

House Resolution 4 (AS PASSED HOUSE AND SENATE)

By: Representatives Geisinger of the 48th, Jones of the 47th, O`Neal of the 146th, Abrams of the 89th, Lindsey of the 54th, and others

A RESOLUTION

1 Proposing a settlement of the boundary dispute between the State of Georgia and the State
2 of Tennessee; and for other purposes.

3 WHEREAS, when the State of Georgia ceded the Mississippi Territory to the United States,
4 the northern border of the State of Georgia and the southern border of the State of Tennessee
5 was established at the 35th parallel of north latitude and would have been located on the
6 northernmost bank of the Tennessee River at Nickajack; and

7 WHEREAS, a flawed survey conducted in 1818 erroneously placed the mark of the 35th
8 parallel approximately one mile south of the actual location of the 35th parallel of north
9 latitude; and

10 WHEREAS, since that time, numerous resolutions and enactments by the State of Georgia
11 and the State of Tennessee have recognized that there is a problem with this boundary
12 between the states; but, despite these actions by the governments of the State of Georgia and
13 the State of Tennessee, there has been no resolution to this continuing dispute; and

14 WHEREAS, it is to the public interest and welfare that the boundary between these states be
15 established and proclaimed; and

16 WHEREAS, the State of Georgia proposes to the State of Tennessee that the dispute be
17 resolved by the states agreeing that the flawed 1818 survey be adopted as the legal boundary
18 between the states except for an area described as follows which shall be made a part of the
19 State of Georgia by which Georgia shall be able to exercise its riparian water rights to the
20 Tennessee River at Nickajack:

21 Beginning at the present intersection of the boundaries of the states of Alabama, Georgia,
22 and Tennessee based upon the 1818 survey, which shall be the point of beginning, proceed
23 north-northwesterly from such point along a line extended from the Georgia-Alabama
24 border if such border line was extended north-northwesterly in a straight line to the 35th

25 parallel of north latitude; thence east along the 35th parallel of north latitude for a distance
26 of approximately one and one-half miles; thence south-southeasterly along a line parallel
27 to the line running from the point of beginning to the 35th parallel of north latitude first
28 described herein to the intersection with the present boundary between Tennessee and
29 Georgia based on the 1818 survey; thence west along such boundary to the point of
30 beginning; and

31 WHEREAS, if such resolution of the boundary dispute is acceptable to the State of
32 Tennessee, the legislatures of both states shall adopt resolutions agreeing to such proposal
33 and shall submit such resolutions to the United States Congress for approval in accordance
34 with law for establishing state boundaries; and

35 WHEREAS, the General Assembly of the State of Georgia desires to settle potential
36 litigation with the State of Tennessee regarding the proper location of the boundary line
37 between the states of Georgia and Tennessee on the terms and conditions set forth in this
38 resolution, but hereby reserves its right, if such offer is rejected by or not timely acted on by
39 the Tennessee legislature, to insist, in litigation or otherwise, on the true and correct
40 boundary line between the states of Georgia and Tennessee as the 35th parallel of north
41 latitude.

42 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
43 GEORGIA that the members of this body propose to the State of Tennessee a settlement of
44 the boundary dispute between the State of Georgia and the State of Tennessee as provided
45 in this resolution, urge the State of Tennessee to accept this proposed settlement and resolve
46 the boundary dispute for the benefit of the citizens of both states, and authorize the Governor
47 to enter into any necessary negotiations with the State of Tennessee on behalf of the citizens
48 of this state to resolve this dispute.

49 BE IT FURTHER RESOLVED that, if an agreement resolving the boundary dispute is not
50 reached as of the last day on which the General Assembly convenes in regular session in
51 2014, the Attorney General of Georgia is hereby authorized and directed to take such action
52 as is required to initiate suit in the United States Supreme Court against the State of
53 Tennessee for final settlement of the boundary issue.

54 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
55 and directed to transmit an appropriate copy of this resolution to Governor Nathan Deal and
56 the Governor and legislature of the State of Tennessee.