

Senate Resolution 765

By: Senators Carter of the 1st, Grant of the 25th, Jeffares of the 17th and Williams of the 19th

A RESOLUTION

1 Authorizing the change of use of certain properties located in Bryan and Butts counties
 2 currently dedicated as a heritage preserve; authorizing the granting of nonexclusive
 3 easements for the construction, operation, and maintenance of facilities, utilities, and ingress
 4 and egress in, on, over, upon, across, or through certain state owned real property located in
 5 Bryan, Butts, and Liberty counties; to provide an effective date; to repeal conflicting laws;
 6 and for other purposes.

7 WHEREAS, the State of Georgia is the owner of certain parcels of real property located in
 8 Bryan, Butts, and Liberty counties; and

9 WHEREAS, the Department of Natural Resources has requested a change of use to the
 10 property located in Bryan and Butts counties dedicated as a heritage preserve at the request
 11 of the Georgia Transmission Corporation (an electric membership corporation) and the
 12 Coastal Electric Membership Corporation, acting jointly, and the Department of
 13 Transportation; and the request has been approved by the Board of Natural Resources; and

14 WHEREAS, the Georgia Transmission Corporation and the Coastal Electric Membership
 15 Corporation, acting jointly, and the Department of Transportation desire to construct,
 16 operate, and maintain facilities, utilities, and ingress and egress in, on, over, under, upon,
 17 across, or through a portion of said property located in Bryan, Butts, and Liberty counties;
 18 and

19 WHEREAS, these facilities, utilities, and the ingress and egress in, on, over, under, upon,
 20 across, or through the above-described state property have been approved by the Board of
 21 Natural Resources.

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

24 PART I

25 SECTION 1-1.

26 That the State of Georgia is the owner of the hereinafter described real property in Bryan
27 County and that the property is in the custody of the Department of Natural Resources, which
28 supports the change to the use of 17.22± acres of the heritage preserve dedicated area, and
29 that in all matters related to the change of use the State of Georgia is acting by and through
30 the Department of Natural Resources. Said change of use area is located at the Richmond
31 Hill Wildlife Management Area located in Bryan County, hereinafter referred to as the
32 "Richmond Hill change of use area," and is more particularly described as follows:

33 "Those approximately 17.22 acres as shown on easement area plat labeled Parcels
34 6-6.21 and prepared for Georgia Transmission Corporation (an Electric Membership
35 Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178,
36 dated March 8, 2010 and last revised June 27, 2011 and being on file in the office of
37 the State Properties Commission."

38 SECTION 1-2.

39 That the recommendation adopted at the December 7, 2011, meeting of the Board of Natural
40 Resources to change the use of 17.22± acres of the heritage preserve dedicated area known
41 as the Richmond Hill Wildlife Management Area to allow the grant of an easement jointly
42 to the Georgia Transmission Corporation and the Coastal Electric Membership Corporation
43 for the purpose of constructing, operating, and maintaining electrical power lines is
44 approved.

45 SECTION 1-3.

46 That the Department of Natural Resources shall file with the Secretary of State and the
47 Office of the Clerk of the Superior Court of Bryan County a notice of the removal of the
48 heritage preserve dedication over the Richmond Hill change of use area.

49 SECTION 1-4.

50 That the Department of Natural Resources shall retain custody of the Richmond Hill change
51 of use area.

52 PART II

53 SECTION 2-1.

54 That the State of Georgia is the owner of the hereinafter described real property in Butts
55 County and that the property is in the custody of the Department of Natural Resources, which
56 supports the change to the use of 0.41± acre of the heritage preserve dedicated area and that

57 in all matters related to the change of use the State of Georgia is acting by and through the
58 Department of Natural Resources. Said change of use area is located at High Falls State Park
59 located in Butts County, hereinafter referred to as the "High Falls change of use area," and
60 is more particularly described as follows:

61 "Those approximately 0.41± acres in Butts County shown on right of way map
62 prepared for the Department of Transportation on February 12, 2008 and last revised
63 November 30, 2010 and being on file in the office of the State Properties
64 Commission."

