



DeKalb County
GEORGIA

MEMORANDUM

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November 29, 2017
By pdf and hand delivery

To: Michael L. Thurmond, Chief Executive Officer
Members of the Board of Commissioners

From: O.V. Brantley, County Attorney

Subject: Decatur Square Confederate Monument
(Our File No. 02-0924)

This memorandum is intended to outline your options under state law regarding the monument memorializing the Confederacy (the "Monument"), which is located near the historic courthouse in downtown Decatur. Specifically, there has been discussion of possibly: (1) relocating the Monument,¹ (2) contextualizing the Monument with adjacent signage, (3) leaving the Monument "as is," (4) removing the Monument, (5) concealing the Monument, or (6) transferring the Monument to a third party to enable another individual or entity to relocate or conceal it.

In short, after an exhaustive investigation, it appears that DeKalb County owns both the Monument and land on which it lies. State law authorizes the County to relocate the Monument to another site where it would remain visibly displayed, or contextualize the Monument with

¹ The base of the Monument bears a written, engraved inscription with the following text: "Erected by the men and women and children of DeKalb County, to the memory of the soldiers and sailors of the Confederacy, of whose virtues in peace and in war we are witnesses, to the end that justice may be done and that the truth perish not. After forty two years another generation bears witness to the future that these men were of a covenant keeping race who held fast to the faith as it was given by the fathers of the Republic. Modest in prosperity, gentle in peace, brave in battle, and undespairing in defeat, they knew no law of life but loyalty and truth and civic faith, and to these virtues they consecrated their strength. These men held that the states made the union, that the Constitution is the evidence of the covenant, that the people of the State are subject to no power except as they have agreed, that free convention binds the parties to it, that there is sanctity in oaths and obligations in contracts, and in defense of these principles they mutually pledged their lives, their fortunes, and their sacred honor. How well they kept the faith is faintly written in the records of the armies and the history of the times. We who knew them testify that as their courage was without a precedent their fortitude has been without a parallel. May their prosperity be worthy."

explanatory signage that puts the Monument in historical context. Of course, you are not required to take any action regarding the Monument under state law, and the status quo could be maintained by leaving the Monument in its current condition and location. Removal for the purpose of concealing the Monument by the County is not authorized under state law. Transfer of the Monument to a third party in order for it to remove or conceal the Monument, while not explicitly prohibited under the plain language of the law, would pose a risk of being found violative of the statute because it would seem to be an effort to circumvent the spirit and intent of the state legislation. Finally, I am of the opinion that you could transfer the Monument to a third party for it to be relocated and remain visibly displayed.

Determining ownership of the Monument itself, as well as the land upon which it rests, was a prerequisite undertaken prior to issuance of this opinion. This is because your options under state law vary considerably depending upon ownership of the land and the Monument.

Ownership of the Land

Outside counsel was hired to conduct a title search of DeKalb County's land records, which is the common way one determines who owns a particular piece of land. Because ownership of the land was not clearly stated in the County's land records, outside counsel requested a survey of the property. A surveyor was hired and the survey of the property has been completed. Based on the title examination and the survey, outside real estate counsel has opined that the Monument is located on land owned by the County.²

Ownership of the Monument

My staff has also tried to determine ownership of the Monument itself. In that regard, we obtained records from the DeKalb History Center.³ Records obtained from the History Center included media articles dating from 1908 describing the erection of the Monument and attributing its erection to the Agnes Lee Chapter of the United Daughters of the Confederacy and the Clement A. Evans Comp of Confederate Veterans.⁴

In an effort to identify any formal acceptance of the Monument in the early 1900's, the DeKalb County Superior Court Clerk and the Clerk to the Chief Executive Officer and the Board of Commissioners did an exhaustive search of their records and minutes from 1905 - 1912. No formal acceptance of the Monument by the County was located by either Clerk.

² A copy of the final survey and final title report issued by Sam Maguire, Esq. is attached to this opinion as Attachment 1.

³ We also contacted the Atlanta History Center but it did not have any relevant records related to the Monument. I would direct your attention to their website which contains a "Confederate Monument Interpretation Guide," <http://www.atlantahistorycenter.com/research/confederate-monuments>. The Atlanta History Center identifies the document as "a tool to help put Confederate monuments in historical perspective and foster dialogue about the future of these monuments." As you consider your options, you may want to have staff review this information.

⁴ Records from the DeKalb History Center are attached to this opinion as Attachment 2.

My staff has also talked with the archivist for the United Daughters of the Confederacy and individuals in the Georgia chapter of that organization. We have been provided minutes showing that in the early 1900's, the Agnes Lee Chapter of the United Daughters of the Confederacy contributed \$100.00 toward the erection of the Monument. We have been advised that the United Daughters of the Confederacy does not claim any ownership interest in the Monument.⁵ We also contacted the Sons of Confederate Veterans for relevant records concerning the erection of the Monument. This morning, we were advised that no relevant minutes concerning the Monument could be located.

My staff also met with an interested citizen whose deceased husband researched the ownership and historical nature of the Old Courthouse and the Decatur Square. She provided documents showing that the Historic County Courthouse was placed on the National Register of Historic Places. We obtained a copy of the application from the County's historic Senior Planner, David Cullison, and the Monument is specifically mentioned in the application.⁶ Finally, while maintenance records have not been located, County staff is of the belief that the County has maintained the Monument over the years, as necessary.

The fact that the Monument is located on County property leads me to the conclusion that the Monument itself is also owned by the County, given the lack of evidence to the contrary. Based on that conclusion, your resulting legal options are addressed below.

LEGAL ANALYSIS

O.C.G.A. § 50-3-1(b)⁷ is the sole legal limitation on the County's ability to remove, relocate, transfer, conceal or contextualize the Monument. Subsection (b) which governs "preservation and protection of certain military related public monuments and memorials" contains the following two (2) relevant subsections:

⁵ Relevant records from the United Daughters of the Confederacy are attached to this opinion as Attachment 3.

⁶ A copy of the historic designation application is attached to this opinion as Attachment 4.

⁷ O.C.G.A. § 50-3-1(b)(1) ("It shall be unlawful for any person, firm, corporation, or other entity to mutilate, deface, defile, or abuse contemptuously any publicly owned monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or the several states thereof, or the Confederate States of America or the several states thereof, and no officer, body, or representative of state or local government or any department, agency, authority, or instrumentality thereof shall remove or conceal from display any such monument, plaque, marker, or memorial for the purpose of preventing the visible display of the same. A violation of this paragraph shall constitute a misdemeanor."); O.C.G.A. § 50-3-1(b)(2) ("No publicly owned monument or memorial erected, constructed, created, or maintained on the public property of this state or its agencies, departments, authorities or instrumentalities in honor of the military service of any past or present military personnel of this state or the several states thereof, or the Confederate States of America or the several states thereof shall be relocated, removed, concealed, obscured, or altered in any fashion; provided, however, that appropriate measures for the preservation, protection, and interpretation of such monuments or memorials shall not be prohibited.")

- (b)(1) ...[N]o officer, body, or representative of state or **local government** or any department, agency, authority, or instrumentality thereof shall remove or conceal from display any [publicly-owned] monument, plaque, marker, or memorial [which honors or recounts military service of military personnel of the Confederacy] for the purpose of preventing the visible display of the same. A violation of this paragraph shall constitute a misdemeanor. (emphasis added).
- (b)(2) No publicly owned monument or memorial erected, constructed, created, or maintained on the public property of this **state or its agencies, departments, authorities, or instrumentalities** [which honors or recounts military service of military personnel of the Confederacy] **shall be relocated**, removed, concealed, obscured, or altered in any fashion; provided, however, that appropriate measures for the preservation, protection, and interpretation of such monuments or memorials shall not be prohibited (emphasis added).

The somewhat subtle, but critical, highlighted language in the two subsections above must be carefully analyzed. When read together, O.C.G.A. § 50-3-1(b)(1) explicitly prohibits a county or county official from removing or concealing a publicly-owned confederate monument. O.C.G.A. § 50-3-1(b)(2) applies to monuments owned by the state, its departments, and instrumentalities and does not allow such monuments to be “relocated,” but on its face this section of state law does not apply to monuments owned by counties for the following reasons.

Subsection (b)(1) applies to county officials, because it uses the term “local government.”⁸ Subsection (b)(2) does not apply to county-owned monuments as the term “local government” is absent from subsection (b)(2). The omission of any reference to “local governments” indicates an intent by the state legislature that (b)(2) not apply to counties.⁹ Further, because the phrase “local government” is omitted from (b)(2), I am of the opinion that in this statute, counties are not “state agencies” or “instrumentalities of the state.”¹⁰ Therefore, I conclude that county-owned

⁸ Counties are indisputably “local governments.” See O.C.G.A. §§ 36-92-1, 50-8-2, 36-86-3.

⁹ *Allen v. Wright*, 282 Ga. 9, 13–14 (2007) (“Georgia law provides that the express mention of one thing in an Act or statute implies the exclusion of all other things. Pursuant to the principle of statutory construction, ‘*Expressum facit cessare tacitum*’ (if some things are expressly mentioned, the inference is stronger that those omitted were intended to be excluded) and its companion, the venerable principle, ‘*Expressio unius est exclusion alterius*’ ([t]he express mention of one thing implies the exclusion of another), the list of actions in a statute is presumed to exclude actions not specifically listed, and the omission of additional actions from the statute is regarded by the courts as deliberate.”) (internal quotation marks omitted) (internal citation omitted). Simplistically, if the General Assembly intended for (b)(2) to apply to local governments it would have used similar language to that used in (b)(1), so the omission must be deliberate.

¹⁰ See *Miller v. Georgia Ports Auth.*, 266 Ga. 586 (1996); See also O.C.G.A. §§ 50-5-82 and 50-21-22. In other contexts, a county has been considered a state department, agency or instrumentality. See Ga. Const. art. I, § 2, ¶ IX(e) and *Gilbert v. Richardson*, 264 Ga. 744, 747 (1994).

monuments do not fall under the purview of subsection (b)(2).¹¹

As discussed below, these distinctions are critical because while subsection (b)(2) prohibits the relocation of such Monuments subject to a preservation exception,¹² subsection (b)(1) does not.¹³ As a consequence, DeKalb must comply with subsection (b)(1), but not (b)(2).¹⁴ With this legal determination in mind, the remainder of this opinion discusses the options available to the County vis-à-vis the Monument.

1. Removal and Concealment

The plain and clear language of subsection (b)(1) of O.C.G.A. § 50-3-1 prohibits “local governments” such as DeKalb County from “removing” such monuments. Therefore, removal by the County for the purpose of destruction is prohibited by the applicable legislation. Likewise, the plain and clear terminology of O.C.G.A. § 50-3-1(b)(1) forbids the “concealment” of qualifying monuments, so the County cannot take any action toward concealing the Monument.

2. Relocation

Under subsection (b)(1), DeKalb County as a “local government” would be authorized to “relocate” the “publicly owned” Monument, as long as its new location does not “conceal it from visible display.” As such, relocating the Monument to an appropriate site, such as a museum, cemetery, or property offered by a willing host, would be authorized under state law as long as the relocation does not “conceal” the Monument from those members of the public who might wish to view it.

Further, there does not appear to be any requirement that such a relocation would have to

¹¹ While not controlling, legislative counsel agrees with my interpretation and a letter to Senator Elena Parent is attached to this opinion as Attachment 5.

¹² Even if O.C.G.A. § 50-3-1(b)(2) were somehow construed by a court to apply to county-owned monuments, this state law allows an entity to adopt appropriate measures for the preservation, protection and interpretation of such monuments. Relocation of the Monument to an appropriate venue could be characterized as an act to preserve, protect and interpret the Monument. As you know, the Monument has recently been vandalized on at least two occasions, and has been the focus of much debate and various rallies. (The police report and pictures of recent vandalism are attached to this memorandum as Attachment 6.) The Monument could easily become a rallying and flash point for violence as occurred in August of 2017 in Charlottesville, Virginia; thus, also creating a public safety concern for the City of Decatur and DeKalb County.

¹³ Subsections (b)(1) and (b)(2) both prohibit the destruction of applicable monuments.

¹⁴ It is also worth mentioning that while subsection (b)(2) applies only to “publicly owned monuments” that are also “located on public property,” subsection (b)(1) applies to “publicly owned monuments” regardless of their location. Regardless, as discussed above, while the land on which the Monument lies has been determined to be owned by the County to a high degree of certainty, the weight of evidence also indicates that the Monument itself is also owned by DeKalb County. As such, in order to insure compliance with state law, the County must comply with the requirements of subsection (b)(1) because the Monument is apparently “publicly owned.”

be to another site within DeKalb County, or even the state of Georgia, as long as the Monument remains available for visible display. However, if a local site is available, it would be recommended in lieu of an out-of-county or out-of-state location in order to avoid the appearance of attempting to “conceal” it from DeKalb or Georgia residents.

It is also worth noting that we have determined that the inclusion of the Historic County Courthouse on the National Register of Historic Places does not prevent you from relocating the Monument.¹⁵

3. Maintaining the status quo

A faction of the public is advocating for the status quo, or to leave the Monument “as is.” This would be a lawful option under state law.

4. Contextualization

Between the options of leaving the Monument “as is” and relocating, or even removing it, is the option of leaving the Monument in its current location, but with some historic “contextualization.” For example, an adjacent sign or plaque could be installed, stating that the Monument, its inscription on the sides of the base, and its apparent original purpose are no longer supported, but that the Monument solely serves as a historic reminder of a dark period in American history. Nothing in O.C.G.A. § 50-3-1(b) or any other applicable law would prohibit such “contextualization.”

5. Transfer to a Third Party

Finally, some have suggested transferring the Monument to a third party in order to allow for another individual or entity to assume responsibility for the Monument. Under O.C.G.A. § 36-9-2, counties have authority to control and dispose of their property. However, as discussed above, the County has authority under O.C.G.A. § 50-3-1(b)(1) to “relocate” the Monument on its own.

