



Strategic Counsel, Clear Solutions

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July 21, 2025

VIA FIRST CLASS MAIL & ELECTRONIC MAIL (_____)

The Johns Creek City Council
City of Johns Creek, Georgia (the "**City**")
11360 Lakefield Drive
Johns Creek, Georgia 30097

Dear City Council Members:

This letter is submitted on behalf of my client, Descendants of Macedonia Church and Cemetery of Johns Creek, Georgia, Inc. (the "**Descendants Group**"), regarding the proposed Purchase and Sale Agreement for the Macedonia Methodist African Church Cemetery (the "**Macedonia Cemetery**" or "**Cemetery**"). My comments and revisions to the "Purchase and Sale Agreement" provided to the Descendants Group (the "**Purchase Agreement**") will follow this letter. The purpose of this letter is to: (i) ensure all parties understand and are aligned on the history and factual background affecting the proposed transaction between the City and Descendants Group through which the City proposes to transfer "ownership" of the Macedonia Cemetery to the Descendants Group (the "**Transaction**") and (ii) provide certain changes and additions to the Transaction necessary for my client to continue to move forward. To be fully transparent at the outset, so long as I represent the Descendants Group and my client heeds my advice, the Transaction will not move forward if it substantially resembles the terms presented on May 16, 2025.

The Descendants Group is a nonprofit organization formed by descendants of former slaves interred at the Macedonia African Methodist Church Cemetery. The Descendants Group engaged me to review the Purchase Agreement. My client believed the Purchase Agreement transferred title and control over the Macedonia Cemetery to the Descendants Group. My initial task was to advise the Descendants Group regarding language to protect them in what was purported to be a simple real estate transaction. After review, I advised the Descendants Group Board of Directors (the "**Board**") that the purported "Purchase and Sale Agreement" was nothing of the

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sort and instead a (i) complete transfer of responsibility and obligation for the Macedonia Cemetery both presently and historically, (ii) an attempt to erase the history of the City and Fulton County's obligations and responsibilities for the Macedonia Cemetery, (iii) all while the City maintains substantive ownership and control over the Cemetery. In other words, the "Purchase and Sale Agreement" presented by the City was materially mislabeled.

The Board and I engaged in further discussions, through which I gained a clearer understanding of the true nature of the Transaction and, most notably, the municipal history amongst the City, Fulton County, and the Macedonia Cemetery. My client and I conducted further research to gain a deeper understanding of the matter in order to evaluate a fair and reasonable approach for addressing both the Transaction and its underlying subject matter. Before moving forward with this discussion regarding the Descendants Group, the Macedonia Cemetery, and the City, it is important to ensure all parties and observers are aware of and aligned on the germane factual history.

I. FACTUAL BACKGROUND

A. Macedonia Cemetery History. The Macedonia African Methodist Church Cemetery, located at the corner of State Route 141 (Medlock Bridge Road) and State Bridge Road in Land Lot 329, 1st District, 1st Section, City of Johns Creek, Fulton County, Georgia (Tax Parcel ID: 11-0940-0329-002-0), is a two-acre parcel with profound historical and cultural significance. The Cemetery contains the graves of former slaves and is one of the last extant slave cemeteries in Atlanta. Community research conducted in 1997 by residents, including Kirk Sarkisian and Sharon Flanagan, revealed the Cemetery's ties to pivotal historical events, including the American Revolution, Cherokee removal through the Trail of Tears, and antebellum legal battles over slavery, notably the case of George Morgan Waters' will, which freed his slaves and led to their relocation to Liberia.¹ These findings underscore the Macedonia Cemetery's importance to the descendants, the City, Fulton County, the State of Georgia, and the nation as a whole.

B. 1998 Fulton County Final Order and Judgment. Recognizing its abandoned state and historical value, Fulton County passed a resolution on April 14, 1998, under O.C.G.A. § 36-72-3, authorizing the acquisition of maintenance rights through eminent domain to preserve and protect the Macedonia Cemetery.² On July 1, 1998, a Final Order and Judgment condemned a cemetery maintenance easement for a nominal

¹ see attached document, "Macedonia_AME_Warsaw_Cemetery_Final_Order_.pdf," pages 7-11

² Id., pages 32-33

\$1.00, vesting title in Fulton County and requiring immediate possession upon payment.³ The resolution further directed the Parks and Recreation Department to expend funds for monuments and enhancements to acknowledge the Cemetery's significance. Specifically, the Fulton County Board of Commissioners resolved:

*"Upon the acquisition of the statutory interests in said Macedonia Cemetery, the Parks and Recreation Department is authorized and directed to expend funds to install monuments and other accoutrements to enhance the beauty, serenity, and recognition of the historical significance of the Macedonia Cemetery."*⁴

Despite these legal commitments, Fulton County failed to maintain the Cemetery, leaving it in a state of neglect with unchecked vegetation and accumulated debris, let alone doing anything to *"enhance the beauty, serenity, and recognition of the historical significance of the Macedonia Cemetery."*

C. City of Johns Creek Declined Maintenance Responsibility. Following the incorporation of the City of Johns Creek in 2006, the Macedonia Cemetery fell under the City's jurisdiction. On October 15, 2008, Fulton County contacted Johns Creek, requesting an intergovernmental agreement to address maintenance, citing the Shaefer Amendment's restriction on County funds for cemetery upkeep.⁵ The City's Bill Riley stated that the *"City did not desire to take over the maintenance obligation,"* leading a Fulton County Attorney to respond, *"[t]hat is a typical Johns Creek attitude, only out for yourselves."*⁶ Johns Creek took no action on this request other than Mr. Riley's response, allowing the Macedonia Cemetery to remain in disrepair.

D. City of Johns Creek Acknowledges Maintenance Obligation. On Monday, July 10, 2017, Johns Creek City Council members voted unanimously to *"assume maintenance and upkeep"* of the Macedonia African Methodist Church Cemetery, taking over *"from Fulton County regular maintenance"*.⁷ While we hoped that this change in stance was due to the City's realized sense of justice and responsibility, the record appears to show that the City used the Macedonia Cemetery as a pawn to fight against unwanted billboards conveniently using the Macedonia Cemetery proximity as the legal reason for not allowing certain billboards. In any event, these promises were not fulfilled, and the Macedonia Cemetery continued to deteriorate.

³ Id., pages 1-3

⁴ Id. at page 33

⁵ Id. at page 28

⁶ Id. at page 34

⁷ <https://patch.com/georgia/johnscreek/johns-creek-begin-maintaining-macedonia-cemetery>

E. City of Johns Creek Takes Ownership of Macedonia Cemetery. In September of 2021, Johns Creek took ownership of Macedonia Cemetery.⁸ Concurrently, the City's Fiscal Year 2022 budget, adopted in September of 2021, allocated \$100,000 for cemetery improvements.⁹ Despite these allocations, the City failed to undertake any significant improvements or regular maintenance, leaving the Macedonia Cemetery in an unkempt condition.

F. Concerns about Unmarked Graves and Lack of Archaeological Testing. The Macedonia Cemetery's historical significance is compounded by concerns about unmarked graves, which very likely extend beyond the current boundaries due to historical burial practices common among enslaved and freed African Americans. A 2017 archaeological survey by New South Associates, contracted by Preserve Johns Creek, identified 24 marked graves, 81 potential unmarked graves, and 9 isolated markers, suggesting a total of 105–114 graves on the site. Descendants and historians express concerns that there may be "100 to 150 more graves" than currently identified at the Cemetery on the basis of documented limited geographical scope of the survey. The City represented to the Johns Creek Historical Society and community stakeholders that it would conduct proper archaeological testing to identify unmarked graves. Despite these assurances, the City failed to conduct comprehensive archaeological testing or implement remedial measures to protect unmarked graves.¹⁰

G. Formation of Descendants Group (July 2023). Frustrated by nearly three decades of municipal neglect, the descendants of those interred formed the Descendants of Macedonia Church and Cemetery of Johns Creek, Georgia, Inc., as a 501(c)(3) charitable organization with an intention to assist in providing the Macedonia Cemetery with the care and respect it has been denied.

H. City of Johns Creek's Acknowledged Failure in Stewardship. At the beginning of this year, the City of Johns Creek acknowledges its broader "*inability to fulfill these preservation obligations,*" stating that it "*has realized it can never give the cemetery the same amount of love that the descendants of those buried there could*".¹¹

I. City Attempts to Transfer the Macedonia Cemetery. In addition to the City's acknowledgement of its failed preservation obligations, the City of Johns Creek

⁸ https://www.appenmedia.com/johns_creek/macedonia-cemetery-descendants-remember-dead-look-ahead/article_3c0f9a26-b310-11ed-a300-278c49b21c86.html

⁹ https://www.appenmedia.com/johns_creek/johns-creek-adopts-budget-for-fiscal-year-2022/article_73856516-1a29-11ec-b179-f7fbb47ee11.html

¹⁰ <https://www.wsbtv.com/news/local/north-fulton-county/descendants-slaves-buried-johns-creek-cemetery-worry-more-graves-exist/ZDQO63UYKJEM5CSKNQMGMNOVWU/>

¹¹ Id.

distributed a "Notice" indicating it was *"considering options under O.C.G.A. § 36-37-6(a) and (f) regarding the possible sale of the 1.92 acres of real property"* for the *"purpose of further preserving and protecting the Cemetery."* This notice explicitly sought interest from descendants and other parties to 'present any written plan regarding the future preservation and protection of the Cemetery' by April 7, 2025.

J. Proposed "Transfer" from City to Descendants Group. On May 16, 2025, the City presented the Descendants Group with a proposed Purchase Agreement ostensibly to transfer title to the Macedonia Cemetery to the Descendants Group.

II. REVIEW OF THE PURCHASE AGREEMENT

The "Purchase and Sale Agreement" presented to my client is not, in any meaningful sense, a genuine purchase and sale of real property. Rather, it is a mechanism through which the City divests itself of a long-standing public responsibility while retaining effective ownership and control, all while shielding itself from accountability for nearly three decades of neglect. Specifically:

A. Flawed Reverter Provisions Undermining True Transfer. While the Descendants Group embraces the protective covenants ensuring the Macedonia Cemetery remains a cemetery, the reverter provisions are fundamentally flawed and unacceptable. "Section 4: Reverter" stipulates that title will revert to the City under various circumstances, including if the *"Property is abandoned,"* or *"access to the Property is not maintained such that any descendant..."*

- (1) The very concept of the Cemetery reverting to the City, should a provision or covenant be deemed breached, is illogical and counterproductive. History has demonstrated that municipal control over the Macedonia Cemetery has been, at its most generous interpretation, inadequate.
- (2) Certain reverter provisions are subjective. For example, the definition of "abandoned" in Section 4(a) includes *"extended period of lack of maintenance of the Property, the unchecked growth of vegetation throughout the Property, repeated and unchecked acts of vandalism, and/or partial construction that has remained unfinished for an extended period of time due to lack of work."* These are precisely the conditions that the City itself allowed to persist for years, as documented by its own acknowledgments in 2017 regarding the Property's *"disrepair"* and *"no regular schedule of maintenance."* Given this track record, the City is demonstrably unfit to be the arbiter

or beneficiary of such a reverter clause. Its past performance reveals a profound lack of commitment and capability in maintaining this sacred site.

