

House Resolution 1300

By: Representatives Pirkle of the 155<sup>th</sup>, Dunahoo of the 30<sup>th</sup>, Werkheiser of the 157<sup>th</sup>, and Jones of the 167<sup>th</sup>

### A RESOLUTION

1 Authorizing the change of use of certain property located in Glynn County currently  
 2 dedicated as a heritage preserve; authorizing the granting of a nonexclusive easement for the  
 3 construction, operation, and maintenance of facilities and an ingress and egress in, on, over,  
 4 under, upon, across, or through certain state owned real property located in Glynn County;  
 5 authorizing the change of use of certain property located in Murray County currently  
 6 dedicated as a heritage preserve; authorizing the granting of a nonexclusive easement for the  
 7 construction, operation, and maintenance of facilities and an ingress and egress in, on, over,  
 8 under, upon, across, or through certain state owned real property located in Murray County;  
 9 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
 10 other purposes.

11 WHEREAS, the State of Georgia is the owner of a certain parcel of real property located in  
 12 Glynn County; and

13 WHEREAS, the Department of Natural Resources has requested a change of use to the  
 14 property located in Glynn County dedicated as a heritage preserve at the request of the  
 15 Department of Transportation, and such request was approved by the Board of Natural  
 16 Resources on December 5, 2018; and

17 WHEREAS, the Department of Transportation desires to construct, operate, and maintain  
 18 facilities and an ingress and egress in, on, over, under, upon, across, or through a portion of  
 19 said property located in Glynn County; and

20 WHEREAS, the construction, operation, and maintenance of such facilities and the ingress  
 21 and egress in, on, over, under, upon, across, or through the above-described state property  
 22 have been approved by the Board of Natural Resources; and

23 WHEREAS, the State of Georgia is the owner of a certain parcel of real property located in  
 24 Murray County; and

25 WHEREAS, the Department of Natural Resources has requested a change of use to the  
26 property located in Murray County dedicated as a heritage preserve at the request of the  
27 Department of Transportation, and such request was approved by the Board of Natural  
28 Resources on August 22, 2018; and

29 WHEREAS, the Department of Transportation desires to construct, operate, and maintain  
30 facilities and an ingress and egress in, on, over, under, upon, across, or through a portion of  
31 said property located in Murray County; and

32 WHEREAS, the construction, operation, and maintenance of such facilities and the ingress  
33 and egress in, on, over, under, upon, across, or through the above-described state property  
34 have been approved by the Board of Natural Resources.

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

37 **PART I**  
38 **SECTION 1-1.**

39 That the State of Georgia is the owner of the hereinafter described real property in Glynn  
40 County, that the property is in the custody of the Department of Natural Resources, which  
41 supports the change to the use of approximately 6.00 acres of the heritage preserve dedicated  
42 area, and that in all matters related to the change of use, the State of Georgia is acting by and  
43 through the Department of Natural Resources. Said area is located in Glynn County and is  
44 more particularly described as follows:

45 Those approximately 6.00 acres as shown on a right of way map prepared for the  
46 Department of Transportation on May 16, 2011, and last revised January 25, 2013, and  
47 being on file in the office of the State Properties Commission.

48 **SECTION 1-2.**

49 That the resolution adopted at the December 5, 2018, meeting of the Board of Natural  
50 Resources recommended to change the use of the above-described area to allow the grant of  
51 an easement to the Department of Transportation for the purpose of widening State Route 25/  
52 US Route 17 and installing a roundabout at the intersection of State Route 25/US Route 17  
53 and State Route 99.

54 **SECTION 1-3.**

55 That the widening of State Route 25/US Route 17 and the installation of a roundabout at the  
56 intersection of State Route 25/US Route 17 and State Route 99 for improved transportation  
57 and safety is in the public interest and that the recommendation of the Board of Natural  
58 Resources to change the use of the approximately 6.00 acres of the heritage preserve  
59 dedicated area to allow the grant of an easement to the Department of Transportation for the  
60 purpose of widening State Route 25/US Route 17 and installing a roundabout at the  
61 intersection of State Route 25/US Route 17 and State Route 99 is approved.

62 **SECTION 1-4.**

63 That the Department of Natural Resources shall file with the Secretary of State and the  
64 Office of the Clerk of the Superior Court of Glynn County a notice of the removal of the  
65 heritage preserve dedication over the above-described area.

66 **SECTION 1-5.**

67 That custody of the above-described property shall remain in the Department of Natural  
68 Resources.

69 **PART II**

70 **SECTION 2-1.**

71 That the State of Georgia is the owner of the above-described easement area, that the  
72 property is in the custody of its Department of Natural Resources, which does not object to  
73 the granting of this nonexclusive easement of approximately 6.00 acres, and that, in all  
74 matters relating to the easement, the State of Georgia is acting by and through its State  
75 Properties Commission.

