

RESOLUTION
NO. _____

**A RESOLUTION RESCINDING THE PRIOR RESOLUTIONS GRANTING LAND
IN THE EAST COMMONS TO THE RAILROADS FOR DEPOT PURPOSES.**

WHEREAS, the original plan of Columbus, Georgia included land around the city called “commons” which was designated and intended to be used for public purposes;

WHEREAS, access to passenger services offered by railroad companies was at one time deemed a public purpose sufficient for use of the commons;

WHEREAS, on June 30, 1847¹, the Muscogee Railroad Company requested from City Council a piece of ground in the East Commons for the purpose of locating a passenger depot;

WHEREAS, the City Council of Columbus, Georgia approved the request on July 2, 1847 and subsequently clarified and amended its approval on December 11, 1849² and again on June 12, 1854³ to provide a specific parcel of ground in the East Commons for depot purposes;

WHEREAS, Council’s approval was for “a lot of ground on the East Commons for the purpose of locating a Depot” and Council required the land “shall revert to the City whenever the Muscogee Railroad Company shall cross the River at any point above [11th] Street;”

WHEREAS, the depot parcel described by Council on June 12, 1854 remains intact, more or less, and occupied by Norfolk Southern Railway Company, a successor railroad entity of the Muscogee Railroad Company;

WHEREAS, Norfolk Southern does not offer passenger services in Columbus and the Muscogee Railroad depot parcel in East Commons has ceased to be used for railroad depot purposes as originally contemplated by Council;

WHEREAS, by mergers, acquisitions, and consolidations of railroad companies the successor in interest of the Muscogee Railroad Company did “cross the River at [a] point above [11th] Street.”

WHEREAS, title to the Muscogee Railroad depot parcel in the East Commons is not recorded in the real estate records of Muscogee County;

WHEREAS, the Montgomery & West Point Railroad Company also requested land in the Columbus Commons for the purpose of locating a passenger depot⁴;

¹ Clerk of Council Records Book “A” for 1847, Pages 168-170.

² Clerk of Council Records Book “A” for 1849, Page 414.

³ Clerk of Council Records Book “B” for 1854, Pages 321-322.

⁴ Clerk of Council Records Book “B” for 1853, Page 193; Clerk of Council Records Book “C” for 1859, Page 582.

WHEREAS, Council approved the request on August 15, 1859 and appropriated land in the East Commons for the Montgomery & West Point Railroad Company’s purpose, to wit: “to erect a through freight house to be used by the Montgomery & West Point Railroad and the Muscogee Railroad Companies and for the erection of a warehouse for the local business of the Montgomery & West Point Railroad and to lay down a track to a general passenger house . . .”;

WHEREAS, Council’s appropriation of land in the East Commons for the Montgomery & West Point Railroad Company included a reversion of title to the land to the Mayor and Council of Columbus, Georgia if the Montgomery & West Point Railroad Company failed to comply with the terms of the grant;

WHEREAS, the parcel of ground described by Council on August 15, 1859 remains intact, more or less, and occupied by Norfolk Southern Railway Company, a successor railroad entity of the Montgomery & West Point Railroad Company;

WHEREAS, Norfolk Southern does not offer passenger services in Columbus, does not maintain a warehouse of any kind on the parcel provided by Council, and the Montgomery & West Point Railroad depot parcel in East Commons has ceased to be used for depot purposes as originally contemplated by Council;

WHEREAS, the Mobile & Girard Railroad Company also requested land in the East Commons of Columbus for the purpose of locating a depot⁵;

WHEREAS, Council approved the request on February 1, 1869 and appropriated land in the East Commons “to the Mobile & Girard Railroad Company for the sole purpose of erecting thereon a Depot . . .”;

WHEREAS, Council’s approval was conditioned on the parcel being used “for no other purpose than a Railroad depot, otherwise to revert to the Mayor and Council of Columbus, Georgia with all improvements thereon”;

WHEREAS, the parcel of ground described by Council on February 1, 1869 remains intact, more or less, and occupied by Norfolk Southern Railway Company, a successor railroad entity of the Mobile & Girard Railroad Company;

WHEREAS, Norfolk Southern does not offer passenger services in Columbus and the Mobile & Girard Railroad depot parcel in East Commons has ceased to be used for railroad depot purposes as originally contemplated by Council;

WHEREAS, the Georgia Midland & Gulf Railway Company also requested land in the East Commons of Columbus for the purpose of accessing the depot of the Muscogee Railroad Company⁶;

⁵Clerk of Council Records Book “G” for 1869, Pages 38-39.

⁶Clerk of Council Records Book “I” for 1886, Pages 135, 156-157.

WHEREAS, Council approved the requests on January 6 and May 5, 1886, and appropriated land in the East Commons to the Georgia Midland & Gulf Railway Company subject to the “condition that said Rail Road Company shall be liable to the same restrictions, limitations, and requirements as were imposed by the Mayor and Council on other railroads to which grants of Commons for railroad purposes have heretofore been made.”;

WHEREAS, Council’s approval was conditioned on the understanding that the land would revert to the Mayor and Council if the railroad ceased to use the property for the intended purpose;

WHEREAS, the parcel of ground described by Council on January 6 and May 5, 1886, remains intact, more or less, and controlled by Norfolk Southern Railway Company, a successor railroad entity of the Georgia Midland & Gulf Railway Company;

WHEREAS, Norfolk Southern does not offer passenger services in Columbus and the Georgia Midland & Gulf Railway Company parcels in East Commons have ceased to be used for railroad and depot purposes as originally contemplated by Council;

WHEREAS, Council contemplated the termination of depot services by the railroad on the East Commons parcels and intended to protect the public nature and purpose of the Columbus Commons upon such an occurrence by including terms of reversion in each resolution granting land in the East Commons to the railroads; and

WHEREAS, all title and interest, including all reversionary interest, in the commons is vested in Columbus, Georgia, a consolidated City-County Government, (“Columbus, Georgia”) by the General Assembly of the State of Georgia.

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

That the reversion events contemplated by Council have occurred causing title to the railroad and depot parcels in East Commons to revert to Columbus, Georgia as was intended by Council at the time of each Resolution.

That the 1847, 1849, 1854, 1859, 1869, 1886, and all other Resolutions of Council granting Commons parcels to railroad companies for depot purposes are hereby rescinded. The City Attorney or his representative is authorized to execute appropriate documents on behalf of Council in this matter.

Introduced at a regular meeting of the Council of Columbus, Georgia, held the 23rd day of May, 2023, and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen voting ____.
Councilor Barnes voting ____.
Councilor Begly voting ____.
Councilor Cogle voting ____.
Councilor Crabb voting ____.
Councilor Davis voting ____.
Councilor Garrett voting ____.
Councilor Huff voting ____.
Councilor Thomas voting ____.
Councilor Tucker voting ____.

Sandra T. Davis
Clerk of Council

B. H. "Skip" Henderson, III
Mayor