

The House Committee on State Institutions and Property offers the following substitute to HR 1259:

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 Bryan, Camden, Charlton, Chatham, Coweta,
4 Douglas, Glynn, Grady, and Muscogee counties, Georgia; to repeal conflicting laws; and for
5 other purposes.

6 WHEREAS, the State of Georgia is the owner of certain real property located in Bryan,
7 Camden, Charlton, Chatham, Coweta, Douglas, Glynn, Grady, and Muscogee counties,
8 Georgia; and

9 WHEREAS, Terry L. Hall, Georgia Power Company, Greystone Power Corporation, the City
10 of Cairo, the Columbus Consolidated Government, and Southern Natural Gas Company
11 desire to operate and maintain facilities, utilities, and ingress and egress in, on, over, under,
12 upon, across, or through a portion of said property; and

13 WHEREAS, these facilities, utilities, and ingress and egress in, on, over, under, upon,
14 across, or through the above-described state property have been requested and/or approved
15 by the Department of Natural Resources and Department of Technical and Adult Education,
16 with respect to the property under the jurisdiction of their respective departments.

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

19 **ARTICLE I**
20 **SECTION 1.**

21 That the State of Georgia is the owner of the hereinafter described real property in Chatham
22 County and the property is in the custody of the Department of Natural Resources,

1 hereinafter referred to as the "easement area," and that, in all matters relating to the easement
2 area, the 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 Terry L. Hall, or his successors and assigns, a nonexclusive easement for the operation and
6 maintenance of ingress and egress in, on, over, under, upon, across, or through the easement
7 area for the purpose of maintaining, repairing, replacing, inspecting, and operating ingress
8 and egress together with the right of ingress and egress over adjacent land of the State of
9 Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said
10 easement area is located lying west of Windsor, 6th GMD Chatham County, Georgia, and
11 is more particularly described as follows:

12 "That portion and that portion only as shown in yellow on a plat of survey dated February
13 20, 2002, prepared by Vincent Helmlly and on file in the offices of the State Properties
14 Commission, and may be more particularly described by a plat of survey prepared by a
15 Georgia Registered Land Surveyor and presented to the State Properties Commission for
16 approval."

17 **SECTION 3.**

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

20 **SECTION 4.**

21 That Terry L. Hall shall have the right to remove or cause to be removed from said easement
22 area only such trees and bushes as may be reasonably necessary for the proper operation and
23 maintenance of said ingress and egress.

24 **SECTION 5.**

25 That, after Terry L. Hall has put into use the ingress and egress 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, Terry L. Hall, or his successors and assigns, shall have
29 the option of removing their facilities from the easement area or leaving the same in place,
30 in which event the ingress and egress shall become the property of the State of Georgia, or
31 its successors and assigns.

1 accurate description of the easement area, so long as the description utilized by the State
2 Properties Commission describes the same easement area herein granted.

3 **SECTION 10.**

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

7 **SECTION 11.**

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

10 **SECTION 12.**

11 That the authorization in this resolution to grant the above-described easement to Terry L.
12 Hall shall expire three years after the date that this resolution becomes effective.

13 **SECTION 13.**

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

16 **ARTICLE II**

17 **SECTION 14.**

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

22 **SECTION 15.**

23 That the State of Georgia, acting by and through its State Properties Commission, may grant
24 to Georgia Power Company, or its successors and assigns, a nonexclusive easement for the
25 construction, operation, and maintenance of an electrical distribution line in, on, over, under,
26 upon, across, or through the easement area for the purpose of constructing, erecting,
27 installing, maintaining, repairing, replacing, inspecting, and operating an electrical
28 distribution line together with the right of ingress or egress over adjacent land of the State
29 of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said
30 easement area is located in land lots 112, 113, 116, 117, 132, 133, 139, 140, 155, 156, 161,

1 and 176 of the 4th District, Coweta County, Georgia, and is more particularly described as
2 follows:

3 "That portion and that portion only as shown marked in yellow on a drawing prepared by
4 Georgia Power Company and being titled "Plant Yates Transmission Line", additional
5 easement to be acquired crossing the property of Georgia Department of Natural
6 Resources, and on file in the offices of the State Properties Commission and may be more
7 particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor
8 and presented to the State Properties Commission for approval."

