

Senate Resolution 574

By: Senators Dean of the 31st, Starr of the 44th, Gillis of the 20th and Marable of the 52nd

A RESOLUTION

1 Authorizing the conveyance of certain state owned real property located in Bibb County,
2 Georgia; authorizing the conveyance of certain state owned property located in Cobb County;
3 authorizing the conveyance of certain state owned property located in Hamilton County,
4 Tennessee; authorizing the conveyance of certain state owned property located in Spalding
5 County, Georgia; authorizing the conveyance of certain state owned real property located in
6 Wilkes County, Georgia; to repeal conflicting laws; and for other purposes.

7 WHEREAS:

8 (1) The State of Georgia is the owner of a certain parcel of real property located in the
9 City of Macon, Bibb County, Georgia; and

10 (2) Said real property is all that tract or parcel of land lying and being in Lot 1, Square
11 73, of the City of Macon, Bibb County, Georgia, as shown on a plat of survey prepared
12 by Frank E. Lester, Georgia Registered Land Surveyor #1118, dated March, 1953,
13 containing approximately 0.36 of one acre, and on file in the offices of the State
14 Properties Commission, and may be more particularly described on a plat of survey
15 prepared by a Georgia Registered Land Surveyor and presented to the State Properties
16 Commission for approval; and

17 (3) Said property is under the custody of the Department of Human Resources; and

18 (4) The City of Macon, Bibb County, Georgia, conveyed the above-described property
19 to the state and retained a reversionary interest if the property ceased to be used for health
20 purposes; and

21 (5) The Bibb County Hospital Authority is desirous of acquiring the above-described
22 property due to its proximity to the Medical Center of Central Georgia; and

23 (6) The Bibb County Hospital Authority has agreed to construct on Bibb County
24 Hospital Authority owned property a new regional health facility to the specifications of
25 the Department of Human Resources in exchange for the above-described state owned
26 property; and

27 (7) The City of Macon is encouraged to release any interest it may have in the
28 above-described state owned property prior to any exchange of the property with the Bibb
29 County Hospital Authority.

1 WHEREAS:

2 (1) The State of Georgia is the owner of a certain parcel of real property located in Cobb
3 County, Georgia; and

4 (2) Said real property is all those tracts or parcels of land lying and being in the City of
5 Kennesaw, Cobb County, Georgia, and containing approximately 9.52 acres as shown
6 marked in orange on a plat of survey entitled "Survey for the City of Kennesaw", dated
7 October 1971, and prepared by Roy C. Hogan, Georgia Registered Land Surveyor #1712
8 and 0.35 of one acre, 1.03 acres and 0.40 of one acre as shown marked in yellow on that
9 certain lease agreement between CSX Transportation Inc. dated December 3, 1992 and
10 being lease no CSX-003272, RE-056876 and 0.81 of one acre as shown marked in yellow
11 on that certain lease agreement between CSX Transportation Inc., dated April 1, 1997 and
12 being CSX- 031102 and all being on file in the offices of the State Properties
13 Commission, and may be more particularly described on plats of survey prepared by a
14 Georgia Registered Land Surveyor and presented to the State Properties Commission for
15 approval; and

16 (3) Said property is under the custody of the State Properties Commission and are now
17 or formerly parcels of the Western and Atlantic Railroad Right of Way; and

18 (4) The City of Kennesaw, Cobb County, Georgia, is desirous of acquiring the
19 above-described parcels for the construction of a vehicle maintenance facility and for
20 tourism development; and

21 (5) CSX Transportation Inc. is encouraged to release the City of Kennesaw from its
22 leasehold obligations with respect to those properties currently leased to the City of
23 Kennesaw, Cobb County, Georgia; and

24 (6) CSX Transportation Inc. is encouraged to remove the above-described properties
25 from its Western and Atlantic Railroad lease with the State of Georgia.

26 WHEREAS:

27 (1) The State of Georgia is the owner of certain parcels of real property located in the
28 City of Chattanooga, Hamilton County, Tennessee; and

29 (2) Said real properties are all those tracts or parcels of land lying and being in the City
30 of Chattanooga, Hamilton County, Tennessee and being a portion of Western and
31 Atlantic Railroad right of way and beginning at said right of ways intersection with King
32 Street and running in a southeasterly direction a distance of approximately 3,700 feet as
33 described marked in yellow on an aerial photograph entitled "State of Georgia 60 ft
34 Railroad Right of Way" on file in the offices of the State Properties Commission and all
35 those tracts or parcels of land lying and being in the City of Chattanooga, Hamilton
36 County, Tennessee, and being a portion of Western and Atlantic Railroad right of way

1 and consists of parcel 1 and a portion of parcel 7 as shown on Western and Atlantic
 2 Railroad valuation map V3/3 and V3/4 and being on file in the offices of the State
 3 Properties Commission, and may be more particularly described on a plat of survey
 4 prepared by a Georgia Registered Land Surveyor and presented to the State Properties
 5 Commission for approval; and

6 (3) Said property is under the custody of the State Properties Commission; and

7 (4) It has been determined that the above-described properties are no longer needed for
 8 the operation of the Western and Atlantic Railroad and are therefore surplus to the needs
 9 of the state.