Under the plain letter of the law, transfer of the Monument to a third party for its subsequent destruction or concealment appears to be authorized, but it would also seem to violate the obvious spirit and intent of the law. Because you have the option of relocating the Monument yourself, it is my recommendation that you do not take any action endeavoring to transfer it to a third party as an indirect method of achieving its removal or concealment. It does appear that you have the authority under state law to transfer the Monument to a third party for it to be relocated and remain visibly displayed.

¹⁵ 36 C.F.R. §60.14. The website for the National Register of Historic Places includes the following explanation concerning designated historic places. “From the Federal perspective (the National Register of Historic Places is part of the National Park Service), a property owner can do whatever they want with their property as long as there are no Federal monies attached to the property. You can find this on our website at: http://www.nps.gov/nr/national_register_fundamentals.htm.”

CONCLUSION

In conclusion, given the County's apparent ownership of the Monument and underlying land, it is my opinion that state law authorizes the County's relocation of the Monument to another visible site, or contextualization of the Monument. In my opinion, removal or concealment of the Monument by the County, however, does not appear to be authorized under state law. Leaving the Monument "as is" would be another lawful option. Meanwhile, transfer of the Monument to a non-governmental entity in order for it to be removed or concealed might be technically authorized under the plain language of the statute, but such action would pose a risk of a legal challenge as it would seem to contradict the spirit and intent of the law. Finally, I am of the opinion that state law authorizes you to transfer the Monument to a third party for it to be relocated and remain visibly displayed.

As you proceed, I would advise you to adopt and approve a written resolution which embodies your decision concerning the Monument. I and my staff will be glad to help you draft the appropriate Resolution. Please let me know if I may be of further assistance.

cc: Zachary Williams, COO
Antwyn Brown, Chief of Staff, BOC
La'Keitha Carlos, Chief of Staff, CEO
Delores Crowell, Intergovernmental Affairs Manager
Viviane H. Ernstes, Deputy County Attorney
John E. Jones, Jr., Senior Assistant County Attorney

Attachment 1

APN	Assessor parcel number	N/G	Non or timely
CDIC	Current	0	from on hand
			Adulter property has
			Revised way
			Carrying
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The final data upon which this plot is based has a dataset prediction of one lost in 21,295. That, on average, every 21,295 people get a lost, and was calculated using Compas Risk. This plot has been calculated for clarity and found to be accurate with one lost in 164,044. Note: Property of Program Creates a mathematically related figure without any guess, input, or overfitting.

This property does not lie within a flood hazard area according to the FEMA Flood Insurance Rate Map Number 13090C004A with a revised date of May 18, 2011.

Survey of DeKalb County Court House by E. W. Weaver, dated March 1851.

WARTA Coal Mine Property Certification Map, Drawing RW ECLA, dated January 14, 1973.

Exception

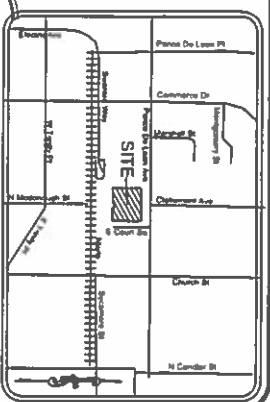
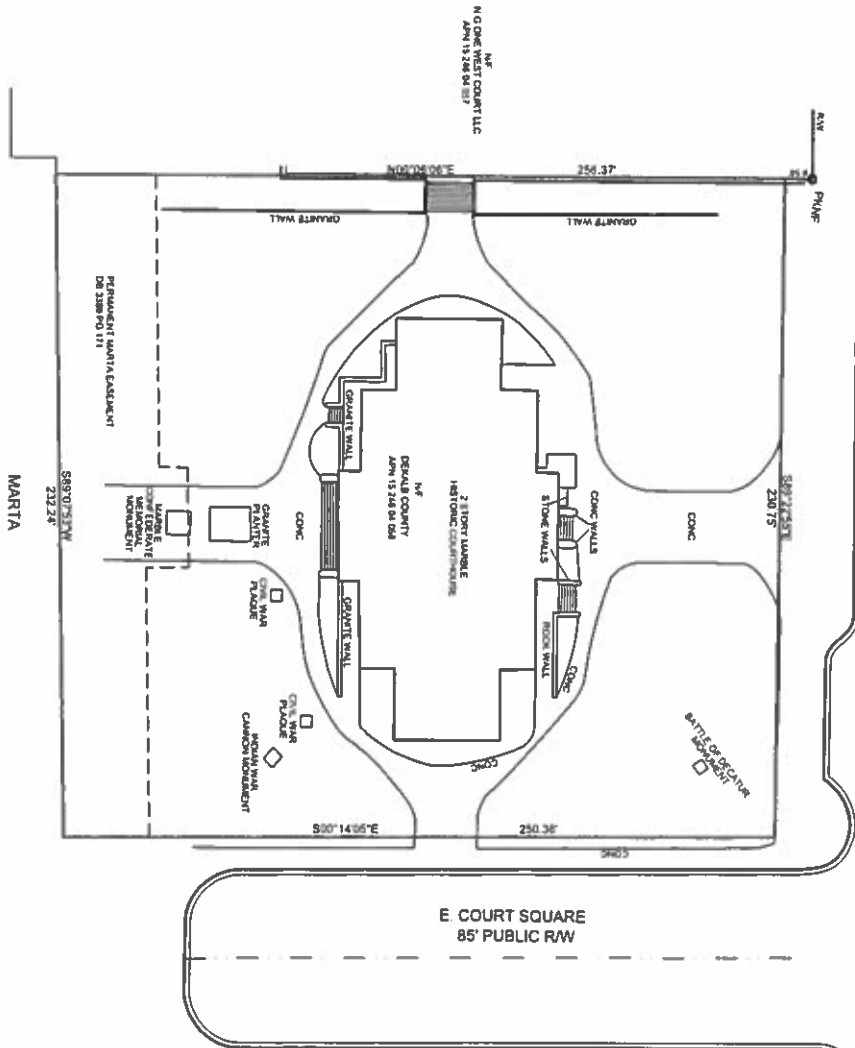
The land described in Deed Book 3787 Page 213 lies in the west of the property shown on this survey.

Area

Total area of tested property is approximately 1.346 acres, 584,640 square feet.



The 1944 bill was reworded as *an enabling general statute* of local governments and schedule as *enables a new period to make any changes in any real property classification*. This wording is reminiscent of the amendments, *renew, grant, or after payment, which extended the period* or *periods are listed forever*. This language, in other PLAIN DOES NOT IMPART APPROVAL OF ANY LOCAL JURISDICTION, VIOLABILITY OF FEDERAL COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR OBTAINABLE FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned local surveys contain the full complete use of the medium described, including the surveyors in Georgia as laid out in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and set forth in O.C.G.A. Section 15-4-47.



SCALE: 1" = 30'



BOUNDARY SURVEY FOR
DEKALB COUNTY

LOCATION	WARD 107-246
DISTRICT-15TH	COUNTY-DEKALB
ADDRESS-101 E COURT SQUARE	STATE-GEORGIA
CITY-DEKALB	
LAST RECEIVED-03/13/2017 04:00 PM	
INFORMATION	
JOE HAMMER-7757	
SHERRY V. DALE-10/27/2017	
F/ID WORKING DATE-10/27/2017	
DATE OF LAST REVISION-11/29/2017	
DRAWN BY-SCJ	
CHECKED BY-RTJ	
SCALE-100'	

NA Moreland Allopel Associates, Inc.
Engineering Planning Landscape Architecture Land Acquisition Surveying
2450 Commerce Ave. Ste 100
Dublin, CA 94568-9710
770/265-5945



November 29, 2017

Viviane Ernstes, Esq.
Deputy County Attorney
DeKalb County Government Law Department
1300 Maloof Building, 5th Floor
Decatur, GA 30030

Re: Monument located adjacent to The Old Courthouse Parcel 15-246-04-058

Dear Ms. Ernstes:

You have requested that we provide an opinion of title regarding the ownership interests of the real property whereon a confederate monument (hereinafter "The Monument") is located. The Monument appears to reside in a location southerly of DeKalb County Parcel Number 15-246-04-058 (hereinafter referred to as "The Old Courthouse").

I. ASSUMPTIONS

- A. Upon information and belief, DeKalb County has operated as owner of The Old Courthouse, since approximately 1822. If a deed was of record, it would have most likely perished in the courthouse fire of 1829. As there is no verifiable deed of record nor a legal description found, we are operating under the assumption that at some point in history DeKalb County did obtain fee simple title to The Old Courthouse, in the location as shown on current DeKalb County Tax Assessor Maps.
- B. As no deed is found of record, we are assuming that the legal description as shown by the current DeKalb County tax maps is an accurate depiction of the boundary lines.
- C. At some point in time the boundary lines of The Old Courthouse may have been changed; however, we can find no specific deeds changing the location of the boundary lines. We are assuming that the boundary line changes were appropriate and accurate and likely due to the development of the area and the closing of streets as described below.

II. BACKGROUND

For purposes of rendering this opinion, we have examined the real estate records of DeKalb County, Georgia; the property tax records of DeKalb County, Georgia; prior civil cases, prior surveys, and reviewed certain historical records. Although portions of the chains of title for multiple properties have been reviewed we are relying upon the following specific documents in this Opinion of Title:

- A. Deed from Moses W. Green and Mary Green to DeKalb County, dated January 5, 1891, recorded January 15, 1981, at Deed Book DD, Page 276, DeKalb County, Georgia records. This deed describes lands within the general vicinity of the Old Courthouse; however due to unplottable legal description, the exact location is unclear. Attached hereto as Exhibit "A."
- B. 1931 Survey of Old Courthouse. Please note that a review of the survey does not show the location of the monument; however, the sidewalk abuts the road; therefore it is reasonably assumed that the monument may have been located within the boundaries of the plat or within the area designated as a sidewalk. Attached hereto as Exhibit "B."
- C. Sewer agreement, dated December 1909, from County of DeKalb acting by and through its Commissioner of Roads and Revenue to The Town of Decatur, recorded at Deed Book 3-N, Page 368, DeKalb County, Georgia records. This sewer easement travelled from the courthouse property southerly down McDonough Street. Attached hereto as Exhibit "C."
- D. Swanton Way aka Atlanta Avenue aka Electric Avenue; Sycamore Street; and McDonough Street converged to the South of the Old Courthouse. Historical records indicate that in or around 1976, several roads around the Old Courthouse were closed for development. We did not find any right of way or road documents for the roads directly south of the Old Courthouse.
- E. The areas surrounding or following the path of the Metropolitan Atlanta Rapid Transit Authority (hereinafter "MARTA") rail line are plentiful and we went through each easement filed during the 1970s construction. The only easement which specifically referenced property on or around the Old Courthouse is Easement by and between DeKalb County and Metropolitan Atlanta Rapid Transit Authority, dated May 25, 1975, filed for record September 16, 1975, recorded at Deed Book 3389, Page 171, aforesaid records. Attached hereto as Exhibit "D" and hereinafter referred to as the "MARTA Easement." It is of note that other easements to MARTA on the same line were also granted from DeKalb

County. No easements were found in the general vicinity showing the grantor as City of Decatur.

- F. Condemnation Case styled DeKalb County vs. West Court Square et al., CAFN 90897, Judgment and Decree recorded at Deed Book 3787, Page 213, aforesaid records. Attached hereto as Exhibit "E." Condemned property lies to the west of The Old Courthouse.
- G. Plat of Survey for DeKalb County, dated October 24, 2017, last revised November 29, 2017, by Moreland Altobelli Associates, Inc. Attached hereto as Exhibit "F" and hereinafter referred to as the "Current Survey."

III. EXCEPTIONS

- A. Such statement of facts as would be disclosed by an accurate survey and inspection of all properties subject to any deeds referenced in the full chains of title.
- B. The exact amount of acreage of the property.
- C. Rights of parties in possession, if any, not of record.
- D. All easements and restrictions of record.
- E. All matters shown on plats of survey referred to in descriptions.
- F. Zoning ordinances and any other government restrictions affecting the subject property.
- G. Rights of parties in possession, if any, other than the owner.
- H. Restrictions, easements and all questions arising out of zoning laws, ordinances or regulations.
- I. All security interests and liens of record, including but not limited to security deeds, judgements, fifas, taxes or any other interest held by third-parties.
- J. Any objections or defects not disclosed herein that are shown of record but are not shown during the effective dates herein.

IV. CONCLUSION

After reviewing all of the documents referenced herein and subject to the assumptions, background, and exceptions set forth herein, we are of the opinion that there is no verifiable chain of title to the exact location of The Monument. The current survey; however, does show that the Monument lies within the Easement granted from DeKalb County to MARTA recorded at Deed Book 3389, Page 171, aforesaid records. We therefore are of the opinion based on the limited documents of record that DeKalb County has acted as fee simple owner subject to the easement interests of MARTA. This conclusion is subject to all assumptions and exceptions stated herein as well as the Current Survey.

November 29, 2017

Page 4 of 4

I am admitted to practice law in the State of Georgia and express no opinion as to matters under or involving the laws of any jurisdiction other than the United States of America and the State of Georgia and its political subdivisions. This opinion subject to all assumptions and exceptions, is rendered solely to DeKalb County Law Department and may not be relied upon by any other party or for any other purposes other than the purposes herein stated without our prior written consent.

Sincerely,


Sam F. Maguire, Jr.

For The Law Offices of Sam Maguire, Jr., P.C.

