

Senate Resolution 955

By: Senators Jeffares of the 17th, VanNess of the 43rd, Jones of the 25th, Kennedy of the 18th and Hill of the 6th

A RESOLUTION

1 Authorizing the conveyance and lease of various state owned real properties; authorizing the
2 ground lease of certain state owned real property located in Bacon County; authorizing the
3 exchange by conveyance of certain state owned real property located in Camden County;
4 authorizing the conveyance of certain state owned real property located in Greene County;
5 authorizing the conveyance of certain state owned real property located in Gwinnett County;
6 authorizing the exchange by conveyance of certain state owned real property located in
7 Gwinnett County; authorizing the ground lease of certain state owned real property located
8 in McIntosh County; authorizing the conveyance of certain state owned real property located
9 in Paulding County; authorizing the conveyance of certain state owned real property located
10 in Spalding County; authorizing the ground lease of certain state owned real property located
11 in White County; to provide an effective date; to repeal conflicting laws; and for other
12 purposes.

13 WHEREAS:

14 (1) The State of Georgia is the owner of a certain parcel of improved real property
15 located in Bacon County, Georgia; and

16 (2) Said real property is all that parcel or tract being approximately 0.26 of an acre lying
17 and being at 426 and 428 West 12th Street, in part of City Block 81 in Alma, Bacon
18 County, Georgia acquired by virtue of a General Warranty Deed between the Downtown
19 Development Authority of Alma, Georgia, as Grantor, and the State of Georgia, as
20 grantee, dated December 19, 2001 for consideration of One Hundred and Eighty Two
21 Thousand Dollars and No/100 (\$182,000.00), as recorded in Deed Book 311, Pages
22 265-267, and on a plat recorded in Plat Book A, Page 10-G in the Office of the Clerk of
23 Superior Court of Bacon County, Georgia and being on file in the offices of the State
24 Properties Commission inventoried as Real Property Record (RPR) # 09566, and said
25 property may be more particularly described on a plat of survey prepared by a Georgia
26 Registered Land Surveyor and presented to the State Properties Commission for
27 approval; and

(3) Said improved property is in the custody of the Technical College System of Georgia and was acquired for Okefenokee Technical College in Alma, Bacon County; and

(4) Bacon County is desirous of leasing the property for three years at \$1.00 per year with one option to renew for an additional three years for \$1.00 per year; and

(5) The Technical College System of Georgia has no objection to the leasing of the above-described improved property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Camden County, Georgia; and

(2) Said real property is all of that parcel or tract being approximately 27.72 acres lying and being in the 31st Georgia Militia District, Camden County, Georgia, said real property acquired by virtue of a General Warranty Deed (of Gift) from the Camden County Joint Development Authority dated February 22, 2013 for consideration of one dollar (\$1.00), as recorded in Deed Book 1655, Pages 674-677 and Plat Drawer 26, Map 3 in the Office of the Clerk of Superior Court of Camden County, Georgia, and being on file in the offices of the State Properties Commission inventoried as Real Property Record (RPR) # 11211, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(3) Said real property is under the custody of the Technical College System of Georgia as a future campus of Coastal Pines Technical College (formerly Altamaha Technical College); and

(4) The Technical College System of Georgia declared the approximately 27.72 acres of property surplus to the needs of the State and requested authorization to convey the property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of improved real property located in Greene County, Georgia; and

(2) Said improved real property is all that parcel or tract being approximately 1.13 acres lying and being in 141st G.M.D., Greene County, Georgia acquired by virtue of Warranty Deed between Mr. S.C. Martin and Louise E. Martin, as Grantor, and the State of Georgia as grantee, dated May 7, 1965 for consideration of One Dollar and No/100 (\$1.00) as recorded in Deed Book 50, Page 322 and an accompanying survey as recorded in Plat Book 4, Page 103 in the Office of the Clerk of Superior Court of Greene County, Georgia and being on file in the offices of the State Properties Commission inventoried as Real

Property Record (RPR) # 03269, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(3) Said improved property is under the custody of the Georgia Forestry Commission and was operated as the Commission's Green County Unit until that office was relocated; and

