

The Senate Committee on Government Oversight offered the following substitute to HR 1300:

A RESOLUTION

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

11 WHEREAS, Senator Jack Hill has long been recognized by the citizens of this state for the
12 vital role that he played in leadership and his deep commitment to the welfare of the citizens
13 of Georgia; and

14 WHEREAS, a native of Reidsville and graduate of Reidsville High School and Georgia
15 Southern University, Senator Hill was first elected to the Georgia Senate from the 4th
16 District in 1990 and was reelected in 2018 to his 15th two-year term; and

17 WHEREAS, during his tenure in the General Assembly, Senator Hill notably served as
18 chairman of the Senate Appropriations Committee and was responsible for leading the state
19 budget through the Senate and ensuring that it was balanced and fair; and

20 WHEREAS, in addition to his service in the General Assembly, Senator Hill was a retired
21 grocer, served 33 years in the Georgia Air National Guard as a unit commander and as State
22 Inspector General, and retired in 2004 from the United States Air Force Reserve as a Reserve
23 Forces Officer assigned to the Selective Service System; and

24 WHEREAS, as an active community leader, Senator Hill was also chairman of the Tattnall
25 County Development Authority, a Lion and Rotarian, and headed a local historic
26 preservation project that won a national award; and

27 WHEREAS, Senator Hill was a selfless champion for the State of Georgia and its timeless
28 natural and historical resources, and he long worked to promote and provide additional
29 funding for state parks throughout the state; and

30 WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments and
31 contributions of this remarkable and distinguished Georgian be recognized appropriately by
32 naming his hometown state park in his honor; and

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

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

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

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

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

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

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

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

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

59 **PART I**
60 **SECTION 1-1.**

61 That Gordonia-Alatamaha State Park is renamed as the Jack Hill State Park.

62 BE IT FURTHER RESOLVED that the Department of Natural Resources is authorized and
63 directed to erect and maintain appropriate signs so naming the Jack Hill State Park.

64 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
65 and directed to make appropriate copies of this resolution available for distribution to the
66 family of Jack Hill and to the Department of Natural Resources.

67 **PART II**
68 **SECTION 2-1.**

69 That the State of Georgia is the owner of the hereinafter described real property in Glynn
70 County, that the property is in the custody of the Department of Natural Resources, which
71 supports the change to the use of approximately 6.00 acres of the heritage preserve dedicated
72 area, and that in all matters related to the change of use, the State of Georgia is acting by and
73 through the Department of Natural Resources. Said area is located in Glynn County and is
74 more particularly described as follows:

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

78

SECTION 2-2.

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

84

SECTION 2-3.

85 That the widening of State Route 25/US Route 17 and the installation of a roundabout at the
86 intersection of State Route 25/US Route 17 and State Route 99 for improved transportation
87 and safety is in the public interest and that the recommendation of the Board of Natural
88 Resources to change the use of the approximately 6.00 acres of the heritage preserve
89 dedicated area to allow the grant of an easement to the Department of Transportation for the
90 purpose of widening State Route 25/US Route 17 and installing a roundabout at the
91 intersection of State Route 25/US Route 17 and State Route 99 is approved.

92

SECTION 2-4.

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

96

SECTION 2-5.

97 That custody of the above-described property shall remain in the Department of Natural
98 Resources.

99

PART III

100

SECTION 3-1.

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

106

SECTION 3-2.

107 That, in accordance with the change of use of the above-described easement area, the State
108 of Georgia acting by and through its State Properties Commission is authorized to grant to

109 the Department of Transportation, or its successors and assigns, a nonexclusive easement for
110 the construction, operation, and maintenance of a traffic safety improvement in, on, over,
111 under, upon, across, or through the easement area for the purpose of planning, constructing,
112 erecting, installing, maintaining, repairing, replacing, inspecting, and operating a traffic
113 safety improvement together with the right of ingress and egress over adjacent land of the
114 State of Georgia as may be reasonably necessary to accomplish the aforesaid purpose.

