

Senate Resolution 574

By: Senators Dean of the 31st, Starr of the 44th, Gillis of the 20th and Marable of the 52nd

ADOPTED

A BILL TO BE ENTITLED
AN ACT

1 Authorizing the conveyance of certain state owned real property located in Bibb County,
2 Georgia; authorizing the conveyance of certain state owned property located in Cobb County;
3 authorizing the conveyance of certain state owned property located in Hamilton County,
4 Tennessee; authorizing the conveyance of certain state owned property located in Pickens
5 County, Georgia; authorizing the conveyance of certain state owned property located in
6 Spalding County, Georgia; authorizing the conveyance of certain state owned real property
7 located in Wilkes County, Georgia; to repeal conflicting laws; and for other purposes.

8 WHEREAS:

9 (1) The State of Georgia is the owner of a certain parcel of real property located in the
10 City of Macon, Bibb County, Georgia; and

11 (2) Said real property is all that tract or parcel of land lying and being in Lot 1, Square
12 73, of the City of Macon, Bibb County, Georgia, as shown on a plat of survey prepared
13 by Frank E. Lester, Georgia Registered Land Surveyor #1118, dated March, 1953,
14 containing approximately 0.36 of one acre, and on file in the offices of the State
15 Properties Commission, and may be more particularly described on a plat of survey
16 prepared by a Georgia Registered Land Surveyor and presented to the State Properties
17 Commission for approval; and

18 (3) Said property is under the custody of the Department of Human Resources; and

19 (4) The City of Macon, Bibb County, Georgia, conveyed the above-described property
20 to the state and retained a reversionary interest if the property ceased to be used for health
21 purposes; and

22 (5) The Bibb County Hospital Authority is desirous of acquiring the above-described
23 property due to its proximity to the Medical Center of Central Georgia; and

24 (6) The Bibb County Hospital Authority has agreed to construct on Bibb County
25 Hospital Authority owned property a new regional health facility to the specifications of
26 the Department of Human Resources in exchange for the above-described state owned
27 property; and

(7) The City of Macon is encouraged to release any interest it may have in the above-described state owned property prior to any exchange of the property with the Bibb County Hospital Authority.

WHEREAS:

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

(2) Said real property is all those tracts or parcels of land lying and being in the City of Kennesaw, Cobb County, Georgia, and containing approximately 9.52 acres as shown marked in orange on a plat of survey entitled "Survey for the City of Kennesaw", dated October 1971, and prepared by Roy C. Hogan, Georgia Registered Land Surveyor #1712 and 0.35 of one acre, 1.03 acres and 0.40 of one acre as shown marked in yellow on that certain lease agreement between CSX Transportation Inc. dated December 3, 1992 and being lease no CSX-003272, RE-056876 and 0.81 of one acre as shown marked in yellow on that certain lease agreement between CSX Transportation Inc., dated April 1, 1997 and being CSX- 031102 and all being on file in the offices of the State Properties Commission, and may be more particularly described on plats of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and

(3) Said property is under the custody of the State Properties Commission and are now or formerly parcels of the Western and Atlantic Railroad Right of Way; and

(4) The City of Kennesaw, Cobb County, Georgia, is desirous of acquiring the above-described parcels for the construction of a vehicle maintenance facility and for tourism development; and

(5) CSX Transportation Inc. is encouraged to release the City of Kennesaw from its leasehold obligations with respect to those properties currently leased to the City of Kennesaw, Cobb County, Georgia; and

(6) CSX Transportation Inc. is encouraged to remove the above-described properties from its Western and Atlantic Railroad lease with the State of Georgia.

WHEREAS:

(1) The State of Georgia is the owner of certain parcels of real property located in the City of Chattanooga, Hamilton County, Tennessee; and

(2) Said real properties are all those tracts or parcels of land lying and being in the City of Chattanooga, Hamilton County, Tennessee and being a portion of Western and Atlantic Railroad right of way and beginning at said right of ways intersection with King Street and running in a southeasterly direction a distance of approximately 3,700 feet as

described marked in yellow on an aerial photograph entitled "State of Georgia 60 ft Railroad Right of Way" on file in the offices of the State Properties Commission and all those tracts or parcels of land lying and being in the City of Chattanooga, Hamilton County, Tennessee, and being a portion of Western and Atlantic Railroad right of way and consists of parcel 1 and a portion of parcel 7 as shown on Western and Atlantic Railroad valuation map V3/3 and V3/4 and being on file in the offices of the State Properties Commission, and 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 property is under the custody of the State Properties Commission; and

(4) It has been determined that the above-described properties are no longer needed for the operation of the Western and Atlantic Railroad and are therefore surplus to the needs of the state.