(4) By resolution dated July 16, 2015, the Georgia Forestry Commission declared the approximately 1.13 acres of improved real property surplus to its current and future needs, and resolved to surplus the above-described property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of improved real property located in Gwinnett County, Georgia; and

(2) Said improved real property is all that parcel or tract being approximately 9.99 acres and approximately 0.634 of an acre of right of way for access on Hi-Hope Lane lying and being in Land Lot 13 of the 7th Land District, Gwinnett County, Georgia acquired by virtue of Warranty Deed between Gwinnett County, as Grantor, and the State of Georgia as grantee, dated July 27, 1978 for consideration of Ten Dollars and No/100 (\$10.00) as recorded in Deed Book 1531, Page 350, and Plat Book 8, Page 215 in the Office of the Clerk of Superior Court of Gwinnett County, Georgia and being on file in the offices of the State Properties Commission inventoried as Real Property Record (RPR) # 06509, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(3) Said improved real property is under the custody of the Georgia Department of Juvenile Justice and was formerly operated as a Regional Youth Detention Center; and

(4) By resolution dated May 28, 2015, the Georgia Department of Juvenile Justice declared the approximately 9.99 acres of improved real property and the approximately 0.634 of an acre right of way for access surplus to its current and future needs, and resolved to surplus the above-described property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Gwinnett County, Georgia; and

(2) Said real property is all that parcel or tract being approximately 51 acres lying and being in Land Lots 341-342 and 344-345 in the 7th Land District, Gwinnett County, Georgia, said real property acquired by Limited Warranty Deed from The Trust for Public Land dated November 28, 2001 for consideration of \$1.5 million as recorded in Deed

Book 25786, starting at Page 35 in the Office of the Clerk of Superior Court of Gwinnett County, Georgia, and being on file in the offices of the State Properties Commission inventoried as Real Property Record (RPR) # 09794; and

(3) Said real property is under the custody of the Georgia Department of Natural Resources as a Gwinnett portion of the Chattahoochee River Greenway Park; and

(4) The Department has never used an approximately 3.696 acre portion of the above-described property in Land Lot 341, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(5) An adjacent fee simple property of approximately 67.847 acres is owned by Melissa Bowen, Allison Bowen Cape, and Elizabeth Bowen Phelps ("the Bowen property"), being in the 341st and 342nd Land Lots of the 7th District, Gwinnett County, Georgia, and recorded as Lot 4 in Deed Book 48631, Pages 892-893, and in Plat Book 175, Plat Page I-70; and

(6) A 3.696 acre portion of the Bowen property is available for an exchange of like or better value to the State and is closer to the Chattahoochee River, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(7) The Department of Natural Resources has declared the State's approximately 3.696 acres of real property to be surplus to the needs of the State and requested the authorization to convey the approximately 3.696 acres of real property to Melissa Bowen, Allison Bowen Cape, and Elizabeth Bowen Phelps in exchange for the acquisition of the approximately 3.696 acres of the Bowen property by the State of Georgia; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of improved real property located in McIntosh County, Georgia; and

(2) Said improved real property is a portion of that tract being approximately 1,888 acres lying and being in the 1312th Georgia Militia District, McIntosh County, Georgia, acquired by virtue of that Limited Warranty Deed dated December 21, 1976 and recorded in Deed Book 78, Pages 380-388, and described as Tract 2-I and identified on a plat recorded in Plat Book 3, Page 33 in the Office of the Clerk of Superior Court of McIntosh County, Georgia and being on file in the offices of the State Properties Commission inventoried as Real Property Record (RPR) # 06307; and

(3) Said improved property is in the custody of the Department of Natural Resources and is located at Sapelo Island in McIntosh County, Georgia; and

(4) The State of Georgia has leased approximately 231 square feet of the improved real property to the United States Post Office since 1981 as a center for mail delivery service to residents of the island, and said leased property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(5) The United States Post Office is desirous of leasing the approximately 231 square foot improved real property for an initial term of five years for a rental rate of \$10.00 per year and reimbursement to the Department of Natural Resources of an amount of \$1,600.00 per year for expenses related to the Department's upkeep and maintenance of the leased property, with the option to renew for an additional five years for a rental rate of \$10.00 per year and reimbursement to the Department of Natural Resources of an amount of \$1,756.00 per year for expenses related to the Department's upkeep and maintenance of the leased property; and

