgia. In 1949, the legislature consolidated the school systems by creating the Muscogee County School District as a separate entity. The statute creating same provided as follows:

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CITY MGR.

All property, real and personal, including monies, options to purchase, choses in action, now owned or held by said City for its existing independent school system or by the existing school district in said county outside the corporate limits of said City, and all such property and funds held by or in the custody of any other person or political unit for the benefit of said independent school system in said district, shall, when said merger actually becomes operative, pass to and be held by said merged system for school purposes.

The purpose of the enclosed Quitclaim Deed is to clarify that the property described therein was actually held by the City for the benefit of its independent school system and passed to the Muscogee County School District by operation of the referenced statute. There is nothing in the Clerk's Office to indicate that this is in fact the case, although it is fairly obvious.

If you have any questions with regard to the foregoing, please call so that we can discuss them. I would like to have the enclosed resolution presented to City Council at the earliest possible time. If you feel I might be of some assistance with regard to any explanation that might be needed by City Council, please advise.

I look forward to hearing from you.

Very truly yours,



Charles J. King

CJK/sbc
Enclosure

cc: James E. Humes, II
Charles T. Harrison, III