SFM:wlm

Enclosures

Revised January 15th 1891
W.H. Burgess

Clark

EXHIBIT A

State of Oregon,
DeKalb County, Ohio Undertakes, make this fifth day of January in
the year of our Lord one thousand eight hundred and
Nineteen, Martin Marshall, Justice and one wife Mary Green of the
County of DeKalb and District of the said State, and

The County of DeKalb and of the County of DeKalb and State of Georgia of the second part, Witnesseth, that the said parties of the first part for and in consideration of the sum of Eight hundred and Seventy five Dollars, in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have bargained, sold and conveyed, and by these presents doth grant, sell and assigns, all that tract or parcel of land, situate, lying and being in the Town of Decatur in said County of DeKalb part of land lot number two hundred and forty six in the fifteenth district of said County. being one half acre more or less bounded on the East by McDougal Street, on the South by the County Jail lot; on the West by lot of William M. Garbrough; on the North by Herring Street, fronting one hundred and fifty feet on Herring Street and running back same with thirty feet more or less to Jail lot. The lot herein described being that set apart as a homestead by the Ordinary of said County November 15th 1889 upon the application of the said Moses W. Green as the head of a family consisting of his wife and Mary Green and a minor child Rosa Belle and sold to the said County of DeKalb by said Moses W. Green and wife Mary Green by order of Richard H. Clark Judge of the Superior Court of said County by order made upon the petition of said parties August 12th 1890 and recorded in Minutes of the Superior Court of said County in Book E page 134 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 it the said party of the second part its successors and assigns in fee simple. And the said party of the first part their heirs, executors and administrators the said bargained premises unto the said party of the second part its successors and assigns, against said party of the first part, their heirs, executors and administrators, and all and every person or persons shall and will warrant and forever defend by virtue of these presents. In Witness whereof the said party of the first part have hereunto set their hands and affixed their seals the day and year first above written.

Signed, sealed and delivered in presence of

H. C. Austin
H. H. Burgess
Clerk S. C. DeKalb Co. Ga

Moses ^{his} Green
Mary ^{wife} Green

(Sd.)
(Sd.)

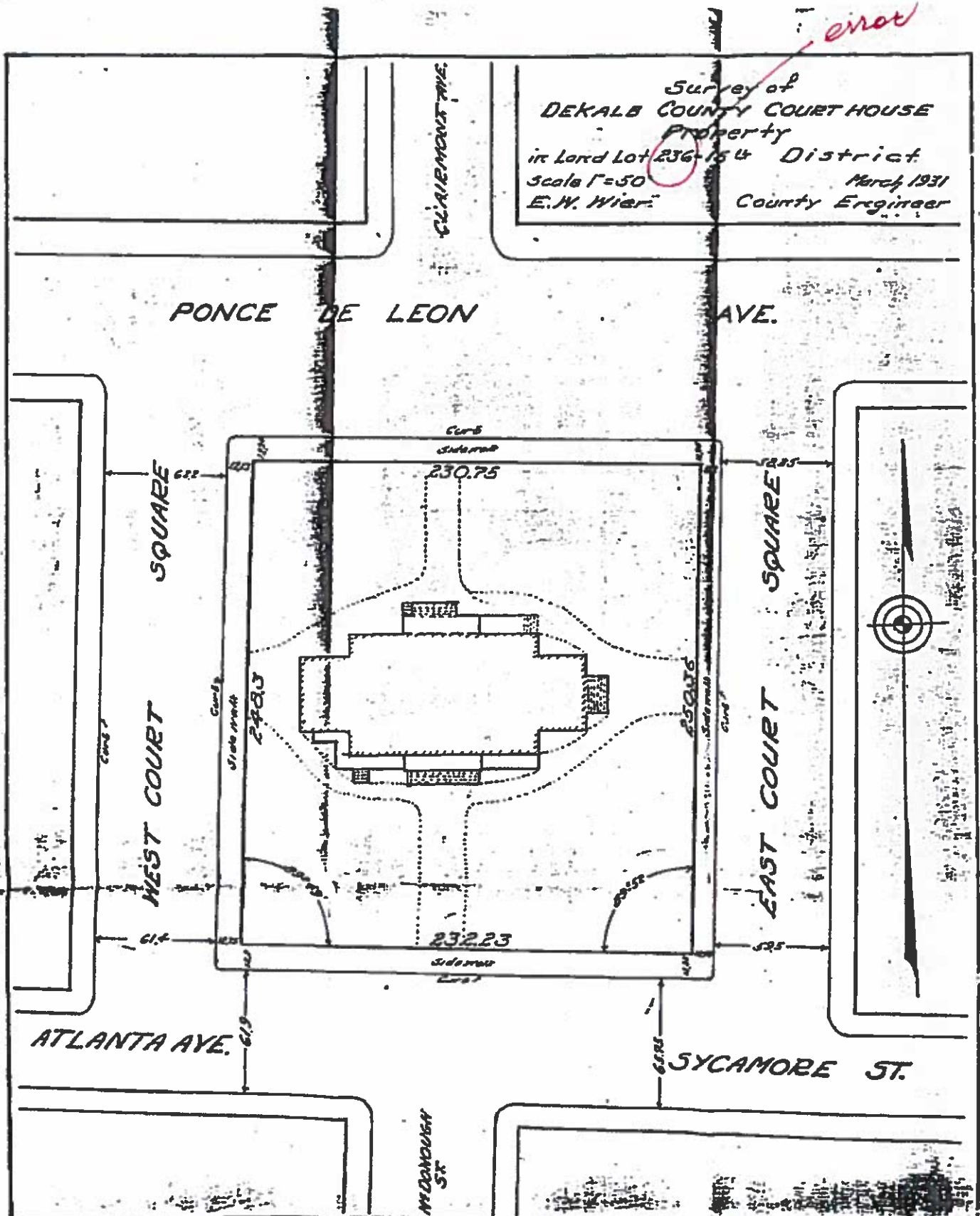
Recorded January 15th 1891
H. H. Burgess
Clerk

EXHIBIT B

~~15-236~~

(15-246)

error



Street thence extending North along the West side of it to
 Ford Avenue Fifty (50) feet, thence West along Ford Avenue
 and Fifty (50) feet to a Ten (10) foot alley. thence south along
 the East side of said alley Fifty (50) feet to Meridian Street
 thence East along the North side of Meridian Street line to
 said alley Fifty (50) feet to State Road Avenue and beginning
 front.

Being in Part of the plat of the White Ford Avenue
 (formerly Bell Street) subdivision by A. B. Turman & Son.
 frame agents dated February 1914.

To Have and to hold that said tract or parcel of land
 with all and singular the rights and appurtenances
 thereunto in anywise belonging, or in anywise apper-
 taining, to the only proper use, benefit and behoof of the said
 heirs of the second part, his heirs and assigns forever, in
 fee simple.

And the said parties of the first part, furthermore
 and their heirs, executors and administrators, will war-
 rant and forever defend the right and title to the above de-
 scribed property, unto the said party of the second part
 his heirs and assigns, against the lawful claims of all
 persons whomsoever.

In witness whereof, the said parties of the first part have
 hereunto set their hands and seals the day and year first above
 written.

In good sealed and delivered
 in presence of -

Edward Jones
 L. H. Zuckline Not Pub
 Fulton Ga

A. B. Turman [Seal]
 J. W. Clayton [Seal]

Recorded Dec. 16, 1909.

B. F. Burgeis Clerk.

Georgia
 DeKalb County.

This Contract and agreement made and entered into this
 14th day of December, 1909, between the County of DeKalb acting by
 and through its Commissioners of Roads and Revenue, R. J. Free-
 man under a resolution of said Commissioners duly entered
 upon his minutes, as party of the first part, and the Town of De-
 Kalb acting by and through its Mayor, John A. Montgomery
 under and by virtue of a resolution of the Mayor and Board
 of said Town duly entered upon their minutes, as party
 of the second part:

Whereas the County of DeKalb owns a private sewerage
 or Town of DeKalb, and which is being used by the Court House
 and the Common Hall of said County for sewer purposes
 said sewer commencing on South Court House square

and extending thence South along W. H. Montgomery Street to Cherry Street; and thence West along Cherry Street to Madison Street;

and Whereas, the Town of Decatur now has operated a sewer system in said town for the use of all the citizens of said town, with sewers laid in many of the streets of said town;

and Whereas, the Town of Decatur needs to lay sewers in the streets of said town in which the sewers of the County of DeKalb are laid for the use of the residents along and in said streets;

and Whereas it will be to the interest and advantage of the County of DeKalb to connect with the sewer system of the Town of Decatur;

Therefore, the said County of DeKalb, for and in consideration of the premises and the sum of one dollar in hand paid, the receipt whereof is hereby acknowledged the said County of DeKalb does give, grant and convey unto the Town of Decatur said sewer pipe said for the purpose of the same being appropriated by the Town of Decatur and made a part and parcel of the sewer system of said town, and be used and operated;

And in consideration of the above the Town of Decatur does grant and give unto the County of DeKalb the right and privilege free from any charges whatever to connect its drains from the courthouse and common jail of said County and such other public buildings of the County of DeKalb as may hereafter be situated in said town, for the discharge of sewerage into the sewers of said town at the nearest and most available place on the streets of said town for said County.

In witness whereof, this contract is signed sealed and delivered by the parties aforesaid, in duplicate with the corporate seal of each party, the day and year above written.

signed, sealed and delivered in presence of:

B. F. Burgess
L. J. Still Notary Public
DeKalb Co., Ga.

County of DeKalb
By R. J. Freeman [L. S.]
Commissioner

Town of Decatur
By John A. Montgomery [L. S.]
Mayor.

Recorded, Dec. 16, 1909.

B. F. Burgess
Clerk.

EXHIBIT D

STATE OF GEORGIA
COUNTY OF DEKALB

FILED & RECORDED
DEKALB CO. GA.
SEP 16 1 55 PM '75
J. M. ... Clerk

EASEMENT

THIS AGREEMENT, made and entered into this 25th day of MAY, 1975, by and between DEKALB COUNTY, GEORGIA (hereinafter referred to as "Grantor"), and METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (hereinafter referred to as "Grantee").

WITNESSETH:

WHEREAS, on September 14, 1971 the DeKalb County Board of Commissioners adopted a Resolution providing authorization for the execution of a Rapid Transit Contract and Assistance Agreement ("Assistance Agreement") dated as of September 1, 1971, with the Grantee, and approval of the Engineering Report referred to therein;

WHEREAS, by virtue of said Assistance Agreement the Grantor has covenanted and agreed to convey, without cost to the Grantee, any and all easements in, across, through, and above public property as may be necessary and desirable to facilitate the acquisition, construction, improvement, and efficient operation of the Rapid Transit System ("System"); and

WHEREAS, the Grantor has agreed to convey certain permanent and temporary construction easements ("Easements") being more particularly described on Exhibit "A" attached hereto and by reference made a part hereof pursuant to the aforesaid Assistance Agreement.

NOW THEREFORE, for and in consideration of the premises and ONE (\$1.00) DOLLAR in hand paid and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby grant and convey unto Grantee those certain permanent and temporary construction easements over, across and through that certain property being more particularly described on Exhibit "A" attached hereto and by reference made a part hereof.

Grantee agrees to pay, or cause to be paid, any cost incurred in connection with the utilization of said Easements, including utility relocation costs, and any damage to or alterations of existing structures including but not limited to the relocation of existing historic monuments to other locations on

3389 171

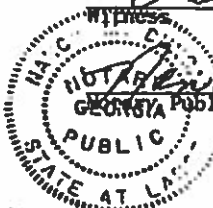
property adjacent to the aforesaid easements and replacement of trees as more particularly agreed upon by the Grantor and the City of Decatur. Grantee further agrees to restore said easement areas at its sole cost and expense in accordance with plans agreed upon by the Grantor and the Grantee.

In the event the Grantee fails to commence construction of its System upon the property hereinabove described within five (5) years of the date hereof, Grantor, at its option, shall have the right to reacquire said property, without cost to the Grantor, by giving Grantee herein sixty (60) days written notice of its intention to exercise such right.

The terms "Grantor" and "Grantee" shall be deemed to include their respective heirs, successors and assigns, and this Agreement shall inure to the benefit of and be binding upon Grantor and Grantee and their respective heirs and assigns.

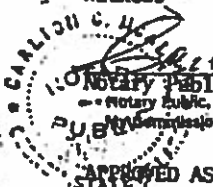
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals on the day and year first above written.

Signed, sealed and delivered in the presence of:



Witness
Henry M. Duncan
Notary Public, Georgia, State at Large
My Commission Expires Nov. 7, 1977

Signed, sealed and delivered in the presence of:



Witness
William R. Duncan
Notary Public
Notary Public, Georgia, State at Large
My Commission Expires 2/13/76

APPROVED AS TO LEGAL FORM

County Authority

DEKALB COUNTY, GEORGIA

By: A. C. Gohl
A. C. Gohl, Chairman
Board of Commissioners

ATTEST:

Cal M. Sandman
Cal Sandman, Clerk
Board of Commissioners

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

By: Dean F. Kieffer
Dean F. Kieffer, General Manager

EXHIBIT "A"

PERMANENT EASEMENT I

A Permanent Easement for the construction, operation and maintenance of the Decatur Rapid Transit Station and appurtenances including a cooling tower to a height of four (4) feet above the surface of the ground; within, over and across:

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the southwest corner of the intersection of Swanton Way (having a 50 foot right of way) and McDonough Street (having an 80 foot right of way); thence running west along the south side of Swanton Way, one hundred sixty-one and eighty-nine hundredths (161.89) feet to a point; thence running south $0^{\circ} 42' 43''$ west thirty-five and seventy-seven hundredths (35.77) feet to a point; thence running south $44^{\circ} 17' 17''$ east fourteen (14) feet to a point; thence running south $89^{\circ} 17' 17''$ east fifty-seven (57) feet to a point; thence running north $0^{\circ} 42' 43''$ east nineteen (19) feet to a point; thence running south $89^{\circ} 17' 17''$ east fifty-three (53) feet to a point; thence running north $0^{\circ} 42' 43''$ east seventeen (17) feet to a point; thence running south $89^{\circ} 17' 17''$ east forty two and seven hundredths (42.07) feet to a point on the west side of McDonough Street; thence running north along the west side of McDonough Street ten and seventy-two hundredths (10.72) feet to the point of beginning.

