

House Resolution 1167

By: Representatives Greene of the 151st, Dunahoo of the 30th, Pirkle of the 155th, Werkheiser of the 157th, and Lumsden of the 12th

A RESOLUTION

1 Authorizing the conveyance of certain state owned real property located in Glynn County;
 2 authorizing the lease of certain state owned real property located in Gordon County;
 3 authorizing the conveyance of certain state owned real property located in Muscogee County;
 4 authorizing the conveyance and lease of certain state owned real property located in Paulding
 5 County; authorizing the conveyance of certain state owned real property located in Rabun
 6 County; authorizing the conveyance of certain state owned real property located in Terrell
 7 County; to provide for related matters; to provide an effective date; to repeal conflicting
 8 laws; and for other purposes.

9 WHEREAS:

- 10 (1) The State of Georgia is the owner of certain real property located in Glynn County,
 11 Georgia; and
- 12 (2) Said real property is approximately 2.066 acres of an improved parcel or tract, being
 13 a portion of 15 acres lying and being in the 1356th G.M.D of Glynn County, Georgia,
 14 more particularly described in a Fee Deed Without Warranty, dated June 30, 1989,
 15 recorded in Deed Book 32-R, Pages 265-270 in the office of the Clerk of Superior Court
 16 of Glynn County, and filed with the State Properties Commission Real Property Records
 17 as RPR 07830, and shown on a survey entitled "Georgia Air National Guard Site", dated
 18 January 21, 1985, prepared by James L. Conine, Registered Land Surveyor #1545; and
- 19 (3) Said real property is under the custody of the Department of Defense and was leased
 20 to the United States of America since May 1986 under lease No. DACA-21-5-87-146;
 21 and
- 22 (4) Said lease was released by the United States of America under Supplemental
 23 Agreement No. 3 dated January 7, 2019, and filed with the State Properties Commission
 24 Real Property Records as RPR 07830.04; and
- 25 (5) By official action dated May 29, 2018, the Department of Defense requested to
 26 surplus the above-described improved property; and

27 WHEREAS:

28 (1) The State of Georgia is the owner of certain real property located in Gordon County,
29 Georgia; and

30 (2) Said real property is approximately 14.6 acres, being a portion of the approximately
31 191.23 acre tract located in Land Lots 124 and 125, 14th District, 3rd Section, Gordon
32 County, Georgia, and more particularly described in that Warranty Deed, dated
33 November 9, 1956, from New Echota-Cherokee Foundation, Inc., being recorded in Deed
34 Book 38, Page 103 in the office of the Clerk of Superior Court of Gordon County and on
35 file with the State Properties Commission Real Property Records as RPR 000698 and
36 more particularly described on a plat of survey, dated October 22, 1956, prepared by R.
37 E. Smith, Registered Land Surveyor #262, and on file in the offices of the State
38 Properties Commission as RPR 000698; and

39 (3) Said real property is under the custody of the Department of Natural Resources and
40 is located at 143 Craigtown Rd. Calhoun, Georgia; and

41 (4) The Calhoun Elks Home, Inc., have leased the approximately 14.6-acre tract since
42 May 6, 1969, for use as a portion of a golf course and desirous of renewing their lease;
43 and

44 (5) By official action dated January 13, 2020, the Department of Natural Resources
45 resolved to seek legislation to enter into a long term ground lease over approximately
46 14.6 acres, being a portion of the New Echota Historic Site, with the Calhoun Elks Home,
47 Inc. for 10 years with (2) 5-year renewal options for fair market value; and

48 WHEREAS:

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

51 (2) Said real property is all of that improved parcel or tract being approximately 4.01
52 acres, commonly known as Courthouse Square ("Property"); and

53 (3) By the Act of the Legislature, the State of Georgia conveyed the Property to
54 Muscogee County, Georgia on or about September 20, 1828, for the Courthouse Square
55 and appropriated for the erection of a courthouse, conditioned upon such courthouse
56 being built within twelve months from the passage of such Act and further conditioned
57 upon such property never being sold or disposed of, being strictly reserved and kept for
58 use as a courthouse ("Restrictions"); and

