

The House Committee on State Institutions and Property offers the following substitute to SR 80:

#### A RESOLUTION

1 Authorizing the granting of nonexclusive easements for operation and maintenance of  
2 facilities, utilities and ingress and egress, in, on, over, under, upon, across, or through  
3 property owned by the State of Georgia in Baldwin, Banks, Burke, Chatham, Douglas,  
4 Fulton, and Newton counties, Georgia; to repeal conflicting laws; and for other purposes.

5 WHEREAS, the State of Georgia is the owner of certain real property located in Baldwin,  
6 Banks, Burke, Chatham, Douglas, Fulton, and Newton counties, Georgia; and

7 WHEREAS, the Alltel Communications, Victor M. Corral, Georgia Power, Chatham County,  
8 the City of Savannah, and 1998 Augustus Partners, LP, desire to operate and maintain  
9 facilities, utilities and ingress and egress in, on, over, under, upon, across, or through a  
10 portion of said property; and

11 WHEREAS, these facilities, utilities and ingress and egress in, on, over, under, upon, across,  
12 or through the above-described state property have been requested and/or approved by the  
13 Department of Juvenile Justice, the Department of Natural Resources, the Department of  
14 Defense, the Department of Human Resources, the Department of Corrections, the  
15 Department of Technical and Adult Education, and the Geo. L. Smith II Georgia World  
16 Congress Center with respect to property under the jurisdiction of their respective  
17 departments.

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

#### ARTICLE I

#### SECTION 1.

22 That the State of Georgia is the owner of the hereinafter described real property in Baldwin  
23 County, and the property is in the custody of the Department of Juvenile Justice, hereinafter

1 referred to as the "easement area" and that, in all matters relating to the easement area, the  
2 State of Georgia is acting by and through its State Properties Commission.

3 **SECTION 2.**

4 That the State of Georgia, acting by and through its State Properties Commission, may grant  
5 to Alltel Communications, or its successors and assigns, a nonexclusive easement for the  
6 operation and maintenance of a telecommunications equipment site in, on, over, under, upon,  
7 across, or through the easement area for the purposes of maintaining, repairing, replacing,  
8 inspecting and operating a telecommunications equipment site together with the right of  
9 ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary  
10 to accomplish the aforesaid purposes. Said easement area is located in the City of  
11 Milledgeville, Baldwin County, Georgia, and on the grounds of the Bill E. Ireland Youth  
12 Development Campus and is more particularly described as follows:

13 "That portion and that portion only as shown in yellow on a plat of survey dated February  
14 20, 2004, prepared by James R. McDougald and on file in the offices of the State  
15 Properties Commission"

16 and may be more particularly described by a plat of survey prepared by a Georgia Registered  
17 Land Surveyor and presented to the State Properties Commission for approval.

18 **SECTION 3.**

19 That the above-described premises shall be used solely for the purposes of installing,  
20 maintaining, repairing, replacing, inspecting, and operating said telecommunications  
21 equipment site.

22 **SECTION 4.**

23 That Alltel Communications shall have the right to remove or cause to be removed from said  
24 easement area only such trees and bushes as may be reasonably necessary for the proper  
25 operation and maintenance of said telecommunications equipment site.

26 **SECTION 5.**

27 That, after Alltel Telecommunications has put into use the telecommunications equipment  
28 site this easement is granted, a subsequent abandonment of the use thereof shall cause a  
29 reversion to the State of Georgia, or its successors and assigns, of all the rights, title,  
30 privileges, powers, and easement granted herein. Upon abandonment, Alltel  
31 Communications, or its successors and assigns, shall have the option of removing their  
32 facilities from the easement area or leaving the same in place, in which event the utility shall  
33 become the property of the State of Georgia or its successors and assigns.



1 interest of the State of Georgia and that the State Properties Commission is authorized to use  
2 a more accurate description of the easement area, so long as the description utilized by the  
3 State Properties Commission describes the same easement area herein granted.

4 **SECTION 10.**

5 That the consideration for such easement shall be for the fair market value, but not less than  
6 \$650.00 and such further consideration and provisions as the State Properties Commission  
7 may determine to be in the best interests of the State of Georgia.

8 **SECTION 11.**

9 That this grant of easement shall be recorded by the grantee in the Superior Court of Baldwin  
10 County and a recorded copy shall be forwarded to the State Properties Commission.

