

**CROSS-REFERENCE TO:**

Deed Book 3104, Page 59,  
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

**PARTIAL TERMINATION OF EASEMENT**

**THIS PARTIAL TERMINATION OF EASEMENT** (this "Partial 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 21, 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 3183, Page 59, 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 1133 Commerce Drive, City of Decatur, in Land Lot 246 of the 15<sup>th</sup> District, DeKalb County, Georgia, (the "Multifamily Property") described on Exhibit A hereto and at 160 Clairemont Road, City of Decatur, in Land Lot 246 of the 15<sup>th</sup> District, DeKalb County, Georgia, (the "Office Property") described on Exhibit B hereto, and

**WHEREAS**, by that certain Bill of Sale and Purchase Agreement dated October 28, 1975, the City of Decatur ("City") 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 the Multifamily Property; and

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

**WHEREAS**, the new construction of the multifamily development by Owner has been completed, the County's improvements have all been removed from the Multifamily Property and accordingly the parties desire to partially terminate the portion of the Easement that is located on the Multifamily Property; and

**WHEREAS**, the County hereby acknowledges that such portion of the 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 portion of the Easement that is located on the Multifamily Property is hereby terminated, cancelled and of no further force or effect. Notwithstanding anything to the contrary contained herein, the remaining portion of the Easement located on the Office Property remains in full force and effect and is not affected by this Partial Termination

**IN WITNESS WHEREOF**, County has executed this Partial 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

Jack Son  
Unofficial Witness

By: Peggy Merriss  
Name: Peggy Merriss  
Title: City Manager

Meredith M. Roark  
Notary Public

(NOTARY SEAL)

My Commission Expires:

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

## EXHIBIT A

### MULTIFAMILY PROPERTY

Being all that tract or parcel of land lying and being in Land Lot 246, 15<sup>th</sup> District, City of Decatur, DeKalb County, Georgia and being more particularly described as follows:

COMMENCING at a 1/2 inch capped rebar found on the southerly right-of-way of Commerce Drive, formerly known as Oliver Street (having an apparent variable right-of-way) which point is located at the beginning of a curve to the right which forms an intersection of the said southerly right-of-way line of Commerce Drive with the westerly right-of-way of Clairemont Avenue (having an apparent 80 foot right-of-way); thence, leave the aforesaid right-of-way of Commerce Drive and run 38.75 feet along the arc of said curve deflecting to the right, having a radius of 35.00 feet and a chord bearing and distance of South 57° 42' 20" East, 36.80 feet to a nail found; thence, running with the aforesaid westerly right-of-way of Clairemont Avenue South 01° 40' 20" West, 92.11 feet; thence, South 01° 19' 40" West, 114.08 feet to a 1/2 inch capped rebar found; thence, leaving the aforesaid right-of-way of Clairemont Avenue North 88° 29' 30" West, 221.00 feet to a 1/2 inch capped rebar found; thence, North 87° 53' 41" West, 165.00 feet to a 1/2 inch capped rebar found and the POINT OF BEGINNING; thence, from said POINT OF BEGINNING as thus established

1. South 44° 56' 20" West, 86.08 feet to a 1/2 inch capped rebar found on the apparent northerly right-of-way of Montgomery Street (having an apparent variable right-of-way); thence, running along the said right-of-way of Montgomery Street
2. North 87° 21' 10" West, 164.78 feet to a 1/2 inch capped rebar found; thence,
3. North 02° 38' 50" East, 2.20 feet to a 1/2 inch capped rebar found; thence,
4. 36.43 feet along the arc of a curve deflecting to the right, having a radius of 20.00 feet and a chord bearing and distance of North 35° 10' 30" West, 31.60 feet to a 1/2 inch capped rebar found on the aforesaid right-of-way of Commerce Drive; thence, leaving the aforesaid right-of-way of Montgomery Street and running with the said right-of-way of Commerce Drive
5. 175.41 feet along the arc of a curve deflecting to the right, having a radius of 341.98 feet and a chord bearing and distance of North 31° 41' 50" East, 173.50 feet to a 1/2 inch capped rebar found; thence,
6. South 43° 36' 30" East, 5.00 feet to a 1/2 inch capped rebar found; thence,
7. 33.52 feet along the arc of a curve deflecting to the right, having a radius of 336.98 feet and a chord bearing and distance of North 49° 14' 30" East, 33.51 feet to a 1/2 inch capped rebar found; thence,
8. North 37° 54' 30" West, 5.00 feet to a 1/2 inch capped rebar found; thence,
9. 229.70 feet along the arc of a curve deflecting to the right, having a radius of 341.98 feet and a chord bearing and distance of North 71° 20' 10" East, 225.41 feet; thence,
10. South 89° 25' 20" East, 41.12 feet; thence, leaving the aforesaid right-of-way of Commerce Drive
11. South 01° 16' 06" West, 27.29 feet to an iron pin set; thence,
12. North 88° 43' 54" West, 104.42 feet to an iron pin set; thence,
13. South 01° 16' 06" West, 18.67 feet to an iron pin set; thence,
14. North 88° 43' 54" West, 18.85 feet to an iron pin set; thence,
15. South 01° 16' 06" West, 173.07 feet to the POINT OF BEGINNING, containing 47,838 square feet or 1.0982 acres of land, more or less.

## EXHIBIT B

### OFFICE PROPERTY

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

BEGINNING at a 1/2 inch capped rebar found on the southerly right-of-way of Commerce Drive, formerly known as Oliver Street (having an apparent variable right-of-way) which point is located at the beginning of a curve to the right which forms an intersection of the said southerly right-of-way line of Commerce Drive with the westerly right-of-way of Clairemont Avenue (having an apparent 80 foot right-of-way); thence, leave the aforesaid right-of-way of Commerce Drive and run 38.75 feet along the arc of said curve deflecting to the right, having a radius of 35.00 feet and a chord bearing and distance of South 57° 42' 20" East, 36.80 feet to a nail found; thence, running with the aforesaid westerly right-of-way of Clairemont Avenue:

1. South 01° 40' 20" West, 92.11 feet; thence,
2. South 01° 19' 40" West, 114.08 feet to a 1/2 Inch capped rebar found; thence, leaving the aforesaid right-of-way of Clairemont Avenue
3. North 88° 29' 30" West, 221.00 feet to a 1/2 Inch capped rebar found; thence,
4. North 87° 53' 41" West, 165.00 feet to a 1/2 inch capped rebar found; thence,
5. North 01° 16' 06" East, 173.07 feet to an iron pin set; thence
6. South 88° 43' 54" East, 18.85 feet to an Iron pin set; thence,
7. North 01° 16' 06" East, 18.67 feet to an iron pin set; thence,
8. South 88° 43' 54" East, 104.42 feet to an Iron pin set; thence,
9. North 01° 16' 06" East 27.29 feet to an iron pin set on the aforesaid right-of-way of Commerce Drive; thence, running with the said right-of-way of Commerce Drive
10. South 89° 25' 20" East, 231.97 feet to the POINT OF BEGINNING, containing 81,961 square feet or 1.8816 acres of land, more or less.

Described property is subject to all easements and rights of way recorded and unrecorded.