59 WHEREAS:

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

62 (2) Said real property is approximately 0.191 of an acre, being a portion of the
63 approximately 25.195 acres, lying and being in Land Lots 376, 377, 416, and 417, 2nd
64 District, 3rd Section of Paulding County, Georgia, and more particularly described in that
65 Fee Deed Without Warranty, dated December 22, 1994, from Paulding County, Georgia
66 by and through its Board of Commissioners, being recorded in Deed Book 424, Pages
67 570-573 in the office of the Clerk of Superior Court of Paulding County and on file with
68 the State Properties Commission Real Property Records as RPR 08586, and more
69 particularly described on right of way plans for the City of Dallas dated August 19, 2019;
70 and

71 (3) Said real property is under the custody of the Technical College System of Georgia
72 and is a portion of the Paulding Campus of Chattahoochee Technical College; and

73 (4) Paulding County is desirous of acquiring the above-described property for part of the
74 Dallas Battlefield Trail and to connect the sidewalk serving the school and provide new
75 drainage; and

76 (5) By official action dated December 5, 2019, the Technical College System of Georgia
77 requested to surplus and convey the approximately 0.191 acres of the Paulding Campus
78 of Chattahoochee Technical College to Paulding County for the Dallas Battlefield Trail;
79 and

80 WHEREAS:

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

83 (2) Said real property is approximately 59,360 square feet, being a portion of all of that
84 improved parcel or tract being approximately 9.712 acres, lying and being in Land Lot
85 55 of the 2nd District, 3rd Section, Paulding County, Georgia, and more particularly
86 described in that General Warranty Deed, dated May 14, 1996, from Paulding County by
87 and through its Board of Commissioners, being recorded in Deed Book 515, Pages
88 672-674 in the office of the Clerk of Superior Court of Paulding County and on file with
89 the State Properties Commission Real Property Records as RPR 008989 and more
90 particularly described on a plat of survey, dated January 2, 1996, prepared by Ronnie L
91 Ray, Registered Land Surveyor #1781, and on file in the offices of the State Properties
92 Commission as RPR 008989; and

93 (3) Said real property is under the custody of the Department of Juvenile Justice and is
94 located at 538 Industrial Blvd. N., Dallas, Georgia; and

95 (4) By official action, the Georgia Board of Juvenile Justice requested to seek legislation
96 to enter into a long-term lease of approximately 59,360 square feet, being a portion of the
97 Paulding Regional Youth Detention Center (Building), with Wellspring Living, Inc.

98 (Wellspring) for a 5-year term with (2) 5-year renewal options for consideration of \$10
99 annually and the requirement that Wellspring operate the Building exclusively on behalf
100 of DJJ's mission as a receiving center; and

101 WHEREAS:

102 (1) The State of Georgia is the owner of improved real property located in Rabun
103 County, Georgia; and

104 (2) Said real property is approximately 0.076 of an acre, being a portion of 5.26 acres
105 lying and being in Land Lot 119 of the 2nd District of Rabun County, Georgia,
106 commonly known as the Dillard Apple House and more particularly described in the Fee
107 Simple Deed Without Warranty dated June 30, 1987, being recorded in Deed Book W10,
108 Pages 660-664 in the office of the Clerk of Superior Court of Rabun County and on file
109 with the State Properties Commission Real Property Records as RPR 007464; and said
110 real property is more particularly described on a plat of survey dated April 1, 1987, and
111 revised June 15, 1987, by T. Lamar Edwards, Georgia Registered Land Surveyor No.
112 1837; and

113 (3) Said real property is under the custody of the Georgia Department of Agriculture; and

114 (4) By letter dated July 19, 2019, the Georgia Department of Transportation requested
115 conveyance of approximately 0.075 acres of a right-of-way and granting approximately
116 0.001 acres for two temporary driveway easements to accommodate the planned
117 widening of U.S. 441, Project P.I. 122090, for the total consideration of \$6,200
118 (rounded), being comprised of \$4,125 in value for the property being conveyed in fee and
119 \$2,025 in value for the taking of asphalt and concrete curb site improvements; and

120 (5) By Official Action dated August 27, 2019, the Georgia Department of Agriculture
121 resolved to convey the approximately 0.075 of an acre right-of-way and grant
122 approximately 0.001 of an acre for two temporary driveway easements to the Georgia
123 Department of Transportation for the total consideration of \$6,200; and