9 **SECTION 16.**

10 That the above-described premises shall be used solely for the purposes of planning,
11 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
12 said electrical distribution line.

13 **SECTION 17.**

14 That the Georgia Power Company shall have the right to remove or cause to be removed
15 from said easement area only such trees and bushes as may be reasonably necessary for the
16 proper construction, operation, and maintenance of said electrical distribution line.

17 **SECTION 18.**

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

25 **SECTION 19.**

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

1 \$10.00, a portion of which the herein described easement traverses, and such further
2 consideration and provisions as the State Properties Commission may determine to be in the
3 best interests of the State of Georgia.

4 **SECTION 24.**

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

7 **SECTION 25.**

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

10 **SECTION 26.**

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

13 **ARTICLE III**

14 **SECTION 27.**

15 That the State of Georgia is the owner of the hereinafter described real property in Douglas
16 County and the property is in the custody of the Department of Natural Resources,
17 hereinafter referred to as the "easement area," and that, in all matters relating to the easement
18 area, the State of Georgia is acting by and through the State Properties Commission.

19 **SECTION 28.**

20 That the State of Georgia, acting by and through its State Properties Commission, may grant
21 to Greystone Power Corporation, or its successors and assigns, a nonexclusive easement for
22 the construction, operation, and maintenance of an electrical distribution line in, on, over,
23 under, upon, across, or through the easement area for the purposes of constructing, erecting,
24 installing, maintaining, repairing, replacing, inspecting, and operating an electrical
25 distribution line together with the right of ingress and egress over adjacent land of the State
26 of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said
27 easement area is located in land lot 882, 13th District, 2nd Section, Douglas County,
28 Georgia, and is more particularly described as follows:

29 "That portion and that portion only as shown marked in yellow on a drawing prepared by
30 Greystone Power Corporation, and attached as EXHIBIT "A" to that certain revocable

1 license agreement dated June 15, 2005 and designated as real property record #10115, and
2 being on file in the offices of the State Properties Commission, and may be more
3 particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor
4 and presented to the State Properties Commission for approval."

5 **SECTION 29.**

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

9 **SECTION 30.**

10 That Greystone Power Corporation shall have the right to remove or cause to be removed
11 from said easement area only such trees and bushes as may be reasonably necessary for the
12 proper construction, operation, and maintenance of said electrical distribution line.

13 **SECTION 31.**

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

21 **SECTION 32.**

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

27 **SECTION 33.**

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

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

12

SECTION 34.

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

20

SECTION 35.

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

26

SECTION 36.

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

30

SECTION 37.

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

1 percent the amount of a written estimate provided by the City of Cairo. 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 and at no cost and expense to the State
5 of Georgia.

6 **SECTION 47.**

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

14 **SECTION 48.**

15 That the easement granted to the City of Cairo shall contain such other reasonable terms,
16 conditions, and covenants as the State Properties Commission shall deem in the best interests
17 of the State of Georgia and that the State Properties Commission is authorized to use a more
18 accurate description of the easement area, so long as the description utilized by the State
19 Properties Commission describes the same easement area herein granted.

20 **SECTION 49.**

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

24 **SECTION 50.**

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

27 **SECTION 51.**

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

30 **SECTION 52.**

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

1 ARTICLE V

2 SECTION 53.

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

8 SECTION 54.

9 That the State of Georgia, acting by and through its State Properties Commission, may grant
10 to the Columbus Consolidated Government, or its successors and assigns, a nonexclusive
11 easement for the construction, operation, and maintenance of a sanitary sewer line in, on,
12 over, under, upon, across, or through the easement area for the purposes of constructing,
13 erecting, installing, maintaining, repairing, replacing, inspecting, and operating a sanitary
14 sewer line together with the right of ingress and egress over adjacent land of the State of
15 Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said
16 easement area is located in land lot 59, 9th District of Muscogee County, Georgia, and is
17 more particularly described as follows:

18 "That portion and that portion only as shown highlighted in yellow on a plat of survey
19 dated May 10, 2005 and prepared by A. B. Moon Jr., and being on file in the offices of the
20 State Properties Commission, and may be more particularly described by a plat of survey
21 prepared by a Georgia Registered Land Surveyor and presented to the State Properties
22 Commission for approval."

