

House Resolution 1425 (AS PASSED HOUSE AND SENATE)

By: Representatives Barnard of the 166th, Lord of the 142nd, Buckner of the 130th, and Floyd of the 147th

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 Bartow, Dawson, Elbert, Hart, McDuffie, Jenkins,
4 Wilkes, Fulton, Houston, Muscogee, Towns, and Washington counties, Georgia; to repeal
5 conflicting laws; and for other purposes.

6 WHEREAS, the State of Georgia is the owner of certain real property located in Bartow,
7 Dawson, Elbert, Hart, Jenkins, McDuffie, Wilkes, Fulton, Houston, Muscogee, Towns, and
8 Washington counties, Georgia; and

9 WHEREAS, the Georgia Department of Transportation, Etowah Water and Sewer, Elba
10 Express Company LLC, Southern Conservation Trust, Flint Electric Membership
11 Corporation, Public Service Telephone Company, Towns County Water and Sewer
12 Authority, and the City of Sandersville desire to operate and maintain facilities, utilities, and
13 ingress and egress in, on, over, under, upon, across, or through a portion of said property; and

14 WHEREAS, these facilities, utilities, and ingress and egress in, on, over, under, upon, across,
15 or through the above-described state property have been requested, approved, or both, by the
16 State Properties Commission, Georgia Forestry Commission, Department of Natural
17 Resources, Department of Corrections, Department of Driver Services, Georgia Bureau of
18 Investigation, and the Department of Technical and Adult Education.

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

1 ARTICLE I

2 SECTION 1.

3 That the State of Georgia is the owner of the hereinafter described real property in Bartow
4 County, Georgia, and that the property is in the custody of the State Properties Commission,
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 2.

8 That the State of Georgia, acting by and through its State Properties Commission, may grant
9 to the Georgia Department of Transportation or its successors and assigns, a nonexclusive
10 easement area above and across the property which is leased to CSX Corporation as
11 successor to the Seaboard System Railroad, Inc., for the operation and maintenance of a new
12 highway bridge. Said easement area is located north of Emerson, Georgia in Bartow County,
13 and is more particularly described as follows:

14 "That air-rights portion and that portion only as shown in orange on that drawing
15 titled Georgia Bartow County Right of Way Project STP 2946(2) dated June 10, 2005,
16 Sheet 17 of 24 as last revised on February 11, 2008, prepared by Jordan Jones and
17 Goulding, on file in the offices of the State Properties Commission,"

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

20 SECTION 3.

21 That the above-described premises shall be used solely for the purpose of installing,
22 maintaining, and operating said highway bridge.

23 SECTION 4.

24 That the Georgia Department of Transportation shall have the right to remove or cause to be
25 removed from said easement area only such trees and bushes as may be reasonably necessary
26 for the proper operation and maintenance of said bridge.

27 SECTION 5.

28 That, after the Georgia Department of Transportation has put into use the highway bridge this
29 easement is granted for, a subsequent abandonment of the use thereof shall cause a reversion
30 to the State of Georgia, or its successors and assigns, of all the rights, title, privileges,
31 powers, and easement granted herein. Upon abandonment, the Georgia Department of
32 Transportation, or its successors and assigns, shall have the option of removing their facilities

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

3 **SECTION 6.**

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

9 **SECTION 7.**

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 the Georgia
17 Department of Transportation shall remove or relocate its facilities to the alternate easement
18 area at 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 the Georgia
22 Department of Transportation. Upon written request, the State Properties Commission, in
23 its sole discretion, may permit the relocation of the facilities to an alternate site on state
24 owned land so long as the removal and relocation is paid by the party or parties requesting
25 such removal and at no cost and expense to the State of Georgia.

26 **SECTION 8.**

27 That the easement granted to the Georgia Department of Transportation shall contain such
28 other reasonable terms, conditions, and covenants as the State Properties Commission shall
29 deem in the best interest of the State of Georgia and that the State Properties Commission is
30 authorized to use a more accurate description of the easement area, so long as the description
31 utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 9.

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

SECTION 10.

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

SECTION 11.

That the authorization in this resolution to grant the above-described easement to the Georgia Department of Transportation shall expire three years after the date that this resolution becomes effective.

SECTION 12.