10 WHEREAS:

11 (1) The State of Georgia is the owner of a certain parcel of real property located in the
 12 City of Griffin, Spalding County, Georgia; and

13 (2) Said real property is all that tract or parcel of land lying and being in land lot and
 14 being within the bounds of the City of Griffin, Spalding County, Georgia, and containing
 15 approximately 0.39 of one acre as described marked in orange on a Preliminary Site Plan
 16 dated January 4, 2002, prepared by Robertson/Loia/Roof Architects and Engineers and
 17 being Sheet Number CPs-22, and on file in the offices of the State Properties
 18 Commission, and may be more particularly described on a plat of survey prepared by a
 19 Georgia Registered Land Surveyor and presented to the State Properties Commission for
 20 approval; and

21 (3) Said property is a portion of the parking lot of the Department of Labors Spalding
 22 County office facility; and

23 (4) The Sofran Group is desirous of acquiring the above-described property for inclusion
 24 in a proposed development in exchange for a parcel of property containing approximately
 25 0.45 of one acre owned by the Sofran Group; and

26 (5) It has been determined that the parcel of property to be acquired by the State of
 27 Georgia is of greater value to the State of Georgia than the parcel of property to be
 28 conveyed by the State of Georgia; and

29 (6) The Department of Labor has no objection to the exchange or properties as above
 30 described.

31 WHEREAS:

32 (1) The State of Georgia intends to be the owner of a certain parcel of real property
 33 located in the City of Washington, Wilkes County, Georgia; and

34 (2) Said real property is all that tract or parcel of land lying and being in corporate limits
 35 of the City of Washington, Wilkes County, Georgia, fronting 86.19 feet on the West side

1 of Rusher Street containing 17,082 square feet, and being bounded on the North by lands
 2 of Rachael Hurley Bryant and lands of Willie Thomas: East by Rusher Street: South by
 3 land of Henry Campbell: and on the West by lands of Elijah Anderson, as shown by plat
 4 prepared by Erskine B. Wickersham, dated July 17, 1980, recorded in Plat Book 6, page
 5 245, Clerk's Office, Wilkes County Superior Court.

6 And the adjacent land to the North:

7 All that tract or parcel of land lying and being within the corporate limits of the City of
 8 Washington, Wilkes County, Georgia, containing 0.23 of one acre, more or less, being
 9 bounded on the North by lands of Willie Mae Hurley; East by Rusher Street; South by
 10 lands of Elijah Anderson and Essie T. Bell, being same land conveyed by deed recorded
 11 in Deed Book 123, page 615, Clerk's Office, Wilkes County Superior Court, and may be
 12 more particularly described on a plat of survey prepared by a Georgia Registered Land
 13 Surveyor and presented to the State Properties Commission for approval; and

14 (3) The subject property was seized by the Drug Enforcement Administration as a result
 15 of illegal activities being perpetrated on the property; and

16 (4) The City of Washington, Wilkes County, Georgia, is desirous of acquiring the
 17 property for use as a neighborhood park; and

18 (5) It is the policy of the United States Department of Justice that the governor of the
 19 state in which seized property is located request that the property be transferred to the
 20 state.

21 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
 22 ASSEMBLY OF GEORGIA:

23 **ARTICLE I**

24 **SECTION 1.**

25 That the State of Georgia is the owner of the above-described City of Macon, Bibb County,
 26 Georgia, real property and that in all matters relating to the conveyance of the real property
 27 the State of Georgia is acting by and through its State Properties Commission.

28 **SECTION 2.**

29 That the above-described real property may be conveyed to the Bibb County Hospital
 30 Authority in exchange for a new regional health facility to be built to the specifications of
 31 the Department of Human Resources by the Bibb County Hospital Authority and such further
 32 consideration and provisions as the State Properties Commission shall in its discretion
 33 determine to be in the best interest of the State of Georgia.

SECTION 3.

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2 That the above-described state owned property shall not be conveyed to the Bibb County
3 Hospital Authority until after the new regional health facility is completed and the
4 Department of Human Resources has vacated the above-described state owned property and
5 declared it vacant.

SECTION 4.

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7 That the authorization in this resolution to convey the above-described property to the Bibb
8 County Hospital Authority shall expire three years after the date that this resolution becomes
9 effective.

SECTION 5.

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11 That the State Properties Commission is authorized and empowered to do all acts and things
12 necessary and proper to effect such conveyance.

SECTION 6.

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14 That the deed of conveyance shall be recorded by the grantee in the Superior Court of Bibb
15 County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 7.

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17 That custody of the above-described property shall remain in Department of Human
18 Resources until the property is conveyed to the Bibb County Hospital Authority.

ARTICLE II

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SECTION 8.

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21 That the State of Georgia is the owner of the above-described City of Kennesaw, Cobb
22 County, Georgia, real properties and that in all matters relating to the conveyance of the real
23 properties the State of Georgia is acting by and through its State Properties Commission.

SECTION 9.