(6) By resolution dated October 28, 2015, the Board of Natural Resources has no objection to the leasing of the above-described improved property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of improved real property located in Paulding County, Georgia; and

(2) Said improved real property is all that parcel or tract being approximately 2.12 acres at 112 Industrial Way North, Dallas, Georgia 30132, lying and being in Land Lot 54, 2nd District, 3rd Section of Paulding County, Georgia acquired by virtue of a Fee Simple Deed without Warranty between Paulding County, Georgia, as Grantor, and the State of Georgia, as grantee, dated July 10, 1990 for consideration of the construction of a new Georgia Forestry Commission office and recorded in Deed Book 202, Page 177-180 and an accompanying survey as recorded in Plat Book 20, Page 79 in the Office of the Clerk of Superior Court of Paulding County, Georgia and being on file in the offices of the State Properties Commission inventoried as Real Property Record (RPR) # 08023, and said property may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(3) Said improved property is under the custody of the Georgia Forestry Commission; and

(4) By resolution dated August 8, 2013, the Georgia Forestry Commission declared the approximately 2.12 acres of improved real property surplus to its current and future needs, and resolved to surplus the above-described property; and

168 WHEREAS:

169 (1) The State of Georgia is the owner of a certain parcel of improved real property
170 located in Spalding County, Georgia; and

171 (2) Said improved real property is all that parcel or tract being approximately 6.21 acres
172 at 1498 D.F. Fuller Drive, Griffin, Georgia, lying and being in Land Lot 110, 2nd District
173 of Spalding County (originally in Monroe County), Georgia, acquired by virtue of a Fee
174 Simple Deed between Spalding County, Georgia, as Grantor, and the State of Georgia,
175 as grantee, dated November 2, 1982, and recorded in Deed Book 679, Pages 102-105 and
176 an accompanying survey as recorded in Plat Book 14, Page 386 in the Office of the Clerk
177 of Superior Court of Spalding County, Georgia and being on file in the offices of the
178 State Properties Commission, inventoried as Real Property Record (RPR) # 07119, and
179 said property may be more particularly described on a plat of survey prepared by a
180 Georgia Registered Land Surveyor and presented to the State Properties Commission for
181 approval; and

182 (3) Said improved real property is under the custody of the Georgia Department of
183 Corrections and is known as the Griffin Probation Office/Day Reporting Center; and

184 (4) By resolution dated December 3, 2015, the Georgia Department of Corrections
185 declared the approximately 6.21 acres of improved real property surplus to its current and
186 future needs, and resolved to surplus the above-described property; and

187 WHEREAS:

188 (1) The State of Georgia is the owner of a certain parcel of improved real property
189 located in White County, Georgia; and

190 (2) Said improved real property is all that tract being approximately 3,025 square feet of
191 real property in Land Lot 60 of the 3rd District together with appurtenant easements
192 consisting of a 50 foot wide ingress-egress easement in Land Lot 60, a 20 foot wide
193 easement in Land Lots 37, 38, and 60, and a 384 foot radius guywire easement, and said
194 property may be more particularly described on a plat of survey prepared by a Georgia
195 Registered Land Surveyor and presented to the State Properties Commission for
196 approval; and

197 (3) Said improved real property was acquired by the State subject to a 1992 ground lease
198 of that tract to Bell South Mobility, Inc. for a term of up to 25 years; and

199 (4) As successor to Bell South Mobility, Inc., New Cingular Wireless PCS, LLC, a
200 Delaware limited liability company, by its Manager AT&T Mobility Corporation, a
201 Delaware corporation, is desirous of ground leasing the tract for fair market value and of
202 obtaining the ability to grant subleases for fair market value and such other consideration

as determined by the State Properties Commission, for a term commencing May 19, 2017 through December 31, 2027; and

(5) Said improved real property is in the custody of the Department of Natural Resources, managed by the North Georgia Mountains Authority, and is a portion of Smithgall Woods State Park, White County, Georgia; and

(6) By letter dated January 29, 2016, from the Commissioner of the Department of Natural Resources, the Board of Natural Resources has no objection to the leasing of the above-described premises.