124 WHEREAS:

125 (1) The State of Georgia is the owner of certain real property located in Rabun County,
126 Georgia; and

127 (2) Said real property is approximately 0.131 of an acre of a parcel or tract, being a
128 portion of approximately 1 acre, lying and being in Land Lot 162 of the 556th G.M.D.,
129 Rabun County, Georgia, commonly known as the Dillard Farmers Market and more
130 particularly described in a Warranty Deeds, dated October 17, 1950, recorded in Deed
131 Book Y2, Pages 61-63, and dated September 30, 1954, recorded in Deed Book E-4, Pages
132 147-148 in the office of the Clerk of Superior Court of Rabun County and on file with the

133 State Properties Commission Real Property Records as RPR 01089 and RPR 04487,
134 respectively, and as also shown on a plat or survey entitled "Retracement Survey for
135 Commissioner of Agriculture", dated March 27, 2014, prepared by Robert S. Cleveland,
136 Registered Land Surveyor #2894; and

137 (3) Said real property is under the custody of the Georgia Department of Agriculture; and

138 (4) By letter dated July 19, 2019, the Georgia Department of Transportation requested
139 conveyance of approximately 0.096 of an acre right-of-way, and granting of
140 approximately 0.034 of an acre permanent easement and approximately 0.001 of an acre
141 two temporary driveways easements to accommodate the planned widening of U.S. 441;
142 and

143 (5) By Official Action dated August 27, 2019, the Georgia Department of Agriculture
144 resolved to convey the approximately 0.096 of an acre right-of-way and grant the
145 approximately 0.034 of an acre permanent easement and approximately 0.001 of an acre
146 for two temporary driveways easements to the Georgia Department of Transportation for
147 the consideration of \$10,300; and

148 WHEREAS:

149 (1) The State of Georgia is the owner of improved real property located in Terrell
150 County, Georgia; and

151 (2) Said real property is approximately 25 acres of improved real property, lying and
152 being in Land Lot 75, of the 3rd Land District of Terrell County, Georgia, and more
153 particularly described in a Warranty Deed, dated September 10, 2001, being recorded in
154 Deed Book 6-H, Pages 275-276 in the office of the Clerk of Superior Court of Terrell
155 County and on file with the State Properties Commission Real Property Records as RPR
156 009793, and more particularly described on a plat of survey for "Georgia Soil and Water
157 Conservation Commission", dated May 1, 2001, prepared by B.H. Langford Jr., Georgia
158 Registered Land Surveyor #2209, and on file in the offices of the State Properties
159 Commission; and

160 (3) Said real property is under the custody of the Department of Natural Resources by
161 way of Executive Order from the Georgia Soil and Water Conservation Commission on
162 file with the State Properties Commission as Real Property Records as RPR 011964; and

163 (4) Terrell County is desirous of acquiring the above-described property for a public
164 purpose use and lease-back an approximately 844 square foot portion of the 5,348 square
165 foot office building, commonly known as the Hooks-Hanner Environmental Resource
166 Center (Building), along with the approximately 4,750 square foot storage warehouse
167 building (Warehouse) located at the rear of the property for a 10-year term with (1)
168 10-year renewal option for consideration of \$10 annually; and

169 (5) By Official Action dated January 13, 2020, the Department of Natural Resources
170 requested to surplus and convey the property subject to the above-described terms of the
171 lease-back of the Building and Warehouse; and

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

174 **ARTICLE I**

175 **SECTION 1.**

176 The State of Georgia is the owner of the above-described property located in Glynn County,
177 containing approximately 2.066 acres, and that in all matters relating to the surplus of said
178 real property the State of Georgia is acting by and through its State Properties Commission.

179 **SECTION 2.**

180 That the above-described improved real property may be conveyed by appropriate instrument
181 by the State of Georgia, acting by and through its State Properties Commission, by
182 competitive bid for fair market value; or to a local government or state entity for fair market
183 value; or to a local government or state entity for a consideration of \$10 so long as the
184 property is used for public purpose in perpetuity; and other consideration and provisions as
185 the State Properties Commission shall in its discretion determine to be in the best interest of
186 the State of Georgia.

