

CROSS-REFERENCE TO:

Deed Book 3104, Page 333,
DeKalb County, Georgia Land
Records

Prepared by and upon
recording return to:

James G. Farris, Jr., Esq.
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

TERMINATION OF EASEMENT

THIS TERMINATION OF EASEMENT (this "Termination") is made and entered into as of the ____ day of November, 2017, by the **DEKALB COUNTY** ("County").

W I T N E S S E T H:

WHEREAS, by instrument dated November 16, 1973, Heart of Decatur, Inc. and D.T. Bonner, Sr. did grant and convey unto the City of Decatur an Easement recorded in Deed Book 3104, Page 333, of the Clerk's Office of the Superior Court of DeKalb County, Georgia (the "Easement"), for the right to maintain, repair or replace a sanitary sewer line on, over, through or under property located at 160 Clairemont Road, in Land Lot 246 of the 15th District, DeKalb County, Georgia, (the "Property"); and

WHEREAS, by that certain Bill of Sale and Purchase Agreement dated October 28, 1975, the City of Decatur transferred and assigned all of its interest in and to all water and sewer easements that it had secured by any measure, to the County (the "Assignment"), including the Easement; and

WHEREAS, Clairemont Apartments, LLC ("Owner"), is the current owner of said Property; and

WHEREAS, as part of the City and County approval of the proposed multi-family development on the Property by Owner, the County agreed to terminate this Easement at such time as the proposed development was completed; and

WHEREAS, the new construction of the multi-family development by Owner has been completed, the County's improvements have all been removed from the Property and accordingly the parties desire to terminate the Easement; and

WHEREAS, the County hereby acknowledges that this easement is no longer needed for the purpose intended.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

The Easement is hereby terminated, cancelled and of no further force or effect.

IN WITNESS WHEREOF, County has executed this Termination under seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

DEKALB COUNTY, GEORGIA

Unofficial Witness

By: _____
Name:
Title:

Notary Public

(NOTARY SEAL)

My Commission Expires:

JOINDER AND ACKNOWLEDGMENT

The undersigned City of Decatur has joined in the execution and delivery of this Termination and Easement as of the day and year first above written for the purpose of evidencing and confirming the undersigned's prior relinquishment of its interest in the Easement and consent to the termination of the Easement described above.

IN WITNESS WHEREOF, the undersigned has executed this Joinder and Acknowledgment under seal as of the date set forth above.

Signed, sealed and delivered
in the presence of:

CITY OF DECATUR, GEORGIA

[Signature]
Unofficial Witness

By: [Signature]
Name: Peggy Merriss
Title: City Manager

[Signature]
Notary Public

(NOTARY SEAL)

My Commission Expires:

Meredith M. Roark
~~Notary Public, DeKalb County, Georgia~~
My Commission Expires January 19, 2018