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

ARTICLE I
SECTION 1.

That the State of Georgia is the owner of the above-described real property located in Bacon County and that in all matters relating to the leasing of the improved real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to ground lease the above-described real property to the Bacon County Board of Commissioners for a term of three years with one three-year renewal option, and annual rent of \$1.00 per year, and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 3.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including the execution of all necessary documents.

SECTION 4.

That the ground lease shall be recorded by the lessee in the Superior Court of Bacon County, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 5.

That the authorization to lease the above-described real property shall expire three years after the date this resolution becomes effective.

SECTION 6.

That custody of the above-described real property shall remain in the Technical College System of Georgia.

ARTICLE II**SECTION 7.**

That the State of Georgia is the owner of the above-described real property in Camden County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 8.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value; or to a local government or State entity for fair market value; or to a local government or State entity for a consideration of \$10.00 so long as the property is used for public purpose and other consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 9.

That the authorization in this resolution to convey the above-described real property shall expire three years after the date this resolution becomes effective.

SECTION 10.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 11.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Camden County, Georgia, and a recorded copy shall be forwarded to the State Properties Commission.

259 **SECTION 12.**

260 That custody of the above-described real property shall remain in the Technical College
261 System of Georgia until the property is conveyed.

262 **ARTICLE III**

263 **SECTION 13.**

264 That the State of Georgia is the owner of the above-described real property in Greene County
265 and that in all matters relating to the conveyance of the real property, the State of Georgia
266 is acting by and through its State Properties Commission.

267 **SECTION 14.**

268 That the above-described real property may be conveyed by appropriate instrument by the
269 State of Georgia, acting by and through its State Properties Commission, by competitive bid
270 for fair market value; or to a local government or State entity for fair market value; or to a
271 local government or State entity for a consideration of \$10.00 so long as the property is used
272 for public purpose and other consideration and provisions as the State Properties Commission
273 shall in its discretion determine to be in the best interest of the State of Georgia.

274 **SECTION 15.**

275 That the authorization in this resolution to convey the above-described real property shall
276 expire three years after the date this resolution becomes effective.

277 **SECTION 16.**

278 That the State Properties Commission is authorized and empowered to do all acts and things
279 necessary and proper to effect such conveyance.

280 **SECTION 17.**

281 That the deed of conveyance shall be recorded by the grantee in the Superior Court of Greene
282 County, Georgia, and a recorded copy shall be forwarded to the State Properties
283 Commission.

284 **SECTION 18.**

285 That custody of the above-described real property shall remain in the Georgia Forestry
286 Commission until the property is conveyed.

ARTICLE IV**SECTION 19.**

That the State of Georgia is the owner of the above-described real property in Gwinnett County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 20.

That the above-described real property and right of way for access may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value; or to a local government or State entity for fair market value; or to a local government or State entity for a consideration of \$10.00 so long as the property is used for public purpose and other consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 21.

That the authorization in this resolution to convey the above-described real property and right of way for access shall expire three years after the date this resolution becomes effective.

SECTION 22.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 23.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Gwinnett County, Georgia, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 24.

That custody of the above-described real property and right of way for access shall remain in the Georgia Department of Juvenile Justice until the property and right of way are conveyed.

ARTICLE V

SECTION 25.

That the State of Georgia is the owner of the above-described real property in Gwinnett County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 26.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, for a consideration of conveyance to the State of Georgia of a like or better property and other provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 27.

That the authorization in this resolution to convey the above-described real property by exchange shall expire three years after the date this resolution becomes effective.

SECTION 28.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance and exchange.

SECTION 29.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Gwinnett County, Georgia, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 30.

That custody of the above-described real property shall remain in the Department of Natural Resources until the property is conveyed.

ARTICLE VI

SECTION 31.