- (3) The Descendants Group, driven by ancestral reverence and a deep personal commitment, possesses an inherent incentive and a proven desire to perform the necessary actions that the City has repeatedly failed to deliver upon.

Therefore, any reverter provisions are unnecessary and serve only to create an ongoing threat to the Descendants Group's efforts, rather than genuinely protecting the Macedonia Cemetery.

B. An Attempt to Erase History and Evade Accountability. The indemnification language embedded within the Purchase Agreement is particularly egregious. Section 8 states that "*upon Closing, the City shall no longer have any duties with respect to the of the Property and shall therefore have no responsibility regarding any injuries, damages, or losses of any kind relating to the possession and use of the Property*" and that the Descendants Group "*shall indemnify, defend and hold harmless the City... from and against any and all liabilities, claims, judgments, awards, settlements, damages and costs... arising from or related to the Property subsequent to the closing date.*" This provision is a rather bold attempt by the City to wash its hands of all past malfeasance, neglect, and unfulfilled obligations concerning the Macedonia Cemetery. This includes the period beginning in 1998, when Fulton County formally assumed maintenance responsibility, and certainly since Johns Creek's incorporation in 2006, when it assumed jurisdiction and, at various points, acknowledged its maintenance duties. The City cannot, and must not be permitted to, unilaterally erase its historical and ongoing responsibilities through a document crafted to shift risk and financial burden onto a non-profit organization stepping forward out of ancestral duty. Such an attempt to evade accountability for years of documented inaction is unacceptable.

III. THE CRITICAL NEED FOR COMPREHENSIVE GEOPHYSICAL TESTING

The Descendants Group's fundamental goal in assuming stewardship of the Macedonia Cemetery transcends mere property ownership; it is deeply rooted in human dignity and historical redress. Its mission is centered on reconnecting families with their roots by linking ancestors with their descendants through reverse genealogy. My client desires to honor the interred and subsequent generations by preserving the Cemetery, uncovering the stories long buried with them by making all reasonable

efforts to ensure that every individual interred at the Macedonia Cemetery is properly located, identified, and memorialized. Simply "locating" graves is insufficient.

The reliability and comprehensiveness of the archaeological and geophysical data currently available are highly questionable and, indeed, fundamentally impeached by:

A. The 2016 GDOT Report's Dated Methodology and Inherent Limitations: The initial 2016 investigation by the Georgia Department of Transportation (GDOT) primarily involved a "pedestrian survey" where a group of three archaeologists used "fiberglass probing" to identify "possible unmarked graves". While this effort recorded approximately 23 marked and 30 possible unmarked graves, the report itself explicitly stated its limitations. It noted that the site's "potential for data from subsurface features is considered unknown" and had "not been formally tested or fully considered with respect to data potential from an archaeological standpoint." Any assertion of this antiquated "poking the ground" methodology as "comprehensive" for subsurface identification is materially flawed.¹²

B. The 2017 New South Associates Survey's Increased Estimates: A subsequent archaeological survey in 2017 by New South Associates identified a significantly higher number of potential burials, totaling 105-114 graves, including 81 potential unmarked graves and 9 isolated markers. This increasing estimation of the "very comprehensive" 2016 GDOT Report underscores the persistent uncertainty regarding the full extent of interments.

C. The 2020 KCI GPR: The City purportedly engaged KCI in 2020 to conduct ground penetrating radar (GPR). However, the reliability of this data is compromised:

- (1) **Lack of Underlying Data:** The underlying data and TCI report have not been provided to the descendants and, to my knowledge and understanding, the City Council. In fact, (i) during the November 18, 2024 City Council work session, Council Member Stacy Skinner stated regarding the TCI data, "I don't believe that that kind of data exists. I've asked for it a few times. I don't think anybody has it," and (ii) Council Member Erin Elwood, while advocating against further archaeological testing in November 2024, noted that a primary concern with the 2020 KCI GPR service was the "lack of underlying data."
- (2) **Incomplete Coverage and Missed Graves:** An internal City review revealed a critical discrepancy: "There is an area in the northeast (sic) corner of the property where GDOT identified potential graves;

¹² See email from Ms. Erin Elwood from November 18, 2024 twice calling the 2106 GDOT Report "very comprehensive."

however, the city consultant [KCI] did not have potential graves identified" in that same area. This directly indicates that KCI's GPR either failed to cover all areas or missed anomalies detected by earlier, albeit more primitive, methods.

- (3) **Persistent Uncertainty:** Despite the 2020 GPR, in November 2024, Council Member Stacy Skinner publicly acknowledged that *"there is no data to show with exact certainty where the graves are located"* from any past efforts.

The Descendants Group requires significantly greater testing and advanced technology to gather the precise, actionable data necessary to fulfill its mission, which should be the mission adopted by and approved by the City. The descendants requested and coordinated a reputable provider utilizing the latest GPR 3D mapping technology to provide the necessary services at a discounted cost. Even though the City had approximately \$60,000 of funding specifically allocated to the Macedonia Cemetery available, the City denied this request. This is yet another troubling finding and significant part of the recital of the recent history of Macedonia Cemetery.

IV. THE DESCENDANTS GROUP'S RIGHT TO FINANCIAL SUPPORT

Given this extensive and damning history, the Descendants Group's right to significant financial support for the Macedonia Cemetery is not a matter of request or negotiation; it is an undeniable entitlement, rooted in decades of municipal promises and failures. This Macedonia Cemetery has been under the ownership or formal maintenance responsibility of municipalities since 1998, beginning with Fulton County and continuing with Johns Creek, following its incorporation in 2006. Each of these governmental entities made implicit or explicit commitments to perform precisely what the Descendants Group must now undertake and is devoted to achieving. These unfulfilled obligations, which now fall squarely upon the Descendants Group, include:

A. Establishing a Memorial/Museum. As far back as 1998, Fulton County's resolution explicitly *"authorized and directed [the Parks and Recreation Department] to expend funds to install monuments and other accoutrements to enhance the beauty, serenity, and recognition of the historical significance of the Macedonia Cemetery."* This commitment to enhancing the site's historical recognition, effectively a memorial or museum obligation, was never adequately fulfilled by either Fulton County or the City.

B. Conducting Comprehensive Archaeological Testing and Locating Missing Graves. The City itself *"represented to the Johns Creek Historical Society and community stakeholders that it would conduct proper archaeological testing to identify*

unmarked graves." Yet, despite these assurances, the City *"failed to conduct comprehensive archaeological testing or implement remedial measures to protect unmarked graves."* The critical need for this work is underscored by concerns from descendants and historians that there may be "100 to 150 more graves" than currently identified. This vital work, crucial for honoring the interred and understanding the full scope of the cemetery, now would fall to the Descendants Group.

C. Implementing Security Measures to Prevent Vandalism and Break-ins. The Property has a documented history of neglect leading to security issues. As recently as 2017, the City acknowledged that the cemetery *"has been vandalized and is in disrepair,"* and that a city crew had to *"disband a homeless encampment that was based on the land."* The Descendants Group would be burdened with establishing and maintaining the necessary security measures to prevent future desecration and ensure the sanctity of the burial ground.

D. Providing Consistent Landscaping and Upkeep. Both Fulton County, through its 1998 assumption of maintenance, and the City of Johns Creek, through its unanimous vote in 2017 to *"assume maintenance and upkeep,"* made explicit commitments to the Property's care. However, the City itself admitted in 2017 that there was *"no regular schedule of maintenance"* and the property was *"in disrepair."* This fundamental obligation, repeatedly neglected by municipal authorities, would now be the direct responsibility of the Descendants Group.

The City now proposes to transfer the Macedonia Cemetery, explicitly acknowledging its *"inability to fulfill these preservation obligations"* and that it *"has realized it can never give the cemetery the same amount of love that the descendants of those buried there could."* This effectively admits the City's profound breach of these long-standing obligations. Yet, by all indications, the City intends to retain all the funds that have been allocated for and should have been used for the Cemetery's preservation over the years. This stance is simply not acceptable. The Descendants Group is taking on the immense responsibility of rectifying this historical neglect and fulfilling these overdue obligations. Therefore, it is not merely equitable but imperative that my client be provided with the full financial resources that should have been utilized for the Cemetery's care as well as consideration for the City transferring its future obligations onto the Descendants Group.

V. IMMEDIATE NEEDS FOR THE MACEDONIA CEMETERY

To transform the Macedonia Cemetery into the condition it deserves, and in fulfillment of long-standing promises, the Descendants Group has identified the immediate and

critical needs requiring substantial investment. These necessary undertakings, supported by independent assessments and the documented history of the site, include:

A. Comprehensive Archaeological Testing and Grave Identification: As discussed above, this crucial work will ensure that all ancestors are properly identified and honored, especially given the historical context of slave burials that were often unrecorded or improperly marked.

B. Systematic Administrative and Historical Documentation: Following comprehensive testing, extensive administrative work is required. This includes the precise recording and cataloging of all identified grave locations and, where possible, the identification of remains. It also encompasses critical historical record-keeping, genealogical research to trace descendants, and the formal notification of families. The Descendants Group seeks to formally "*enshrine the history of the site on the City's website and in the City's digital records*" in partnership with historical societies, as recommended in the City's own strategic plan. This process is vital for creating a permanent, accessible record that honors those interred and their descendants.

C. Restoration and Repair of Memorials. The Cemetery has suffered from historical neglect and documented vandalism, resulting in many headstones and memorials that are missing, broken, or in poor condition. My client must assess each memorial to determine the appropriate course of action for their repair, restoration, or replacement. This is critical to preserving the last original elements of the site and its direct connection to history.

D. Strategic Tree Management and Landscaping. The northern portion of the site is heavily wooded, with many trees that require annual inspection for hazardous conditions and selective removal to create a safer and more open environment, while still allowing for the reintroduction of historically appropriate larger trees over time. Beyond tree management, significant landscaping and ongoing rubbish removal are necessary to address the site's documented disrepair, accumulated debris, and unchecked vegetation, conditions that have plagued the Cemetery for years under municipal oversight.

E. Enhanced Security Measures and Improved Fencing. To protect the Macedonia Cemetery from future vandalism and unauthorized access, robust security measures are essential. This includes the immediate removal of the current, improperly placed aluminum fence, as recommended by the City's own strategic plan, which strongly suggests it may not encompass the full burial area. A new, strategically located

fence will be installed to delineate the historic church and cemetery area more effectively and safely. Beyond fencing, other critical security measures, such as discreet surveillance cameras, improved lighting along the access path, and the implementation of a consistent patrol or community watch program, should be evaluated and implemented.

F. Construction of an Interpretive Memorial/Museum Structure. In line with the 1998 Fulton County resolution to "*enhance the beauty, serenity, and recognition of the historical significance*" of the Cemetery and reflecting the Descendants Group's vision, a memorial or "gazebo-type structure" will be constructed. This feature will serve as a central interpretive element, potentially incorporating granite memorial and interpretive signage and plaques to educate visitors about the profound history of the church and Cemetery, as well as providing benches for reflection.

G. Appropriate and Visible Signage. Current signage at the site is woefully inadequate. A more prominent sign visible from Medlock Bridge Road will be installed to clearly indicate the presence of the historic church site and Cemetery and guide visitors to the Cemetery. This is crucial for both public awareness and visitor access.