76 **SECTION 2-2.**

77 That, in accordance with the change of use of the above-described easement area, the State  
78 of Georgia acting by and through its State Properties Commission is authorized to grant to  
79 the Department of Transportation, or its successors and assigns, a nonexclusive easement for  
80 the construction, operation, and maintenance of a traffic safety improvement in, on, over,  
81 under, upon, across, or through the easement area for the purpose of planning, constructing,  
82 erecting, installing, maintaining, repairing, replacing, inspecting, and operating a traffic  
83 safety improvement together with the right of ingress and egress over adjacent land of the  
84 State of Georgia as may be reasonably necessary to accomplish the aforesaid purpose.

85 **SECTION 2-3.**

86 That the easement area shall be used by the Department of Transportation solely for the  
87 purposes of planning, constructing, erecting, installing, maintaining, repairing, replacing,  
88 inspecting, and operating said traffic safety improvement.

89 **SECTION 2-4.**

90 That the Department of Transportation shall have the right to remove or cause to be removed  
91 from said easement area only such trees and bushes as may be reasonably necessary for the  
92 proper construction, installation, operation, and maintenance of said traffic safety  
93 improvement.

94 **SECTION 2-5.**

95 That, after the Department of Transportation has put into use the traffic safety improvement  
96 for which this easement is granted, a subsequent abandonment of the use thereof shall cause  
97 a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,  
98 privileges, powers, and easement granted herein. Upon abandonment, the Department of  
99 Transportation, or its successors and assigns, shall have the option of removing its facilities  
100 from the easement area or leaving the same in place, in which event the easement area shall  
101 become the property of the State of Georgia, or its successors and assigns.

102 **SECTION 2-6.**

103 That no title shall be conveyed to the Department of Transportation and, except as herein  
104 specifically granted to the Department of Transportation, all rights, title, and interest in and  
105 to said easement area are reserved in the State of Georgia, which may make any use of said  
106 easement area not inconsistent with or detrimental to the rights, privileges, and interest  
107 granted to the Department of Transportation.

108 **SECTION 2-7.**

109 That if the State of Georgia, acting by and through its State Properties Commission,  
110 determines that any or all of the facilities placed on the easement area should be removed or  
111 relocated to an alternate site on state owned land in order to avoid interference with the state's  
112 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive  
113 easement to allow placement of the removed or relocated facilities across the alternate site  
114 under such terms and conditions as the State Properties Commission shall in its discretion  
115 determine to be in the best interest of the State of Georgia, and the Department of  
116 Transportation shall remove or relocate its facilities to the alternate easement area at its sole  
117 cost and expense without reimbursement from the State of Georgia unless, in advance of any

118 construction being commenced, the Department of Transportation provides a written estimate  
119 for the cost of such removal and relocation and the State Properties Commission determines,  
120 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of  
121 the State of Georgia and approves payment by the State of Georgia of all or a portion of such  
122 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.  
123 Upon written request from the grantee or any third party, the State Properties Commission,  
124 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the  
125 property for the relocation of the facilities without cost, expense, or reimbursement from the  
126 State of Georgia. If an easement is relocated for any reason, the State Properties  
127 Commission is authorized to convey by quitclaim deed the state's interest in the former  
128 easement area without further approval by the General Assembly.

129 **SECTION 2-8.**

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

135 **SECTION 2-9.**

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

143 **SECTION 2-10.**

144 That, given the public purpose of the project, the consideration for such easement shall be  
145 \$10.00 and such further consideration and provisions as the State Properties Commission  
146 may determine to be in the best interests of the State of Georgia.

147 **SECTION 2-11.**

148 That this grant of easement shall be recorded by the grantee in the Superior Court of Glynn  
149 County, and a recorded copy shall promptly be forwarded to the State Properties  
150 Commission.

151 **SECTION 2-12.**

152 That the authorization in this resolution to grant the above-described easement to the  
153 Department of Transportation shall expire three years after the date that this resolution  
154 becomes effective.

155 **SECTION 2-13.**

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

158 **PART III**

159 **SECTION 3-1.**

160 That the State of Georgia is the owner of the hereinafter described real property in Murray  
161 County, that the property is in the custody of the Department of Natural Resources, which  
162 supports the change to the use of approximately 0.194 of an acre of the heritage preserve  
163 dedicated area, and that in all matters related to the change of use, the State of Georgia is  
164 acting by and through the Department of Natural Resources. Said area is located in Murray  
165 County and is more particularly described as follows:

166 The approximately 0.194 of an acre as shown on a right of way map prepared for the  
167 Department of Transportation on May 16, 2011, and last revised January 25, 2013, and  
168 being on file in the office of the State Properties Commission.

169 **SECTION 3-2.**

170 That the resolution adopted at the August 22, 2018, meeting of the Board of Natural  
171 Resources recommended to change the use of the above-described area to allow the grant of  
172 an easement to the Department of Transportation for the purpose of widening State Route 52  
173 ALT.