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25 That the above-described real properties may be conveyed by appropriate instrument to the
26 City of Kennesaw by the State of Georgia, acting by and through the State Properties
27 Commission County, for a consideration of the fair market value, but not less than \$650.00,
28 and such further consideration and provisions as the State Properties Commission shall in its
29 discretion determine to be in the best interest of the State of Georgia.

SECTION 10.

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2 That prior to any conveyance of the subject properties to the City of Kennesaw, Cobb
3 County, Georgia, CSX Transportation Inc. shall first release its interest, if any, to the
4 properties.

SECTION 11.

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6 That the authorization in this resolution to convey the above-described property shall expire
7 three years after the date that this resolution becomes effective.

SECTION 12.

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9 That the State Properties Commission is authorized and empowered to do all acts and things
10 necessary and proper to effect such conveyances.

SECTION 13.

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12 That the deeds of conveyance shall be recorded by the grantee in the Superior Court of Cobb
13 County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 14.

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15 That custody of the above-described property shall remain in the State Properties
16 Commission until the property is conveyed to the City of Kennesaw, Cobb County, Georgia.

SECTION 15.

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18 That all funds generated from the sale of the above-described property shall be deposited in
19 the state treasury.

SECTION 16.

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21 That all costs associated with the sale of the above-described property shall be borne by the
22 State Properties Commission.

ARTICLE III

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SECTION 17.

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25 That the State of Georgia is the owner of the above-described City of Chattanooga, Hamilton
26 County, Tennessee, real property and that in all matters relating to the conveyance of the real
27 property the State of Georgia is acting by and through its State Properties Commission.

SECTION 18.

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2 That all or a portion of the above-described real properties may be sold by competitive bid
3 for a consideration of not less than the fair market of such properties as determined to be in
4 the best interest of the State of Georgia by the State Properties Commission; provided,
5 however, that all or a portion of the above-described property may be sold to a city, county,
6 school board, or other local public entity, which shall include development authorities for not
7 less than the fair market value, as determined to be in the best interest of the State of Georgia
8 by the State Properties Commission, without the necessity of competitive bid, and such
9 further consideration and provisions as the State Properties Commission shall in its discretion
10 determine to be in the best interest of the State of Georgia.

SECTION 19.

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12 That the authorization in this resolution to convey the above-described properties shall expire
13 three years after the date that this resolution becomes effective.

SECTION 20.

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15 That the State Properties Commission is authorized and empowered to do all acts and things
16 necessary and proper to effect such conveyances.

SECTION 21.

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18 That the deeds of conveyance shall be recorded by the grantee in the Superior Court of
19 Hamilton County, Tennessee, and a recorded copy shall be forwarded to the State Properties
20 Commission.

SECTION 22.

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22 That custody of the above-described property shall remain in the State Properties
23 Commission until the properties is conveyed.

SECTION 23.

24
25 That all funds generated from the sale of the above-described property shall be deposited in
26 the state treasury.

SECTION 24.

27
28 That all costs associated with the sale of the above-described property shall be borne by the
29 State Properties Commission.

ARTICLE IV**SECTION 25.**

That the State of Georgia is the owner of the above-described City of Griffin, Spalding County, Georgia, real property and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 26.

That the above-described real property may be conveyed by appropriate instrument to the Sofran Group by the State of Georgia, acting by and through the State Properties Commission in exchange for a parcel of property adjoining the Georgia Department of Labor facility in the City of Griffin, Spalding County, Georgia, containing approximately 0.4511 acres owned by the Sofran Group and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 27.

That the authorization in this resolution to convey the above-described property to the Sofran Group shall expire three years after the date that this resolution becomes effective.

SECTION 28.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 29.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Spalding County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 30.

That custody of the above-described property shall remain in the Department of Labor until the properties is conveyed.

SECTION 31.

That all costs associated with the sale of the above-described property shall be borne by the Department of Labor.

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ARTICLE V

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SECTION 32.

3 That the State of Georgia intends to be the owner of the above-described City of Washington,
4 Wilkes County, Georgia, real property and that in all matters relating to the conveyance of
5 the real property the State of Georgia is acting by and through its State Properties
6 Commission.

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SECTION 33.

8 That the above-described real property may be conveyed by appropriate instrument to the
9 City of Washington, Wilkes County, Georgia, by the State of Georgia, acting by and through
10 the State Properties Commission for a consideration \$1.00, so long as the property is used
11 for public purpose and such further consideration and provisions as the State Properties
12 Commission shall in its discretion determine to be in the best interests of the State of
13 Georgia.

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SECTION 34.

15 That the authorization in this resolution to convey the above-described property to the City
16 of Washington, Wilkes County, Georgia, shall expire three years after the date that this
17 resolution becomes effective.

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SECTION 35.

19 That the State Properties Commission is authorized and empowered to do all acts and things
20 necessary and proper to effect such conveyance.

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SECTION 36.

22 That the deed of conveyance shall be recorded by the grantee in the Superior Court of Wilkes
23 County and a recorded copy shall be forwarded to the State Properties Commission.

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ARTICLE VI

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SECTION 37.

26 That all laws and parts of laws in conflict with this resolution are repealed.