VI. A PATH FORWARD IN PARTNERSHIP

After learning the facts and circumstances contained in this letter, I advised the Descendants Group to approach this transaction not as a simple land transfer but as a vital opportunity to rectify decades of historical neglect and to ensure the proper, dignified stewardship of the Cemetery which has been subject to and is the product of substantial injustices. The factual history outlined in this letter reveals a pattern of unfulfilled municipal promises and unaddressed responsibilities, culminating in the City's current acknowledgment of its "*inability to fulfill these preservation obligations.*" The Transaction must therefore serve as a genuine commitment to partnership, not merely a convenient means for the City to offload a long-standing public burden.

For the Transaction to move forward and truly serve the best interests of the Macedonia Cemetery and its descendants, the following provisions are essential and represent the foundational terms upon which the Descendants Group is prepared to proceed:

- Immediate Transfer of Remaining Earmarked Funds: The City shall, upon the closing of the Purchase Agreement, transfer the full remaining balance of the allocated funds from its Fiscal Year 2022 budget for the Macedonia Cemetery **(\$57,516.00)**. These funds represent a pre-existing commitment

to Cemetery's care, which the Descendants Group will now diligently apply to its intended purpose.

- Restitution "Catch-Up" Payment: Upon the transfer of the Cemetery to the Descendants Group or within a reasonable time thereafter, the City will contribute to the Descendants Group an amount necessary for the items listed in the "Immediate Needs of Macedonia Cemetery" above minus the \$57,516.00 in previously allocated funds. The City's direct obligations to the Macedonia Cemetery date back 19 years, while municipal failures that the City inherited originated much earlier. Note that Fulton County considered (but did not apply) **\$190,000** for the Macedonia Cemetery project in 1998.¹³ We are compiling quotes and will present an update to matter as soon as we in can. In terms of "ballpark" expectations, the Descendants Group reasonably expects this number to be about the same as remaining amount from the Cemetery earmarked funds from the 2022 budget (\$57,516.00).
- Annual Support Payments: Commencing in 2026, the City shall provide ten (10) subsequent annual payments of **\$15,000.00** to the Descendants Group. These yearly allocations are not merely a contribution to future maintenance; they serve as a necessary restitution for the City's past failures to adequately maintain, protect, and archaeologically investigate the Cemetery and as recognition of the substantial operational risks and financial burdens being transferred to the Descendants Group. This commitment reflects a modest but meaningful atonement for wrongs, both recent and those spanning generations, impacting the ancestors interred at this Cemetery and their descendants.

Considering the City of Johns Creek's approximate \$80 million budget in 2025, this commitment represents a small, yet profoundly significant, investment in rectifying historical injustices and ensuring the preservation of a vital piece of City heritage. It is a commitment that honors the City's stated values and acknowledges its long-standing obligations. Should the City decline to include these fundamental provisions, my advice to the Board would be to review The City's budget to evaluate the City's budgetary priorities, seeking to understand which other municipal expenditures are deemed more critical than fulfilling long-overdue promises to its citizens and preserving a site of such immense historical and cultural importance.

¹³ "Losing faith, saving the past," Atlanta Journal and Constitution, April 2, 1998.

VII. REQUESTS FOR THE CITY

The Descendants Group is actively compiling detailed cost estimates for the "Immediate Needs" outlined above, including comprehensive archaeological testing, memorial restoration, landscaping, security measures, and the construction of an interpretive memorial structure. We will provide these figures to the City in the near future. The purpose of this letter is to provide timely notice that the iteration of the Transaction presented to the Descendants Group on May 16, 2025, is unacceptable and will not proceed under its current terms.

My client and I have made an extensive good faith effort to accurately ascertain the relevant facts surrounding Macedonia Cemetery's history, the City's and Fulton County's unfulfilled obligations, and the proposed Transaction. That said, we welcome any germane updates, changes, or clarifications from the City that may further inform our understanding of these matters. Further, should the City decide that the Transaction will not occur substantially as described in this letter, please let us know as soon as reasonably practicable to avoid misused efforts at this stage and to proceed efficiently to our next course of action.

The Descendants Group remains committed to the dignified preservation of the Macedonia Cemetery. We urge the City Council to embrace this opportunity to forge a truly equitable partnership and to provide the resources necessary to ensure this sacred ground receives the care and respect it has long deserved.

Sincerely,

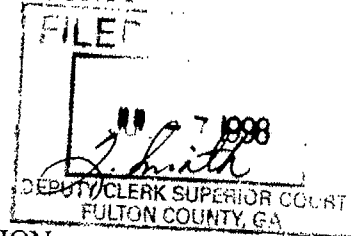


Kyle P. Magee Esq., for the Firm

cc: Descendants of Macedonia Church
and Cemetery of Johns Creek, Georgia, Inc.

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA



FULTON COUNTY,)

Plaintiff/Condemnor,)

v.)

CIVIL ACTION

FILE NO. E-70885

CERTAIN EASEMENT RIGHTS TO)
MAINTAIN MACEDONIA CEMETERY;)
MACEDONIA METHODIST AFRICAN)
CHURCH, f/k/a MACEDONIA COLORED)
CHURCH, as parties at interest;)
JUDGE OF FULTON COUNTY)
PROBATE COURT; and,)
ARTHUR FERDINAND, Fulton County)
Tax Commissioner,)

Less and Except Therefrom:)

ALL KNOWN AND UNKNOWN)
BURIAL EASEMENTS)

Defendants/Condemnees.)

FINAL ORDER AND JUDGMENT

It appearing to the Court that all named Condemnees in the above-styled case have been properly served; that the Court appointed David J. Perling as Special Master, who, in turn, took the proper oath, conducted hearings and returned an award in favor of the Condemnees in the total sum of One and No/100 Dollar (\$1.00);

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED AS FOLLOWS:

1. That the sum of One and No/100 Dollar (\$1.00) is made the Judgment of this



Court as just and adequate compensation for the cemetery maintenance easement condemned in this action and that said sum is to be deposited by Condemnor into the registry of this Court; and,

2. That, upon such payment being made to the Clerk of this Court, the cemetery maintenance easement, as more particularly described in Exhibit "A" attached hereto, be and same are hereby condemned, and the title thereto, is thereupon declared to be vested in Fulton County; and,

3. That, upon such payment into the registry of the Court, Condemnees shall give to Fulton County immediate possession of the property rights hereby condemned; and,

4. That the lien of all taxes, executions, assessments, loan deeds, and any other charges against said property and against the named Condemnees or of the respondents, if any, having or claiming any interest in said easement rights be transferred to the funds so paid into Court to the end that the Condemnor, Fulton County, be vested with title to said easement rights; and,

5. That once said sum of One and No/100 Dollar (\$1.00) has been disbursed to Condemnees, the Clerk of this Court be and is hereby directed to mark the Judgment "Satisfied" and move this case to the closed docket, said sum representing total just and adequate compensation due for all property rights condemned, as well as any and all damages arising from the instant condemnation action; and,

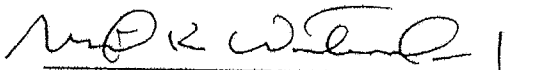
6. That the Special Master, David J. Perling, is hereby awarded the sum of Two Hundred Fifty and No/100 Dollars (\$250.00) in full payment for the time actually devoted to the hearing and consideration of said matter, which sum includes any expenses incurred in



connection therewith, and said sum shall be incurred by Condemnor as a cost of this action separate from the settlement funds provided herein; and,

8. That all motions and appeals previously filed in this action be and are hereby ordered dismissed with prejudice, with all costs of this action taxed against Condemnor, and that all issues in this are concluded, and Condemnees shall have no further claim against Condemnor with respect to this action.

This 7th day of July, 1998.


JUDGE, MELVIN K. WESTMORELAND
FULTON SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

PRESENTED BY:

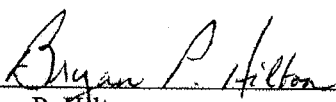

Bryan P. Hilton
Georgia State Bar No. 355410
Attorney for Plaintiff/Condemnor Fulton County
1718 Peachtree Street, NW,
South Tower, Suite 990
Atlanta, Georgia 30309-2409
Telephone (404) 870-9990



EXHIBIT "A"

LEGAL DESCRIPTION
of property
MACEDONIA METHODIST AFRICIAN CHURCH

All that tract or parcel of land lying and being in Land Lot 329 of the 1st District and 1st Section of originally Cherokee, then Milton, and now Fulton County, Georgia, (conveyed by Mrs. Julia R. Graham, et al to Joseph Mitcham by deed, dated 1881, and recorded in Deed Book "C", page 187, Old Milton County Records), and being that part of said land lot identified as the "two acres sold to the Negroes for church lot" in that deed from Martha Mitcham, et al to Sanford R. Mitcham, dated November 1905 (recorded in Old Milton County Deed Book "I", page 3) and more particularly described as follows:

BEGINNING at the corner common to Land Lots 330, 299, 300, and said Land Lot 329 of the 1st District and 1st Section of originally Cherokee, then Milton, and now Fulton County; thence north along the line dividing said Land Lots 329 and 300, 420 feet; thence east parallel to the line dividing said Land Lots 329 and 330, 210 feet; thence south parallel to the line dividing said Land Lots 329 and 300, 420 feet to the line dividing said Land Lots 329 and 330; thence west along said line dividing Land Lots 329 and 300, 420 feet to the corner common to Land Lots 330, 299, 300, and 329 at the point of beginning; being the same tract described as being in "the shape of a parallelogram" in that deed from T. A. Byrd to W. J. Byrd, et al, dated August 4, 1922 and recorded in Deed Book "N", page 185 (Old Milton County Records).

EXHIBIT





THE MYRICK COMPANY

March 16, 1998

Ms. Angela Parker, Assistant Director
Comprehensive Planning Division
Environment & Community Development Department
Fulton County, Georgia
141 Pryor Street
Suite 5001
Atlanta, GA 30303

RE: Macedonia African Methodist Cemetery
North Fulton County, Georgia

Dear Ms. Parker:

This letter will acknowledge receipt of your letter of February 15, 1997 (should have been 1998) addressed to Myco-Medlock, Ltd. regarding the Macedonia African Methodist Church and cemetery in North Fulton County. Please be advised that the owners of the property, Myco-Medlock, Ltd. and SBC Investors, Ltd. are well aware of the existence of the cemetery.

In years past we have worked closely with a couple of people, one of whom was a descendant of someone interred in the cemetery. We worked with them and assured them it was our intent to provide them an access easement to the cemetery. A driveway to the cemetery is currently provided. The boundary of the cemetery property is very clearly marked, title to the adjacent property has been very clearly established, and there have never been any disputes relative to the boundary lines dividing the cemetery from our property.

During our involvement with the property, which goes back over 10 years, numerous people have been on our property providing boundary surveys, construction activity, etc. and there has never been any evidence whatsoever nor any claims made that there are any burials outside the cemetery boundary. We do not question the fact that the cemetery property itself may fall under the Abandoned Cemetery and Burial Grounds Act. It is the owner's position that our adjacent property is not subject to that Act.