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

ARTICLE II**SECTION 13.**

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

SECTION 14.

That the State of Georgia, acting by and through its State Properties Commission, may grant to the Etowah Water and Sewer Authority, or its successors and assigns, a nonexclusive easement for the operation and maintenance of a water main in, on, over, under, upon, across, or through the easement area for the purpose of maintaining, repairing, replacing, inspecting and operating a water main together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in the Dawson County, Georgia, and is more particularly described as follows:

1 "That portion and that portion only as shown in yellow on engineering plans dated
2 August 2006, prepared by Infratec Consultants, Inc., and on file in the offices of the
3 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 15.**

7 That the above-described premises shall be used solely for the purpose of installing,
8 maintaining, repairing, replacing, inspecting, and operating said water main.

9 **SECTION 16.**

10 That the Etowah Water and Sewer Authority shall have the right to remove or cause to be
11 removed from said easement area only such trees and bushes as may be reasonably necessary
12 for the proper operation, and maintenance of said water main.

13 **SECTION 17.**

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

21 **SECTION 18.**

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

27 **SECTION 19.**

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

12 **SECTION 20.**

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, of
15 a county with respect to the county road system, or of a municipality with respect to the city
16 street 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 21.**

21 That the easement granted to the Etowah Water and Sewer Authority shall contain such other
22 reasonable terms, conditions, and covenants as the State Properties Commission shall deem
23 in the best interest 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 22.**

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 interest of the
29 State of Georgia.

30 **SECTION 23.**

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

SECTION 24.

That the authorization in this resolution to grant the above-described easement to the Etowah Water and Sewer Authority shall expire three years after the date that this resolution becomes effective.

SECTION 25.

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

ARTICLE III**SECTION 26.**

That the State of Georgia is the owner of the hereinafter described real property in Elbert, Hart, Jenkins, McDuffie, and Wilkes counties, and the property is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area" and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 27.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Elba Express Company LLC, or their successors and assigns, a nonexclusive easement for the operation and maintenance of a pipeline in, on, over, under, upon, across, or through the easement area for the purpose of installing, maintaining, repairing, replacing, inspecting, and operating a pipeline together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in Elbert, Hart, Jenkins, McDuffie, and Wilkes counties, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown marked in yellow on five (5) surveys prepared by Randy Stephens a Georgia registered land surveyor dated January 30, 2008, and on file in the offices of the State Properties Commission. Said surveys span the 167th, 191st, 1114, 174th, 274th, 1635th G.M. Districts of Elbert, Wilkes, Hart, Wilkes, McDuffie, and Jenkins counties, Georgia respectively,"

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

SECTION 28.

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

SECTION 29.

That Elba Express Company LLC shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper operation and maintenance of said a pipeline.

SECTION 30.

That, after Elba Express Company LLC has put into use the pipeline for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, Elba Express Company LLC, or its successors and assigns, shall have the option of removing their facilities from the easement area or leaving the same in place, in which event the pipeline shall become the property of the State of Georgia, or its successors and assigns.

SECTION 31.

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

SECTION 32.

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

1 exceed by 20 percent the amount of a written estimate provided by Elba Express Company
2 LLC. Upon written request, the State Properties Commission, in its sole discretion, may
3 permit the relocation of the facilities to an alternate site on state owned land so long as the
4 removal and relocation is paid by the party or parties requesting such removal and at no cost
5 and expense to the State of Georgia.

6 **SECTION 33.**

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, of
9 a county with respect to the county road system, or of a municipality with respect to the city
10 street 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 34.**

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

20 **SECTION 35.**

21 That the consideration for such easement shall be for the fair market value, but not less than
22 \$650.00 and such further consideration and provisions as the State Properties Commission
23 may determine to be in the best interest of the State of Georgia.

24 **SECTION 36.**

25 That this grant of easement shall be recorded by the grantee in the Superior Courts of Elbert,
26 Hart, Jenkins, McDuffie, and Wilkes counties and a recorded copy shall be forwarded to the
27 State Properties Commission.

28 **SECTION 37.**

29 That the authorization in this resolution to grant the above-described easement to Elba
30 Express Company LLC shall expire three years after the date that this resolution becomes
31 effective.

SECTION 38.

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

ARTICLE IV**SECTION 39.**

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

SECTION 40.

