

Senate Resolution 854

By: Senator Johnson of the 1st

#### A RESOLUTION

1 Authorizing the granting of a nonexclusive easement for operation and maintenance of a  
2 thoroughfare and for other purposes in, on, over, under, upon, across, or through property  
3 owned by the State of Georgia in Chatham County, Georgia; to provide an effective date; to  
4 repeal conflicting laws; and for other purposes.

5 WHEREAS, the State of Georgia is the owner of a certain river bottom located in Chatham  
6 County upon which there is a structure suitable for human habitation which was built in 1937  
7 by owners who claimed a right of use of said river bottom; and

8 WHEREAS, this structure is assessed by Chatham County for ad valorem taxes which are  
9 paid annually by Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of said  
10 structure; and

11 WHEREAS, the said structure may be identified as that structure (hereinafter in this  
12 resolution referred to and described as "the structure") which is presently located in the river  
13 and stream immediately adjacent to the property owned by Mr. Henry Nanniga and Ms. Joan  
14 Nanniga Nichols and identified in the Chatham County property and tax records as Property  
15 Information No. (PIN) 1-0135-01-004, a copy of said county tax map being on file in the  
16 office of the State Properties Commission; and

17 WHEREAS, the said structure is physically in compliance with all applicable state and  
18 federal laws concerning permits, building codes, and sewage disposal; and

19 WHEREAS, it is desirable and will be a benefit to the State of Georgia and Chatham County  
20 to clarify the status of the title and right of the owners of said structure to use, occupy, and  
21 maintain the structure upon which they have paid taxes for over six decades by granting to  
22 them a nonexclusive easement in and to the state's property for the use, occupancy, and  
23 maintenance of said structure only.

1 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL  
2 ASSEMBLY OF GEORGIA:

3 **SECTION 1.**

4 (a) That the State of Georgia is the owner of the river bottom in Chatham County  
5 hereinabove described upon which the structure described above is located and that, in all  
6 matters relating to the conveyance of a nonexclusive easement to the owners of the structure,  
7 the State of Georgia is acting by and through its State Properties Commission.

8 (b) That a nonexclusive easement for the use, occupancy, and maintenance of any structure  
9 described above shall be granted by appropriate instrument to Mr. Henry Nanniga and Ms.  
10 Joan Nanniga Nichols, the owners of such structure, by the State of Georgia, acting by and  
11 through its State Properties Commission, for a consideration of \$10.00 and upon such further  
12 consideration and provisions as the State Properties Commission shall in its discretion  
13 determine to be in the best interests of the State of Georgia.

14 (c) That the area of the nonexclusive easement granted such owners shall be no more than  
15 is reasonably necessary for the owners to use, occupy, and maintain the structure located  
16 thereon as of March 1, 2001, together with the right of ingress and egress over adjacent land  
17 of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes.

18 (d) That no title shall be conveyed to the owners of such structure, and, except as herein  
19 specifically granted to such owners, all rights, title, and interest in and to said easement area  
20 is reserved in the State of Georgia, which may make any use of said easement area not  
21 inconsistent with or detrimental to the rights, privileges, and interest granted to said owners.

22 (e) That any easement granted to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the  
23 owners of such structure, shall contain such other reasonable terms, conditions, and  
24 covenants as the State Properties Commission shall deem in the best interest of the State of  
25 Georgia and that the State Properties Commission is authorized to use a more accurate  
26 description of the easement area to be granted, so long as the description utilized by the State  
27 Properties Commission describes the same easement area herein granted.

28 (f) That the grant of easement given to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols,  
29 the owners of the structure, shall be recorded by the said owners in the Superior Court of  
30 Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

31 **SECTION 2.**

32 That the authorization in this resolution to grant the nonexclusive easement to Mr. Henry  
33 Nanniga and Ms. Joan Nanniga Nichols, the owners of the structure, shall expire three years  
34 after the date that this resolution becomes effective.