Commercial Real Estate Services

6025 The Corners Parkway • Suite 100 • Norcross, Georgia 30092 • 770.449.5622 • Fax 770.448.7381

Ms. Angela Parker
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Please know that the owners fully respect the cemetery boundaries and the rights of descendants and others to visit the cemetery at all times, and that we have provided an access driveway to the cemetery and will continue to do so.

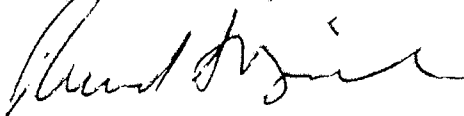
We would also request any assistance the county can provide toward the "cleaning, maintenance and upkeep of the site so as to add to its preservation and protection."

Although the property is currently zoned TR (Townhouse/Residential), it is no longer feasible to develop the property under that zoning classification and we will offer the property for sale as soon as possible for commercial uses, which will require rezoning. We have already anticipated the need for access to the cemetery and any sale that we would make would provide for that access.

Please feel free to contact me personally if you still have concerns over this matter or if there are others in the county government who would like additional information. I appreciate the county's interest in this matter.

Sincerely,

MYCO-MEDLOCK, LLLP



Richard S. Myrick
Managing General Partner

RSM:ms

cc: SBC Investors, L.P.
Ms. Jessica Lavandier
Chairman Mitch Skandalakis
Commissioner Bob Fulton ✓
Commissioner Tom Lowe
Commissioner Gordon Joyner

Importance of April Waters

April Waters gravestone lies in a small cemetery near the corners of State Bridge Road and Route 141. The few lonely gravesites appear rather unkempt, as if time has forgotten the residents interred there. April Waters and the cemetery in which she is buried are an important part of the history of Atlanta, this county, Georgia, and America. It is quite likely that April Waters was the name given to a young slave woman belonging to George Morgan Waters. Slaves frequently went by classical names such as Caesar or Pompeii, or the month of their birth, as in August or April. They commonly had no last name, since slave marriages had no legal standing. For any official documents and for differentiation from slaves on other plantations they took their master's last name, hence April Waters or April, a slave on the Waters plantation. The historical importance of April Waters grave and this unassuming cemetery goes far beyond this being the only extant slave cemetery in Atlanta. April Waters was involved in a famous court case in antebellum Georgia.

April's master, George Morgan Waters, died in 1852 leaving a will that freed his slaves. The manumission of slaves, particularly by will had been popular in the early antebellum period. As tensions increased between North and South and Abolitionists gained strength, many southern states, including Georgia, responded by outlawing the manumission of slaves. A large free black population threatened the foundation of the plantations system. Waters, who had been an inferior court judge in Bryan County, knew the law and provided for the removal of his newly freed slaves from the limits of Georgia. Provisions were made for any slave that wished freedom to be transported to Liberia and settled in Monrovia through the auspices of the American Colonization Society. Before the executors of the will could carry out Waters' wishes, his

grandchildren contested it. Judge James Jackson upheld the executors interpretation of the will in the Superior Court of Gwinnett County. His decision was subsequently upheld in the state Supreme Court and thirty-seven of Waters's former slaves left Savannah for Liberia. Within twelve months most of them had died. Seven of the survivors had enough money to return to America, but were stranded in Philadelphia. Howell Cobb and Alexander Stephens, soon to be Vice President of the Confederate States of America, heard of their plight and agreed to bring them back to Georgia, provided that they would return to slavery. Five agreed. The entire case became propaganda for the pro-slavery camp and one of the former slaves, Jefferson Waters, became a sought after pro-slavery speaker.

This small cemetery, through April Waters and her master George Morgan Waters, has another historical claim. George Waters not only served as an inferior court judge in Bryan County, he also served as a superior court judge on the Cherokee Supreme Court. Waters, like at least 25% of the Cherokee population, had mixed Cherokee and European ancestry and he helped orchestrate the creation of the Cherokee court system and bicameral legislature. A friend of both John Ross and John Ridge, he came reluctantly to the conclusion that Georgia would never allow the Cherokees to remain in the state unmolested. He worked diligently behind the scenes to effect the signing of the New Echota Treaty of 1835 and as such was a shadowy architect of removal. As a reward for his labors, the Georgia State Legislature passed the Cherokee Indian Citizenship Act. This act exempted Waters, his neighbors and friends from removal and made them full citizens of the state of Georgia.

George Waters's father, Thomas Waters, ties this property to the American Revolution. Thomas Waters, a colonial Indian trader and plantation owner, married Sally Hughes, a half

Cherokee woman at the outbreak of the Revolution and had George in 1777. Thomas Waters served the British as assistant Indian agent for the southeast after the death of John Stuart and was banished from Georgia for his part in organizing the Cherokees to conduct raids against the Continental forces along the frontier.

This property with its modest cemetery and simple gravestones is connected to America's most significant historical events: the American Revolution, Cherokee Indian removal, and the events preceding the Civil War. More than just a piece of land, it is a piece of our history.

Sharon Flanagan
November 13, 1997

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Madam Clerk - "97-1433. It is an add on item. Presentation and discussion regarding the Historical Cemetery on Medlock Bridge Road. Commissioner Joyner."

Commissioner Joyner - "Thank you very much. Members of the Board, as I call Kurt Sharkesean to come down to the mike, who is a citizen of Fulton County, as well as Ralph Brown from the Fulton County Land Department, if he is in the room. Is Ralph Brown here? All right. If both of you will come up to the mike. Members of the Board, you will remember that two or three months ago, in connection with a zoning matter which came before the Board, we were told just a little bit of information about the possibility, the very vague possibility, that there was an historically significant cemetery, and old, abandoned cemetery in the northern part of the County on Medlock Bridge Road, which possibly was a slave grave site. And the Board, at my request, instructed the County to look into the history of it as far as we could determine it, and see if whether or not this particular piece of property was something that we might want to seek to have put on the National Historic Register. Kurt Sharkesean, if you'll raise your hand so everybody can see you. You live in Saint Ives?"

Mr. Sharkesean - "I do."

Commissioner Joyner - "All right. He lives in Saint Ives and he took the ball and ran with it. Kurt, in addition to others, who he will identify -- I know Sharon Flannigan is one -- who has done a tremendous amount of research which has presented an incredible and fascinating history of this piece of property in North Fulton. Ralph Brown, of the Land Department, has also instituted a search of deeds to try to track the ownership of this property. And at this point, I would like to turn it over to them, and I'd like to ask Kurt Sharkesean to go first. And Kurt, if you will just tell us about the research that you have done, and this incredible story that you have been able to document."

Mr. Sharkesean - "Thank you. There exists a headstone on this property that reads, April Waters, died October, 1919, at the age of 65. Upon finding this headstone, we did a little research into this area, and found that the area in question was part of a larger parcel of property that a Cherokee Indian planter named George Morganwaters, owned. Apart from each other, there isn't much significance there, although we can assume it was common for slaves to take the names of their masters, as a way to prove ownership. But in an 1855 Gwinnett Supreme Court document, we find April listed as a slave in a will that's contested by his heirs. Mr. Waters knew about law.

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In fact, he served on the Supreme Court for the Cherokee Nation, and was a shadowy figure in the development of the removal of Indians. The Cherokee were removed to Oklahoma on the famous Trail of Tears, as we all know. And in his will, he stated that he wanted to free his slaves. Unfortunately, during that period of time, it was unpopular to free slaves in Georgia. So in his will, he had a clause that said if it was not approved by the Legislature to free his slaves, that he would set aside money so that whatever slave would want to return, could go back to Africa, and 37 slaves took him up on that offer. A number of them died on the trip and died there. Five of them had enough money to come back. They settled in Philadelphia as free men, but had a very difficult time. Members of the Cobb and the Stevens family found out about this, and agreed to go to Philadelphia to bring them back, as long as they agreed to become slaves again. This was a cause led for the pro slave movement back then. And, in fact -- I don't know if I've got the name right here -- Jefferson Waters became a sought after pro slavery speaker, and he was one of George Morganwaters' slaves. So here we have a picture of ... and by the way, this even goes deeper than this. George Morganwaters' father was a celebrated loyalist during the Revolutionary War. And the more I get into this research, the more fascinating this story becomes. But we believe now that we do have conclusive proof that April Waters was a slave on the George Morganwaters' plantation. She does rest on his piece of property. And the history that is part of that area is so deep, it would be a shame to see something happen to that. And that's why a group of us have formed the Warsaw Historical Preservation Society, with an attempt to try and preserve this land, and to see other parcels of land like this that are part of this history preserved."

Commissioner Joyner - "One of the key elements of this was that this slave owner, in his will, declared the slaves free."

Mr. Sharkesean - "Yes."

Commissioner Joyner - "And his relatives contested, that provision of the will. And the case went all the way to the Georgia Supreme Court. And the Georgia Supreme Court upheld the decision that the slaves could be freed in that fashion."

Mr. Sharkesean - "Correct."

Commissioner Joyner - "And they went to Liberia. Is that correct?"

Mr. Sharkesean - "That is correct."

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Commissioner Joyner - "And some of them returned."

Mr. Sharkesean - "Life was hard. Many of them died either in transit or there. And those that remained found enough money to return, and they chose to."

Commissioner Joyner - "And when they came back, they went to Philadelphia. And what got them back to North Fulton County?"

Mr. Sharkesean - "Well, let me find this in my notes here and see if I can read it for you. It says seven of the survivors had enough money to return to America, but were stranded in Philadelphia. Howell Cobb and Alexander Stevens, soon to be Vice President of the Confederate States of America, heard of their plight and agreed to bring them back to Georgia, provided that they become slaves again. And that's all I have here in my notes. This is just a short summary of what we have in volumes now that I could share with you. But that's unfortunately the way I have it written in my notes."

Commissioner Joyner - "Kurt, if you can stand aside for a second and let us hear from Ralph Brown as to the research which he has done so far."

Mr. Brown - "Thank you. From a title report that had been prepared for this site, our title examiner went back to 1858. We didn't go back as far as this other gentleman did in his research. But this was a piece of property that was formerly in Forsyth, Cobb, and Cherokee, and then Milton, and then originally on into Fulton. But the deed made reference to a two-acre site in the Southwest corner of this land lot there on Medlock Bridge Road, that was deeded for church purposes. And it later, through the research, the deed to the church never was ... to the group never was put of record. But when the larger parent tract was sold off, it made reference to the two acre site that was deeded. So it comes on up from that. But in the title attorney's opinion, that it's vested in the name of Macedonia Methodist African Church. So that's basically the information that we gained from the title report."

Commissioner Joyner - "Have you been able to determine how far back the charter or the existence of the Macedonian ... what is the full name of it? African Methodist Church?"

Mr. Brown - "Methodist African."

Commissioner Joyner - "Methodist African Church?"

Mr. Brown - "Yes."

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Commissioner Joyner - "Has your research yet determined when this church originated?"

Mr. Brown - "The deed of the conveyance of the property is somewhere between 1881 and 1905. But as far as the origin of the church, I have not."

Commissioner Joyner - "... During the period of right after the Civil War and slavery in this country. In synopsis, that is the information which has been gleaned so far from the research. It obviously is a fascinating tale. What has been documented is that on that property right now that was almost subject to clearing and development, is at least one documented grave of a slave, April Waters."