That the State of Georgia, acting by and through its State Properties Commission, may grant to Southern Conservation Trust, or its successors and assigns, a conservation easement for the protection of wetland habitat and water quality in the Deep Creek watershed of the Upper Chattahoochee River basin and retaining and protecting the natural, scenic, or open space values of real property together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in Fulton County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown marked in yellow on a plot of survey, prepared by Barbara L. Herring, Georgia registered land surveyor #2785 and dated November 16, 2002, and revised December 7, 2005, and being on file in the offices of the State Properties Commission,"

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

SECTION 41.

That the above-described premises shall not be open to the general public and shall be used solely for the purpose of protecting wetland habitat and water quality and retaining and protecting the natural, scenic, or open space values of the easement area.

SECTION 42.

That no title shall be conveyed to Southern Conservation Trust, and, except as herein specifically granted to Southern Conservation Trust, all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said

1 easement area not inconsistent with or detrimental to the rights, privileges, and interest
2 granted to Southern Conservation Trust.

3 **SECTION 43.**

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 44.**

12 That the easement granted to Southern Conservation Trust shall contain such other
13 reasonable terms, conditions, and covenants as the State Properties Commission shall deem
14 in the best interest 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 45.**

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 interest of the
20 State of Georgia.

21 **SECTION 46.**

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

24 **SECTION 47.**

25 That the authorization in this resolution to grant the above-described easement to Southern
26 Conservation Trust shall expire five years after the date that this resolution becomes
27 effective.

28 **SECTION 48.**

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 V

2 SECTION 49.

3 That the State of Georgia is the owner of the hereinafter described real property in Houston
 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 50.

8 That the State of Georgia, acting by and through its State Properties Commission, may grant
 9 to Flint Electric Membership Corporation, or its successors and assigns, a nonexclusive
 10 easement for the construction, operation, and maintenance of a transmission line in, on, over,
 11 under, upon, across, or through the easement area for the purpose of constructing, erecting,
 12 installing, maintaining, repairing, replacing, inspecting, and operating a transmission line
 13 together with the right of ingress and egress over adjacent land of the State of Georgia as
 14 may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is
 15 located in Houston County, Georgia, and is more particularly described as follows:

16 "Those portions and those portions only as shown in yellow on a Jones Surveying and
 17 Engineering Inc. survey dated December 12, 2006, and on file in the offices of the
 18 State Properties Commission,"

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

21 SECTION 51.

22 That the above-described premises shall be used solely for the purpose of planning,
 23 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
 24 said transmission line.

25 SECTION 52.

26 That Flint Electric Membership Corporation shall have the right to remove or cause to be
 27 removed from said easement area only such trees and bushes as may be reasonably necessary
 28 for the proper construction, operation, and maintenance of said transmission line.

29 SECTION 53.

30 That, after the Flint Electric Membership Corporation puts into use the transmission line for
 31 which this easement is granted, a subsequent abandonment of the use thereof shall cause a
 32 reversion to the State of Georgia, or its successors and assigns, of all the rights, title,

1 privileges, powers, and easement granted herein. Upon abandonment, Flint Electric
2 Membership Corporation, or its successors and assigns, shall have the option of removing
3 its facilities from the easement area or leaving the same in place, in which event the facility
4 shall become the property of the State of Georgia, or its successors and assigns.

5 **SECTION 54.**

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

11 **SECTION 55.**

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 56.**

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 Flint Electric
27 Membership Corporation shall remove or relocate its facilities to the alternate easement area
28 at its sole cost and expense, unless the State Properties Commission determines that the
29 requested removal or relocation is to be for the sole benefit of the State of Georgia and
30 approves payment by the State of Georgia of all or a portion of such actual cost and expense,
31 not to exceed by 20 percent the amount of a written estimate provided by Flint Electric
32 Membership Corporation. Upon written request, the State Properties Commission, in its sole
33 discretion, may permit the relocation of the facilities to an alternate site on state owned land

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

3 **SECTION 57.**

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

9 **SECTION 58.**

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 interest of the
12 State of Georgia.

13 **SECTION 59.**

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

16 **SECTION 60.**

17 That the authorization in this resolution to grant the above-described easement to Flint
18 Electric Membership Corporation shall expire three years after the date that this resolution
19 becomes effective.

