Senate Resolution 854
By: Senator Johnson of the 1st

A RESOLUTION

Authorizing the granting of a nonexclusive easement for operation and maintenance of a thoroughfare and for other purposes in, on, over, under, upon, across, or through property owned by the State of Georgia in Chatham County, Georgia; authorizing the granting of a nonexclusive easement for operation and maintenance of pipeline in, under, across, or through property owned by the State of Georgia in Effingham County, Georgia; authorizing the conveyance of certain state owned real property or real property interest located in Chatham County, Georgia; to provide an effective date; to repeal conflicting laws; and for other purposes.

Part I

WHEREAS, the State of Georgia is the owner of a certain river bottom located in Chatham County upon which there is a structure suitable for human habitation which was built in 1937 by owners who claimed a right of use of said river bottom; and

WHEREAS, this structure is assessed by Chatham County for ad valorem taxes which are paid annually by Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of said structure; and

WHEREAS, the said structure may be identified as that structure (hereinafter in this resolution referred to and described as "the structure") which is presently located in the river and stream immediately adjacent to the property owned by Mr. Henry Nanniga and Ms. Joan Nanniga Nichols and identified in the Chatham County property and tax records as Property Information No. (PIN) 1-0135-01-004, a copy of said county tax map being on file in the office of the State Properties Commission; and

WHEREAS, the said structure is physically in compliance with all applicable state and federal laws concerning permits, building codes, and sewage disposal; and

WHEREAS, it is desirable and will be a benefit to the State of Georgia and Chatham County to clarify the status of the title and right of the owners of said structure to use, occupy, and maintain the structure upon which they have paid taxes for over six decades by granting to them a nonexclusive easement in and to the state´s property for the use, occupancy, and maintenance of said structure only; and

WHEREAS, the State of Georgia is the owner of certain real property water bottoms located in Effingham County, Georgia; and

WHEREAS, SCG Pipelines, Inc., a wholly owned subsidiary of SCANA Corporation, is proposing to construct an interstate pipeline from Southern LNG´s Elba Island, Georgia, liquefied natural gas import terminal to southern South Carolina and north coastal Georgia; and

WHEREAS, in order to accomplish the above-mentioned project it will be necessary to cross the above-described state owned water bottoms of the Savannah River in Effingham County, Georgia; and

WHEREAS, the Department of Natural Resources, under whose custody the above-described property is maintained, has no objection to the granting of the easement authorized herein.

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

ARTICLE I

SECTION 1.

(a) That the State of Georgia is the owner of the river bottom in Chatham County hereinabove described upon which the structure described above is located and that, in all matters relating to the conveyance of a nonexclusive easement to the owners of the structure, the State of Georgia is acting by and through its State Properties Commission.

(b) That a nonexclusive easement for the use, occupancy, and maintenance of any structure described above shall be granted by appropriate instrument to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of such structure, by the State of Georgia, acting by and through its State Properties Commission, for a consideration of $10.00 and upon 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.

(c) That the area of the nonexclusive easement granted such owners shall be no more than is reasonably necessary for the owners to use, occupy, and maintain the structure located thereon as of March 1, 2001, together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes.

(d) That no title shall be conveyed to the owners of such structure, and, except as herein specifically granted to such owners, all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to said owners.

(e) That any easement granted to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of such structure, shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area to be granted, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

(f) That the grant of easement given to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of the structure, shall be recorded by the said owners in the Superior Court of Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 2.

That the authorization in this resolution to grant the nonexclusive easement to Mr. Henry Nanniga and Ms. Joan Nanniga Nichols, the owners of the structure, shall expire three years after the date that this resolution becomes effective.

SECTION 3.

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

ARTICLE II

SECTION 4.

That the State of Georgia is the owner of the hereinafter described real property in Effingham County, and the property is in the custody of the Department of Natural Resources, hereinafter referred to as the "easement area," and that, in all matters relating to the easement area, the State of Georgia is acting by and through its State Properties Commission.

SECTION 5.

That the State of Georgia, acting by and through its State Properties Commission, may grant to SCG Pipeline, Inc., or its successors and assigns, a nonexclusive easement for the operation and maintenance of a pipeline in, under, upon, across, or through the easement area for the purpose of maintaining, repairing, replacing, inspecting, and operating a pipeline together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in Effingham County, Georgia, and begins at the high water mark on the southern bank of the Savannah River and extends northward to the Georgia-South Carolina boundary, a width of 50 feet, and is more particularly described as follows:

That portion and that portion only as shown in orange on a plat of survey entitled "Easement Survey SCG Pipeline Project Proposed 20" Pipeline Project", January 18, 2002, prepared by William F. Todd Georgia Registered Land Surveyor # 2506F and on file in the offices of the State Properties Commission

and may be more particularly described by a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval.