Mr. Sharkesean - "There are many more grave sites up there. There are a number of markers that are illegible right now, and you can't read them. There are small stone markers, as well. There are some that you can read, the beginning of the date is 18 something. So there's quite a bit of history still out there to research."

Commissioner Joyner - "You know, folks, even though slavery does not represent a happy part of our history, it is a significant part of our history. It just so happens that slave grave sites are something that I've had just an interest in over the years. And I've only been to one documented slave grave site in this country. And you know where it is? Mt. Vernon, the home of the first President of this Country, George Washington. The fact that there's one that exists in this County, which has been documented, and which can be further documented, is something of great significance in history for this County. I would ask the Board to, first of all, thank Kurt Sharkesean, and those who have worked with him, for taking the initiative to do this research on their own, and to encourage him, along with the imprimatur of the County Government, and any assistance which we can provide in conjunction with Ralph Brown and the Land Department, our Legal Department, and any other offices of the County Government, to continue this research as a priority. I expect that the conclusion of it will be that this Board of Commissioners will make a formal request to have this site protected on the National Historic Registry, and that there may be other steps that we will take that would be appropriate. And that would be my motion."

Commissioner Fulton - "Ms. Chairman, I would second it."

Chairman Skandalakis - "The only question that I have is I was under the impression, from talking to some members from the

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community, that it was in dispute as to who owned this parcel."

Mr. Clark - "Right."

Chairman Skandalakis - "And we have not been able to determine who the owner is?"

Mr. Clark - "It's Macedonian Methodist African Church. The property, according to the title report, has never been divested from them."

Chairman Skandalakis - "So you have been able to determine with certainty that there is a title in the name of this church?"

Mr. Clark - "Yes, sir."

Chairman Skandalakis - "Now, extrapolating on forward, are there any ... is this church still in existence?"

Mr. Sharkesean - "No, it is not. I mean, the church may be, but on that piece of property, it is not."

Chairman Skandalakis - "Okay. Then what are the ramifications, if you know? If you don't, I'm not trying to put you on the spot. I know it probably requires some research. What are the ramifications when you found the title ... we don't know where these people are ... the County's, position?"

Mr. Clark - "Actually, Mr. Chairman, this came up a while back when the Planning Staff faced the issue, and we researched it then. There is not a lot of Georgia law on point, except that there is a State Statute which authorizes cities and counties to themselves consider cemeteries historic, and go in and preserve markers and so on. But, of course, that's an item of expense."

Chairman Skandalakis - "Okay. Then let me try to ask a different question, because I understand that somebody is trying to develop this property. Upon what authority, if somebody can answer this, are they able to try to develop this property if they do not own the property?"

Mr. Clark - "Well, let me just say that the property in question, or that is subject to development, surrounds this property."

Chairman Skandalakis - "Okay."

Mr. Clark - "And it is, to a large degree, unbuildable property, with very deep ravines. In fact, there's even a question about

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State water rights there. There are two springs that come up there."

Chairman Skandalakis - "But my question is, do they intend to develop the property?"

Mr. Clark - "I think what they intended to do was just to land lock this property, to just ignore it."

Chairman Skandalakis - "But they weren't going to disturb the graves?"

Mr. Clark - "I don't know whether they were or not."

Chairman Skandalakis - "But legally, aren't these types of cemeteries protected under Georgia Law?"

Mr. Clark - "No, sir, they're not, surprisingly. Only if a City or County wants to step in, and expend some funds, and make some efforts."

Chairman Skandalakis - "...To transfer the remains elsewhere?"

Mr. Clark - "Well, now, if the developer were going to go on this property and actually develop the property where the cemetery is, then the developer would have the obligation to make transfers of the bodies."

Chairman Skandalakis - "... Assuming that he owns the property."

Mr. Clark - "Right. And we understand he doesn't, I believe."

Chairman Skandalakis - "And he doesn't dispute that, does he?"

Mr. Clark - "No."

Commissioner Fulton - "What about the County's rights relative to providing access to that cemetery from the outside, if the developer comes in? Would the County have the freedom, if it chose to, to require some kind of right-of-way into that?"

Mr. Clark - "Yes, sir. I believe the County would be able to do that as a condition of development approval."

Commissioner Joyner - "... Like in zoning?"

Mr. Clark - "Yes, sir."

Chairman Skandalakis - "... Under what legal theory?"

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Mr. Clark - "Well, essentially the cemetery would have a common law easement across the developer's property, because the developer can't land lock interior property. And I think that the County would just be recognizing that common law easement in telling the developer, no matter what you build on your property, you must honor some sort of common law easement to the cemetery."

Chairman Skandalakis - "That's a very interesting answer."

Commissioner Fulton - "Mr. Chairman, there are a couple of other things relative to this whole area. The people that are living in the Saint Ives and Medlock Bridge area have just begun to uncover some of the many jewels of history in that area, and I think this is part of that story. Another part is the history of the Cherokee Indians that is just tremendous. There's some indication that maybe the Trail of Tears maybe even started in this area. So there's a lot that still remains to be discovered."

Mr. Sharkesean - "There is no doubt, Commissioner, that George Morganwaters had a hand in developing the document that led to the Trail of Tears. We do know that."

Chairman Skandalakis - "Let me ask you another question, because as I understand it, some folks there -- and you may even have been involved in it, I can't remember, had some option to purchase the surrounding area property?"

Mr. Sharkesean - "What we have tried to do is to give us time to figure out what we can do with this property. It would be a shame to see anything built on this. Quite frankly, at the corner of 141 and State Bridge at this time, there's a development going on with a new theater complex, a site of ... we just lost the slab of a gin mill that was there, an old gin mill that they, you know, just bulldozed under. And also one of the first gold mine sites in this area. And this is where the first gold rush was. It wasn't in California, it wasn't in Colorado, it was in Georgia. And one of the first gold mines is at this point about to be paved over. So it's a shame that we're losing this heritage. We're losing the history."

Chairman Skandalakis - "I understand. But let's limit the discussion to this specific parcel. I don't know all of the details, but as I understand, there's a sense of urgency on behalf of the community to have this Board take some form of action. And what I'm trying to get at is I understand Commissioner Joyner has asked for a continued investigation. But what's the time frame that you want to see us act with

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regard to this parcel?"

Mr. Sharkesean - "... As soon as possible, quite frankly. We would love to have a recommendation as soon as possible. That would give us the relief that we would need to start dealing with the issues of how to preserve this property from a historic standpoint, as opposed to how to control developers from coming in and stripping this area."

Chairman Skandalakis - "And my next question is, in that regard, does the development of the surrounding property, essentially land locking that property, but for the easement that the County Attorney has said we're granted, does that accomplish the community's objectives?"

Mr. Sharkesean - "I'm sorry, you were asking me if development of that property around there, as long as we have an easement"

Chairman Skandalakis - "Around the property"

Mr. Sharkesean - "Right. ... As long as we have an easement."

Chairman Skandalakis - "... That conserves the historical value of the property with the easement that allows access to maintain the property, does that accomplish your objectives?"

Mr. Sharkesean - "Quite frankly, Commissioner, I'm not sure. I don't believe so. I believe that the easement itself is a very small portion of property that would lend its way to access. And to me, it would not be what we had in mind for that. We would like to see this area preserved for. I think we just scratched the surface, by the way, with this one grave site. And I've got poison ivy all over me to prove that. We've been surveying the area, and actually have found other items that we've yet to research, and will not let you know about them until we have conclusive proof."

Commissioner Joyner - "Mr. Chairman, the direction I'd like to see us go with in this matter is, first of all, we need to let the documentation process continue through the good citizens from the area, as well as from the County itself, with the request that you come back probably at the next Recess Meeting of the Board, and give us what you have found at that point. At that time, Mr. Chairman, I think that with the advice of the County Attorney's Office, and any other resources that we have, we need to be thinking in terms of taking some concrete action to preserve that site."

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Chairman Skandalakis - "Well, let me also raise this, and let me ask a question of the County Manager or the County Attorney: Does there exist a board established by the Board of Commissioners, whose job it is to investigate, determine, and protect historical properties within the confines of Fulton County?"

Ms. Parker - "The Historic Preservation Program is contained within our department, and we do have staff who will do that."

Chairman Skandalakis - "Staff notwithstanding, because that's what concerns me, quite frankly, is there another body where there are appointees from the community to work in concert with staff?"

Ms. Parker - "We had begun the process of preparing for you such a proposal. That has not been completed, and we can bring that forward. But it had not been brought at this point."

Chairman Skandalakis - "Then I'm going to make a motion that this County establish"

Commissioner Joyner - "We've got a motion. You might want to make an amendment. There's a motion before us."

Chairman Skandalakis - "Oh, there is a motion before us?"

Commissioner Joyner - "Yes."

Chairman Skandalakis - "Oh, okay. I thought you were just giving direction. Let's go ahead and rule on your motion first."

Commissioner Fulton - "But we have to deal with his motion"

Chairman Skandalakis - "... because it's separate. It's really"

Commissioner Joyner - "And as we vote, let me just read these few lines that were written here, which really establishes what we're doing. April Waters' gravestone lies in a small cemetery near the corners of State Bridge Road and Route 141. April Waters, and the cemetery in which she is buried are an important part of the history of Atlanta, Fulton County, Georgia, and America. The few lonely grave sites appear rather unkempt, as if time has forgotten the residents in turret there. What we are doing with our vote today is starting the process to not allow time to forget the residents in turret there."

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Chairman Skandalakis - "All of those in favor?"

Commissioner Darnell - "Mr. Chairman?"

Chairman Skandalakis - "Yes, ma'am?"

Commissioner Darnell - "I would like to express appreciation to Mr. Sharkesean and his neighbors, to you, Commissioner Joyner, for bringing this matter before us, to you, Mr. Brown, and your Department for your contribution. I cannot resist paraphrasing the scriptures just a little bit. Those of us in this room can truly say that we are eating from plants that we didn't plant. We're drinking water from wells that we didn't dig. And this story has served to remind me, if I needed reminding, that we have made some promises. And the only promise that we had to make was that we would remember. That's all they ask. Just remember. Don't forget, you know, that you're eating from olive trees you didn't dig, and you're drinking from wells you didn't dig. Because of this project that has been led by the citizens from this area, with the assistance of the Commissioner from that District and Mr. Joyner, I am very gratified personally to know that by my support of this motion, I evidence, even after all of these years, that we remember. And not just those of us who are the descendants of African slaves, but the entire community remembers, which is just another tribute to what America is all about. Thank you, Mr. Chairman."

Chairman Skandalakis - "Thank you. If you'll display the vote. Okay. The matter having received four affirmative votes, passes. I'm going to make a separate motion that a seven-member board, made up of appointees by each Commissioner, be created, made up of citizens of Fulton County, to work in concert with the Land Department in Planning and Economic Development, to act in an advisory capacity in the development of policies for the protection and preservation of historical sites within the boarders of Fulton County."

Commissioner Joyner - "Second."

Commissioner Fulton - "Second."

Commissioner Darnell - "I'm very pleased to second that. I certainly hope that we have not built anything over any Cherokee graves."

Commissioner Joyner - "Oh, I'm sure we have."

Commissioner Darnell - "And, Mr. Chairman, I thank you for that motion, because we should have already had this kind of

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information."