PERMANENT EASEMENT II

A Permanent Utility Easement for the construction and maintenance of a water line and an electric service line and their appurtenances; within, over and across:

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the west side of McDonough Street (having an 80 foot right of way) thirty-eight and forty-four hundredths (38.44) feet south as measured along the west side of McDonough Street from the southwest corner of the intersection of McDonough Street and Swanton Way (having a 60 foot right of way); thence running south along the west side of McDonough Street twenty and twenty-eight hundredths (20.28) feet to a point; thence running north $89^{\circ} 17' 17''$ west one hundred fifty-six (156) feet to a point; thence running north $44^{\circ} 17' 17''$ west eighty-one and nine hundredths (81.09) feet to a point on the south side of Swanton Way; thence running east along the south side of Swanton Way fifteen and forty-six hundredths (15.46) feet to a point; thence running south $44^{\circ} 17' 17''$ east sixty-four and twenty-six hundredths (64.26) feet to a point; thence running south $89^{\circ} 17' 17''$ east one hundred forty-four (144) feet to a point; thence running north $45^{\circ} 42' 43''$ east eleven and seventy-one hundredths (11.71) feet to the point of beginning.

PERMANENT EASEMENT III

A Permanent Easement for the construction, operation and maintenance of the Decatur Rapid Transit Station at and below grade; within, over and across:

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the southeast corner of the old DeKalb County Court House property, said point also being located at the northwest corner of East Court Square (having an 85 foot right of way) and Sycamore Street; thence running north along the west side of East Court Square thirty (30) feet to a point; thence running south $89^{\circ} 7' 48''$ west ninety-five (95) feet to a point; thence running north $0^{\circ} 25' 22''$ west fifteen (15) feet to a point; thence running south $89^{\circ} 7' 48''$ west thirty-five (35) feet to a point; thence running south $0^{\circ} 25' 22''$ east ten (10) feet to a point; thence running south $89^{\circ} 7' 48''$ west one hundred two and thirty-eight hundredths (102.38) feet to a point; thence running south thirty-five (35) feet to a point on the north side of Sycamore Street; thence running east along the north side of Sycamore Street two hundred thirty-two and sixty-four hundredths (232.64) feet to the point of beginning.

TOGETHER WITH, temporary construction easements for a period of approximately three (3) years from the date of commencement of construction of the Decatur Rapid Transit Station, for the purpose of construction of said Station, maintenance of contractor's work and storage areas and relocation of historic monuments; within, over and across:

TEMPORARY CONSTRUCTION EASEMENT I

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the south side of Swanton Way (having a 60 foot right of way) one hundred sixty-one and eighty-nine hundredths (161.89) feet west as measured along the south side of Swanton Way from the southwest corner of the intersection of Swanton Way and McDonough Street (having an 80 foot right of way); thence running south $0^{\circ} 42' 43''$ west thirty-five and seventy-seven hundredths (35.77) feet to a point; thence running north $44^{\circ} 17' 17''$ west fifty and twenty-six hundredths (50.26) feet to a point on the south side of Swanton Way; thence running east along the south side of Swanton Way thirty-five and fifty-four hundredths (35.54) feet to the point of beginning, and being designated Temporary Construction Easement "A" on plat of survey by Parsons Brinckerhoff-Tudor-Bachtel dated January 14, 1975.

TEMPORARY CONSTRUCTION EASEMENT II

All that tract or parcel of land lying and being in Land Lot 245 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the west side of McDonough Street (having an 80 foot right of way) ten and seventy-two hundredths (10.72) feet south as measured along the west side of McDonough Street from the southwest corner of the intersection of McDonough Street and Swanton Way (having a 60 foot right of way); thence running north 89° 17' 17" west forty-two and seven hundredths (42.07) feet to a point; thence running south 0° 42' 43" west seventeen (17) feet to a point; thence running north 89° 17' 17" west fifty-three (53) feet to a point; thence running south 0° 42' 43" west nineteen (19) feet to a point; thence running south 89° 17' 17" east eighty-seven (87) feet to a point; thence running north 45° 42' 43" east eleven and seventy-one hundredths (11.71) feet to a point on the west side of McDonough Street; thence running north along the west side of McDonough Street twenty-seven and seventy-two hundredths (27.72) feet to the point of beginning, and being designated Temporary Construction Easement "B" on plat of survey by Parsons Brinckerhoff-Tudor-Bechtel, dated January 14, 1975.

TEMPORARY CONSTRUCTION EASEMENT III

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the west side of East Court Square, thirty (30) feet north as measured along the west side of East Court Square from the northwest corner of East Court Square and Sycamore Street; thence running south 89° 7' 48" west ninety-five (95) feet to a point; thence running north 0° 25' 22" west fifteen (15) feet to a point; thence running south 89° 7' 48" west thirty-five (35) feet to a point; thence running south 0° 25' 22" east ten (10) feet to a point; thence running south 89° 7' 48" west one hundred two and thirty-eight hundredths (102.38) feet to a point; thence running north thirty-five (35) feet to a point; thence running north 89° 7' 48" east ninety-five (95) feet to a point; thence running north 0° 52' 12" west ten (10) feet to a point; thence running north 89° 7' 48" east fifty (50) feet to a point; thence running south 0° 52' 12" east ten (10) feet to a point; thence running north 89° 7' 48" east eighty-seven and eleven hundredths (87.11) feet to a point on the west side of East Court Square; thence running south along the west side of East Court Square forty (40) feet to the point of beginning.

TOGETHER WITH, a right of entry for Authority personnel and contractors to areas immediately adjacent to the aforesaid easement areas for the purpose of re-landscaping said areas in conformity with plans approved by the County of DeKalb. A fence shall be constructed not more than 15 feet north of the south line of the above described Temporary Construction Easement III, and the right of entry herein granted shall be restricted to re-landscaping purposes, monument placement and rearrangement of other County facilities. The portion of Temporary Construction Easement III north of said fence shall not be used for vehicular traffic or storage of materials.

EXHIBIT E

IN THE SUPERIOR COURT FOR THE COUNTY OF DEKALB
STATE OF GEORGIA

DEKALB COUNTY,)
)
Condemnor,)
)
V.)
)
WEST COURT SQUARE; HOUSING)
AUTHORITY OF THE CITY OF)
DECATUR, GEORGIA; CITIZENS)
AND SOUTHERN HOLDING COMPANY;)
CONNECTICUT GENERAL LIFE)
INSURANCE COMPANY; CHARLES S.)
ACKERMAN d/b/a ACKERMAN AND)
COMPANY; COMMERCIAL CREDIT)
CORPORATION; SIMONS-EASTERN)
COMPANY; BOEING COMPUTER)
SERVICES, INC.; COASTAL)
STATES LIFE INSURANCE COMPANY;)
CITIZENS AND SOUTHERN NATIONAL)
BANK; UNITED STATES OF)
AMERICA; ALL PARTIES WITH ANY)
UNRECORDED INTEREST IN THE)
PROPERTY DESCRIBED IN)
PARAGRAPH 4 OF THE COMPLAINT;)
ALL TENANTS OF THE BUILDING)
KNOWN AS 1 WEST COURT SQUARE;)
ALL PARTIES IN POSSESSION OF)
THE BUILDING KNOWN AS 1 WEST)
COURT SQUARE; MARION GUESS,)
JUDGE OF PROBATE COURT,)
DEKALB COUNTY; EUGENE ADAMS,)
TAX COMMISSIONER, DEKALB)
COUNTY; WILLIAM N. FITTMAN,)
TAX ASSESSOR, CITY OF)
DECATUR;)
)
Condemnees.)

CIVIL ACTION FILE NO. 90897

405-14
ENTERED Minutn Book Page

JUDGMENT AND DECREE

It appearing to the Court that all parties at interest in the above case have been properly served; that the Court appointed a Special Master, who, in turn, took the proper oath according to law, and that said Special Master having heard evidence, and after consideration, returned an award in favor of the condemnees in the total sum of \$ 486,592.00.

It is, therefore, considered, ordered and adjudged as follows:

EXHIBIT 18

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BOOK 3787 PAGE 213

That said award be paid into the Office of the Clerk of the Superior Court of DeKalb County, and that thereupon the property described in the original petition be and the same is condemned and fee simple title and such other interests as are specified in and to the following described property is thereupon declared to be vested in the County of DeKalb:

PARCEL ONE

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia and being more particularly described as follows:

BEGINNING at a nail found at the intersection of the easterly right of way line of Oliver Street (80 foot right-of-way) and the northerly right-of-way line of Swanton Way (60 foot right-of-way), run south 89° 55' 20" east, along the northerly right-of-way line of Swanton Way, 226.23 feet to a point; continue thence along the northerly right of way line of Swanton Way south 89° 54' 20" east 316.06 feet to a point; run thence north 73° 31' 25" east, along the northwesterly right-of-way line of Swanton Way, 20.41 feet to a point; run thence south 89° 35' 35" east, along the northerly right-of-way line of Swanton Way, 7.68 feet to a point; run thence north 00° 04' 55" east 58.71 feet to a point; run thence south 89° 07' 58" west 6.87 feet to a point; run thence south 00° 52' 12" east 16.00 feet to a point; run thence south 89° 07' 48" west 24.00 feet to a point; run thence south 00° 52' 12" east 15.27 feet to a point; run thence north 89° 59' 22" west 192.91 feet to a point; run thence north 00° 00' 38" east 6.49 feet to a point; run thence north 89° 17' 17" west 56.92 feet to a point; run thence south 00° 00' 38" west 33.19 feet to a point; run thence north 89° 59' 22" west 274.37 feet to a point; run thence northwesterly along the arc of a curve to the right 23.56 feet to a point on the easterly right of way line of Oliver Street (said curve having a radius of 15.00 feet); run thence south 00° 04' 55" west, along the easterly right-of-way line of Oliver Street, 21.02 feet to a nail found on the northerly right-of-way line of Swanton Way, which nail marks the TRUE POINT OF BEGINNING, containing 11,831 square feet.

PARCEL TWO

An exclusive, perpetual easement over, under, across and through the following described tract or parcel of land (hereinafter called "Easement Area") for all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's installation and maintenance of an underground tunnel for use in the operation of a rapid transit system to be located underground within said Easement Area, including but not limited to the right to install and maintain said tunnel, tunnel supports, roof, floor, all system utility service lines and wires, tubing, pipes, conduits, cisterns and other support facilities, manholes, vents and for any other use reasonably related to the installation, use and maintenance of said underground tunnel and associated utility systems within said Easement Area. The owner of the Easement Area shall have the right to utilize the surface of said Easement Area so long as no permanent structure is located thereon and so long as such use does not in any way hinder or restrict the use of said Easement Area by the Metropolitan Atlanta Rapid Transit Authority.

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the easterly right-of-way line of Oliver Street (80 foot right-of-way), 21.02 feet north 00° 04' 55" east, as measured along said easterly right-of-way line, from a nail marking the intersection of the easterly right-of-way line of Oliver Street and the northerly right-of-way line of Swanton Way (60 foot right-of-way); thence running north 00° 04' 55" east, along said easterly right-of-way line, 1.84 feet to a point; thence running north 83° 48' 32" east 165.35 feet to a point; thence running south 89° 17' 17" east 125.00 feet to a point; thence running south 00° 00' 38" west 33.19 feet to a point; thence running north 89° 59' 22" west 274.38 feet to a point; thence running northwesterly, along the arc of a curve to the right, 23.56 feet to a point on the easterly right-of-way line of Oliver Street (said curve having a radius of 15.00 feet), which point marks the TRUE POINT OF BEGINNING, containing 8,434 square feet.

The improvements now located on the above-described property, to-wit, a portion of a double-deck parking structure, will be demolished and removed.

PARCEL THREE

An exclusive, perpetual easement over, under, across and through the following described tract or parcel of land (hereinafter called "Easement Area") for all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's installation and maintenance of an underground tunnel for use in the operation of a rapid transit system to be located underground within said Easement Area, including but not limited to the right to install and maintain said tunnel, tunnel supports, roof, floor, all system utility service lines and wires, tubing, pipes, conduits, cisterns and other support facilities, manholes, vents and for any other use reasonably related to the installation, use and maintenance of said underground tunnel and associated utility systems within said Easement Area. The owner of the Easement Area shall have the right to utilize the surface of said Easement Area so long as no permanent structure is located thereon and so long as such use does not in any way hinder or restrict the use of said Easement Area by the Metropolitan Atlanta Rapid Transit Authority.

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a nail found at the intersection of the easterly right-of-way line of Oliver Street (80 foot right-of-way) and the northerly right-of-way line of Swanton Way (60 foot right-of-way); thence running north 00° 04' 55" east, along said easterly right-of-way line of Oliver Street, 22.86 feet to a point; thence running north 83° 48' 32" east 165.35 feet to a point; thence running south 89° 17' 17" east 181.92 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence running south 89° 17' 17" east 192.86 feet to a point; thence running south 00° 52' 12" east 4.13 feet to a point; thence running north 89° 59' 22" west 192.91 feet to a point; thence running north 00° 00' 38" east 6.49 feet to a point, which point marks the TRUE POINT OF BEGINNING, containing 1,024 square feet.

The improvements now located on the above-described property, to-wit, a one-story building and associated structures will be demolished and removed.

EXHIBIT B

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BOOK 3787 PAGE 215

PARCEL FOUR

An exclusive, perpetual easement over, under, across and through the following described tract or parcel of land (hereinafter called "Easement Area") for all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's installation of underground public utilities within said Easement Area, including but not limited to the right to install and maintain all utility lines, wires, tubing, pipes, conduits, cisterns and other facilities utilized by public utilities, manholes, vents and for any other use reasonably related to the installation and maintenance of all such underground utilities running through said Easement Area, and for the use and maintenance of said facilities by the appropriate public utility. The owner of the Easement Area shall have the right to utilize the surface of said Easement Area so long as no permanent structure is located thereon and so long as such use does not in any way hinder or restrict the aforesaid use of said Easement Area.

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a nail found at the intersection of the easterly right-of-way line of Oliver Street (80 foot right-of-way) and the northerly right-of-way line of Swanton Way (60 foot right-of-way); thence running north 00° 04' 55" east, along said easterly right-of-way line of Oliver Street 22.86 feet to a point; thence running north 83° 48' 32" east 165.35 feet to a point; thence running south 89° 17' 17" east 266.01 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence running north 00° 52' 12" west 9.41 feet to a point; thence running south 89° 53' 24" east 104.56 feet to a point; thence running north 00° 03' 56" east 16.51 feet to a point; thence running north 89° 07' 48" east 27.91 feet to a point; thence running south 00° 52' 12" east 16.00 feet to a point; thence running south 89° 07' 48" west 24.00 feet to a point; thence running south 00° 52' 12" east 11.14 feet to a point; thence running north 89° 17' 17" west 90.00 feet to a point; thence running south 00° 36' 39" east 5.23 feet to a point; thence running north 89° 59' 22" west 18.74 feet to a point; thence running north 00° 52' 12" west 5.46 feet to a point, which point marks the TRUE POINT OF BEGINNING, CONTAINING 1,636 square feet.