20 **SECTION 61.**

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 VI**

24 **SECTION 62.**

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

SECTION 63.

1
2 That the State of Georgia, acting by and through its State Properties Commission, may grant
3 to the Public Service Telephone Company, or its successors and assigns, a nonexclusive
4 easement for the construction, operation, and maintenance of telephone lines in, on, over,
5 under, upon, across, or through the easement area for the purpose of constructing, erecting,
6 installing, maintaining, repairing, replacing, inspecting, and operating telephone lines
7 together with the right of ingress and egress over adjacent land of the State of Georgia as
8 may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is
9 located in Muscogee County, Georgia, and is more particularly described as follows:

10 "Those portions and those portions only as shown in yellow on a Donaldson, Garrett,
11 and Associates Inc. survey dated March 15, 2006, prepared by Philip Brown and on
12 file in the offices of the State Properties Commission,"

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

SECTION 64.

15
16 That the above-described premises shall be used solely for the purpose of planning,
17 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
18 said telephone lines.

SECTION 65.

19
20 That the Public Service Telephone Company shall have the right to remove or cause to be
21 removed from said easement area only such trees and bushes as may be reasonably necessary
22 for the proper construction, operation, and maintenance of said telephone lines.

SECTION 66.

23
24 That, after the Public Service Telephone Company has put into use the telephone lines for
25 which this easement is granted, a subsequent abandonment of the use thereof shall cause a
26 reversion to the State of Georgia, or its successors and assigns, of all the rights, title,
27 privileges, powers, and easement granted herein. Upon abandonment, the Public Service
28 Telephone Company, or its successors and assigns, shall have the option of removing its
29 facilities from the easement area or leaving the same in place, in which event the facility
30 shall become the property of the State of Georgia, or its successors and assigns.

SECTION 67.

31
32 That no title shall be conveyed to the Public Service Telephone Company, and, except as
33 herein specifically granted to the Public Service Telephone Company, all rights, title and

1 interest in and to said easement area is reserved in the State of Georgia, which may make any
2 use of said easement area not inconsistent with or detrimental to the rights, privileges, and
3 interest granted to the Public Service Telephone Company.

4 **SECTION 68.**

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 69.**

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 Public
20 Service Telephone Company shall remove or relocate its facilities to the alternate easement
21 area at its sole cost and expense, unless the State Properties Commission determines that the
22 requested removal or relocation is to be for the sole benefit of the State of Georgia and
23 approves payment by the State of Georgia of all or a portion of such actual cost and expense,
24 not to exceed by 20 percent the amount of a written estimate provided by the Public Service
25 Telephone Company. Upon written request, the State Properties Commission, in its sole
26 discretion, may permit the relocation of the facilities to an alternate site on state owned land
27 so long as the removal and relocation is paid by the party or parties requesting such removal
28 and at no cost and expense to the State of Georgia.

29 **SECTION 70.**

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

SECTION 71.

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

SECTION 72.

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

SECTION 73.

That the authorization in this resolution to grant the above-described easement to the Public Service Telephone Company shall expire three years after the date that this resolution becomes effective.

SECTION 74.

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

ARTICLE VII**SECTION 75.**

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

SECTION 76.

That the State of Georgia, acting by and through its State Properties Commission, may grant to the Towns County Water and Sewer Authority, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of a water line and water pump in, on, over, under, upon, across, or through the easement area for the purpose of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating a water line and water pump together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in Towns County, Georgia, and is more particularly described as follows:

1 "That portion and that portion only as shown highlighted in yellow on a plat of survey
2 dated November 17, 2006, prepared by James Alexander, Landtech Services Inc., and
3 all being on file in the offices of the State Properties Commission,"
4 and may be more particularly described by a plats of survey prepared by a Georgia
5 Registered Land Surveyor and presented to the State Properties Commission for approval.

6 **SECTION 77.**

7 That the above-described premises shall be used solely for the purpose of constructing,
8 erecting, installing, maintaining, repairing, replacing, inspecting, and operating said water
9 line and water pump.

10 **SECTION 78.**

11 That the Towns County Water and Sewer Authority shall have the right to remove or cause
12 to be removed from said easement area only such trees and bushes as may be reasonably
13 necessary for the proper construction, operation, and maintenance of said water line and
14 water pump.