11 **SECTION 12.**

12 That the authorization in this resolution to grant the above-described easement to Alltel  
13 Communications shall expire three years after the date that this resolution becomes effective.

14 **SECTION 13.**

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

17 **ARTICLE II**

18 **SECTION 14.**

19 That the State of Georgia is the owner of the hereinafter described real property in Banks  
20 County, and the property is in the custody of the Department of Natural Resources,  
21 hereinafter referred to as the "easement area" and that, in all matters relating to the easement  
22 area, the State of Georgia is acting by and through its State Properties Commission.

23 **SECTION 15.**

24 That the State of Georgia, acting by and through its State Properties Commission, may grant  
25 to Victor M. Corral, or his successors and assigns, a nonexclusive easement for the operation  
26 and maintenance of ingress and egress in, on, over, under, upon, across, or through the  
27 easement area for the purposes of maintaining, repairing, replacing, inspecting, and  
28 operating ingress and egress together with the right of ingress and egress over adjacent land  
29 of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes.

1 Said easement area is located in land lot 227 of the 10th district of Banks County, Georgia,  
2 and is more particularly described as follows:

3 "That portion and that portion only as shown in yellow on a plat of survey dated June 29,  
4 2000, prepared by Samuel L. Duvald and on file in the offices of the State Properties  
5 Commission"

6 and may be more particularly described by a plat of survey prepared by a Georgia Registered  
7 Land Surveyor and presented to the State Properties Commission for approval.

8 **SECTION 16.**

9 That the above-described premises shall be used solely for the purposes of installing,  
10 maintaining, repairing, replacing, inspecting, and operating said ingress and egress.

11 **SECTION 17.**

12 That Victor M. Corral shall have the right to remove or cause to be removed from said  
13 easement area only such trees and bushes as may be reasonably necessary for the proper  
14 operation and maintenance of said ingress and egress.

15 **SECTION 18.**

16 That, after Victor M. Corral has put into use the ingress and egress for which this easement  
17 is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State  
18 of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and  
19 easement granted herein. Upon abandonment, Victor M. Corral, or his successors and  
20 assigns, shall have the option of removing his facilities from the easement area or leaving the  
21 same in place, in which event the easement shall become the property of the State of Georgia  
22 or its successors and assigns.

23 **SECTION 19.**

24 That no title shall be conveyed to Victor M. Corral and, except as herein specifically granted  
25 to Victor M. Corral, all rights, title, and interest in and to said easement area are reserved to  
26 the State of Georgia, which may make any use of said easement area not inconsistent with  
27 or detrimental to the rights, privileges, and interest granted to Victor M. Corral.

28 **SECTION 20.**

29 That if the State of Georgia, acting by and through its State Properties Commission,  
30 determines that any or all of the facilities placed on the easement area should be removed or  
31 relocated to an alternate site on state owned land in order to avoid interference with the  
32 state's use or intended use of the easement area, it may grant a substantially equivalent

1 nonexclusive easement to allow placement of the removed or relocated facilities across the  
2 alternate site, under such terms and conditions as the State Properties Commission shall in  
3 its discretion determine to be in the best interests of the State of Georgia, and Victor M.  
4 Corral shall remove or relocate its facilities to the alternate easement area at its sole cost and  
5 expense, unless the State Properties Commission determines that the requested removal or  
6 relocation is to be for the sole benefit of the State of Georgia and approves payment by the  
7 State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20  
8 percent the amount of a written estimate provided by Victor M. Corral. Upon written  
9 request, the State Properties Commission, in its sole discretion, may permit the relocation of  
10 the facilities to an alternate site on state owned land so long as the removal and relocation  
11 is paid by the party or parties requesting such removal at no cost expense to the State of  
12 Georgia.

13

**SECTION 21.**

14 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
15 or liability of the Department of Transportation with respect to the state highway system, of  
16 a county with respect to the county road system, or of a municipality with respect to the city  
17 street system. Grantee shall obtain any and all other required permits from the appropriate  
18 governmental agencies as are necessary for his lawful use of the easement area or public  
19 highway right of way and comply with all applicable state and federal environmental statutes  
20 in his use of the easement area.

21

**SECTION 22.**

22 That the easement granted to Victor M. Corral shall contain such other reasonable terms,  
23 conditions, and covenants as the State Properties Commission shall deem in the best interest  
24 of the State of Georgia and that the State Properties Commission is authorized to use a more  
25 accurate description of the easement area, so long as the description utilized by the State  
26 Properties Commission describes the same easement area herein granted.