That the State of Georgia is the owner of the above-described real property in McIntosh County and that in all matters relating to the leasing of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 32.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to ground lease approximately 231 square feet of the above-described real property to the United States of America for use as a mail delivery center for residents of Sapelo Island for a term of five years commencing on July 1, 2017 and the payment of rent of \$10.00 per year and reimbursement to the Department of Natural Resources of \$1,600.00 per year for expenses with one, five-year option to renew said ground lease for the payment of rent of \$10.00 per year and reimbursement to the Department of Natural Resources of \$1,756.00 per year for expenses, and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 33.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such ground lease, including the execution of all necessary documents.

SECTION 34.

That the ground lease of the above-described real property shall be recorded by the lessee in the Superior Court of McIntosh County, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 35.

That the authorization to ground lease the above-described real property shall expire three years after the date this resolution becomes effective.

SECTION 36.

That custody of the above-described real property shall remain in the Georgia Department of Natural Resources.

ARTICLE VII**SECTION 37.**

That the State of Georgia is the owner of the above-described real property in Paulding County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 38.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value; or to a local government or State entity for fair market value; or to a local government or State entity for a consideration of \$10.00 so long as the property is used for public purpose and other consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 39.

That the authorization in this resolution to convey the above-described real property shall expire three years after the date this resolution becomes effective.

SECTION 40.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 41.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Paulding County, Georgia, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 42.

That custody of the above-described real property shall remain in the Georgia Forestry Commission until the property is conveyed.

ARTICLE VIII**SECTION 43.**

That the State of Georgia is the owner of the above-described real property in Spalding County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 44.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, by competitive bid for fair market value; or to a local government or State entity for fair market value; or to a local government or State entity for a consideration of \$10.00 so long as the property is used

402 for public purpose and other consideration and provisions as the State Properties Commission
403 shall in its discretion determine to be in the best interest of the State of Georgia.

404 **SECTION 45.**

405 That the authorization in this resolution to convey the above-described real property shall
406 expire three years after the date this resolution becomes effective.

407 **SECTION 46.**

408 That the State Properties Commission is authorized and empowered to do all acts and things
409 necessary and proper to effect such conveyance.

410 **SECTION 47.**

411 That the deed of conveyance shall be recorded by the grantee in the Superior Court of
412 Spalding County, Georgia, and a recorded copy shall be forwarded to the State Properties
413 Commission.

414 **SECTION 48.**

415 That custody of the above-described real property shall remain in the custody of the Georgia
416 Department of Corrections until the property is conveyed.

417 **ARTICLE IX**

418 **SECTION 49.**

419 The State of Georgia is the owner of the above-described real property in White County and
420 that in all matters relating to the ground lease of said real property and grant of any
421 appurtenant easements of the above-described real property during the term of any such
422 ground lease, the State of Georgia is acting by and through its State Properties Commission.

423 **SECTION 50.**

424 That the above-described real property may be ground leased to New Cingular Wireless PCS,
425 LLC, a Delaware limited liability company, through its Manager AT&T Mobility
426 Corporation, a Delaware corporation, for fair market value and such further consideration,
427 terms and conditions as determined by the State Properties Commission in its discretion to
428 be in the best interest of the State of Georgia.

429 **SECTION 51.**

430 That the State Properties Commission is authorized and empowered to do all acts and things
431 necessary and proper to effect such ground lease.

432 **SECTION 52.**

433 That the ground lease of the above-described real property shall be recorded by the lessee in
434 the Superior Court of White County, and a recorded copy shall be forwarded to the State
435 Properties Commission.

436 **SECTION 53.**

437 That the authorization in this resolution to so grant the above-described ground lease shall
438 expire three years after the date this resolution becomes effective.

439 **SECTION 54.**

440 That custody of the above-described real property shall remain in the Georgia Department
441 of Natural Resources.

442 **ARTICLE X**

443 **SECTION 55.**

444 That this resolution shall become effective as law upon its approval by the Governor or upon
445 its becoming law without such approval.

446 **SECTION 56.**

447 That all laws and parts of laws in conflict with this resolution are repealed.