115 **SECTION 3-3.**

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

119 **SECTION 3-4.**

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

124 **SECTION 3-5.**

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

132 **SECTION 3-6.**

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

138 **SECTION 3-7.**

139 That if the State of Georgia, acting by and through its State Properties Commission,
140 determines that any or all of the facilities placed on the easement area should be removed or

141 relocated to an alternate site on state owned land in order to avoid interference with the state's
142 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
143 easement to allow placement of the removed or relocated facilities across the alternate site
144 under such terms and conditions as the State Properties Commission shall in its discretion
145 determine to be in the best interest of the State of Georgia, and the Department of
146 Transportation shall remove or relocate its facilities to the alternate easement area at its sole
147 cost and expense without reimbursement from the State of Georgia unless, in advance of any
148 construction being commenced, the Department of Transportation provides a written estimate
149 for the cost of such removal and relocation and the State Properties Commission determines,
150 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of
151 the State of Georgia and approves payment by the State of Georgia of all or a portion of such
152 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.
153 Upon written request from the grantee or any third party, the State Properties Commission,
154 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the
155 property for the relocation of the facilities without cost, expense, or reimbursement from the
156 State of Georgia. If an easement is relocated for any reason, the State Properties
157 Commission is authorized to convey by quitclaim deed the state's interest in the former
158 easement area without further approval by the General Assembly.

159

SECTION 3-8.

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

165

SECTION 3-9.

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

173

SECTION 3-10.

174 That, given the public purpose of the project, the consideration for such easement shall be
175 \$10.00 and such further consideration and provisions as the State Properties Commission
176 may determine to be in the best interests of the State of Georgia.

177

SECTION 3-11.

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

181

SECTION 3-12.

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

185

SECTION 3-13.

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

188

PART IV

189

SECTION 4-1.

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

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

199

SECTION 4-2.

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

204 **SECTION 4-3.**

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

210 **SECTION 4-4.**

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

214 **SECTION 4-5.**

215 That custody of the above-described property shall remain in the Department of Natural
216 Resources.

217 **PART V**

218 **SECTION 5-1.**

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

224 **SECTION 5-2.**

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

233

SECTION 5-3.

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

237

SECTION 5-4.

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

241

SECTION 5-5.

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

249

SECTION 5-6.

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

255

SECTION 5-7.

256 That if the State of Georgia, acting by and through its State Properties Commission,
257 determines that any or all of the facilities placed on the easement area should be removed or
258 relocated to an alternate site on state owned land in order to avoid interference with the state's
259 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
260 easement to allow placement of the removed or relocated facilities across the alternate site
261 under such terms and conditions as the State Properties Commission shall in its discretion
262 determine to be in the best interest of the State of Georgia, and the Department of
263 Transportation shall remove or relocate its facilities to the alternate easement area at its sole
264 cost and expense without reimbursement from the State of Georgia unless, in advance of and
265 construction being commenced, the Department of Transportation provides a written estimate

266 for the cost of such removal and relocation and the State Properties Commission determines,
267 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of
268 the State of Georgia and approves payment by the State of Georgia of all or a portion of such
269 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.
270 Upon written request from the grantee or any third party, the State Properties Commission,
271 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the
272 property for the relocation of the facilities without cost, expense, or reimbursement from the
273 State of Georgia. If an easement is relocated for any reason, the State Properties
274 Commission is authorized to convey by quitclaim deed the state's interest in the former
275 easement area without further approval by the General Assembly.

276 **SECTION 5-8.**

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

282 **SECTION 5-9.**

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

290 **SECTION 5-10.**

291 That, given the public purpose of the project, the consideration for such easement shall be
292 \$10.00 and such further consideration and provisions as the State Properties Commission
293 may determine to be in the best interests of the State of Georgia.

294 **SECTION 5-11.**

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

298 **SECTION 5-12.**

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

302 **SECTION 5-13.**

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

305 **PART VI**

306 **SECTION 6-1.**

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

309 **SECTION 6-2.**

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