27

**SECTION 23.**

28 That the consideration for such easement shall be for the fair market value, but not less than  
29 \$650.00 and such further consideration and provisions as the State Properties Commission  
30 may determine to be in the best interests of the State of Georgia.

31

**SECTION 24.**

32 That this grant of easement shall be recorded by the grantee in the Superior Court of Banks  
33 County and a recorded copy shall be forwarded to the State Properties Commission.





1 relocation is paid by the party or parties requesting such removal at no cost and expense to  
2 the State of Georgia.

3 **SECTION 34.**

4 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
5 or liability of the Department of Transportation with respect to the state highway system, of  
6 a county with respect to the county road system, or of a municipality with respect to the city  
7 street system. Grantee shall obtain any and all other required permits from the appropriate  
8 governmental agencies as are necessary for its lawful use of the easement area or public  
9 highway right of way and comply with all applicable state and federal environmental statutes  
10 in its use of the easement area.

11 **SECTION 35.**

12 That the easement granted to Georgia Power Company shall contain such other reasonable  
13 terms, conditions, and covenants as the State Properties Commission shall deem in the best  
14 interest of the State of Georgia and that the State Properties Commission is authorized to use  
15 a more accurate description of the easement area, so long as the description utilized by the  
16 State Properties Commission describes the same easement area herein granted.

17 **SECTION 36.**

18 That the consideration for such easement shall be \$10.00 and such further consideration and  
19 provisions as the State Properties Commission may determine to be in the best interests of  
20 the State of Georgia.

21 **SECTION 37.**

22 That this grant of easement shall be recorded by the grantee in the Superior Court of Burke  
23 County and a recorded copy shall be forwarded to the State Properties Commission.

24 **SECTION 38.**

25 That the authorization in this resolution to grant the above-described easement to Georgia  
26 Power Company shall expire three years after the date that this resolution becomes effective.

27 **SECTION 39.**

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

## 1 ARTICLE IV

## 2 SECTION 40.

3 That the State of Georgia is the owner of the hereinafter described real property in Chatham  
 4 County, and the property is in the custody of the Department of Human Resources,  
 5 hereinafter referred to as the "easement area" and that, in all matters relating to the easement  
 6 area, the State of Georgia is acting by and through its State Properties Commission.

## 7 SECTION 41.

8 That the State of Georgia, acting by and through its State Properties Commission, may grant  
 9 to Chatham County, or its successors and assigns, a nonexclusive easement for the  
 10 construction, operation, and maintenance of a drainage facility on, over, under, upon, across,  
 11 or through the easement area for the purposes of constructing, erecting, installing,  
 12 maintaining, repairing, replacing, inspecting, and operating a drainage facility together with  
 13 the right of ingress and egress over adjacent land of the State of Georgia as may be  
 14 reasonably necessary to accomplish the aforesaid purposes. Said easement area is located  
 15 in the 6th GMD of Chatham County, Georgia, and is more particularly described as follows:  
 16 "Those portions and those portions only as shown in yellow on a Department of  
 17 Transportation right of way map being sheets 11, 11a and 16 of project NH-171-1(4)  
 18 prepared by Jordan, Jones and Goulding, dated January 7, 2000 and on file in the offices  
 19 of the State Properties Commission"  
 20 and may be more particularly described by a plat of survey prepared by a Georgia Registered  
 21 Land Surveyor and presented to the State Properties Commission for approval.

## 22 SECTION 42.

23 That the above-described premises shall be used solely for the purposes of planning,  
 24 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating  
 25 said drainage facility.

## 26 SECTION 43.

27 That Chatham County shall have the right to remove or cause to be removed from said  
 28 easement area only such trees and bushes as may be reasonably necessary for the proper  
 29 construction, operation, and maintenance of said drainage facility.

## 30 SECTION 44.

31 That, after Chatham County puts into use the drainage facility for which this easement is  
 32 granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of

1 Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement  
2 granted herein. Upon abandonment, Chatham County, or its successors and assigns, shall  
3 have the option of removing its facilities from the easement area or leaving the same in place,  
4 in which event the facility shall become the property of the State of Georgia or its successors  
5 and assigns.