WHEREAS:

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

(2) Said real property is all that tract or parcel of land lying and being in land lot and being within the bounds of the City of Griffin, Spalding County, Georgia, and containing approximately 0.39 of one acre as described marked in orange on a Preliminary Site Plan dated January 4, 2002, prepared by Robertson/Loia/Roof Architects and Engineers and being Sheet Number CPs-22, and on file in the offices of the State Properties Commission, and 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 property is a portion of the parking lot of the Department of Labors Spalding County office facility; and

(4) The Sofran Group is desirous of acquiring the above-described property for inclusion in a proposed development in exchange for a parcel of property containing approximately 0.45 of one acre owned by the Sofran Group; and

(5) It has been determined that the parcel of property to be acquired by the State of Georgia is of greater value to the State of Georgia than the parcel of property to be conveyed by the State of Georgia; and

(6) The Department of Labor has no objection to the exchange or properties as above described.

1 WHEREAS:

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

4 (2) Said real property is all that tract or parcel of land lying and being in land lot 50 of
5 the 13th district, 2nd section of Pickens County, Georgia, as shown marked in yellow on
6 a plat of survey entitled "Survey for City of Jasper water Tank Site" dated October 5,
7 2001, and prepared by James Charles Boling, Georgia Registered land Surveyor #2531
8 and being on file in the offices of the State Properties Commission, and may be more
9 particularly described on a plat of survey prepared by a Georgia Registered Land
10 Surveyor and presented to the State Properties Commission for approval; and

11 (3) Said property is a portion of the Pickens County Forestry Unit location; and

12 (4) Pickens County conveyed the site of the Pickens County Forestry Unit to the state on
13 September 4, 1983, for a consideration of \$10.00; and

14 (5) The City of Jasper, Pickens County, Georgia, is desirous of acquiring the
15 above-described property for the location of an elevated water tank to serve a soon to be
16 constructed hospital; and

17 (6) The Georgia Forestry Commission has no objection to the conveyance of the
18 above-described property.

19
20 WHEREAS:

21 (1) The State of Georgia intends to be the owner of a certain parcel of real property
22 located in the City of Washington, Wilkes County, Georgia; and

23 (2) Said real property is all that tract or parcel of land lying and being in corporate limits
24 of the City of Washington, Wilkes County, Georgia, fronting 86.19 feet on the West side
25 of Rusher Street containing 17,082 square feet, and being bounded on the North by lands
26 of Rachael Hurley Bryant and lands of Willie Thomas: East by Rusher Street: South by
27 land of Henry Campbell: and on the West by lands of Elijah Anderson, as shown by plat
28 prepared by Erskine B. Wickersham, dated July 17, 1980, recorded in Plat Book 6, page
29 245, Clerk's Office, Wilkes County Superior Court.

30 And the adjacent land to the North:

31 All that tract or parcel of land lying and being within the corporate limits of the City of
32 Washington, Wilkes County, Georgia, containing 0.23 of one acre, more or less, being
33 bounded on the North by lands of Willie Mae Hurley; East by Rusher Street; South by
34 lands of Elijah Anderson and Essie T. Bell, being same land conveyed by deed recorded
35 in Deed Book 123, page 615, Clerk's Office, Wilkes County Superior Court, and may be
36 more particularly described on a plat of survey prepared by a Georgia Registered Land
37 Surveyor and presented to the State Properties Commission for approval; and

(3) The subject property was seized by the Drug Enforcement Administration as a result of illegal activities being perpetrated on the property; and

(4) The City of Washington, Wilkes County, Georgia, is desirous of acquiring the property for use as a neighborhood park; and

(5) It is the policy of the United States Department of Justice that the governor of the state in which seized property is located request that the property be transferred to the state.

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 City of Macon, Bibb County, Georgia, real property 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 2.

That the above-described real property may be conveyed to the Bibb County Hospital Authority in exchange for a new regional health facility to be built to the specifications of the Department of Human Resources by the Bibb County Hospital Authority and such further 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 3.