The improvements now located on the above-described property, to-wit, a one-story building and associated structures will be demolished and removed.

PARCEL FIVE

A temporary construction easement over, under, across and through the following described property (hereinafter called "Easement Area"), for a period of twenty-four (24) months, for all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's construction of a rapid transit system, including but not limited to the right of ingress and egress over said Easement Area, the right to locate vehicles and equipment thereon, the right to construct temporary improvements thereon and for any other use reasonably related thereto.

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the easterly right-of-way line of Oliver Street (80 foot right-of-way), 22.86 feet north 00° 04' 55" east, along said easterly right-of-way line, from a nail marking the intersection of the easterly right-of-way line of Oliver Street and the northerly right-of-way line of Swanton Way (60 foot right-of-way); thence running north 00° 04' 55" east, along said easterly right-of-way line of Oliver Street, 25.15 feet to a point; thence running north 83° 48' 32" east 164.11 feet to a point; thence running south 89° 17' 17" east 217.31 feet to a point; thence running north 00° 02' 18" east 3.88 feet to a point; thence running south 89° 53' 24" east 154.33 feet to a point; thence running north 00° 03' 56" east 31.52 feet to a point; thence running north 89° 07' 48" east 34.80 feet to a point; thence running south 00° 04' 55" west 35.00 feet to a point; thence running south 89° 07' 48" west 34.78 feet to a point; thence running south 00° 03' 56" west 16.51 feet to a point; thence running north 89° 53' 24" west 104.56 feet to a point; thence running south 00° 52' 12" east 9.41 feet to a point; thence running north 89° 17' 17" west 266.01 feet to a point; thence running south 83° 48' 32" west 165.35 feet to a point on the easterly right-of-way line of Oliver Street, which point marks the TRUE POINT OF BEGINNING, containing 14,297 square feet.

As to that portion of the above-described property on which there is now located a double-deck parking structure, the upper level is to be severed along the southerly boundary of the above described area and use of both levels of said parking structure within the above described area will be denied during the period of the said construction easement.

As to that portion of the above described property on which there is now located a seven-story office building, the subsurface area will be used for a period of 120 days for the purpose of underpinning and providing lateral support for said building. During the said period, a right of entry onto the first floor of said seven-story building is required for purposes of constructing a temporary safety wall and installing and monitoring settlement instrumentation to insure the integrity of the support work to be performed. At the end of said 120 day period, the temporary safety wall and monitoring devices will be removed.

As to the remaining floors of the aforementioned seven-story office building, full possessory rights will be retained by the condemnee.

As to that portion of the above described property on which there is now located a one-story building, said building will be severed along the southerly boundary of the described property, and a temporary wall will be installed along the northerly boundary. Use of the one-story building in that area will be denied during the said period of construction. At the end of the said period, the temporary wall will be removed and a permanent wall will be constructed along the aforementioned severance line.

PARCEL SIX

A temporary construction easement over, under, across and through the following described property (hereinafter called "Easement Area"), for a period of thirty-six (36) months, for all purposes necessary or incidental to Metropolitan Atlanta Rapid Transit Authority's construction of a rapid transit system, including but not limited to the right of ingress and egress over said Easement Area, the right to locate vehicles and equipment thereon, the right to construct temporary improvements thereon and for any other use reasonably related thereto.

All that tract or parcel of land lying and being in Land Lot 246 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a nail found at the intersection of the easterly right-of-way line of Oliver Street (80 foot right-of-way) and the northerly right-of-way line of Swanton Way (60 foot right-of-way); thence running south 89° 55' 20" east, along the northerly right-of-way line of Swanton Way, 226.73 feet to a point; continue thence along the northerly right-of-way line of Swanton Way, south 89° 54' 20" east 316.06 feet to a point; thence running north 73° 31' 25" east, along the northwesterly right-of-way line of Swanton Way, 20.41 feet to a point; thence running south 89° 35' 35" east 7.68 feet to a point; thence running north 00° 04' 55" east 58.71 feet to a point, which point marks the TRUE POINT OF BEGINNING; thence running south 89° 07' 48" west 6.87 feet to a point; thence running south 00° 52' 19" east 16.00 feet to a point; thence running south 89° 07' 48" west 24.00 feet to a point; thence running south 00° 52' 14" east 15.27 feet to a point; thence running north 89° 59' 22" west 57.44 feet to a point; thence running north 00° 06' 36" east 14.78 feet to a point; thence running south 89° 53' 24" east 53.00 feet to a point; thence running north 00° 03' 56" east 51.51 feet to a point; thence running north 89° 07' 48" east 34.80 feet to a point; thence running south 00° 04' 55" west 35.00 feet to a point, which point marks the TRUE POINT OF BEGINNING, containing 2,513 square feet.

Because the above-described portion of the condemnee's property is appurtenant to the Decatur rapid transit station, aesthetically pleasing improvements will be constructed thereon providing open access from the condemnee's office building to the Decatur rapid transit station. Ownership of said improvements shall be vested in the condemnees at the end of the thirty-six (36) month period.

The Special Master is hereby awarded the sum of \$1,250.00 in full for actual time devoted to said hearing and consideration of said matter, which sum includes any actual expenses incurred in connection herewith.

That the lien of any and all taxes, assessments, loan deeds and any other charges against said property and against the named defendant or any of the defendants, be transferred to the funds so paid into Court to the end that the condemnor, the County of DeKalb, be vested with fee simple title and such other interests as are specified in and to said property free and clear of any liens and charges.

EXHIBIT. B

-28-

BOOK 3787 PAGE 218

That the costs of this proceeding be assessed against
the condemnor.

This order is passed without prejudice to any right of
appeal which the parties have, according to law.

This 7 day of April, 19 76

W. T. Dean
JUDGE, SUPERIOR COURT OF DEKALB COUNTY

The sum of \$ _____ paid into court
this the ____ day of _____, 19 ____.

Trust Fund Officer, DeKalb Superior Court

RECORDED IN BOOK _____ PAGE _____ ON _____

FILED IN OFFICE

This 9 day of April 19 76
Theron Burgess Clerk

-29-

EXHIBIT B

BOOK 3787 PAGE 219

Legend

APN	Assessor parcel number	N.T.	How or formerly
COHC	Concrete	0	been found
			Asbestos property line
			High-density
			Confidential

Survey Notes

The last data upon which we paid is based on a close prediction of one foot in 42,295 feet, an angular error of a second per mile, and was adjusted using Compensated Height, not angular error, for closure and found to be accurate within one foot in 153,844 feet. Property as shown creates a non-mathematically related figure without any guess, opinion, or overpromise.

FOODS NOTE:

REFERENCE:

Survey of Dredging County Court House by E. W. May, dated March 1931.

Exception

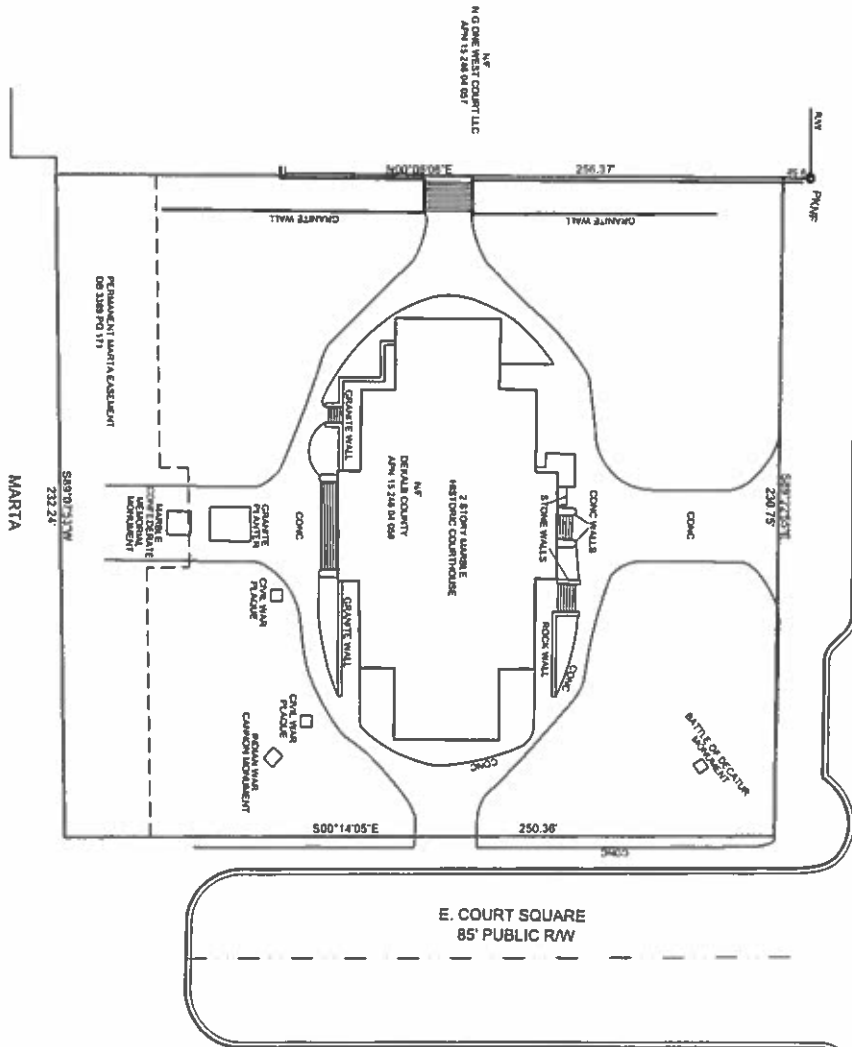
The land described in Deed Book 3787 Page 213 lies to the west of the property shown on this survey.

Area

Total area of wetland property is approximately 1,348 acres (58,648 square feet).



The table is a record-keeping of any liability placed on parcels of land and does not establish or create a new period to make any changes to any trust property beneficiaries. The recording of encumbrances of the documents, mortgage, or other instrument which created the trust for parcels are stated herein. RECORDATION OF THIS TABLE DOES NOT IMPLY AFFIRMATION OF ANY LOCAL, AGENCIAL, OR AVAILABLE OF PUBLIC COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUFFICIENCY FOR ANY USE OR PURPOSE OF THE TABLE. Furthermore, the undersigned land surveyors certify that this table complies with the minimum required standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration 114-4-1. Engineers and Land Surveyors are not part of O.C.G.A. Section 114-4-1.



SCALE: 1" = 30'

BOUNDARY SURVEY FOR
DEKALB COUNTY

LOCATION	LAND LOT: 248
COUNTY: 15TH	BLADE: GEORGIA
OWNER: DE KALB	
ADDRESS: 181 E COURT SQUARE	
CITY: DECATUR	
TALE LAST: 15 346 OF 668	
INFORMATION	
JOHN M. LARSEN, 11/16/17	
SUBMIT DATE: 10/24/2017	
FILED WITHIN DATE: 10/17/2017	
DATE OF LAST REVISION: 11/29/2017	
DRAWING: 150	
CHECKED BY: JAD	
SCALE: 1" = 10'	

MA *Moreland Allobelli Associates, Inc.*
Engineering Planning Landscape Architecture Land Acquisition Surveying
2450 Commerce Ave Ste 100
Duluth, GA 30096-8910
770.261-5945

Attachment 2

Decatur Ga., Oct. 15th 1907
 Regular called meeting. Present Mayor Montgomery,
 Councilmen Stone, Rooper, M. Lewis & Rainsbrook.
 Moved and carried That 75% of M. Lewis & Rainsbrook's
 bill as for contract be paid, viz: \$1687.50

Moved and carried. That Dr. J. W. Mason be requested
 to serve as member of Building Fund Commission.

Moved and carried. That Mr. Rainsbrook be directed
 to inform Confederate Memorial Association
 to remove location of Monument from the
 grounds South of Court House.

No further business Council adjourned.

E. H. Mason
 Clerk Council

City of
 Decatur

official acts of the authorities charged with the management of the business of said municipality; and the within and foregoing two (2) pages of manuscript constitute a true and correct copy of a resolution passed on the 15th day of March 1937, and entered on the minutes of said officers.

City of
Decatur

This the 30th day of March, 1937.

Mortie H. Christian
Clerk.

An Ordinance was introduced for Zoning certain sections of the City for business and ordered advertised for hearing on Friday night, April 2, 1937

The following Resolution was adopted:

A RESOLUTION

WHEREAS, the American Legion is putting on a campaign, known as "Safety Week" in which an extensive campaign is planned to impress on both drivers and pedestrians the traffic hazards of the City and to impress on all the duty of observing traffic lights; and

WHEREAS, this campaign is intended for the general promotion of safety on our streets for children and other citizens; and

WHEREAS, the City Commissioners feels that it is for the best interest of our citizens to support and approve this campaign.

BE IT RESOLVED that the City of Decatur voice their hearty endorsement of this campaign and support of their administration to the furtherance of same.

Meeting adjourned.

Friday Night
April 2nd, 1937.

The Board of Commissioners met in regular session with Chairman Canlier presiding and all Commissioners being present.

Minutes of meeting held on March 15th were approved.

The following ordinance for laying sidewalk and curbing on both sides of Atlanta Avenue from West Court Square to Electric Avenue was unanimously adopted:

AN ORDINANCE PROVIDING FOR GRADING AND
LAYING SIDEWALKS, CURBING AND IMPROVING
CERTAIN STREETS AND SIDEWALKS IN THE CITY
OF DECATUR, GEORGIA, AND FOR OTHER PURPOSES.