187 **SECTION 3.**

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

190 **SECTION 4.**

191 That the authorization to surplus the above-described property shall expire three years after
192 the date that this resolution becomes effective.

193 **SECTION 5.**

194 That the deed or deeds and plat or plats of the surplus shall be recorded by the Grantee in the
195 Superior Court of Glynn County, Georgia and a recorded copy shall be forwarded to the State
196 Properties Commission.

197 **SECTION 6.**

198 That custody of the above-described real property shall remain in the custody of the
199 Department of Defense until the property is conveyed.

200 **ARTICLE II**

201 **SECTION 7.**

202 The State of Georgia is the owner of the above-described property located in Gordon County,
203 containing approximately 14.6 acres, and that in all matters relating to the ground lease of
204 said real property the State of Georgia is acting by and through its State Properties
205 Commission.

206 **SECTION 8.**

207 That the State of Georgia, acting by and through the State Properties Commission, is
208 authorized to ground lease the above-described property to the Calhoun Elks Home, Inc. for
209 10 years with (2) 5-year renewal option, for fair market value, and for such further terms and
210 conditions as determined by the State Properties Commission to be in the best interest of the
211 State of Georgia.

212 **SECTION 9.**

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

216 **SECTION 10.**

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

219 **SECTION 11.**

220 That the lease shall be recorded by the Calhoun Elks Home, Inc. in the Superior Court of
221 Gordon County, Georgia and a recorded copy shall be forwarded to the State Properties
222 Commission.

223 **SECTION 12.**

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

226 ARTICLE III

227 SECTION 13.

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

231 SECTION 14.

232 That the above-described improved real property may be conveyed by appropriate instrument
233 by the State of Georgia, acting by and through its State Properties Commission, to Muscogee
234 County and the City of Columbus, respectively or their successors or assigns for \$10, and the
235 removal of said Restrictions and other consideration and provisions as the State Properties
236 Commission shall in its discretion determine to be in the best interest of the State of Georgia.

237 SECTION 15.

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

240 SECTION 16.

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

243 SECTION 17.

244 That the deed of conveyance shall be recorded by the Grantee in the Superior Court of
245 Muscogee County, Georgia and a recorded copy shall be forwarded to the State Properties
246 Commission.

247 ARTICLE IV

248 SECTION 18.

249 The State of Georgia is the owner of the above-described property located in Paulding
250 County, containing approximately 0.191 of an acre, and that in all matters relating to the
251 conveyance of said real property the State of Georgia is acting by and through its State
252 Properties Commission.

253 SECTION 19.

254 That the above-described improved real property may be conveyed by appropriate instrument
255 by the State of Georgia, acting by and through its State Properties Commission, to Paulding

256 County or to a local government or state entity for a consideration of \$10 and other
257 consideration and provisions as the State Properties Commission shall in its discretion
258 determine to be in the best interest of the State of Georgia.

259 **SECTION 20.**

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

262 **SECTION 21.**

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

265 **SECTION 22.**

266 That the deed or deeds and plat or plats of the conveyance shall be recorded by the Grantee
267 in the Superior Court of Paulding County, Georgia and a recorded copy shall be forwarded
268 to the State Properties Commission.

269 **SECTION 23.**

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

272 **ARTICLE V**

273 **SECTION 24.**

274 The State of Georgia is the owner of the above-described property located in Paulding
275 County, containing approximately 59,360 square feet, and that in all matters relating to the
276 conveyance of said real property the State of Georgia is acting by and through its State
277 Properties Commission.

278 **SECTION 25.**

279 That the State of Georgia, acting by and through the State Properties Commission, is
280 authorized to lease the above-described property to Wellspring Living, Inc. for a 5-year term
281 with (2) 5-year renewal options, for consideration of \$10 annually and the requirement that
282 Wellspring operate the Building exclusively on behalf of DJJ's mission as a receiving center,
283 and for such further terms and conditions as determined by the State Properties Commission
284 to be in the best interest of the State of Georgia.