15 **SECTION 79.**

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

23 **SECTION 80.**

24 That no title shall be conveyed to the Towns County Water and Sewer Authority, and, except
25 as herein specifically granted to the Towns County Water and Sewer Authority, all rights,
26 title and interest in and to said easement area is reserved in the State of Georgia, which may
27 make any use of said easement area not inconsistent with or detrimental to the rights,
28 privileges, and interest granted to the Towns County Water and Sewer Authority.

29 **SECTION 81.**

30 That this resolution does not affect and is not intended to affect any rights, powers, interest,
31 or liability of the Department of Transportation with respect to the state highway system, of
32 a county with respect to the county road system, or of a municipality with respect to the city

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

5 **SECTION 82.**

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

22 **SECTION 83.**

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

29 **SECTION 84.**

30 That the consideration for such easement shall be for the fair market value but not less than
31 \$650.00, and such further consideration and provisions as the State Properties Commission
32 may determine to be in the best interest of the State of Georgia.

SECTION 85.

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

SECTION 86.

That the authorization in this resolution to grant the above-described easement to the Towns County Water and Sewer Authority shall expire three years after the date that this resolution becomes effective.

SECTION 87.

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

ARTICLE VIII**SECTION 88.**

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

SECTION 89.

That the State of Georgia, acting by and through its State Properties Commission, may grant to the City of Sandersville, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of sanitary sewer line in, on, over, under, upon, across, or through the easement area for the purpose of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating a sanitary sewer line together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in the City of Sandersville, Washington County, Georgia, and is more particularly described as follows:

"That portion and that portion only as shown highlighted in yellow on a plat of survey dated May 4, 2007, prepared by Thomas Barker, Barker and Associates Land Surveyors, Inc., and all being on file in the offices of the State Properties Commission,"

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

3 **SECTION 90.**

4 That the above-described premises shall be used solely for the purpose of planning,
5 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
6 said sanitary sewer line.

7 **SECTION 91.**

8 That the City of Sandersville shall have the right to remove or cause to be removed from said
9 easement area only such trees and bushes as may be reasonably necessary for the proper
10 construction, operation, and maintenance of said sanitary sewer line.

11 **SECTION 92.**

12 That, after the City of Sandersville has put into use the sanitary sewer line for which this
13 easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to
14 the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers,
15 and easement granted herein. Upon abandonment, the City of Sandersville, or its successors
16 and assigns, shall have the option of removing its facilities from the easement area or leaving
17 the same in place, in which event the facility shall become the property of the State of
18 Georgia, or its successors and assigns.

19 **SECTION 93.**

20 That no title shall be conveyed to the City of Sandersville, and, except as herein specifically
21 granted to the City of Sandersville, all rights, title, and interest in and to said easement area
22 is reserved in the State of Georgia, which may make any use of said easement area not
23 inconsistent with or detrimental to the rights, privileges, and interest granted to the City of
24 Sandersville.

25 **SECTION 94.**

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

SECTION 95.

1
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 the City of
9 Sandersville shall remove or relocate its facilities to the alternate easement area at its sole
10 cost and expense, unless the State Properties Commission determines that the requested
11 removal or relocation is to be for the sole benefit of the State of Georgia and approves
12 payment by the State of Georgia of all or a portion of such actual cost and expense, not to
13 exceed by 20 percent the amount of a written estimate provided by the City of Sandersville.
14 Upon written request, the State Properties Commission, in its sole discretion, may permit the
15 relocation of the facilities to an alternate site on state owned land so long as the removal and
16 relocation is paid by the party or parties requesting such removal and at no cost and expense
17 to the State of Georgia.

SECTION 96.

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

SECTION 97.

24
25 That the consideration for such easement shall be \$10.00, and such further consideration and
26 provisions as the State Properties Commission may determine to be in the best interest of the
27 State of Georgia.

SECTION 98.

28
29 That this grant of easement shall be recorded by the grantee in the Superior Court of
30 Washington County and a recorded copy shall be forwarded to the State Properties
31 Commission.

1 **SECTION 99.**

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

4 **SECTION 100.**

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

7 **ARTICLE IX**

8 **SECTION 101.**

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