23 SECTION 55.

24 That the above-described premises shall be used solely for the purposes of constructing,
25 erecting, installing, maintaining, repairing, replacing, inspecting, and operating said sanitary
26 sewer line.

27 SECTION 56.

28 That the Columbus Consolidated Government shall have the right to remove or cause to be
29 removed from said easement area only such trees and bushes as may be reasonably necessary
30 for the proper construction, operation, and maintenance of said sanitary sewer line.

1 county with respect to the county road system, or a municipality with respect to the city street
2 system. Grantee shall obtain any and all other required permits from the appropriate
3 governmental agencies as are necessary for its lawful use of the easement area or public
4 highway right of way and comply with all applicable state and federal environmental statutes
5 in its use of the easement area.

6 **SECTION 61.**

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

13 **SECTION 62.**

14 That the consideration for such easement shall be for the fair market value, but not less than
15 \$650.00 and such further consideration and provisions as the State Properties Commission
16 may determine to be in the best interests of the State of Georgia.

17 **SECTION 63.**

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

21 **SECTION 64.**

22 That the authorization in this resolution to grant the above-described easement to the
23 Columbus Consolidated Government shall expire three years after the date that this
24 resolution becomes effective.

25 **SECTION 65.**

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

1 ARTICLE VI

2 SECTION 66.

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

8 SECTION 67.

9 That the State of Georgia, acting by and through its State Properties Commission, may grant
10 to Southern Natural Gas Company, or its successors and assigns, a nonexclusive easement
11 for the construction, operation, and maintenance of a natural gas pipeline in, on, over, under,
12 upon, across, or through the easement area for the purposes of constructing, erecting,
13 installing, maintaining, repairing, replacing, inspecting, and operating a natural gas pipeline
14 together with the right of ingress or egress over adjacent land of the State of Georgia as may
15 be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located
16 on state property known as creek or river bottoms of St. Augustine Creek and the Ogeechee,
17 Little Satilla, St. Marys, and Satilla Rivers and/or tidally influenced lands near these waters
18 and manages a state owned scenic easement along the Altamaha River in Glynn County,
19 Georgia, and is more particularly described as outlined in yellow on a drawing prepared by
20 Southern Natural Gas Company and being titled "Proposed Cypress Pipeline Crossings Over
21 State Lands and Tidal Areas", and on file in the offices of the State Properties Commission
22 and may be more particularly described by a plat of survey prepared by a Georgia Registered
23 Land Surveyor and presented to the State Properties Commission for approval.

24 SECTION 68.

25 That the above-described premises shall be used solely for the purposes of constructing,
26 erecting, installing, maintaining, repairing, replacing, inspecting, and operating said natural
27 gas pipeline.

28 SECTION 69.

29 That, after Southern Natural Gas Company has put into use the natural gas pipeline for which
30 this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion
31 to the State of Georgia, or its successors and assigns, of all the rights, title, privileges,
32 powers, and easement granted herein. Upon abandonment, Southern Natural Gas Company,
33 or its successors and assigns, shall have the option of removing its facilities from the

1 easement area or leaving the same in place, in which event the facility shall become the
2 property of the State of Georgia, or its successors and assigns.

3 **SECTION 70.**

4 That no title shall be conveyed to Southern Natural Gas Company, and, except as herein
5 specifically granted to Southern Natural Gas Company, all rights, title, and interest in and
6 to said easement area is reserved in the State of Georgia, which may make any use of said
7 easement area not inconsistent with or detrimental to the rights, privileges, and interest
8 granted to Southern Natural Gas Company.

9 **SECTION 71.**

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

26 **SECTION 72.**

27 That this resolution does not affect and is not intended to affect any rights, powers, interests,
28 or liability of the Department of Transportation with respect to the state highway system, a
29 county with respect to the county road system, or a municipality with respect to the city street
30 system. Grantee shall obtain any and all other required permits from the appropriate
31 governmental agencies as are necessary for its lawful use of the easement area or public
32 highway right of way and comply with all applicable state and federal environmental statutes
33 in its use of the easement area.

