

Senate Resolution 852

By: Senator Kemp of the 3rd

ADOPTED

A RESOLUTION

Conveying the reversionary interest of the state in certain real property located in Glynn County, Georgia, heretofore conveyed pursuant to resolutions of the General Assembly to Boys Estate Incorporated, later known as Youth Estate, Inc., and now known as Morningstar Treatment Services, Inc.; to repeal conflicting laws; and for other purposes.

WHEREAS, the State of Georgia has heretofore conveyed a certain tract of land located in Glynn County, Georgia, to Boys Estate Incorporated, a charitable organization, so that the said property might be developed and used as a charitable home for underprivileged boys; and

WHEREAS, the said conveyance was authorized by resolution of the General Assembly, found at Ga. L. 1946, p. 709; and

WHEREAS, the said conveyance was made upon the condition that the said property be used for the exclusive purpose of a charitable home for underprivileged boys, the said condition being expressed as a reverter, which upon its occurrence, will cause the title to the property to revert to the State of Georgia; and

WHEREAS, thereafter and in line with enacted legal requirements and an expansion of its original charitable purpose, Boys Estate Incorporated became Youth Estate, Inc., and began providing a home for underprivileged youth, regardless of sex; and

WHEREAS, by a resolution of the General Assembly found at Ga. L. 1978, p. 2143, a second conveyance of said property was authorized and made, which expanded the reverter condition to be that the property is to be used for the exclusive purpose of providing a charitable home and related facilities for underprivileged youth and that, should the property cease to be used for such purpose for a period of two years, the property is to revert to the state Department of Natural Resources or its successor agency, and with the further condition

that in the event title to said property should revert to the state, any and all improvements placed thereon shall become and be the property of the State of Georgia; and

WHEREAS, there exists an urgent need to renovate certain facilities located upon the property in order to increase the number of children who may be served, but such renovations are prevented by the current owner's inability to obtain bank financing because of the reverter condition contained in the deeds from the state; and

WHEREAS, the activities of the current owner, Morningstar Treatment Services, Inc., serve the public interest in this state in that the facility is a certified MATCH facility through the Department of Family and Children Services (DFCS) of the Department of Human Resources (DHR) of the State of Georgia; and

WHEREAS, the Department of Natural Resources has no present or future use for the property, having been unable to develop it in 1946 as a park as was originally intended when the state acquired the property; and

WHEREAS, Morningstar Treatment Services, Inc., has expressed an interest in acquiring the State of Georgia's reversionary interest in not more than 25 acres of the property originally conveyed to Boys Estate, Inc., said property being the location of the developed tract upon which Morningstar Treatment Services, Inc., facilities are located; and

WHEREAS, it is only fitting and proper that the state recognize the owner's expanded worthy purposes of serving all young people by permitting use of the facility without hindrance from the impossibility of obtaining needed financing caused by the reverter condition; and

WHEREAS, the said property located in Glynn County, Georgia, consists of not more than 25 acres of property which is a portion of the tract which is more particularly described as follows:

"A tract of land containing 350 1/2 acres, more or less, beginning at a point on the north side of local county road, leading from the Coastal Highway to Altama plantation at the center of the abandoned Brunswick-Altamaha Canal, running south 89 degrees and 14' west, a distance of 712.0 feet to a concrete marker; thence north 37 degrees 0' west, a distance of 1134.0 feet to a concrete marker; thence north 13 degrees and 47' west, a

distance of 722.9 feet to a concrete marker; thence north 37 degrees 16' west, a distance of 553.2 feet to a concrete marker; thence north 8 degrees and 8' west, a distance of 1045.6 feet to a concrete marker and thence north 28 degrees and 11' east, a distance of 1062 1/2 feet, along an old dam to a concrete marker; thence south 48 degrees east, a distance of 804.6 feet to a concrete marker; thence north 2 degrees and 36' east, a distance of 5305.0 feet along the center of an old rice field drainage ditch to a concrete marker; thence north 87 degrees and 24' west, a distance of 80.0 feet to the bank of the South Altamaha River; thence meandering along the bank of the South Altamaha River to the north and east, to a point in the center of the Brunswick-Altamaha Canal, where it flows into the South Altamaha River; thence along the center of the Brunswick-Altamaha Canal (abandoned) to the beginning point on the edge of the county road. This area is bounded on the west by the lands of Cator Woolford; on the north by the South Altamaha River; on the east by the Brunswick-Altamaha Canal (abandoned); and on the south by a local county road."

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

SECTION 1.

That the State of Georgia is the owner of a reversionary interest in the above-described real property and that in all matters relating to the conveyance of the real property interest the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the above-described real property interest in not more than 25 acres may be conveyed by appropriate instrument to Morningstar Treatment Services, Inc., by the State of Georgia, acting by and through the State Properties Commission, for a consideration of the fair market value but not less than \$650.00 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 3.

That should Morningstar Treatment Services, Inc., or its successors or assigns, determine the need to convey all or a portion of the above-described property, containing not more than 25 acres, then prior to any such conveyance, the property must first be offered for reconveyance to the State of Georgia, acting by and through its State Properties Commission, for a

consideration of the sum the state received upon the conveyance of the property as authorized by this resolution, plus the cost of any subsequent improvements placed on the property, and such offer for reconveyance shall remain in effect until adjournment sine die of the next regular session of the General Assembly following such offer of reconveyance.

SECTION 4.

That the authorization in this resolution to convey the above described property interest to Morningstar Treatment Services, Inc., shall expire three years after the date that this resolution becomes effective.

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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