6 **SECTION 45.**

7 That no title shall be conveyed to Chatham County and, except as herein specifically granted  
8 to Chatham County, all rights, title, and interest in and to said easement area are reserved to  
9 the State of Georgia, which may make any use of said easement area not inconsistent with  
10 or detrimental to the rights, privileges, and interest granted to Chatham County.

11 **SECTION 46.**

12 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
13 or liability of the Department of Transportation with respect to the state highway system, of  
14 a county with respect to the county road system, or of a municipality with respect to the city  
15 street system. Grantee shall obtain any and all other required permits from the appropriate  
16 governmental agencies as are necessary for its lawful use of the easement area or public  
17 highway right of way and comply with all applicable state and federal environmental statutes  
18 in its use of the easement area.

19 **SECTION 47.**

20 That if the State of Georgia, acting by and through its State Properties Commission,  
21 determines that any or all of the facilities placed on the easement area should be removed or  
22 relocated to an alternate site on state owned land in order to avoid interference with the  
23 state's use or intended use of the easement area, it may grant a substantially equivalent  
24 nonexclusive easement to allow placement of the removed or relocated facilities across the  
25 alternate site, under such terms and conditions as the State Properties Commission shall in  
26 its discretion determine to be in the best interests of the State of Georgia, and Chatham  
27 County shall remove or relocate its facilities to the alternate easement area at its sole cost and  
28 expense, unless the State Properties Commission determines that the requested removal or  
29 relocation is to be for the sole benefit of the State of Georgia and approves payment by the  
30 State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20  
31 percent the amount of a written estimate provided by Chatham County. Upon written  
32 request, the State Properties Commission, in its sole discretion, may permit the relocation of  
33 the facilities to an alternate site on state owned land so long as the removal and relocation

1 is paid by the party or parties requesting such removal at no cost and expense to the State of  
2 Georgia.

3 **SECTION 48.**

4 That the easement granted to Chatham County shall contain such other reasonable terms,  
5 conditions, and covenants as the State Properties Commission shall deem in the best interests  
6 of the State of Georgia and that the State Properties Commission is authorized to use a more  
7 accurate description of the easement area, so long as the description utilized by the State  
8 Properties Commission describes the same easement area herein granted.

9 **SECTION 49.**

10 That the consideration for such easement shall be \$10.00 and such further consideration and  
11 provisions as the State Properties Commission may determine to be in the best interests of  
12 the State of Georgia.

13 **SECTION 50.**

14 That this grant of easement shall be recorded by the grantee in the Superior Court of  
15 Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

16 **SECTION 51.**

17 That the authorization in this resolution to grant the above-described easement to Chatham  
18 County shall expire three years after the date that this resolution becomes effective.

19 **SECTION 52.**

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

22 **ARTICLE V**

23 **SECTION 53.**

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



1 reserved to the State of Georgia, which may make any use of said easement area not  
2 inconsistent with or detrimental to the rights, privileges, and interest granted to the City of  
3 Savannah.

4

#### **SECTION 59.**

5 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
6 or liability of the Department of Transportation with respect to the state highway system, of  
7 a county with respect to the county road system, or of a municipality with respect to the city  
8 street system. Grantee shall obtain any and all other required permits from the appropriate  
9 governmental agencies as are necessary for its lawful use of the easement area or public  
10 highway right of way and comply with all applicable state and federal environmental statutes  
11 in its use of the easement area.

12

#### **SECTION 60.**

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

29

#### **SECTION 61.**

30 That the easement granted to the City of Savannah shall contain such other reasonable terms,  
31 conditions, and covenants as the State Properties Commission shall deem in the best interests  
32 of the State of Georgia and that the State Properties Commission is authorized to use a more  
33 accurate description of the easement area, so long as the description utilized by the State  
34 Properties Commission describes the same easement area herein granted.



1 "That portion and that portion only as shown in yellow on a drawing prepared by Georgia  
2 Power Company and showing dimension of 45 feet by 10 feet and on file in the offices of  
3 the State Properties Commission"  
4 and may be more particularly described by a plat of survey prepared by a Georgia Registered  
5 Land Surveyor and presented to the State Properties Commission for approval.

6 **SECTION 68.**

7 That the above-described premises shall be used solely for the purposes of planning,  
8 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating  
9 said guy wires.