Chairman Skandalakis - "I agree."

Commissioner Darnell - "Thank you."

Mr. Sharkesean - "Thank you, gentlemen."

Commissioner Joyner - "Thank you very much. And please pass along our appreciation to those who work with you, Kurt."

Mr. Sharkesean - "Yes, sir."

Chairman Skandalakis - "Bob Fulton."

Commissioner Fulton - "Yes. Before you leave, I wanted to just clarify one other issue. There is a zoning application, I believe that's forthcoming; is that correct? We've had some discussions about a prospective zoning application that perhaps would encircle this property. Is that pending? Where is that?"

Ms. Parker - "The zoning application was denied by the Board."

Commissioner Fulton - "I thought we had turned that down."

Ms. Parker - "Yes."

Commissioner Fulton - "That's why I wanted to be clear. So what we have is a clean slate right now from a zoning point of view, related to this particular piece of property; is that correct? Is that your understanding?"

Chairman Skandalakis - "I believe so, yes."

Ms. Parker - "The application was for commercial and office, and that was denied. I cannot recall what the existing zoning is. ... TR, I believe."

Commissioner Fulton - "Okay. So there is a TR zoning on it, but the perspective commercialization is at least off the"

Ms. Parker - "Correct."

Commissioner Fulton - "... agenda for the time being? Okay. The reason I wanted to clarify that is, as we talk about these other issues ... the question is what kind of time do we have? And I think it's incumbent on the Staff to communicate with developers who might have plans for this area, that this discussion has taken place, there are actions that are underway,

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Commissioner Joyner - "Thank you very much, Kurt."

Chairman Skandalakis - "I want to beg the indulgence of the Board of Commissioners. I have to leave soon, and what I wanted to do was, since these folks have been very patient and waiting here all day, call up the Hawks Arena deal. And then if we could have after that, the acceptance of the proposed budget, which is our first step, Mr. Manager, as I understand in the budget process. This is the first presentation to the Board of Commissioners?"

Mr. Regus - "Yes, sir, it is."

Chairman Skandalakis - "Okay."

Madam Clerk - "We will now move to page 10 of the Regular Agenda. 97-1429. Request approval to execute an Intergovernmental Lease Agreement by and among the City of Atlanta and Fulton County Recreation Authority, the City of Atlanta, and the Fulton County Government for the purpose of facilitating the development and operation of a new multi-purpose arena and related improvements in the City of Atlanta."

Chairman Skandalakis - "Michael, before you get started, I mean, I don't anticipate, unless I'm drastically wrong, a lot of discussion of this issue. Is there anything that is out of the ordinary that we need to discuss."

Mr. Coleman - "No, I don't think there is. I sent everyone packages that explain exactly what was before you today. And it's exactly consistent with the transaction that you previously approved. It is done pursuant to the transaction that you previously approved. And we'd be happy to answer any questions that you have, but I don't anticipate"

Chairman Skandalakis - "And this is part of the process, once the Board approved the Arena deal, this is just part of the Intergovernmental Agreement to get this lease?"

Mr. Coleman - "Exactly. This is the Intergovernmental Lease that you agreed to enter into when you approved the last deal."

Chairman Skandalakis - "Right."

Mr. Coleman - "This is simply the form of that document presented to you for your review and approval."

Chairman Skandalakis - "Well, just to get this thing going, I'm going to move for the approval."

L. CECIL TURNER
ATTORNEY AT LAW
NO. 2 IVY RIDGE, N.E.
ATLANTA, GEORGIA 30342
(404) 261-3592

October 20, 1997

Mr. Ralph Brown, Acting Director
Fulton County Land Department
141 Pryor Street, S. W.
Atlanta, Georgia 30303

Dear Mr. Brown:

Re: Parcel I.D. 11-0940-0329-002-0

This report is in response to your request to me to determine, if possible, the ownership of Subject Property (shown on the tax records of Fulton County as being a church) and the source of title of the owner.

This property is located in Land Lot 329 of the 1st District of the 1st Section of originally Cherokee, then Milton, and now Fulton County.

As you are aware, Milton County was created from Forsyth, Cobb and Cherokee counties by an act of the Georgia General Assembly effective February, 1858; and Milton County was merged into Fulton County by an act of the General Assembly effective January, 1932.

From my extensive search from the land records of Old Milton County I find a security deed, dated 1867, from one Jackson Graham to Clark Howell conveying lands including all of Land Lot 329 of the 1st District and 1st Section of Milton County to secure the payment of a debt of said Jackson Graham (Old Milton County Deed Book "A", page 139).

In August 1874 (Old Milton County Deed Book "B", page 441) lands of said Jackson Graham including said Land Lot 329 were sold under Sheriff's deed to said Clark Howell.

By deed, dated January, 1876 (Old Milton County Deed Book "B", page 466) said Clark Howell conveyed lands including Land Lot 329 to John A. Perdue, Trustee, for the benefit of said Jackson Graham and his wife, Mrs. Julia R. Graham.

By deed, dated 1881 (Old Milton County Deed Book "C", page 187) said Mrs. Julia R. Graham and Jackson Graham conveyed Land Lot 329 to Joseph Mitcham. No deed appears of record from said Joseph Mitcham and nothing appears on the deed records concerning his death or his estate.

However, by deed, dated November 1905, (Old Milton County Deed Book "I", page 3) one Martha Mitcham, B. F. Mitcham and Mrs. Susie Summerour conveyed to Sanford R. Mitcham ~~that~~ fractional interest of said grantors in and to Land Lot 329 "except two acres sold to the Negroes for church lot".

Mr. Ralph Brown

October 20, 1997

By deed, dated December 22, 1909 (Old Milton County Deed Book "I", page 554) said Sanford R. Mitcham, Love E. Mitcham, and Mrs. Jennie Reid conveyed to B. F. Mitcham all of Land Lot 329 "except two acres in the shape of a parallelogram in the southwest corner, 70 yards wide on the south line and 140 yards wide on the west line".

By Deed, dated December 29, 1909, (Old Milton County Deed Book "I", page 567) said B. F. Mitcham, S. R. Mitcham, Martha Mitcham, and Susie Summerour conveyed to Thomas A. Byrd all of Land Lot 329 "except two acres in the shape of a parallelogram in the southwest corner, 70 yards wide on the south line and 140 yards wide on the west line".

By deed, dated June 26, 1922 (Old Milton County Deed Book "N", page 173) S. R. Mitcham quit-claimed to Thomas A. Byrd all of Land Lot 329 except the two acres in the southwest corner above-identified.

Likewise, by quit-claim deed, dated July 13, 1922, (Deed Book "N", page 174, Old Milton County Records) B. F. Mitcham, Mrs. Lou Mitcham Hudson, Mrs. J. D. Mitcham, Mrs. Virginia Mitcham Rice, and the executor under the will of Susie Summerour conveyed to T. A. Byrd Land Lot 329 except the two (2) acres in the southwest corner, above-identified.

On August 4, 1922 (Old Milton County Deed Book "N", page 185) said T. A. Byrd conveyed to W. J. Byrd and R. L. Byrd lands including all of Land Lot 329 except the two (2) acres in the southwest corner, above-mentioned.

No deed appears of record conveying the "two (2) acres sold to the Negroes for "church lot" mentioned in the deed from Martha Mitcham, et al to Sandord R. Mitcham, dated November, 1905, (Old Milton County Deed Book "I", page 3), mentioned above.

I attach a revised legal description of said two (2) acres, identified as Exhibit "A".

Recorded in Plat Book 67, page 30 (Fulton County Records) is a survey of a tract of lands owned by Mrs. Susie McClure, (dated July 10, 1923, and revised May 26, 1934), which shows a "Macedonia Colored Church" situated in the southwest corner of Land Lot 329 of the 1st District and 1st Section of formerly Milton, now Fulton County.

On the deed records of Old Milton County on the Grantor Book an instrument is indexed from "Macedonia Methodist African Church" to one Robert H. Howell as being recorded in Promiscious Book "C", page 324. This book is not available.

Mr. Ralph Brown

-3-

October 20, 1977

A marker on one of the graves situated on Subject Property indicates that it is the burial site of one Noah Putnam who died February 11, 1966, a resident of Fulton County, Georgia. The death certificate (State File No. 2793) of the Vital Statistics Section of the Georgia Department of Human Resources indicates that Mr. Putnam was buried in the "Macedonia" cemetery

On the basis of the foregoing information it is my opinion that Subject Property was conveyed to a church of predominally Negro membership between 1881 and November 1905, and such church adopted the name "Macedonia" and it became the "Macedonia Methodist African Church".

Since nothing appears of record divesting the interest of Macedonia Methodist African Church in and to these lands, record title to said lands continues to be in such church subject, possibly, to the Doctrine and Discipline of the African Methodist Church.

As a matter of information I attach a copy of Section 36, Chapter 72 of the Annotated Code of Georgia, entitled "Abandoned Cemeteries and Burial Grounds" which you may find of interest.

If I might be of further assistance in this matter, please call on me.

Yours truly,

L. Cecil Turner

LCT/11
Encl.-2

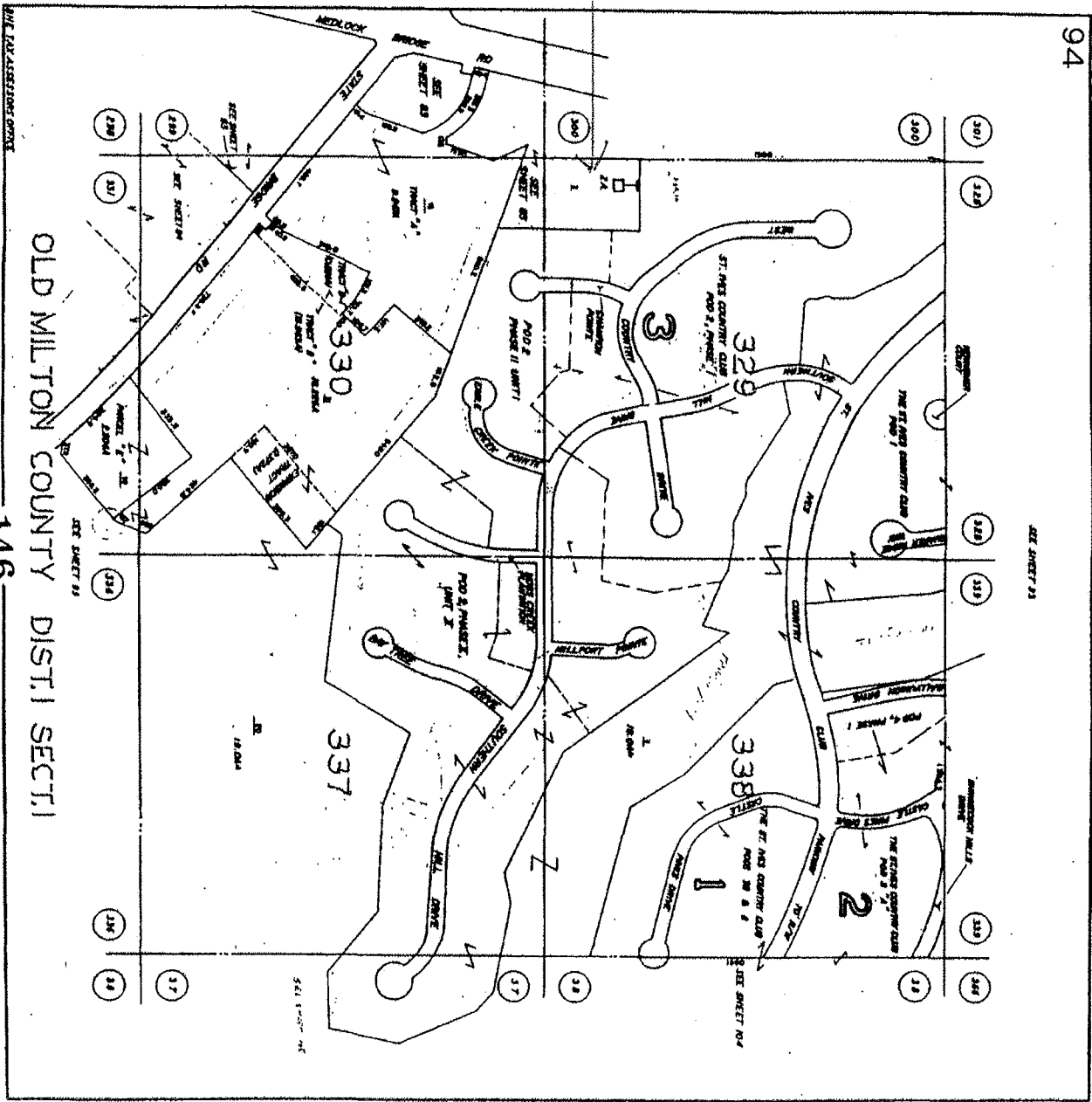
EXHIBIT "A"

