

The House Committee on State Institutions and Property offers the following substitute to SR 854:

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; authorizing the granting of a
4 nonexclusive easement for operation and maintenance of pipeline in, under, across, or
5 through property owned by the State of Georgia in Effingham County, Georgia; to provide
6 an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

21 WHEREAS, it is desirable and will be a benefit to the State of Georgia and Chatham County
22 to clarify the status of the title and right of the owners of said structure to use, occupy, and
23 maintain the structure upon which they have paid taxes for over six decades by granting to

1 them a nonexclusive easement in and to the state's property for the use, occupancy, and
2 maintenance of said structure only; and

3 WHEREAS, the State of Georgia is the owner of certain real property water bottoms located
4 in Effingham County, Georgia; and

5 WHEREAS, SCG Pipelines, Inc., a wholly owned subsidiary of SCANA Corporation, is
6 proposing to construct an interstate pipeline from Southern LNG's Elba Island, Georgia,
7 liquefied natural gas import terminal to southern South Carolina and north coastal Georgia;
8 and

9 WHEREAS, in order to accomplish the above-mentioned project it will be necessary to cross
10 the above-described state owned water bottoms of the Savannah River in Effingham County,
11 Georgia; and

12 WHEREAS, the Department of Natural Resources, under whose custody the above-described
13 property is maintained, has no objection to the granting of the easement authorized herein.

14 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
15 ASSEMBLY OF GEORGIA:

16 ARTICLE I

17 SECTION 1.

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

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

28 (c) That the area of the nonexclusive easement granted such owners shall be no more than
29 is reasonably necessary for the owners to use, occupy, and maintain the structure located

1 thereon as of March 1, 2001, together with the right of ingress and egress over adjacent land
2 of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes.

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

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

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

16 SECTION 2.

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

20 SECTION 3.

21 That the State Properties Commission is authorized and empowered to do all acts and things
22 necessary and proper to effect the grant of the easement area.

23 ARTICLE II

24 SECTION 4.

25 That the State of Georgia is the owner of the hereinafter described real property in Effingham
26 County, and the property is in the custody of the Department of Natural Resources,
27 hereinafter referred to as the "easement area," and that, in all matters relating to the easement
28 area, the State of Georgia is acting by and through its State Properties Commission.

29 SECTION 5.

30 That the State of Georgia, acting by and through its State Properties Commission, may grant
31 to SCG Pipeline, Inc., or its successors and assigns, a nonexclusive easement for the
32 operation and maintenance of a pipeline in, under, upon, across, or through the easement area

1 for the purpose of maintaining, repairing, replacing, inspecting, and operating a pipeline
2 together with the right of ingress and egress over adjacent land of the State of Georgia as
3 may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is
4 located in Effingham County, Georgia, and begins at the high water mark on the southern
5 bank of the Savannah River and extends northward to the Georgia-South Carolina boundary,
6 a width of 50 feet, and is more particularly described as follows:

7 That portion and that portion only as shown in orange on a plat of survey entitled
8 "Easement Survey SCG Pipeline Project Proposed 20" Pipeline Project", January 18, 2002,
9 prepared by William F. Todd Georgia Registered Land Surveyor # 2506F and on file in the
10 offices of the State Properties Commission
11 and may be more particularly described by a plat of survey prepared by a Georgia Registered
12 Land Surveyor and presented to the State Properties Commission for approval.

13 **SECTION 6.**

14 That the above-described premises shall be used solely for the purpose of installing,
15 maintaining, repairing, replacing, inspecting, and operating said pipeline.

16 **SECTION 7.**

17 That SCG Pipeline, Inc., shall have the right to remove or cause to be removed from said
18 easement area only such trees and bushes as may be reasonably necessary for the proper
19 operation and maintenance of said pipeline.

20 **SECTION 8.**

21 That, after SCG Pipeline, Inc., has put into use the pipeline for which this easement is
22 granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of
23 Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement
24 granted herein. Upon abandonment, SCG Pipeline, Inc., or its successors and assigns, shall
25 have the option of removing its facilities from the easement area or leaving the same in place,
26 in which event the facility shall become the property of the State of Georgia, or its successors
27 and assigns.

28 **SECTION 9.**

29 That no title shall be conveyed to SCG Pipeline, Inc., and, except as herein specifically
30 granted to SCG Pipeline, Inc., all rights, title, and interest in and to said easement area is
31 reserved in the State of Georgia, which may make any use of said easement area not
32 inconsistent with or detrimental to the rights, privileges, and interest granted to SCG
33 Pipeline, Inc.

SECTION 10.

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2 That if the State of Georgia, acting by and through its State Properties Commission,
3 determines that any or all of the facilities placed on the easement area should be removed or
4 relocated to an alternate site on state owned land in order to avoid interference with the
5 state's use or intended use of the easement area, it may grant a substantially equivalent
6 nonexclusive easement to allow placement of the removed or relocated facilities across the
7 alternate site, under such terms and conditions as the State Properties Commission shall in
8 its discretion determine to be in the best interests of the State of Georgia, and SCG Pipeline,
9 Inc., shall remove or relocate its facilities to the alternate easement area at its sole cost and
10 expense, unless the State Properties Commission determines that the requested removal or
11 relocation is to be for the sole benefit of the State of Georgia and approves payment by the
12 State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20
13 percent the amount of a written estimate provided by SCG Pipeline, Inc. Upon written
14 request, the State Properties Commission, in its sole discretion, may permit the relocation of
15 the facilities to an alternate site on state owned land so long as the removal and relocation
16 is paid by the party or parties requesting such removal and at no cost and expense to the State
17 of Georgia.

SECTION 11.

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19 That the easement granted to SCG Pipeline, Inc., shall contain such other reasonable terms,
20 conditions, and covenants as the State Properties Commission shall deem in the best interest
21 of the State of Georgia and that the State Properties Commission is authorized to use a more
22 accurate description of the easement area, so long as the description utilized by the State
23 Properties Commission describes the same easement area herein granted.

SECTION 12.

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25 That the consideration for such easement shall be for the fair market value, but not less than
26 \$650.00, and such further consideration and provisions as the State Properties Commission
27 may determine to be in the best interest of the State of Georgia.

SECTION 13.

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29 That this grant of easement shall be recorded by the grantee in the Superior Court of
30 Effingham County and a recorded copy shall be forwarded to the State Properties
31 Commission.

SECTION 14.

1 That the authorization in this resolution to grant the above-described easement to SCG
2 Pipeline, Inc., shall expire three years after the date that this resolution becomes effective.

3 **SECTION 15.**

4 That the State Properties Commission is authorized and empowered to do all acts and things
5 necessary and proper to effect the grant of the easement area.

6 **ARTICLE III**

7 **SECTION 16.**

8 That this resolution shall become effective upon its approval by the Governor or upon its
9 becoming law without such approval.

10 **SECTION 17.**

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