10 **SECTION 69.**

11 That Georgia Power Company shall have the right to remove or cause to be removed from  
12 said easement area only such trees and bushes as may be reasonably necessary for the proper  
13 construction, operation, and maintenance of said guy wires.

14 **SECTION 70.**

15 That, after Georgia Power Company has put into use the guy wires for which this easement  
16 is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State  
17 of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and  
18 easement granted herein. Upon abandonment, Georgia Power Company, or its successors  
19 and assigns, shall have the option of removing its facilities from the easement area or leaving  
20 the same in place, in which event the facility shall become the property of the State of  
21 Georgia or its successors and assigns.

22 **SECTION 71.**

23 That no title shall be conveyed to Georgia Power Company, and, except as herein specifically  
24 granted to Georgia Power Company, all rights, title, and interest in and to said easement area  
25 are reserved to the State of Georgia, which may make any use of said easement area not  
26 inconsistent with or detrimental to the rights, privileges, and interest granted to Georgia  
27 Power Company.

28 **SECTION 72.**

29 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
30 or liability of the Department of Transportation with respect to the state highway system, of  
31 a county with respect to the county road system, or of a municipality with respect to the city  
32 street system. Grantee shall obtain any and all other required permits from the appropriate

1 governmental agencies as are necessary for its lawful use of the easement area or public  
2 highway right of way and comply with all applicable state and federal environmental statutes  
3 in its use of the easement area.

4 **SECTION 73.**

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

21 **SECTION 74.**

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

27 **SECTION 75.**

28 That the consideration for such easement shall be \$10.00 and such further consideration and  
29 provisions as the State Properties Commission may determine to be in the best interests of  
30 the State of Georgia.











1 its discretion determine to be in the best interests of the State of Georgia, and 1998 Augustus  
2 Partners, L. P., shall remove or relocate its facilities to the alternate easement area at its sole  
3 cost and expense, unless the State Properties Commission determines that the requested  
4 removal or relocation is to be for the sole benefit of the State of Georgia and approves  
5 payment by the State of Georgia of all or a portion of such actual cost and expense, not to  
6 exceed by 20 percent the amount of a written estimate provided by 1998 Augustus Partners,  
7 L. P. Upon written request, the State Properties Commission, in its sole discretion, may  
8 permit the relocation of the facilities to an alternate site on state owned land so long as the  
9 removal and relocation is paid by the party or parties requesting such removal at no cost and  
10 expense to the State of Georgia.

11 **SECTION 100.**

12 That the easement granted to 1998 Augustus Partners, L. P., shall contain such other  
13 reasonable terms, conditions, and covenants as the State Properties Commission shall deem  
14 in the best interests of the State of Georgia and that the State Properties Commission is  
15 authorized to use a more accurate description of the easement area, so long as the description  
16 utilized by the State Properties Commission describes the same easement area herein granted.

17 **SECTION 101.**

18 That the consideration for such easement shall be for the fair market value, but not less than  
19 \$650.00, and such further consideration and provisions as the State Properties Commission  
20 may determine to be in the best interests of the State of Georgia.

21 **SECTION 102.**

22 That this grant of easement shall be recorded by the grantee in the Superior Court of Newton  
23 County and a recorded copy shall be forwarded to the State Properties Commission.

24 **SECTION 103.**

25 That the authorization in this resolution to grant the above-described easement to 1998  
26 Augustus Partners, L. P., shall expire three years after the date that this resolution becomes  
27 effective.

28 **SECTION 104.**

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

1

**ARTICLE IX**

2

**SECTION 105.**

3 That the State of Georgia is the owner of the hereinafter described real property in Chatham  
4 County, and the property is in the custody of the Department of Natural Resources,  
5 hereinafter referred to as the "easement area" and that, in all matters relating to the easement  
6 area, the State of Georgia is acting by and through its State Properties Commission.