LEGAL DESCRIPTION
of property
MACEDONIA METHODIST AFRICIAN CHURCH

All that tract or parcel of land lying and being in Land Lot 329 of the 1st District and 1st Section of originally Cherokee, then Milton, and now Fulton County, Georgia, (conveyed by Mrs. Julia R. Graham, et al to Jospeh Mitchan by deed, dated 1881, and recorded in Deed Book "C", page 187, Old Milton County Records), and being that part of said land lot identified as the "two acres sold to the Negroes for church lot" in that deed from Martha Mitcham, et al to Sanford R. Mitcham, dated November 1905 (recorded in Old Milton County Deed Book "I", page 3) and more particularly described as follows:

BEGINNING at the corner common to Land Lots 330, 299, 300, and said Land Lot 329 of the 1st District and 1st Section of originally Cherokee, then Milton, and now Fulton County; thence north along the line dividing said Land Lots 329 and 300, 420 feet; thence east parallel to the line dividing said Land Lots 329 and 330, 210 feet; thence south parallel to the line dividing said Land Lots 329 and 300, 420 feet to the line dividing said Land Lots 329 and 330; thence west along said line dividing Land Lots 329 and 300, 420 feet to the corner common to Land Lots 330, 299, 300, and 329 at the point of beginning; being the same tract described as being in "the shape of a parallelogram" in that deed from T. A. Byrd to W. J. Byrd, et al, dated August 4, 1922 and recorded in Deed Book "N", page 185 (Old Milton County Records).

Subject
Tract



PROPERTY OF JOINT CITY OF ATLANTA



Ralph N. Brown
INTER-OFFICE MEMORANDUM

TO: Commissioner Robert Fulton
FROM: Ralph N. Brown, Land Administrator
DATE: March 31, 1998
SUBJ: Cemetery on Medlock Bridge Road

As per your request, I have discussed the above-referenced project with Mr. Motley in the Parks Department. Mr. Motley's proposal for this site would be to demo the building, do a major clean up of the grounds; and have this tract maintained by his staff in the future. This area would be used for picnicking and also for hiking.

In reviewing the value issues for this two acre cemetery tract, it is my opinion that it has minimum value due to the maintenance issue as it relates to the cemetery.

In reviewing the 4.7 acres that adjoins the cemetery tract; which is owned by Myco Medlock Ltd., the tax records indicate that it has an appraisal value of \$2,026.900.00.

I called Mr. Myrick of Myco Medlock Ltd. Concerning this tract; and he stated that it was currently on the market at \$2,350.000.00 or \$500,000.00 per acre. Mr. Myrick informed me that the property is presently zoned TR.

In order for Fulton County to acquire the cemetery tract, we would have to clear title by condemnation. On the 4.7 acres, I would recommend that an independent appraisal be prepared in order to determine Fair Market Value for this tract.

If you need any additional information on these parcels, please give me a call at X7878.

RNB/cp

CC: Stan Motley, Director, Parks & Recreation

Dye, Kevin

From: Scroggins, Lenard
Sent: Wednesday, October 15, 2008 11:56 AM
To: Franz, Kirk; Lavender, Kimberly
Cc: Hildebrandt, Ken; Boehm, Harold; 'Jenkins, Cindy'; Dye, Kevin; Lee, Cheryl
Subject: RE: Req# 08-023847

I think Kevin Dye should do the initial investigation / research for this and then forward it to the City Attorney.

Lenard Scroggins
Field Services Manager

☒ City of Johns Creek

[City news? Subscribe now!](#)

O: 678-512-3265 | 12000 Findley Rd, Ste 400
F: 678-512-3270 | Johns Creek, GA 30097
Lenard.Scroggins@JohnsCreekGA.gov | www.JohnsCreekGA.gov

The City of Johns Creek is a public entity subject to the Official Code of Georgia sections 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus subject to disclosure.

From: Franz, Kirk
Sent: Wednesday, October 15, 2008 11:52 AM
To: Lavender, Kimberly
Cc: Scroggins, Lenard; Hildebrandt, Ken; Boehm, Harold
Subject: Re: Req# 08-023847

*Schaefer
Amendment*

This sounds like a legal issue for the City Attorney.

Sent from my Blackberry

Kirk Franz
Recreation and Parks Manager
City of Johns Creek
Office. (678) 512-3261
Cell. (678) 327-4660

From: Lavender, Kimberly
To: Franz, Kirk
Cc: Scroggins, Lenard
Sent: Wed Oct 15 09:49:35 2008
Subject: Req# 08-023847
Kirk/Lenard,

I was unsure which of you would handle this. Please read the following regarding Request# 08-023847 and let me know who would be the correct source.

"Liza Cheek with Fulton County (404) 612-7875 called to request someone with the City of Johns Creek contact her about the Methodist Cemetery located behind a carwash that Fulton County obtained through eminent domain. The Schaefer Amendment no longer allows the County to use funds for grounds maintenance for this

10/17/2008

cemetery. Please call to discuss creating an intergovernmental agreement."

Thanks,
Kim

Kimberly Lavender
Call Center Representative



[City news? Subscribe now!](#)

O: 678-512-3390 | 12000 Findley Rd, Ste 400
O: 678-512-3200 | Johns Creek, GA 30097
Kimberly.Lavender@JohnsCreekGA.gov | www.JohnsCreekGA.gov

The City of Johns Creek is a public entity subject to the Official Code of Georgia sections 50-18-70 to 50-18-76 concerning public records. Email is covered under such laws and thus subject to disclosure.

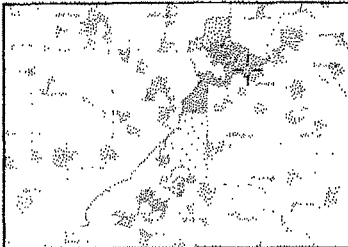
10/17/2008

Report for Tax Digest 2007

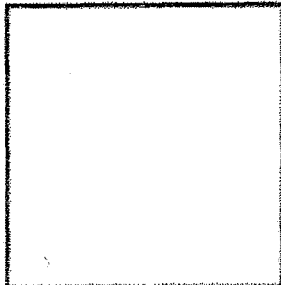
Tax Digest 2007

Tax Digest	2007
Parcel Id Number	11 -0830-0299-063-1
Property Address	MEDLOCK BRIDGE RD
Owner Name	MYCO MEDLOCK LTD
Mailing Address	P.O. BOX 15468 ATLANTA GA 30333 USA
Tax District	57 (Johns Creek SSD)
Market Value	\$ 237,600
Assessment	\$ 95,040
City of Atlanta Exemption Code	
Fulton County Exemption Code	
Land Assessment	\$ 95,040
Improvement Assessment	\$ 0
Land Size (acres)	4.320
Property Class	300
Landuse Class	C4

More info from www.fultonassessor.org



Red markers indicate location
of property in Fulton County



Information provided by the
Fulton County Board of Assessors

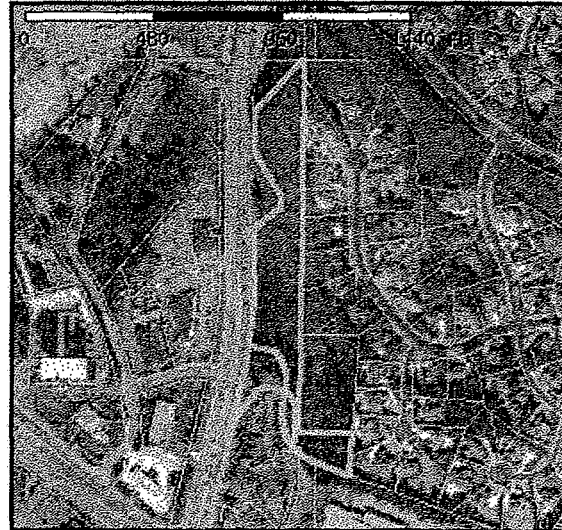
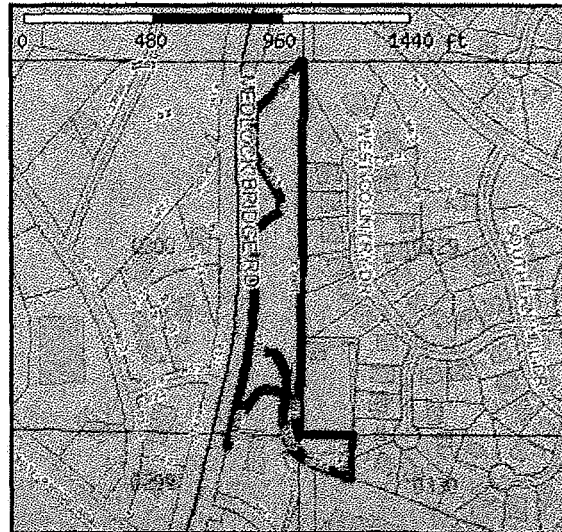


Image not available

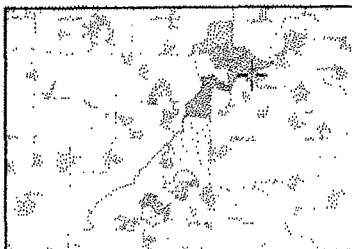
Report for Tax Digest 2007

Tax Digest 2007

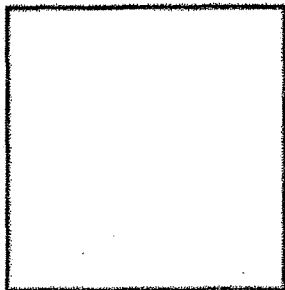
Tax Digest 2007
Parcel Id Number 11-0940-0329-002-0
Property Address STATE BRIDGE RD REAR
Owner Name CHURCH
Mailing Address 0 ?
? XX 00000 USA