285 **SECTION 26.**

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

289 **SECTION 27.**

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

292 **SECTION 28.**

293 That the lease shall be recorded by the Wellspring Living, Inc. in the Superior Court of
294 Paulding County, Georgia and a recorded copy shall be forwarded to the State Properties
295 Commission.

296 **SECTION 29.**

297 That custody of the above-described real property shall remain in the custody of the
298 Department of Juvenile Justice until the property is leased.

299 **ARTICLE VI**

300 **SECTION 30.**

301 The State of Georgia is the owner of the above-described property located in Rabun County,
302 containing approximately 0.076 of an acre, and that in all matters relating to the conveyance
303 and easement of said real property the State of Georgia is acting by and through its State
304 Properties Commission.

305 **SECTION 31.**

306 That the above-described improved real property may be conveyed by appropriate instrument
307 by the State of Georgia, acting by and through its State Properties Commission, to Georgia
308 Department of Transportation for a total consideration of \$6,200 (rounded), being comprised
309 of \$4,125 in value for the property being conveyed in fee and \$2,025 in value for the taking
310 of asphalt and concrete curb site improvements; and other consideration and provisions as
311 the State Properties Commission shall in its discretion determine to be in the best interest of
312 the State of Georgia.

313 **SECTION 32.**

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

316 **SECTION 33.**

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

319 **SECTION 34.**

320 That the deed or deeds and plat or plats of the conveyance shall be recorded by the Grantee
321 in the Superior Court of Rabun County, Georgia and a recorded copy shall be forwarded to
322 the State Properties Commission.

323 **SECTION 35.**

324 That custody of the above-described real property shall remain in the custody of the Georgia
325 Department of Agriculture until the property is conveyed.

326 **ARTICLE VII**

327 **SECTION 36.**

328 The State of Georgia is the owner of the above-described property located in Rabun County,
329 containing approximately 0.131 of an acre, and that in all matters relating to the conveyance
330 and easement of said real property the State of Georgia is acting by and through its State
331 Properties Commission.

332 **SECTION 37.**

333 That the above-described improved real property may be conveyed by appropriate instrument
334 by the State of Georgia, acting by and through its State Properties Commission, to the
335 Georgia Department of Transportation for a consideration of \$10,300; and other
336 consideration and provisions as the State Properties Commission shall in its discretion
337 determine to be in the best interest of the State of Georgia.

338 **SECTION 38.**

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

341 **SECTION 39.**

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

344 **SECTION 40.**

345 That the deed or deeds and plat or plats of the conveyance shall be recorded by the Grantee
346 in the Superior Court of Rabun County, Georgia and a recorded copy shall be forwarded to
347 the State Properties Commission.

348 **SECTION 41.**

349 That custody of the above-described real property shall remain in the custody of the Georgia
350 Department of Agriculture of Georgia until the property is conveyed.

351 **ARTICLE VIII**

352 **SECTION 42.**

353 The State of Georgia is the owner of the above-described property located in Terrell County,
354 containing approximately 25 acres, and that in all matters relating to the conveyance of said
355 real property the State of Georgia is acting by and through its State Properties Commission.

356 **SECTION 43.**

357 That the above-described improved real property may be conveyed by appropriate instrument
358 by the State of Georgia, acting by and through its State Properties Commission, to Terrell
359 County for \$10 so long as the property is used for a public purpose in perpetuity and subject
360 to the lease-back of an approximately 844 square foot portion of the 5,348 square foot office
361 building, commonly known as the Hooks-Hanner Environmental Resource Center, along
362 with the approximately 4,750 square foot storage warehouse building located at the rear of
363 the property for a 10-year term with (1) 10-year renewal option for consideration of \$10
364 annually; and other consideration and provisions as the State Properties Commission shall
365 in its discretion determine to be in the best interest of the State of Georgia.

366 **SECTION 44.**

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

369 **SECTION 45.**

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

372 **SECTION 46.**

373 That the deed or deeds and plat or plats of the conveyance shall be recorded by the Grantee
374 in the Superior Court of Terrell County, Georgia and a recorded copy shall be forwarded to
375 the State Properties Commission.

376 **SECTION 47.**

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

379 **ARTICLE IX**

380 **SECTION 48.**

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

383 **SECTION 49.**

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