That the above-described state owned property shall not be conveyed to the Bibb County Hospital Authority until after the new regional health facility is completed and the Department of Human Resources has vacated the above-described state owned property and declared it vacant.

SECTION 4.

That the authorization in this resolution to convey the above-described property to the Bibb County Hospital Authority shall expire three years after the date that this resolution becomes effective.

SECTION 5.

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

SECTION 6.

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

SECTION 7.

That custody of the above-described property shall remain in Department of Human Resources until the property is conveyed to the Bibb County Hospital Authority.

ARTICLE II**SECTION 8.**

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

SECTION 9.

That the above-described real properties may be conveyed by appropriate instrument to the City of Kennesaw by the State of Georgia, acting by and through the State Properties Commission County, for a consideration of the fair market value, but not less than \$650.00, and such further 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 10.

That prior to any conveyance of the subject properties to the City of Kennesaw, Cobb County, Georgia, CSX Transportation Inc. shall first release its interest, if any, to the properties.

SECTION 11.

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

SECTION 12.

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

SECTION 13.

That the deeds of conveyance shall be recorded by the grantee in the Superior Court of Cobb County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 14.

That custody of the above-described property shall remain in the State Properties Commission until the property is conveyed to the City of Kennesaw, Cobb County, Georgia.

SECTION 15.

That all funds generated from the sale of the above-described property shall be deposited in the state treasury.

SECTION 16.

That all costs associated with the sale of the above-described property shall be borne by the State Properties Commission.

ARTICLE III**SECTION 17.**

That the State of Georgia is the owner of the above-described City of Chattanooga, Hamilton County, Tennessee, real property 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 18.

That all or a portion of the above-described real properties may be sold by competitive bid for a consideration of not less than the fair market of such properties as determined to be in the best interest of the State of Georgia by the State Properties Commission; provided, however, that all or a portion of the above-described property may be sold to a city, county, school board, or other local public entity, which shall include development authorities for not less than the fair market value, as determined to be in the best interest of the State of Georgia by the State Properties Commission, without the necessity of competitive bid, and such further 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 19.

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

SECTION 20.

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

SECTION 21.

That the deeds of conveyance shall be recorded by the grantee in the Superior Court of Hamilton County, Tennessee, and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 22.

That custody of the above-described property shall remain in the State Properties Commission until the properties is conveyed.

SECTION 23.

That all funds generated from the sale of the above-described property shall be deposited in the state treasury.

SECTION 24.

That all costs associated with the sale of the above-described property shall be borne by the State Properties Commission.

ARTICLE IV**SECTION 25.**

That the State of Georgia is the owner of the above-described City of Jasper, Pickens County, Georgia, real property 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 properties may be conveyed to the City of Jasper, Pickens County, Georgia, for a consideration of \$10.00, so long as the property is used for public purpose and such further 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 27.

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

SECTION 29.

That the deed of conveyance shall be recorded by the Grantee in the Superior Court of Pickens County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 30.

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

SECTION 31.

That all costs associated with the sale of the above described property shall be born by the Georgia Forestry Commission.

ARTICLE V**SECTION 32.**

That the State of Georgia is the owner of the above-described City of Griffin, Spalding County, Georgia, real property 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 33.

That the above-described real property may be conveyed by appropriate instrument to the Sofran Group by the State of Georgia, acting by and through the State Properties Commission in exchange for a parcel of property adjoining the Georgia Department of Labor facility in the City of Griffin, Spalding County, Georgia, containing approximately 0.4511 acres owned by the Sofran Group and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 34.

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

SECTION 35.

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

SECTION 36.

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

SECTION 37.

That custody of the above-described property shall remain in the Department of Labor until the properties is conveyed.

SECTION 38.

That all costs associated with the sale of the above-described property shall be borne by the Department of Labor.

ARTICLE VI**SECTION 39.**

That the State of Georgia intends to be the owner of the above-described City of Washington, Wilkes County, Georgia, real property 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 40.

That the above-described real property may be conveyed by appropriate instrument to the City of Washington, Wilkes County, Georgia, by the State of Georgia, acting by and through the State Properties Commission for a consideration \$1.00, so long as the property is used for public purpose and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 41.

That the authorization in this resolution to convey the above-described property to the City of Washington, Wilkes County, Georgia, shall expire three years after the date that this resolution becomes effective.

SECTION 42.

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

SECTION 43.

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

ARTICLE VII**SECTION 44.**

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