

House Bill 102

By: Representative McKillip of the 115th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated,
2 relating to specific periods of limitations of actions, so as to provide a limitation period with
3 respect to actions for title by prescription or private way by prescription to real property that
4 is subject to a recorded conservation easement; to provide that such actions shall be barred
5 entirely under certain circumstances; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to
9 specific periods of limitations of actions, is amended by adding a new Code section to read
10 as follows:

11 "9-3-30.3.

12 (a) As used in this Code section, the terms 'conservation easement' and 'holder' have the
13 meanings provided by Code Section 44-10-2.

14 (b) Any action for title by prescription or private way by prescription to any real property
15 that is subject to a conservation easement which is unlimited in duration and which the
16 nongovernmental holder thereof has recorded in accordance with Article 1 of Chapter 10
17 of Title 44, the 'Georgia Uniform Conservation Easement Act,' shall be brought not later
18 than four years after the recording of the conservation easement; provided, however, that
19 such an action shall be barred entirely if title by prescription or private way by prescription
20 did not ripen prior to the recording of such conservation easement."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.