Tax District 57 (Johns Creek SSD)
Market Value \$ 139,400
Assessment \$ 55,760
City of Atlanta Exemption Code
Fulton County Exemption Code
Land Assessment \$ 55,760
Improvement Assessment \$ 0
Land Size (acres) 2.000
Property Class 300
Landuse Class C3

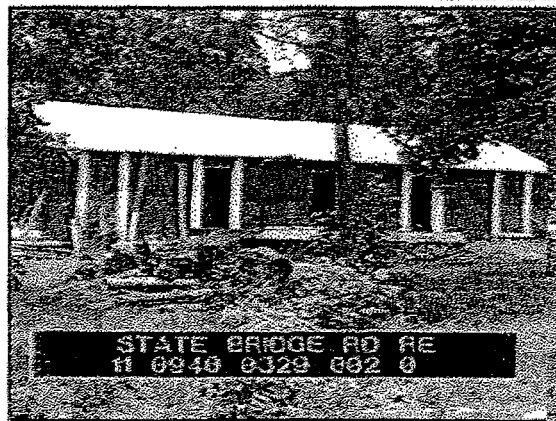
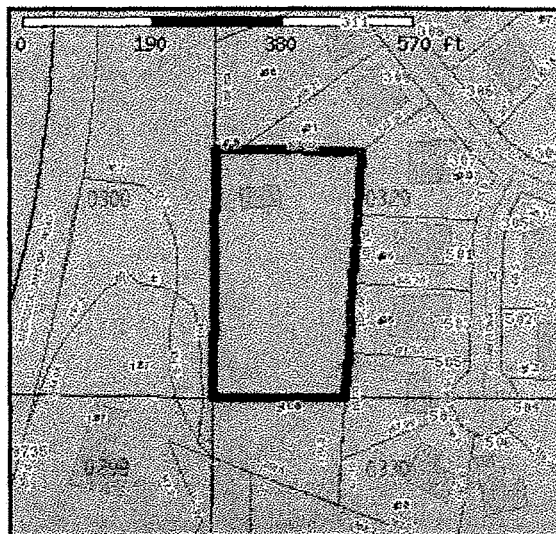
More info from www.fultonassessor.org



Red markers indicate location
of property in Fulton County



Information provided by the
Fulton County Board of Assessors



click image to enlarge

**RESOLUTION TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE
THE NECESSARY INTEREST TO MAINTAIN A CEMETERY KNOWN AS
MACEDONIA CEMETERY PURSUANT TO O.C.G.A. §36-72-3**

WHEREAS, the Board of Commissioners of Fulton County have determined that there is a certain cemetery known as "Macedonia Cemetery", which cemetery is in need of maintenance and is in an abandoned state, said Macedonia Cemetery being located in Land Lot 329, 1st District, 1st Section of originally Cherokee County, then Milton, and now Fulton County, Georgia, a description of said cemetery and the two (2) acre tract upon which it rests being more fully described in *Exhibit A*, attached hereto and made a part hereof, and hereinafter referred to as "Cemetery"; and,

WHEREAS, under O.C.G.A. §36-72-3, counties are authorized to preserve and protect any abandoned cemeteries or any burial grounds which the county determines has been abandoned or is not being maintained by the person who is legally responsible for its upkeep; and,

WHEREAS, there are no persons of record who have been located to legally be responsible for said Cemetery's upkeep and maintenance; and,

WHEREAS, it is now necessary and desirable to provide for the acquisition of the necessary interests in said Cemetery pursuant to said O.C.G.A. §36-72-3 to acquire the land necessary for the purpose of maintenance of said Cemetery; and,

WHEREAS, it is appropriate for the Land Administrator of Fulton County to procure the professional services to accomplish the acquisition of said interest and to perform such other services as are necessary for said Cemetery's acquisition; to initiate and coordinate the process of obtaining the maintenance rights to said Cemetery and to make the required acquisition payments, as necessary, as hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Fulton County as follows:

Section I - That the Land Administrator of Fulton County be and hereby is authorized and directed to take all necessary steps with the assistance of the County Attorney to acquire the maintenance rights to said Cemetery described in *Exhibit A* pursuant to O.C.G.A. §36-72-3 in order to preserve and protect said Cemetery known as "Macedonia Cemetery".

The Legal Department is hereby directed with respect to said described real estate to institute condemnation proceedings in the name of Fulton County for the quick

and effective condemnation of said property and of every interest therein, for the public uses above set forth, as provided by the Constitution and Laws of Georgia, and to use the Special Master method of taking as provided in O.C.G.A. § 22-2-100, *et seq.*

Section II - Upon the acquisition of the statutory interests in said Macedonia Cemetery, the Parks and Recreation Department is authorized and directed to expend funds to install monuments and other accoutrements to enhance the beauty, serenity, and recognition of the historical significance of the Macedonia Cemetery.

This 15th day of April, 1998.

FULTON COUNTY BOARD OF COMMISSIONERS

By: Mitch J. Skandalakis
Mitch J. Skandalakis, Chairman

Attest: Lois E. Shell LOIS E. SHELL, CHIEF DEPUTY CLERK
Clerk of Commission

APPROVED AS TO FORM

Barry Weaver
Assistant Fulton County Attorney

ITEM #0524, FROM 4/15/98, AML

Req. # - 08-023847

11-05-08 - 10:35 AM - Bill Riley and Kevin Dye called and spoke with Fulton County Attorney Beryl Weiner regarding Fulton's request for the City to take over maintenance responsibilities of the Macedonia Cemetery. Bill stated the City did not desire to take over the maintenance obligation. Mr. Weiner responded, "That is a typical Johns Creek attitude, only out for yourselves". He said Fulton would continue to maintain.

From: Erin Elwood
Sent: Monday, November 18, 2024 12:07 PM
To: Elected Officials; Kimberly Greer
Cc: [REDACTED]
Subject: Fw: Macedonia task order
Attachments: Macedonia Cemetery GPR.dwg

Good morning,

I believe that everyone working on the Macedonia Cemetery project has the best intentions towards those laid to rest there and the preservation of that special site.

I understand that part of the concern about the reliability of the 2020 GPR/SUE service provided by KCI in 2020 is the lack of underlying data. I re-read the Task Order and saw that one of the deliverables we paid for was the underlying CAD file. Our staff was able to retrieve the CAD file that KCI provided in 2020. My understanding of AutoCAD is that the operator inputs the raw data and the program applies those data coordinates to the drawing. I have attached the CAD file for review so that any interested party can retrieve the raw data via AutoCAD.

I sent the CAD file to Nelson Intelligence asking if they were to perform a second round of GPR, whether they would produce a similar work product?

On another note, I asked that the 2016 GDOT archeology report be added as an attachment to the agenda. It is a very comprehensive field probe by 4 archeologists. The report references on page 18 that the GPS and GIS data for the probes was provided to Georgia Department of Natural Resources - Historical Preservation Division. I have spoken to a few very helpful people at Georgia Department of Community Affairs (the successor to Georgia DNR for historical preservation as of 2020) and I hope to have that 2016 GIS data soon although probably not before today's meeting.

My rationale is that, if the very comprehensive survey by the 4 field archeologists in 2016 is similar to that by the visual reconnaissance in 2017 and the KCI GPR in 2020, we should feel confidence in our preservation efforts moving forward. If the GDOT survey produces new/different data, then we will have more questions to answer before moving forward with the consultant's recommendations.

The DCA archeologists I spoke with were so heartened that our City was taking interest in a historic cemetery, and urged that we work with a consultant in making good decisions towards preservation.

To be continued!
Erin

From: Kimberly Greer
Sent: Monday, November 18, 2024 10:33 AM
To: Erin Elwood

Cc: Dilip Tunki

Subject: RE: Macedonia task order

CAD file is attached. Hope this helps.

THU Thursday, April 2, 1998

NORTH FULTON

The Atlanta Journal-Constitution

Home Report

Losing faith, saving the past

Historical significance:
Warsaw group hopes for a hand from county to preserve slave grave site.

By Marcia Langhenry
STAFF WRITER

A cotton mill that once popped the seeds out of puffy bolls sat right where movie theaters will soon pop corn. A sawmill is gone, too, same as the trees. And nearby an old gold mine's treasures are entombed under a church parking lot.

"Warsaw is going to die a quick death unless the county backs us up here," said Kaaren Montgomery, president of the Warsaw Historic Preservation Society.

After watching the Warsaw area's heritage razed and paved during a decade of rapid development, the group has lost an investment and is losing its faith in the game of politics. For 16 months they say they have tried to interest Fulton County in preserving a small area including

two church sites and two cemeteries with slave graves, and creating a park and historic district off Medlock Bridge Road between Alpharetta and Duluth.

The organization had hoped commissioners would include at least \$190,000 in the 1998 budget to pick up an option on the former Macedonia Methodist African Church cemetery site where former slave April Waters was buried in October 1910. The church was burned in the 1950s and later replaced with a block building.

Instead of asking their District 3 Commissioner Bob Fulton specifically to request funding for their often-discussed project, they went to at-large Commissioner Gordon Joyner, a move they hoped would give them a good start on the necessary four-of-seven votes needed, Montgomery said.

Joyner visited and the commission declared the cemetery historic, but no one requested funding.

In the meantime, resident John Dickerson bought an option on the 4.6-acre property behind the Publix at the intersection of

State Bridge and Medlock Bridge roads. Nine others chipped in \$1,000 each to extend the option until Jan. 17, a deadline that came and went, along with their money. The preservation society grew from that.

Fulton says he heard about the project too late to add it to his capital improvements wish-list but believes the site should be protected. The county land agent is investigating the possibilities, Fulton said.

"It's an important historical site relative to Cherokee Indians and their movement through Georgia, as well as the grave of a slave, and we think that would be a nice thing to recognize and set aside as a park," Fulton said.

Kirk Sarkisian, who moved to neighboring St. Ives Country Club three years ago, was among those losing money in the deal he believes in strongly.

His search shows that April Waters was among several slaves freed through a trust in the will of George Waters, who hoped they would get safe passage back to Liberia.

Thirty-seven made it to Liberia, but after a year most

had died. Seven returned to the U.S. Bugged down in Philadelphia, it took the efforts of Howell Cobb and Alexander Stephens to bring them back on the condition that they become pro-slavery speakers.

April Waters was 10 years old, Sarkisian said.

Slave graves also can be found in the cemetery across Medlock Bridge Road at the old Johns Creek United Methodist Church, where a plaque proclaims it the first white church on Indian land, Sarkisian said.

Goals of the group are "to preserve the area's history and create an environment where children can learn about this," he said.

Beyond that, they have drawn an overlay plan that connects these sites with a larger parcel that could include ballfields, he said.

Anyone interested is invited to a meeting of the Johns Creek Community Association at 7 p.m. April 2 at Fire Station No. 12 on Medlock Bridge Road. County officials, preservationists and residents of nearby subdivisions will discuss the project.



BEN BAXTER / Staff

Slave grave site: John Dickerson, Michele Sarkisian (middle) and Kaaren Montgomery walk near a headstone on property near the corner of Ga. 141 and State Bridge Road.