ATLANTA AVENUE

WHEREAS, the Charter of the City of Decatur, authorizes the Commissioners of said City, in their discretion, to grade, pave, macadamize, or otherwise improve the travel and drainage of the sidewalks, streets, squares, public alleys and lane of said City, when such improvement is necessary for the public travel and maintenance of said streets; and

City of
Decatur

WHEREAS, the Charter of the City of Decatur authorizes the Commissioners of said City to assess the actual cost of grading and paving the sidewalks of said City, and assess the actual cost of laying curbing along any of the sidewalks of said City; to assess the actual cost of repairing, regrading, repaving or otherwise improving or reimproving any of the sidewalks of said City, against the real estate abutting on said street, but only on the side of the street where the sidewalk is improved or the curbing is laid; and

WHEREAS, it is the judgment of the Commissioners of said City, that the improvement hereinafter provided, on the streets and sidewalks, hereinafter named, are necessary for the public travel, drainage and maintenance of said streets and sidewalks, and such improvements are, by this ordinance so declared and determined to be necessary for the public travel, drainage and maintenance of such streets and sidewalks, and for the benefit thereof.

WHEREFORE, be it ordained by the Commissioners of the City of Decatur, and it is hereby ordained by authority of the same, that the following improvements be made on the streets and sidewalks, of said City, to-wit:

For laying concrete sidewalk and granite curb on both sides of Atlanta Avenue from West Court Square to Electric Avenue, where necessary, in the City of Decatur, Georgia.

BE IT FURTHER ORDAINED BY AUTHORITY AFORESAID, that when improvements have been made on any of the streets or sidewalks, as herein provided, the Commissioners shall determine the cost of such improvements, and make and levy an assessment therefor as provided by the Charter of said City.

BE IT FURTHER ORDAINED BY AUTHORITY AFORESAID, that after the introduction of this ordinance, the City Clerk shall give notice of the introduction of the same, in terms of the Charter of said City, as made and provided by said Charter.

BE IT FURTHER ORDAINED, that all ordinances, or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Application was made by Sinclair Refining Company to rebuild their filling Station on southwest corner of Church Street and East Ponce de Leon Avenue.

After considering the matter, Commissioner Robertson offered a motion that the City Manager be authorized to grant permit to Sinclair Refining Company to rebuild their Filling Station on Southwest corner of Church Street and East Ponce de Leon Avenue, in accordance with plans as submitted, provided that building line on Church Street, as established on the McGarry Store property, be maintained; and that part of the street be dedicated at this time for widening in future; that the City Manager be further authorized to allow the Sinclair Refining Company to use same until at such time when said Church Street is widened.

Motion was unanimously adopted.

Mr. Walter Candler appeared before the Commission requesting that City authorize its City Engineer, Mr. Weaver to tap water main just beyond Seaboard Air Line bridge on Clairmont Road to furnish water service to several houses he contemplates building at this point.

After considering the matter, a motion was offered by Commissioner George that permit be granted to Mr. Candler to tap main, tap to be made by City, including the furnishing of one valve. Motion seconded by Commissioner Frank and unanimously adopted.

The City Manager reported that he had entered into a contract with McNeel Marble Company for moving the Confederate Memorial Monument from its present location on the south side of Courthouse Square to the new location on Courthouse Square, for the sum of \$287.50. (See copy of contract in file).

Request received from Mr. Bruce Hall for exemption of inoculation of dog and motion offered by Commissioner George that dog belonging to Mr. Bruce Hall, be exempted from inoculation only for year 1937, the usual tax fee of \$1.00 to be paid by Mr. Hall.

After considering Insurance claim against Southeastern Life Insurance Company, for license for years, 1931-32-33-34-35-36, amounting to \$50.00, a motion was adopted to relieve said company from license for years 1931 and 1932, and to advise them that City would accept settlement in the amount of \$50.00.

The matter of lowering water main in Clairmont Estate subdivision being developed by Mrs. Videll, was referred to the City Manager and Attorney with power to act.

Charles D. McKinney Writes on Monument

Dear Mr. McWhorter,

In accordance with our telephone conversation last week concerning the picture of the Confederate monument in last week's issue of your paper, I am submitting the following brief statement of facts in regard to the building of this monument.

This monument was built under the direction of a joint committee made up of members of the Clement A. Evans Camp of Confederate Veterans and of the Agnes Lee Chapter of the United Daughters of the Confederacy, who honored me as the son of a Confederate Veteran with the chairmanship of this joint committee operating under the name of the DeKalb County Confederate Memorial Association.

I do not recall whether this Association was ever chartered, but I very distinctly recall the fact that the sum of approximately \$3,000 was raised representing every white school of DeKalb county and small Negro schools, besides a large number of citizens throughout the county and a few of the largest business concerns of Atlanta.

No one was permitted to contribute more than \$100 and we welcomed the contributions of the school children of the county in many cases amounting to so little as five cents.

The beautiful inscription on the monument was written by the late Hooper Alexander. The original date for the unveiling was set for Memorial Day, 1908.

A large group of people were watching the erection of the monument by the Butler Marble and Granite company of Marietta from day to day, and a special group representing the association was on hand about the day before Memorial Day. The base had been completed, and the shaft was being lifted slowly to an upright position by the usual type of crane for that purpose when suddenly some of the ropes or wires snapped and this beautiful shaft fell to the ground, broken in two pieces.

The Butler Marble and Granite company assumed full responsibility greatly to its financial loss, and completed the erection of the monument in time for the unveiling during the fall of 1908. The late Ben F. Burgess, son of Henry Burgess, the clerk of the Superior Court for many years and himself holding the same honored position with great credit to the memory of his father, was the faithful secretary-treasurer of our association and I understand left his records with his son, our fellow citizen, Hugh Burgess.

Let me thank you for the publication of this interesting photograph and for the splendid article of Mr. Robert Ervin, "Decatur's Role in the Battle of Atlanta."

Very truly,

Charles D. McKinney, Sr.

July 26 - 1934

The DeKalb News

The DeKalb News
Enc. Thru 7/26/34

P. 2 Editorial
Views

Subject File: OLD COURTHOUSE LAWN

Confederate Monument Is Reminder Of Years Gone By

By MAUD M. BURRUS.

Like a sentinel guarding the historic ground upon which it stands, the Confederate monument in Decatur is a dignified reminder of the love and admiration which the people of DeKalb county hold for those who fought in the War Between the States.

On January 19, 1907, the birthday of General Robert E. Lee, the citizens of DeKalb county met in the courthouse in Decatur and launched a movement to erect a monument to the Confederate soldiers. Charles D. McKinney was elected president of the association which sponsored the memorial. It was supported by the following officers: C. M. Candler, first vice president; James H. George, second vice president; Charles W. Smith, third vice president, and H. P. Burgess, secretary-treasurer. An advisory committee of DeKalb county citizens was composed of W. J. Houston, S. A. Morris, F. L. Higgins, J. N. Nash, Mrs. A. H. Billups, Miss Kate Ansley, Mrs. M. O. Stewart. Other prominent citizens were asked to solicit funds throughout the county.

Keenly alive with the sentiment of love and admiration just 42 years after the war, people responded generously to the erection of the monument. Citizens of Lithonia, Chamblee, Redan, Clarkston, Panthersville, Stone Mountain, Tucker and other communities held meetings to which many eloquent speakers drew large audiences.

More than 1700 subscriptions were received from loyal friends and over 1000 school children contributed small sums.

The members of Agnes Lee chapter U. D. C. were assiduous in promoting the erection of a monument worthy of their county's heroes. At one of their meetings early in 1907, Mrs. Cora Holleman, president, said she hoped it would be "the handsomest in the state." At this same meeting which was also a benefit entertainment for the memorial fund, Miss Mary Gay read in "clear, distinct tones, an original poem suitable to the occasion." This poem, "The Confederate Love Song," is found in Miss Gay's book, "Life in Dixie."

The first date set for the unveiling of the monument was November 9, 1907, at which time it was planned to have Governor Smith

and many state house officials as honor guests. Some delay in the erection of the monument necessitated a change in date for its dedication which eventually took place Saturday, April 25, 1908. In the presence of a great crowd which included many distinguished visitors the monument was unveiled by Miss Rebecca Candler. The oration of the day was delivered by Hon. Hooper Alexander. In presenting the monument to General Clement A. Evans, who represented the Confederate veterans, Mr. Alexander said, "Accept from us, sir, the simple citizens of a peaceful time—from us, another generation—this stone which we have set up to be your witness and ours, that constancy has not failed the blood, but that ever through the years and through the generations we abide by the faith of a covenant keeping race."

A beautiful speech of acceptance by General Evans was marked for its sincerity and appreciation in which he asked for no recounting of wrongs and no harboring of bitterness.

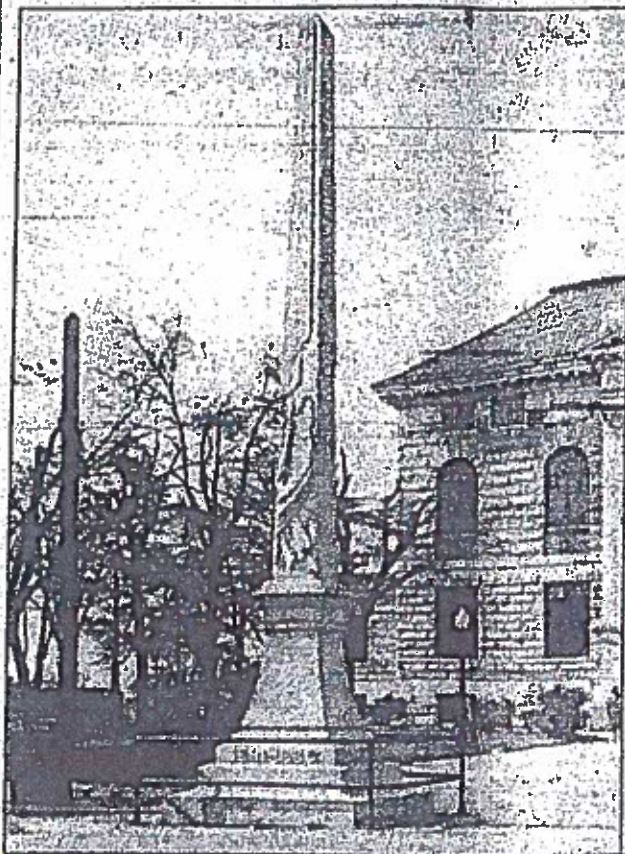
The DeKalb county Confederate memorial is approximately 30 feet in height. It is cut from Georgia granite and is distinguished for its balance and substantial proportions. Upon its well-patterned surfaces are clearly inscribed the war dates 1861-1865 C. S. A. Each of the four sides bears a tribute to those who fought "in defense of principles to which they were pledged with their lives, their fortunes and their sacred honor."

To those patriotic citizens who made the memorial a reality, for those who were responsible for placing it at the entrance to our county's seat of government and to those who are preserving its beauty and dignity, we are grateful. The records to which the inscriptions refer are a rich heritage for the children of Georgia. They can but be inspired to become fine citizens as they linger to become acquainted with the pride of Decatur—the Confederate Memorial.

June 1st Final Date To Get Applications In On Soil Program

County Agent E. P. McGee said this week that he had received notice from the State Board controlling the soil conservation program that no applications or work sheets on the new conservation program

Sentinel Of The Ages



DeKalb county's Confederate monument, erected in 1908, dedicated in September of that year, stands as a glowing and permanent tribute to the heroes of the old south. It is surprising that so many people know so little about the history of the Memorial. It required painstaking effort on the part of the author to search through almost forgotten records to gather the information embodied in the accompanying story.

—New Era Photo.

U. D. C. Head Lauds Confederate Leaders In Stirring Radio Address

The following is the text of a radio address made by Mrs. James H. Allison, president of the Agnes Lee chapter of the U. D. C. on Memorial day.

"This is the day of memory, the day dedicated to the memory of those brave men who gave their lives that the ideals of the beloved southland might survive. Today we hold ceremonies in their honor,

selfish service for his fellow man. Such a man was Alexander Hamilton Stephens. His entire career was one of sacrificial public service.

"These immortal Confederate heroes have taught us to be brave in the face of danger, patient in trial, magnanimous in victory and undaunted in defeat.

"It was on Georgia soil that

Charles D. McKinney Writes on Monument

Dear Mr. McWhorter:

In accordance with our telephone conversation last week concerning the picture of the Confederate monument in last week's issue of your paper, I am submitting the following brief statement of facts in regard to the building of this monument.

This monument was built under the direction of a joint committee made up of members of the Clement A. Evans Camp of Confederate Veterans and of the Agnes Lee Chapter of the United Daughters of the Confederacy, who honored me as the son of a Confederate Veteran with the chairmanship of this joint committee operating under the name of the DeKalb County Confederate Memorial Association.

I do not recall whether this Association was ever chartered, but I very distinctly recall the fact that the sum of approximately \$3,000 was raised representing every white school of DeKalb county and small Negro schools, besides a large number of citizens throughout the county and a few of the largest business concerns of Atlanta.

No one was permitted to contribute more than \$100 and we welcomed the contributions of the school children of the county in many cases amounting to so little as five cents.

The beautiful inscription on the monument was written by the late Hooper Alexander. The original date for the unveiling was set for Memorial Day, 1908.

A large group of people were watching the erection of the monument by the Butler Marble and Granite company of Marietta from day to day, and a special group representing the association was on hand about the day before Memorial Day. The base had been completed, and the shaft was being lifted slowly to an upright position by the usual type of crane for that purpose when suddenly some of the ropes or wires snapped and this beautiful shaft fell to the ground, broken in two pieces.

The Butler Marble and Granite company assumed full responsibility greatly to its financial loss, and completed the erection of the monument in time for the unveiling during the fall of 1908. The late Ben F. Burgess, son of Henry Burgess, the clerk of the Superior Court for many years and himself holding the same honored position with great credit to the memory of his father, was the faithful secretary-treasurer of our association and I understand left his records with his son, our fellow citizen, Hugh Burgess.

Let me thank you for the publication of this interesting photograph and for the splendid article of Mr. Robert Ervin, "Decatur's Role in the Battle of Atlanta."

Very truly,

Charles D. McKinney Sr.

