

HOUSE SUBSTITUTE TO SENATE RESOLUTION 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; authorizing
6 the conveyance of certain state owned real property or real property interest located in
7 Chatham County, Georgia; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 Part I

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

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

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

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

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

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

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

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

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

17 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
 18 ASSEMBLY OF GEORGIA:

19 **ARTICLE I**

20 **SECTION 1.**

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

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

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

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

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

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

18 **SECTION 2.**

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

22 **SECTION 3.**

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

25 **ARTICLE II**

26 **SECTION 4.**

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

SECTION 5.

1
2 That the State of Georgia, acting by and through its State Properties Commission, may grant
3 to SCG Pipeline, Inc., or its successors and assigns, a nonexclusive easement for the
4 operation and maintenance of a pipeline in, under, upon, across, or through the easement area
5 for the purpose of maintaining, repairing, replacing, inspecting, and operating a pipeline
6 together with the right of ingress and egress over adjacent land of the State of Georgia as
7 may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is
8 located in Effingham County, Georgia, and begins at the high water mark on the southern
9 bank of the Savannah River and extends northward to the Georgia-South Carolina boundary,
10 a width of 50 feet, and is more particularly described as follows:

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

SECTION 6.

17
18 That the above-described premises shall be used solely for the purpose of installing,
19 maintaining, repairing, replacing, inspecting, and operating said pipeline.

SECTION 7.

20
21 That SCG Pipeline, Inc., shall have the right to remove or cause to be removed from said
22 easement area only such trees and bushes as may be reasonably necessary for the proper
23 operation and maintenance of said pipeline.

SECTION 8.

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

1 WHEREAS, Tidewater Boatworks, Inc., is a successor in title to a certain conveyance made
2 by the Chatham Academy to the site of the above-mentioned marina; and

3 WHEREAS, ownership in title to a portion of the above-mentioned Tidewater Boatworks,
4 Inc., marina site of marshland and high ground is unclear; and

5 WHEREAS, Tidewater Boatworks, Inc., is desirous of conveying its claim and interest, if
6 any, in approximately 2 acres of marshland in exchange for the state's conveying its claim
7 and interest, if any, in approximately 2.09 acres of high ground.

8 NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL
9 ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 That in all matters relating to the conveyance of the herein described state owned real
12 property or real property interest in Chatham County, Georgia, and the acceptance of the
13 herein described Tidewater Boatworks, Inc., owned real property or real property interest the
14 State of Georgia is acting by and through its State Properties Commission.

15 **SECTION 2.**

16 That the State of Georgia, acting by and through its State Properties Commission, is
17 authorized and empowered to convey the State of Georgia's interest, if any, in approximately
18 2.09 acres of high ground in Chatham County as described on a plat of survey prepared for
19 Tidewater Boatworks, Inc., dated June 5, 2001, by Vincent Helmly, Georgia Registered Land
20 Surveyor #1882 by appropriate instrument to Tidewater Boatworks, Inc., and to accept as
21 consideration therefor from Tidewater Boatworks, Inc., a conveyance of approximately 1.25
22 acres of marshland in Chatham County as described on a plat of survey prepared for
23 Tidewater Boatworks, Inc., dated June 5, 2001, by Vincent Helmly, Georgia Registered Land
24 Surveyor #1882 and such further consideration and provisions as the State Properties
25 Commission shall in its discretion determine to be in the best interest of the State of Georgia.

26 **SECTION 3.**

27 That the above-described property may be more particularly described by a plat of survey
28 prepared by a Georgia registered land surveyor and presented to the State Properties
29 Commission for approval.