65 **SECTION 2-2.**

66 That the recommendation adopted at the December 7, 2011, meeting of the Board of Natural
67 Resources to change the use of 0.41± acre of the heritage preserve dedicated area known as
68 the High Falls State Park to allow the grant of an easement to the Department of
69 Transportation for the purpose of widening State Route 36 over the Towaliga River is
70 approved.

71 **SECTION 2-3.**

72 That the Department of Natural Resources shall file with the Secretary of State and the
73 Office of the Clerk of the Superior Court of Butts County a notice of the removal of the
74 heritage preserve dedication over the above-referenced High Falls change of use area.

75 **SECTION 2-4.**

76 That the Department of Natural Resources shall retain custody of the High Falls change of
77 use area.

78 **PART III**

79 **SECTION 3-1.**

80 That the State of Georgia is the owner of the hereinafter described real property in Bryan and
81 Liberty counties and that the property is in the custody of the Department of Natural
82 Resources, which does not object to the granting of this 100-foot-wide electrical power lines
83 easement, hereinafter referred to as the "easement area" and that, in all matters relating to the
84 easement area, the State of Georgia is acting by and through its State Properties Commission.

85 **SECTION 3-2.**

86 That the State of Georgia acting by and through its State Properties Commission is
87 authorized to grant jointly to the Georgia Transmission Corporation and the Coastal Electric
88 Membership Corporation, or their successors and assigns, a nonexclusive easement for the

89 construction, operation, and maintenance of electrical power lines in, on, over, under, upon,
90 across, or through the easement area for the purpose of constructing, erecting, installing,
91 maintaining, repairing, replacing, inspecting, and operating electric power lines together with
92 the right of ingress and egress over adjacent land of the State of Georgia as may reasonably
93 necessary to accomplish the aforesaid purpose. Said easement area consists of approximately
94 17.69 acres in Bryan County and 14.53 acres in Liberty County (total 32.22 acres) and is
95 more particularly described as follows:

96 "Those approximately 3.856 acres in Bryan County as shown on easement area plat
97 labeled Parcels 6.01, 6.02, 6.03, 6.04, 6.05, 6.07, 6.09, 6.11, 6.12, 6.13, 6.14, 6.15,
98 6.16, 6.18, 6.19 and 6.20 and prepared for Georgia Transmission Corporation (an
99 Electric Membership Corporation) by Albert M. Wynn, Jr., Georgia Registered Land
100 Surveyor No. 2178, dated March 8, 2010 and last revised June 27, 2011 and being on
101 file in the office of the State Properties Commission; those approximately 13.834
102 acres in Bryan County as shown on easement area plat labeled Jerico River Salt
103 Marsh Areas "A" (Bryan County), "B", "C", "D", "E", and "F" and prepared for
104 Georgia Transmission Corporation (an Electric Membership Corporation) by Albert
105 M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated March 9, 2010 and
106 last revised November 17, 2011 and being on file in the office of the State Properties
107 Commission; and those approximately 14.532 acres in Liberty County as shown on
108 easement area plat labeled Jerico River Salt Marsh Area "A" (Liberty County) and
109 prepared for Georgia Transmission Corporation (an Electric Membership
110 Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178,
111 dated March 9, 2010 and last revised November 17, 2011 and as shown on easement
112 area plat labeled Jones Creek Salt Marsh Areas "A", "B", "C", and "D" and prepared
113 for Georgia Transmission Corporation (an Electric Membership Corporation) by
114 Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated February 3,
115 2010 and being on file in the office of the State Properties Commission."

116 Said easement includes, without limitation, the Richmond Hill change of use area referenced
117 in Part I of this Resolution.

118 **SECTION 3-3.**

119 That the above-described premises shall be used solely for the purpose of planning,
120 constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and operating
121 said electric power lines.

122 **SECTION 3-4.**

123 That the Georgia Transmission Corporation and the Coastal Electric Membership
124 Corporation shall have the right to remove or cause to be removed from said easement area
125 only such trees and bushes as may be reasonably necessary for the proper construction,
126 operation, and maintenance of said electric power lines.

