

Senate Resolution 765

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

ADOPTED

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:

PART I

SECTION 1-1.

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

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

SECTION 1-2.

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

SECTION 1-3.

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

SECTION 1-4.

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

PART II

SECTION 2-1.

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

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

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

SECTION 2-2.

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

SECTION 2-3.

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

SECTION 2-4.

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

PART III

SECTION 3-1.

That the State of Georgia is the owner of the hereinafter described real property in Bryan and Liberty counties and that the property is in the custody of the Department of Natural Resources, which does not object to the granting of this 100-foot-wide electrical power lines easement, 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 3-2.

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

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

"Those approximately 3.856 acres in Bryan County as shown on easement area plat 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, 6.16, 6.18, 6.19 and 6.20 and prepared for Georgia Transmission Corporation (an Electric Membership Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated March 8, 2010 and last revised June 27, 2011 and being on file in the office of the State Properties Commission; those approximately 13.834 acres in Bryan County as shown on easement area plat labeled Jerico River Salt Marsh Areas "A" (Bryan County), "B", "C", "D", "E", and "F" and prepared for Georgia Transmission Corporation (an Electric Membership Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated March 9, 2010 and last revised November 17, 2011 and being on file in the office of the State Properties Commission; and those approximately 14.532 acres in Liberty County as shown on easement area plat labeled Jerico River Salt Marsh Area "A" (Liberty County) and prepared for Georgia Transmission Corporation (an Electric Membership Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated March 9, 2010 and last revised November 17, 2011 and as shown on easement area plat labeled Jones Creek Salt Marsh Areas "A", "B", "C", and "D" and prepared for Georgia Transmission Corporation (an Electric Membership Corporation) by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178, dated February 3, 2010 and being on file in the office of the State Properties Commission."

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

SECTION 3-3.

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

SECTION 3-4.

That the Georgia Transmission Corporation and the Coastal Electric Membership Corporation 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 construction, operation, and maintenance of said electric power lines.

SECTION 3-5.

That, after the Georgia Transmission Corporation and the Coastal Electric Membership Corporation have put into use the electric power lines 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, the Georgia Transmission Corporation and the Coastal Electric Membership Corporation, or their 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 facilities shall become the property of the State of Georgia or its successors and assigns.

SECTION 3-6.

That no title shall be conveyed to the Georgia Transmission Corporation and the Coastal Electric Membership Corporation and, except as herein specifically granted to the Georgia Transmission Corporation and the Coastal Electric Membership Corporation, 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 the Georgia Transmission Corporation and the Coastal Electric Membership Corporation.

SECTION 3-7.

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 interest of the State of Georgia, and the Georgia Transmission Corporation and the Coastal Electric Membership Corporation shall remove or relocate their facilities to the alternate easement area at their 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 exceed 20 percent of the amount of a written estimate provided by the Georgia Transmission Corporation and the Coastal Electric Membership Corporation. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal at no cost and expense to the State of Georgia. If an easement is relocated for any reason, the State Properties Commission is authorized to convey by quitclaim deed the state's interest in the former easement area.

SECTION 3-8.

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

SECTION 3-9.

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

SECTION 3-10.

That the consideration for such easement shall be for fair market value, not less than \$650.00, 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 3-11.

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

SECTION 3-12.

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

SECTION 3-13.

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.

PART IV**SECTION 4-1.**

That the State of Georgia is the owner of the hereinafter-described real property in Butts County and that the property is in the custody of the Department of Natural Resources, which does not object to the granting of this easement, 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 4-2.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to grant to the Department of Transportation, or its successors and assigns, a nonexclusive easement for the construction, operation, and maintenance of a traffic safety improvement 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 traffic safety improvement together with the right of ingress and egress over adjacent land of the State of Georgia as may reasonably necessary to accomplish the aforesaid purpose. Said easement area is located in Butts County and is more particularly described as follows:

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

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

SECTION 4-3.

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

SECTION 4-4.

That the Department of Transportation 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 traffic safety improvement.

SECTION 4-5.

That, after the Department of Transportation has put into use the traffic safety improvement 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, the Department of Transportation, or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall become the property of the State of Georgia or its successors and assigns.

SECTION 4-6.

That no title shall be conveyed to the Department of Transportation and, except as herein specifically granted to the Department of Transportation, 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 the Department of Transportation.

SECTION 4-7.

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 interest of the State of Georgia, and the Department of Transportation 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

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.