SECTION 6.

That the above-described premises shall be used solely for the purpose of installing, maintaining, repairing, replacing, inspecting, and operating said pipeline.

SECTION 7.

That SCG Pipeline, Inc., shall have the right to remove or cause to be removed from said easement area only such trees and bushes as may be reasonably necessary for the proper operation and maintenance of said pipeline.

SECTION 8.

That, after SCG Pipeline, Inc., has put into use the pipeline for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, powers, and easement granted herein. Upon abandonment, SCG Pipeline, Inc., or its successors and assigns, shall have the option of removing its facilities from the easement area or leaving the same in place, in which event the facility shall become the property of the State of Georgia, or its successors and assigns.

SECTION 9.

That no title shall be conveyed to SCG Pipeline, Inc., and, except as herein specifically granted to SCG Pipeline, Inc., all rights, title, and interest in and to said easement area is reserved in the State of Georgia, which may make any use of said easement area not inconsistent with or detrimental to the rights, privileges, and interest granted to SCG Pipeline, Inc.

SECTION 10.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the facilities placed on the easement area should be removed or relocated to an alternate site on state owned land in order to avoid interference with the state´s use or intended use of the easement area, it may grant a substantially equivalent nonexclusive easement to allow placement of the removed or relocated facilities across the alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia, and SCG Pipeline, Inc., shall remove or relocate its facilities to the alternate easement area at its sole cost and expense, unless the State Properties Commission determines that the requested removal or relocation is to be for the sole benefit of the State of Georgia and approves payment by the State of Georgia of all or a portion of such actual cost and expense, not to exceed by 20 percent the amount of a written estimate provided by SCG Pipeline, Inc. Upon written request, the State Properties Commission, in its sole discretion, may permit the relocation of the facilities to an alternate site on state owned land so long as the removal and relocation is paid by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 11.

That the easement granted to SCG Pipeline, Inc., shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 12.

That the consideration for such easement shall be for the fair market value, but not less than $650.00, and such further consideration and provisions as the State Properties Commission may determine to be in the best interest of the State of Georgia.

SECTION 13.

That this grant of easement shall be recorded by the grantee in the Superior Court of Effingham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 14.

That the authorization in this resolution to grant the above-described easement to SCG Pipeline, Inc., shall expire three years after the date that this resolution becomes effective.

SECTION 15.

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

ARTICLE III

SECTION 16.

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

SECTION 17.

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

Part II

WHEREAS, the State of Georgia claims ownership to all coastal marshlands below the high-water mark not specifically conveyed by a crown grant or grant of the Georgia General Assembly; and

WHEREAS, Tidewater Boatworks, Inc., operates a marina on the Wilmington River on property which has been the site of a marina for over 100 years and was the original site of the Savannah Yacht Club; and

WHEREAS, in the early 1800’s, the Georgia General Assembly granted certain properties, including high ground and marshland, in Chatham County to the Chatham Academy and gave the academy the authority to convey any portion of the property for the benefit of the academy; and

WHEREAS, Tidewater Boatworks, Inc., is a successor in title to a certain conveyance made by the Chatham Academy to the site of the above-mentioned marina; and

WHEREAS, ownership in title to a portion of the above-mentioned Tidewater Boatworks, Inc., marina site of marshland and high ground is unclear; and

WHEREAS, Tidewater Boatworks, Inc., is desirous of conveying its claim and interest, if any, in approximately 2 acres of marshland in exchange for the state's conveying its claim and interest, if any, in approximately 2.09 acres of high ground.

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

SECTION 1.

That in all matters relating to the conveyance of the herein described state owned real property or real property interest in Chatham County, Georgia, and the acceptance of the herein described Tidewater Boatworks, Inc., owned real property or real property interest the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through its State Properties Commission, is authorized and empowered to convey the State of Georgia's interest, if any, in approximately 2.09 acres of high ground in Chatham County as described on a plat of survey prepared for Tidewater Boatworks, Inc., dated June 5, 2001, by Vincent Helmly, Georgia Registered Land Surveyor #1882 by appropriate instrument to Tidewater Boatworks, Inc., and to accept as consideration therefor from Tidewater Boatworks, Inc., a conveyance of approximately 1.25 acres of marshland in Chatham County as described on a plat of survey prepared for Tidewater Boatworks, Inc., dated June 5, 2001, by Vincent Helmly, Georgia Registered Land Surveyor #1882 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 property may be more particularly described by a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval.

SECTION 4.

That the authorization in this resolution to convey the above-described property to Tidewater Boatworks, Inc., shall expire three years after the date 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 exchange.

SECTION 6.

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

SECTION 7.

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