127 **SECTION 3-5.**

128 That, after the Georgia Transmission Corporation and the Coastal Electric Membership
129 Corporation have put into use the electric power lines for which this easement is granted, a
130 subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia,
131 or its successors and assigns, of all the rights, title, privileges, powers, and easement granted
132 herein. Upon abandonment, the Georgia Transmission Corporation and the Coastal Electric
133 Membership Corporation, or their successors and assigns, shall have the option of removing
134 their facilities from the easement area or leaving the same in place, in which event the
135 facilities shall become the property of the State of Georgia or its successors and assigns.

136 **SECTION 3-6.**

137 That no title shall be conveyed to the Georgia Transmission Corporation and the Coastal
138 Electric Membership Corporation and, except as herein specifically granted to the Georgia
139 Transmission Corporation and the Coastal Electric Membership Corporation, all rights, title,
140 and interest in and to said easement area is reserved in the State of Georgia, which may make
141 any use of said easement area not inconsistent with or detrimental to the rights, privileges,
142 and interest granted to the Georgia Transmission Corporation and the Coastal Electric
143 Membership Corporation.

144 **SECTION 3-7.**

145 That if the State of Georgia, acting by and through its State Properties Commission,
146 determines that any or all of the facilities placed on the easement area should be removed or
147 relocated to an alternate site on state owned land in order to avoid interference with the state's
148 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
149 easement to allow placement of the removed or relocated facilities across the alternate site
150 under such terms and conditions as the State Properties Commission shall in its discretion
151 determine to be in the best interest of the State of Georgia, and the Georgia Transmission
152 Corporation and the Coastal Electric Membership Corporation shall remove or relocate their
153 facilities to the alternate easement area at their sole cost and expense, unless the State
154 Properties Commission determines that the requested removal or relocation is to be for the
155 sole benefit of the State of Georgia and approves payment by the State of Georgia of all or

156 a portion of such actual cost and expense, not to exceed 20 percent of the amount of a written
157 estimate provided by the Georgia Transmission Corporation and the Coastal Electric
158 Membership Corporation. Upon written request, the State Properties Commission, in its sole
159 discretion, may permit the relocation of the facilities to an alternate site on state owned land
160 so long as the removal and relocation is paid by the party or parties requesting such removal
161 at no cost and expense to the State of Georgia. If an easement is relocated for any reason,
162 the State Properties Commission is authorized to convey by quitclaim deed the state's interest
163 in the former easement area.

164 **SECTION 3-8.**

165 That the easement granted jointly to the Georgia Transmission Corporation and the Coastal
166 Electric Membership Corporation shall contain such other reasonable terms, conditions, and
167 covenants as the State Properties Commission shall deem in the best interest of the State of
168 Georgia and that the State Properties Commission is authorized to use a more accurate
169 description of the easement area so long as the description utilized by the State Properties
170 Commission describes the same easement area herein granted.

171 **SECTION 3-9.**

172 That this Resolution does not affect and is not intended to affect any rights, powers, interest,
173 or liability of the Department of Transportation with respect to the state highway system, of
174 a county with respect to the county road system, or of a municipality with respect to the city
175 street system. The grantee shall obtain any and all other required permits from the
176 appropriate governmental agencies as are necessary for its lawful use of the easement area
177 or public highway right of way and comply with all applicable state and federal
178 environmental statutes in its use of the easement area.

179 **SECTION 3-10.**

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

183 **SECTION 3-11.**

184 That this grant of easement shall be recorded by the grantee in the superior courts of Bryan
185 and Liberty counties and a recorded copy shall be forwarded to the State Properties
186 Commission.

187 **SECTION 3-12.**

188 That the authorization in this Resolution to grant the above-described easement jointly to the
189 Georgia Transmission Corporation and the Coastal Electric Membership Corporation shall
190 expire three years after the date this Resolution is enacted into law and approved by the State
191 Properties Commission.

192 **SECTION 3-13.**

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

195 **PART IV**

196 **SECTION 4-1.**

197 That the State of Georgia is the owner of the hereinafter-described real property in Butts
198 County and that the property is in the custody of the Department of Natural Resources, which
199 does not object to the granting of this easement, hereinafter referred to as the "easement area"
200 and that, in all matters relating to the easement area, the State of Georgia is acting by and
201 through its State Properties Commission.