July 26, 1931
The Decatur News Era

DeKalb County Confederate Memorial Association (Research results as of August 21, 2017 conducted by Fred Mobley – Archivist of DeKalb History Center.)

“On January 19, 1907, the birthday of General Robert E. Lee, the citizens of DeKalb county met in the courthouse in Decatur and launched a movement to erect a monument to the Confederate soldiers. Charles D. McKinney was elected president of the association which sponsored the memorial.” *Thursday, May 21, 1936 edition of The DeKalb New Era article by Maud M. Burrus*

“This monument was built under the direction of a joint committee made up of members of **the Clement A. Evans Camp of Confederate Veterans and of the Agnes Lee Chapter of the United Daughters of the Confederacy**, who honored me as the son of a Confederate Veteran with the chairmanship of **this joint committee operating under the name of the DeKalb County Confederate Memorial Association.**” *Letter to the Editor from Charles D. McKinney, Sr., The DeKalb New Era Thursday, July 26, 1951.*

Cost \$3,000.00 (money raised through subscriptions from individuals, school children and businesses – per both McKinney and Burrus’ articles McKinney in his 1951 letter to the edition stressed “no one was permitted to contribute more \$100.00” *Letter to the Editor from Charles D. McKinney, Sr., The DeKalb New Era Thursday, July 26, 1951.*

“Citizens of Lithonia, Chamblee, Redan, Clarkston, Panthersville, Stone Mountain, Tucker and other communities held meetings to which many eloquent speakers drew large audiences”. *Thursday, May 21, 1936 edition of The DeKalb New Era article by Maud M. Burrus*

Brief Time Line: January 19, 1907 on 100th anniversary of Gen. R.E. Lee’s Birthday – DeKalb County Confederate Memorial Association was formed; Charles D. McKinney, Sr. Pres; C.M. Candler 1st Vice Pres; Jas. R Georgia 2nd Vice Pres; Char. W. Smith 3rd Vice Pres; B.F. Burgess Vice Pres & Treas.

Advisor Committee: W.J. Houston, S.A. Morris, F.L. Hudgins, I.N. Nash, Mrs. A.H. Billups, Miss Kate Ansley, Mrs. M.O. Steward.

"The late Ben F. Burgess, son of Henry Burgess, the clerk of the Superior Court for many years and himself holding the same honored position with great credit to the memory of his father, was the faithful secretary-treasurer." of our association and I understand left his records with his son, our fellow citizen, Huge Burgess." *Letter to the Editor from Charles D. McKinney, Sr., The DeKalb New Era Thursday, July 26, 1951.* (Note: I have not located any of the records here mentioned concerning the secretary/treasurer's records for monument association among various Burgess family members' collections donated to DeKalb Historical Society/DeKalb History Center since DHC's inception in 1947.)

November 9, 1907 was first set date for **unveiling** of the monument. Delayed till **April 25, 1908 date of actual unveiling ceremony.** The Butler Marble and Granite Company of Marietta..." The base had been completed, and the shaft was being lifted slowly to an upright position by the usual type of crane for that purpose when suddenly some of the ropes or wires snapped and this beautiful shaft fell to ground, broken in two pieces."

Micro-film copies of DeKalb New Era from 1898 – 1910 missing in both DHC's and Decatur Branch of DeKalb Library. Quick search of key dates in Atlanta Journal and Atlanta Constitution yield no material.

Attachment 3

"The names and deeds of the noble and true must not dim but brighten with time."

Our meetings are very interesting, much of the credit being due to our efficient historian, whose memoirs always furnish interesting subjects for discussion.

Respectfully submitted,

MISS MARY B. MERRITT, Recording Secretary.

McIntosh County Chapter—Darien.

Madam President and Daughters of the Georgia Division U. D. C. in Convention Assembled:

The McIntosh County Chapter No. 438, sends greetings and regrets that although our delegates were appointed some time ago, to meet with you they find it impossible to leave home at this time.

We have little to report for our year's work. We have made only two contributions, one of \$10 to the Rabun Gap Dormitory and \$2 to the Beauregard Monument fund.

Our Chapter labors under great difficulties, owing to the distance the members live from our place of meeting, it being almost impossible to have a full attendance at any time. I shall endeavor the coming year to have a better attendance.

We still have thirty-four members on our roll, though several have moved away, among them our efficient Treasurer, Mrs. W. L. McIntosh, all however have asked to continue members of our chapter.

I had hoped myself to meet with you at this convention, but have been unavoidably prevented.

Respectfully submitted,

Mrs. J. B. BORD, President,
McIntosh Chapter, U. D. C.

Agnes Lee Chapter—Decatur.

Friday the 1st in February Agnes Lee Chapter aroused from hers slumber and went to work. She became ashamed of the "No efforts" to advance the U. D. C. in 1906.

At the reorganization made:

Mrs. W. F. Holleyman, President.
Mrs. Rebecca Green, Vice-President.
Mrs. Jennie Finley, Recording Secretary.
Mrs. S. H. Jerdine, Treasurer.
Mrs. Rosebud Hampton, Corresponding Secretary.
Mrs. Mary Gay, Historian.
Mrs. Murphy Candler, Registrar.

We have nineteen members. Both the per capita and national taxes have been paid.

We feel proud of a Decatur bank account of \$130.10. Money a few member made by having a grand Confederate concert, Spelling Bee and Social Gathering. Dues and donated \$29. DeKalb County Confederate Monument, we have given \$85 and yet we expect to make out the \$100. Delivered two Crosses of Honor.

Respectfully submitted,

Mrs. W. F. HOLLEYMAN.

Robert E. Lee Chapter—Douglas.

Madam President and Daughters of the Confederacy:

Robert E. Lee Chapter U. D. C. with hearty greetings to this convention send the following report:

Officers for the coming year are:

Mrs. W. W. McDonald, President.
Mrs. J. L. Shelton, First Vice-President.
Mrs. John Hall, Second Vice-President.
Mrs. Turner Brewer, Recording Secretary.
Mrs. W. P. Bellingier, Corresponding Secretary.
Mrs. Willis Dart, Treasurer.
Mrs. Frank Appleby, Registrar.
Mrs. Sadie Powell, Historian.

We have had seventeen meetings since October, 1906. Our historical meetings have been very interesting and instructive, our historian never lacking in interest in the program.

November, 8th the chapter presented the Veterans of Camp

Bryan M. Thomas Chapter—Dalton.

Our chief work for this year has been the planting of a privet hedge around Memorial Park. Soon as the hedge grows will remove the fence which will greatly improve and beautify our park. Have had fine attendance at our monthly meetings which have been full of interest. The officials program being used. Our membership is increasing. Members will be furnished certificates of membership. Have some work planned for early spring. Have \$119.00 in treasury.

Respectfully submitted,

MRS. M. W. ELROD, Pres.

Bryan M. Thomas Chapter.

McIntosh Chapter—Darien.

Madam President and Daughters of the Confederacy:

I am sorry I cannot give you a better report of our Chapter's work for the past year; having been absent for most of the year. I can only give you, as it were, a review of our work. Our chapter is progressing as well as could be expected, considering the difficulties we labor under.

Our members are so scattered—some as far off as six and ten miles from our meeting place. The chapter was organized in 1901, with thirteen charter members, which has been increased to 35; two have passed away and two have moved away, leaving the present number 31 on our pay roll.

We have contributed, since our organization, \$50.00 to the Winnie Davis Memorial; \$25.00 to the Wirz Monument, also collected \$17.00 from the Veterans of our home camp for the same cause, and \$25.00 to the Rabun Gap Dormitory.

Our per capita State and National taxes have been regularly paid. We send a basket twice a year to the widow

of a Confederate soldier, and have recently sent a ten dollar gold piece to the invalid daughter of another soldier. We presented the public school in our town with a five dollar picture of Gen. Lee, also "The True Arm of the Service" handsomely framed, and hope to add a picture of President Davis shortly. We have subscribed to the Confederate Veteran, as there are many things in it of deep interest to all Southern hearts.

Memorial Day is always observed with suitable and appropriate ceremonies. Three times in the past nine months our chapter has sent laurel wreaths for the caskets of those who have crossed over the river to join the Great Commander. Hoping to give you a better report the coming year, Respectfully submitted,

MRS. J. B. BOND, President.

Agnes Lee Chapter—Decatur, Ga.

We have 22 members, in good standing. Two honorary members, made so from the faithful work done in the past and the love we have for them in old age and infirmity. Eight new members come in this year, and six blanks are out to be filled. Both the per capita and National taxes have been paid. \$62.15 made by dues, ice cream and a lecture given by Dr. James W. Lee. Money paid out, \$15.00 DeKalb Co. Confederate Monument, in order to finish up the \$100.00 promised; portrait of Jefferson Davis in our reception room at Soldiers' Home beside, bought a handsome mantel and curtains. Fifteen crosses of honor given Veterans that belong to Clement A. Evans Camp, No. 665. Most of them were duplicates. On the whole, we consider our chapter in good shape, growing in members and interest. Once a month we meet at some private parlor, attend to business, then take up the Official program which we study and enjoy. Last, but not least, our kind hostess serves re-

Attachment 4

PH001 2866

**NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM**

(Type all entries - complete applicable sections)

STATE: Georgia	
COUNTY: DeKalb	
FOR NPS USE ONLY	
ENTRY NUMBER 718.13.0036	DATE 8/26/71

1. NAME

COMMON: Civic Center
AND/OR HISTORIC: * Old DeKalb County Courthouse

2. LOCATION

STREET AND NUMBER: Court Square			
CITY OR TOWN: Decatur			
STATE: Georgia	CODE: 13	COUNTY: DeKalb	CODE: 089

3. CLASSIFICATION

CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object	<input checked="" type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Both	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input checked="" type="checkbox"/> Preservation work in progress	Yes: <input checked="" type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input checked="" type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input type="checkbox"/> Private Residence <input type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input checked="" type="checkbox"/> Other (Specify) Civic Center

4. OWNER OF PROPERTY

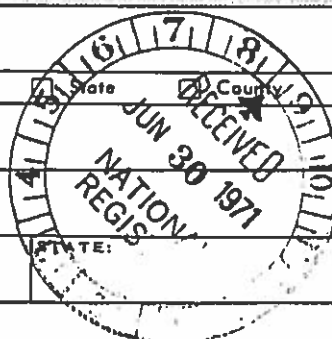
OWNER'S NAME: DeKalb County	
STREET AND NUMBER: 430 North McDonough Street	
CITY OR TOWN: Decatur	STATE: Georgia
	CODE: 13

5. LOCATION OF LEGAL DESCRIPTION

COURTHOUSE, REGISTRY OF DEEDS, ETC: DeKalb County Courthouse, Clerk of Superior Court	
STREET AND NUMBER: 430 North McDonough Street	
CITY OR TOWN: Decatur	STATE: Georgia
	CODE: 13

6. REPRESENTATION IN EXISTING SURVEYS

TITLE OF SURVEY: None	
DATE OF SURVEY:	<input type="checkbox"/> Federal <input type="checkbox"/> State <input checked="" type="checkbox"/> County <input type="checkbox"/> Local
DEPOSITORY FOR SURVEY RECORDS:	
STREET AND NUMBER:	
CITY OR TOWN:	STATE:
	CODE:



STATE: Georgia
COUNTY: DeKalb
ENTRY NUMBER 718.13.0036
DATE 8/26/71

SEE INSTRUCTIONS

FOR NPS USE ONLY

7. DESCRIPTION

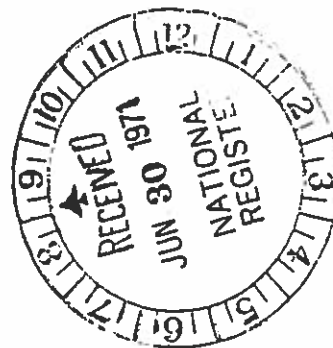
CONDITION	(Check One)					
	<input checked="" type="checkbox"/> Excellent	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Deteriorated	<input type="checkbox"/> Ruins	<input type="checkbox"/> Unexposed
	(Check One)			(Check One)		
	<input checked="" type="checkbox"/> Altered	<input type="checkbox"/> Unaltered	<input type="checkbox"/> Moved	<input checked="" type="checkbox"/> Original Site		

DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE

The present appearance of the old DeKalb County Courthouse, a model of Beaux Arts neo-classicism, remains essentially as designed in 1917. During that year, Atlanta architects Walker and Chase transformed a gutted circa 1900 structure on the site into a larger building with wings and porticoes. The result is a magnificently dignified "old style" public building in the center of Decatur, on the town square.

The outside is constructed entirely of cut, Stone Mountain granite. (Stone Mountain is DeKalb County's major natural landmark.) The north and south entrances are adorned with round Roman columns of cut granite placed atop large square cut pedestals. The column capitals, architrave, frieze and cornice are pure Corinthian in design with all the embellishments of this style of architecture. Second floor windows in the center structure have cut stone lintels laid in a Roman arch. The east and west wings have rectangular windows. The building still retains all of its original outward appearance. The condition of the outside is excellent, having suffered no real damage over the years. The roof, of terra cotta tile, is still in good repair. In 1968 the building was sandblasted and cleaned restoring its original appearance.

The inside, including the stairways, is decorated with Alabama marble, still in a splendid state of repair. The marble stair treads are well worn and dished out by the many thousand footprints of DeKalb and Georgia dignitaries over a period of many decades. The main courtroom, with its paneling and neo-classical detailing, has been made into a meeting hall.