174 **SECTION 3-3.**

175 That the widening of State Route 52 ALT for improved transportation and safety is in the  
176 public interest and that the recommendation of the Board of Natural Resources to change the  
177 use of the approximately 0.194 of an acre of the heritage preserve dedicated area to allow the  
178 grant of an easement to the Department of Transportation for the purpose of widening State  
179 Route 52 ALT is approved.

180 **SECTION 3-4.**

181 That the Department of Natural Resources shall file with the Secretary of State and the  
182 Office of the Clerk of the Superior Court of Murray County a notice of the removal of the  
183 heritage preserve dedication over the above-described area.

184 **SECTION 3-5.**

185 That custody of the above-described property shall remain in the Department of Natural  
186 Resources.

187 **PART IV**

188 **SECTION 4-1.**

189 That the State of Georgia is the owner of the above-described easement area, that the  
190 property is in the custody of the Department of Natural Resources, which does not object to  
191 the granting of this nonexclusive easement of approximately 0.194 of an acre, and that, in all  
192 matters relating to the easement, the State of Georgia is acting by and through its State  
193 Properties Commission.

194 **SECTION 4-2.**

195 That, in accordance with the change of use of the above-described easement area, the State  
196 of Georgia acting by and through its State Properties Commission is authorized to grant to  
197 the Department of Transportation, or its successors and assigns, a nonexclusive easement for  
198 the construction, operation, and maintenance of a traffic safety improvement in, on, over,  
199 under, upon, across, or through the easement area for the purposes of planning, constructing,  
200 erecting, installing, maintaining, repairing, replacing, inspecting, and operating a traffic  
201 safety improvement together with the right of ingress and egress over adjacent land of the  
202 State of Georgia as may be reasonably necessary to accomplish the aforesaid purpose.

203 **SECTION 4-3.**

204 That the easement area shall be used by the Department of Transportation solely for the  
205 purposes of planning, constructing, erecting, installing, maintaining, repairing, replacing,  
206 inspecting, and operating said traffic safety improvement.

207 **SECTION 4-4.**

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

211 **SECTION 4-5.**

212 That, after the Department of Transportation has put into use the traffic safety improvement  
213 for which this easement is granted, a subsequent abandonment of the use thereof shall cause  
214 a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,  
215 privileges, powers, and easement granted herein. Upon abandonment, the Department of  
216 Transportation, or its successors and assigns, shall have the option of removing its facilities  
217 from the easement area or leaving the same in place, in which event the easement area shall  
218 become the property of the State of Georgia, or its successors and assigns.

219 **SECTION 4-6.**

220 That no title shall be conveyed to the Department of Transportation and, except as herein  
221 specifically granted to the Department of Transportation, all rights, title, and interest in and  
222 to said easement area are reserved in the State of Georgia, which may make any use of said  
223 easement area not inconsistent with or detrimental to the rights, privileges, and interest  
224 granted to the Department of Transportation.

225 **SECTION 4-7.**

226 That if the State of Georgia, acting by and through its State Properties Commission,  
227 determines that any or all of the facilities placed on the easement area should be removed or  
228 relocated to an alternate site on state owned land in order to avoid interference with the state's  
229 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive  
230 easement to allow placement of the removed or relocated facilities across the alternate site  
231 under such terms and conditions as the State Properties Commission shall in its discretion  
232 determine to be in the best interest of the State of Georgia, and the Department of  
233 Transportation shall remove or relocate its facilities to the alternate easement area at its sole  
234 cost and expense without reimbursement from the State of Georgia unless, in advance of and  
235 construction being commenced, the Department of Transportation provides a written estimate  
236 for the cost of such removal and relocation and the State Properties Commission determines,  
237 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of  
238 the State of Georgia and approves payment by the State of Georgia of all or a portion of such  
239 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.  
240 Upon written request from the grantee or any third party, the State Properties Commission,  
241 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the  
242 property for the relocation of the facilities without cost, expense, or reimbursement from the  
243 State of Georgia. If an easement is relocated for any reason, the State Properties  
244 Commission is authorized to convey by quitclaim deed the state's interest in the former  
245 easement area without further approval by the General Assembly.

246 **SECTION 4-8.**

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

252 **SECTION 4-9.**

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

260 **SECTION 4-10.**

261 That, given the public purpose of the project, the consideration for such easement shall be  
262 \$10.00 and such further consideration and provisions as the State Properties Commission  
263 may determine to be in the best interests of the State of Georgia.

264 **SECTION 4-11.**

265 That this grant of easement shall be recorded by the grantee in the Superior Court of Murray  
266 County, and a recorded copy shall promptly be forwarded to the State Properties  
267 Commission.

268 **SECTION 4-12.**

269 That the authorization in this resolution to grant the above-described easement to the  
270 Department of Transportation shall expire three years after the date that this resolution  
271 becomes effective.

272 **SECTION 4-13.**

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

275

**PART V**

276

**SECTION 5-1.**

277 This resolution shall become effective upon its approval by the Governor or upon its  
278 becoming law without such approval.

279

**SECTION 5-2.**

280 All laws and parts of laws in conflict with this resolution are repealed.