202 **SECTION 4-2.**

203 That the State of Georgia, acting by and through its State Properties Commission, is
204 authorized to grant to the Department of Transportation, or its successors and assigns, a
205 nonexclusive easement for the construction, operation, and maintenance of a traffic safety
206 improvement in, on, over, under, upon, across, or through the easement area for the purpose
207 of constructing, erecting, installing, maintaining, repairing, replacing, inspecting, and
208 operating a traffic safety improvement together with the right of ingress and egress over
209 adjacent land of the State of Georgia as may reasonably necessary to accomplish the
210 aforesaid purpose. Said easement area is located in Butts County and is more particularly
211 described as follows:

212 "Those approximately 0.13± acres in Butts County shown on right of way map
213 prepared for the Department of Transportation on February 12, 2008 and last revised
214 November 30, 2010 and being on file in the office of the State Properties
215 Commission."

216 Said easement includes, without limitation, the High Falls change of use area referenced in
217 Part II of this Resolution.

218 **SECTION 4-3.**

219 That above-described property shall be used solely for the purpose of planning, constructing,
220 erecting, installing, maintaining, repairing, replacing, inspecting, and operating said traffic
221 safety improvement.

222 **SECTION 4-4.**

223 That the Department of Transportation shall have the right to remove or cause to be removed
224 from said easement area only such trees and bushes as may be reasonably necessary for the
225 proper operation and maintenance of said traffic safety improvement.

226 **SECTION 4-5.**

227 That, after the Department of Transportation has put into use the traffic safety improvement
228 for which this easement is granted, a subsequent abandonment of the use thereof shall cause
229 a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,
230 privileges, powers, and easement granted herein. Upon abandonment, the Department of
231 Transportation, or its successors and assigns, shall have the option of removing its facilities
232 from the easement area or leaving the same in place, in which event the facility shall become
233 the property of the State of Georgia or its successors and assigns.

234 **SECTION 4-6.**

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

240 **SECTION 4-7.**

241 That if the State of Georgia, acting by and through its State Properties Commission,
242 determines that any or all of the facilities placed on the easement area should be removed or
243 relocated to an alternate site on state owned land in order to avoid interference with the state's
244 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
245 easement to allow placement of the removed or relocated facilities across the alternate site
246 under such terms and conditions as the State Properties Commission shall in its discretion
247 determine to be in the best interest of the State of Georgia, and the Department of
248 Transportation shall remove or relocate its facilities to the alternate easement area at its sole
249 cost and expense, unless the State Properties Commission determines that the requested
250 removal or relocation is to be for the sole benefit of the State of Georgia and approves

251 payment by the State of Georgia of all or a portion of such actual cost and expense, not to
252 exceed 20 percent of the amount of a written estimate provided by the Department of
253 Transportation. Upon written request, the State Properties Commission, in its sole discretion,
254 may permit the relocation of the facilities to an alternate site on state owned land so long as
255 the removal and relocation is paid by the party or parties requesting such removal at no cost
256 and expense to the State of Georgia. If an easement is relocated for any reason, the State
257 Properties Commission is authorized to convey by quitclaim deed the state's interest in the
258 former easement area.

259 **SECTION 4-8.**

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

265 **SECTION 4-9.**

266 That this Resolution does not affect and is not intended to affect any rights, powers, interest,
267 or liability of the Department of Transportation with respect to the state highway system, of
268 a county with respect to the county road system, or of a municipality with respect to the city
269 street system. The grantee shall obtain any and all other required permits from the
270 appropriate governmental agencies as are necessary for its lawful use of the easement area
271 or public highway right of way and comply with all applicable state and federal
272 environmental statutes in its use of the easement area.

273 **SECTION 4-10.**

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

277 **SECTION 4-11.**

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

280 **SECTION 4-12.**

281 That the authorization in this Resolution to grant the above-described easement to the
282 Department of Transportation shall expire three years after the date this Resolution is enacted
283 into law and approved by the State Properties Commission.

284 **SECTION 4-13.**

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

287 **PART V**

288 **SECTION 5-1.**

289 That this Resolution shall become effective upon its approval by the Governor or upon its
290 becoming law without such approval.

291 **SECTION 5-2.**

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