

House Bill 409 (COMMITTEE SUBSTITUTE)

By: Representatives Daniel of the 117th, Burchett of the 176th, Kelley of the 16th, Reeves of the 99th, Leverett of the 123rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties, municipal corporations, and other governmental
3 entities, so as to authorize counties, municipalities, and local authorities that operate water
4 and sewer systems to dispose of or acquire certain easements to real property; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
9 provisions applicable to counties, municipal corporations, and other governmental entities,
10 is amended by adding a new Code section to read as follows:

11 "36-80-29.

12 (a) Notwithstanding any law to the contrary, a county, municipality, or local authority that
13 operates a public water or sewer system may dispose of any easement interest in real
14 property it possesses by conveyance of such interest to the owner of the real property
15 burdened by the easement in accordance with this Code section. Notwithstanding any law
16 to the contrary, a county, municipality, or local authority that operates a public water or

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17 sewer system may grant an easement through its real property by conveyance of such
18 interest in accordance with this Code section.

19 (b) Before proceeding to dispose of or grant an easement, the governing authority of the
20 county, municipality, or board of a local authority shall by majority vote determine whether
21 an existing easement no longer serves a public purpose or whether the grant of an easement
22 is beneficial to the county, municipality, or local authority.

23 (c)(1) When it is determined that the easement has a value at \$5,000.00 or more based
24 on the previous year's published assessment by the jurisdiction's chief assessor of the tax
25 parcel burdened or to be burdened by the easement, the governing authority of the county,
26 municipality, or board of a local authority shall obtain and may by majority vote accept
27 at least one appraisal for the value of the easement performed by an appraiser licensed
28 in this state. Thereafter, the governing authority of the county, municipality, or board of
29 a local authority may by majority vote grant or dispose of the easement for no less than
30 the accepted appraised amount.

31 (2) When it is determined that an easement has a value of less than \$5,000.00 based on
32 the previous year's published assessment by the jurisdiction's chief assessor of the tax
33 parcel burdened or to be burdened by the easement, the governing authority of the county,
34 municipality, or board of a local authority may by majority vote accept such
35 determination and grant or dispose of its interest in the easement. Thereafter, the
36 governing authority of the county or municipality, or board of a local authority may by
37 majority vote grant or dispose of the easement for no less than the determined amount.

38 (d) Notwithstanding the provisions of subsections (a) through (c) of this Code section, the
39 governing authority of the county, municipality, or board of a local authority may by
40 majority vote dispose of prescriptive easements after declaring no public need for the
41 easement and without a determination of value or receiving value. A notice of
42 abandonment pursuant to such majority vote shall be recorded in the title records of the

43 county of such prescriptive easement and shall serve as a relinquishment of the prescriptive
44 easement interest held by the county, municipality, or local authority.

45 (e) The governing authority of the county, municipality, or board of a local authority shall
46 annually compile a summary of the easements disposed of and granted under this Code
47 section. Such summary shall include the name of the recipient, the area, and price of each
48 such easement."

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.