SEE INSTRUCTIONS

SIGNIFICANCE

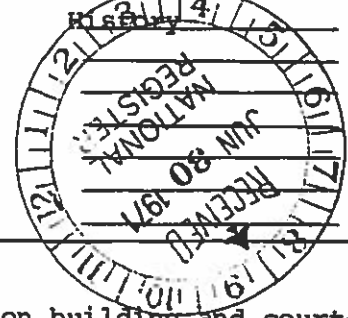
PERIOD (Check One or More as Appropriate)

- ☐ Pre-Columbian ☐ 16th Century ☐ 18th Century ☒ 20th Century
☐ 15th Century ☐ 17th Century ☒ 19th Century

SPECIFIC DATE(S) (If Applicable and Known) 1898-1900; 1917-1918

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input checked="" type="checkbox"/> Political | <input checked="" type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Philosophy | <input checked="" type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Historic | <input type="checkbox"/> Industry | <input type="checkbox"/> Science | |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Sculpture | |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Landscape | <input type="checkbox"/> Social/Humanitarian | |
| <input type="checkbox"/> Art | <input type="checkbox"/> Architecture | <input type="checkbox"/> Theater | |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Literature | <input type="checkbox"/> Transportation | |
| <input type="checkbox"/> Communications | <input checked="" type="checkbox"/> Military | | |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> Music | | |



STATEMENT OF SIGNIFICANCE

When DeKalb County needed a new county administration building and courthouse, the obvious first thought was to do what the county had done since the early 19th century - tear down the old courthouse and use the Decatur square on which it stood as the site for a larger building. But county business in the 1950's and 1960's had expanded to such a degree that it was necessary to erect a building of much larger scale than had ever been needed before. As the new multi-storied building went up nearby, some people felt the old courthouse should be razed and the land put to other uses. Others felt that the Corinthian-columned granite landmark was too fine a building, too well sited in the center of Decatur, to simply be discarded.

Since 1823 the site had been the location of DeKalb's courthouses. Following 19th century custom, the courthouse was located on a rise in the center of town. Streets bounding the four sides of the lot formed a square which became the center of town and county life. The first courthouse erected on the square was a log cabin (c.1823) which was replaced in 1829 with a brick structure. This courthouse served the county until 1842 when it was destroyed by fire. The third courthouse on the site was occupied in 1847. The growth of DeKalb County in the late-19th century called for a larger building and accordingly in 1898, the cornerstone of the present structure was laid. This building was greatly altered, however, in 1917 and 1918 as a result of a disastrous fire in 1916. This fire made complete renovation necessary. In 1917 Atlanta architects Walker and Chase used the basic bulk of the ruined building as the basis of their new design; essentially they added wings to the east and west and pedimented porticoes in the Corinthian order to the north and south. (Their rendering of the new design is framed and hung in the headquarters of the DeKalb Historical Society on the main floor of the building.) Recently cleaned and refurbished, the building is a notable example of Beaux Arts neo-classicism.

While the courthouse is significant architecturally and in terms of urban planning and design, the courthouse square is significant historically as well. On July 22, 1864, General Joseph Wheeler was ordered to capture Federal wagon trains parked just north of the square. After fierce fighting Wheeler's Cavalry forced the Federal troops out of the area. A monument to the soldiers killed in this battle and others was erected in 1906 and still stands in the center of the main south walkway on the square. Several bronze plaques have also been placed on the grounds commemorating other Civil War events.

(continued)

SEE INSTRUCTIONS

4th fl.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

Farrell, M.B., DeKalb County Parks and Recreation Department, Original draft of National Register nomination form.
 Garrett, Franklin M., Atlanta and Environs. (New York: Lewis Historical Publishing Company, Inc., 1954).
 _____, Memoirs of Georgia, (Atlanta: Southern Historical Association, 1895).
 Mitchell, William R., Jr., Personal Inspection, December 1970.
 Records, DeKalb County Historical Society.

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			O R	LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE		LATITUDE	LONGITUDE	
	Degrees Minutes Seconds	Degrees Minutes Seconds		Degrees Minutes Seconds	Degrees Minutes Seconds	Degrees Minutes Seconds
NW	° ' "	° ' "		° ' "	° ' "	° ' "
NE	° ' "	° ' "		33	46	29
SE	° ' "	° ' "			84	17
SW	° ' "	° ' "				48

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: 1.32 acres

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:
 William R. Mitchell, Jr., Director, Georgia Historic Sites Survey

ORGANIZATION
 Georgia Historical Commission

DATE
 July 23, 1971

STREET AND NUMBER:
 116 Mitchell Street, S.W.

CITY OR TOWN:
 Atlanta

STATE
 Georgia

CODE
 13

12. STATE LIAISON OFFICER CERTIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☒ Local ☐

Name Mary Gregory Jurett

Title State Liaison Officer

Date July 26, 1971

NATIONAL REGISTER VERIFICATION

I hereby certify that this property is included in the National Register.

Ernest A. Connolly
 Chief, Office of Archeology and Historic Preservation

AUG 26 1971

Date _____

ATTEST:

William J. Santag
 Keeper of The National Register

Date AUG 6 1971

UTM
 16/75034
 374029
 CX

SEE INSTRUCTIONS

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

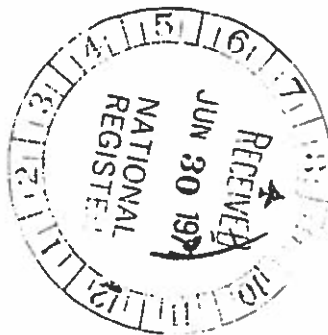
(Continuation Sheet)

STATE Georgia	
COUNTY DeKalb	
FOR NPS USE ONLY	
ENTRY NUMBER 918.13.0036	DATE 8/26/71

(Number all entries)

8. STATEMENT OF SIGNIFICANCE

Now a civic center as it has been in essence for generations, the old courthouse continues as a focus of community activity. The DeKalb County Parks and Recreation Department is presently housed in the building as is the DeKalb Historical Society, DeKalb Art Society and the University of Georgia Extension Service. Many local civic organizations use the courthouse for meetings and shows. Plans for further development of the civic center call for the furnishing of one room with fine antiques provided by the Decatur Women's Club.



Attachment 5

Wayne R. Allen
Legislative Counsel



316 State Capitol, S.W.
Atlanta, Georgia 30334
(404) 656-5000

**Office of Legislative Counsel
General Assembly of Georgia**

16 August 2017

Via Email Transmission
(clena@elenaparent.com)

Honorable Elena Parent
Senator, 42nd District
321-B CLOB

RE: O.C.G.A. § 50-3-1(b)(2).

Dear Senator Parent:

You have inquired whether O.C.G.A. § 50-3-1(b)(2) prohibits a county or municipal corporation from adding "an additional plaque, statue, or other information" to an existing public military monument or memorial located on local government property. Unfortunately, no simple answer to this question presents itself.

I. Applicability of O.C.G.A. § 50-3-1(b)(2) to Local Governments.

O.C.G.A. § 50-3-1(b)(2)'s prohibition on relocating, removing, concealing, obscuring, or altering existing military monuments and memorials applies to the State of Georgia "or its agencies, departments, authorities, or instrumentalities." Local governmental entities such as counties and municipal corporations generally do not fall within any of those categories.¹ While my research revealed no appellate cases or Georgia Attorney General opinions on this point, it seems doubtful that a court would hold paragraph (b)(2) applicable to local governmental entities.

T50\44S042081617

¹ For example, describing an authority as "an instrumentality of the state" in a local Act creating the same "does not transform what is by all indications a local authority into a state governmental entity." *Holmes v. Chatham Area Transit Auth.*, 234 Ga. App. 42, 45 (1998) (holding purported state authority created by local Act to be local authority). "[I]t [though called an 'instrumentality' of the state, it] is unlike [a state authority] in that it serves local rather than state interests. It was created by local legislation to satisfy local . . . needs. It is governed, audited, and funded locally. Consequently, it appears to be a creature of local government." *Id.* at 46.

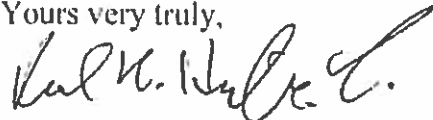
II. Scope of O.C.G.A. § 50-3-1(b)(2).

Assuming for argument's sake that the paragraph actually does apply to local governments, the exception to the general rule for "preservation, protection, and interpretation" of existing monuments must be examined. O.C.G.A. § 50-3-1(b)(2). Again, my research revealed no helpful appellate cases or Georgia Attorney General opinions on this point.

Preservation and protection both contemplate repairs and maintenance, which acts likely would not include adding a plaque, statue, or information to a monument or memorial. Interpretation, however, does contemplate the addition of something to a monument or memorial, so long as that something "interprets" the monument or memorial (by, for example, providing relevant historical information or context) for its observers and does not somehow conceal or obscure any substantive part of the monument or memorial.

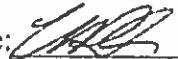
I hope that this information proves useful. If you have any questions, please feel free to contact me.

Yours very truly,



Paul N. Higbee, Jr.
Deputy Legislative Counsel

Approved for release:



Attachment 6

Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

Offense / Incident Report

Report Date 09/22/2017 2140 Type of Incident CRIMINAL TRESPASS Complaint No. 17-02496 Case Status ACTIVE

Occurred on 09/22/2017 2139 to 09/22/2017 2140

Incident Location

Street Address E AND W COURT SQUARE City DECATUR State GA Zip Code 30030
Sector NW Precinct 1 Geo NW Ward Latitude Primary Location
Neighborhood BUSINESS DISTRICT Jurisdiction CITY OF DECATUR Longitude Secondary Location OTHER/UNKNOWN

Dispatch Information

Received Date / Time 09/22/2017 2140 Call Received Via SELF INITIATED Dispatched Date / Time 09/22/2017 2140 Call Dispatched As INFORMATION FOR OFFICER
Arrived Date / Time 09/22/2017 2141 Departed Date / Time 09/22/2017 2148 Offense Category PROPERTY TTY Ref.# TeleType Operator

Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
576	MELVIN, A	INVESTIGATION	<input checked="" type="checkbox"/>	09/25/2017 1149	
148	GRESHAM, C	REPORTING	<input checked="" type="checkbox"/>		

Modus Operandi

Possible/Probable Motivation Offender Suspected of Using Chemical / Incendiary Agent Special Skills Weather Conditions
☒ CLEAR
☒ DAY

Point of Entry Method of Entry Characteristics of Entry Malicious Mischief Events

Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
CRIMINAL TRESPASS			CITY OF DECATUR	16-7-21	16721	PROPERTY
				MISD		

Offense / Incident Narrative

*** CAD Incident # I2017-00036353 ****

On 09/22/2017 at approximately 2139 hours, the City of Decatur Police Department received a departmental email from Decatur City Hall which stated the cement Confederate Memorial statue located on the Decatur Square (East Court Square and West Court Square) had possibly been damaged. Lieutenant Canipe and Officer Gresham walked to the aforementioned statue to inspect the area. The officers observed some unknown person(s) had used a blue crayon/marker to scribble and doodle the west side of the statue's base. The

Reporting Officer 148 GRESHAM, C Approving Officer (I) 142 CANIPE, D
(Cover Pages Only)

Approving Officer (II) 505 WOODRUFF, W
(Cover Pages Only)

Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

Offense / Incident Report

Report Date
09/22/2017 2140

Type of Incident
CRIMINAL TRESPASS

Complaint No.
17-02496

Case Status
ACTIVE

officers also observed on the west side of the statue the phrase, "Fuck This" had been written using a red crayon/marker. The officers did not observe any other damage to the statue. Lieutenant Canipe took digital photographs of the statue and the photographs were later attached to the offense/incident report.

Property									
Quantity	Description	Make	Model	S/N	Ref. No.	Prop Status	Recovered ID/Date	Disposition	Value
1.00	CONFEDERATE MEMORIAL MONUMENT					DAMAG ED			1.00
Number of Line Items		1					Total Value		1.00
Number of Recov. Items		0					Total Recov. Value		0.00

Victim - Entity

Name DEKALB COUNTY	Type GOVERNMENT ENTITY	<input checked="" type="checkbox"/> Willing to Prosecute	Rel. to Sus. UNKNOWN
-----------------------	------------------------------	--	----------------------

Addresses

Type	Street	City	State	Zip Code	Country
	1300 COMMERCE DR	DECATUR	GA	30030	

Phone Numbers

Type	Phone	Ext/PIN	Email Addresses Type	Email Address
WORK	(404) 371-2000		BUSINESS/WORK	

Contacts

Name	Relationship	Race	Sex	DOB
THURMOND, MICHAEL	CEO	WHITE	F	08/08/1961

Addresses

Type	Street Address	City	State	Zip Code	Country
HOME	408 SYCAMORE DR #C	DECATUR	GA	30030	

Phone Numbers

Type	Phone	Ext/PIN	Email Addresses Type	Email Address
HOME	(404) 377-5276		BUSINESS/WORK	Peggy.Merriss@decaturga.com
BUSINESS	(404) 370-4102			
ALTERNATE				

Images

Reporting Officer 148 GRESHAM, C

Approving Officer (I) 142 CANIPE, D
(Cover Pages Only)

Approving Officer (II) 505 WOODRUFF, W
(Cover Pages Only)

Decatur Police Department

420 W TRINITY PL., DECATUR, GA 30030

Offense / Incident Report

Report Date
09/22/2017 2140

Type of Incident
CRIMINAL TRESPASS

Complaint No.
17-02496

Case Status
ACTIVE



ID Number
09/22/2017 2229

Name
CONFEDERATE MONUMENT

Taken Date / Time
09/07/2017 2130

Agency
DECATUR PD

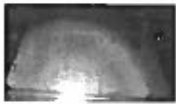
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OFFENSE / INCIDENT
Description

Image Captured By
142 - CANIPE, D

Image / Attachment Type
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☐



ID Number
09/22/2017 2235

Name
CONFEDERATE MONUMENT

Taken Date / Time
09/22/2017 0000

Agency
DECATUR PD

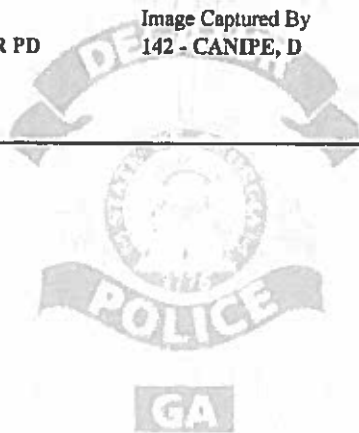
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Description
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DR.jpg

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Reporting Officer 148 GRESHAM, C

Approving Officer (1) 142 CANIPE, D

(Cover Pages Only)

Approving Officer (II) 505 WOODRUFF, W

(Cover Pages Only)