7

**SECTION 106.**

8 That the State of Georgia, acting by and through its State Properties Commission, may grant  
9 to the City of Savannah, Chatham County, or its successors and assigns, a nonexclusive  
10 easement for the construction, operation, and maintenance of a riverwalk dock facility in, on,  
11 over, under, upon, across, or through the easement area for the purpose of constructing,  
12 erecting, installing, maintaining, repairing, replacing, inspecting, and operating a riverwalk  
13 dock facility together with the right of ingress and egress over adjacent land of the State of  
14 Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said  
15 easement area is located in the 2nd GM District, City of Savannah, Chatham County,  
16 Georgia, and containing a total of 3.28 acres and is more particularly described as:

17 "That portion and that portion only as shown marked in yellow on a plat of survey entitled  
18 'Jurisdictional Lands of the Savannah River and the Village at Oglethorpe Landing, LLC'  
19 dated February 23, 2005 and prepared by Boyce L. Young, Georgia Registered Land  
20 Surveyor #2282 and being on file in the offices of the State Properties Commission,"  
21 and may be more particularly described by a plat of survey prepared by a Georgia Registered  
22 Land Surveyor and presented to the State Properties Commission for approval.

23

**SECTION 107.**

24 That the above-described premises shall be used solely for the purpose of planning,  
25 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating  
26 said riverwalk dock facility.

27

**SECTION 108.**

28 That the City of Savannah shall have the right to remove or cause to be removed from said  
29 easement area only such trees and bushes as may be reasonably necessary for the proper  
30 construction, operation, and maintenance of said riverwalk dock facility.

1 **SECTION 109.**

2 That, after the City of Savannah has put into use the riverwalk dock facility for which this  
3 easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to  
4 the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers,  
5 and easement granted herein. Upon abandonment, the City of Savannah, or its successors  
6 and assigns, shall have the option of removing its facilities from the easement area or leaving  
7 the same in place, in which event the facility shall become the property of the State of  
8 Georgia or its successors and assigns.

9 **SECTION 110.**

10 That no title shall be conveyed to the City of Savannah and, except as herein specifically  
11 granted to the City of Savannah, all rights, title, and interest in and to said easement area is  
12 reserved to the State of Georgia, which may make any use of said easement area not  
13 inconsistent with or detrimental to the rights, privileges, and interest granted to the City of  
14 Savannah.

15 **SECTION 111.**

16 That this resolution does not affect and is not intended to affect any rights, powers, interest,  
17 or liability of the Department of Transportation with respect to the state highway system, of  
18 a county with respect to the county road system, or of a municipality with respect to the city  
19 street system. Grantee shall obtain any and all other required permits from the appropriate  
20 governmental agencies as are necessary for its lawful use of the easement area or public  
21 highway right of way and comply with all applicable state and federal environmental statutes  
22 in its use of the easement area.

23 **SECTION 112.**

24 That if the State of Georgia, acting by and through its State Properties Commission,  
25 determines that any or all of the facilities placed on the easement area should be removed or  
26 relocated to an alternate site on state owned land in order to avoid interference with the  
27 state's use or intended use of the easement area, it may grant a substantially equivalent  
28 nonexclusive easement to allow placement of the removed or relocated facilities across the  
29 alternate site, under such terms and conditions as the State Properties Commission shall in  
30 its discretion determine to be in the best interests of the State of Georgia, and the City of  
31 Savannah shall remove or relocate its facilities to the alternate easement area at its sole cost  
32 and expense, unless the State Properties Commission determines that the requested removal  
33 or relocation is to be for the sole benefit of the State of Georgia and approves payment by the  
34 State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20

1 percent the amount of a written estimate provided by the City of Savannah. Upon written  
2 request, the State Properties Commission, in its sole discretion, may permit the relocation of  
3 the facilities to an alternate site on state owned land so long as the removal and relocation  
4 is paid by the party or parties requesting such removal at no cost and expense to the State of  
5 Georgia.

6 **SECTION 113.**

7 That the easement granted to the City of Savannah shall contain such other reasonable terms,  
8 conditions, and covenants as the State Properties Commission shall deem in the best interests  
9 of the State of Georgia and that the State Properties Commission is authorized to use a more  
10 accurate description of the easement area, so long as the description utilized by the State  
11 Properties Commission describes the same easement area herein granted.

12 **SECTION 114.**

13 That the consideration for such easement shall be \$10.00 and such further consideration and  
14 provisions as the State Properties Commission may determine to be in the best interests of  
15 the State of Georgia.

16 **SECTION 115.**

17 That this grant of easement shall be recorded by the grantee in the Superior Court of  
18 Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

19 **SECTION 116.**

20 That the authorization in this resolution to grant the above-described easement to the City of  
21 Savannah shall expire three years after the date that this resolution becomes effective.

22 **SECTION 117.**

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 easement area.

25 **ARTICLE X**

26 **SECTION 118.**

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