

## House Resolution 1116

By: Representatives Pirkle of the 169<sup>th</sup> and Greene of the 154<sup>th</sup>

## A RESOLUTION

1 Authorizing the lease of certain state owned property located in Chatham County;  
2 authorizing the conveyance of certain state owned property located in Houston County;  
3 authorizing the lease of certain state owned property located in Paulding County; authorizing  
4 the conveyance of certain state owned property located in Walker County; and authorizing  
5 the conveyance of certain state owned property in White County; to provide for related  
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

## 7 WHEREAS:

8 (1) The State of Georgia is the presumptive owner of those certain marshlands lying and  
9 being in the 2nd Georgia Militia District, City of Savannah, Chatham County, Georgia,  
10 and bounded north by a line running along the south face of a sheetpile bulkhead on the  
11 south side of the Savannah River containing approximately 0.187 of an acre identified as  
12 "Area to be Conveyed to Property Owner" on an Exhibit titled East River Street  
13 Development "Area to be Conveyed" prepared by Thomas & Hutton Engineering, dated  
14 January 4, 2024, a copy of which has been presented to the State Properties Commission  
15 for review and subject to a final survey being presented for approval, said marshlands  
16 being subject to regulation pursuant to the Coastal Marshlands Protection Act, O.C.G.A.  
17 § 12-5-280, et. seq. and the Governor's powers to regulate State owned property O.C.G.A.  
18 § 50-16-61, hereinafter referred to as the "Property" and adjoining water bottoms; and

19 (2) The above-described property consists of State-owned marshlands that have been  
20 previously filled pursuant to the Coastal Marshlands Protection Act; and  
21 (3) East River Street, LLC ("ERS") claims to own in fee simple the Property pursuant  
22 to a deed from Georgia Power Company, dated January 14, 2013, and recorded in Deed  
23 Book 384-D, Pages 225-232 of the Chatham County Clerk of Superior Court ("Deeded  
24 Property"), which may be more particularly described on a plat of survey prepared by a  
25 Georgia registered land surveyor and presented to the State Properties Commission for  
26 approval; and also all riparian, wharf, and other rights in, to, and over the adjoining water  
27 bottoms, which tract of land and rights in, to, and over the adjoining water bottoms is  
28 claimed to include the above-described property; and  
29 (4) ERS desires to, at its sole cost and expense, establish, construct, and develop property  
30 adjacent to the Savannah River which is claimed to include the above-described property;  
31 and  
32 (5) To resolve any and all disputes as to the ownership of the above-described property  
33 and all present and former littoral, wharfing, and other rights, interests, and privileges in  
34 and to the above-described property and adjoining tidally influenced water bottoms and  
35 tidal waters, the State Properties Commission seeks authorization to convey a portion of  
36 the State's interest in the Property to ERS in exchange for the conveyance of property  
37 from ERS, which property shall include a strip of land, being approximately 0.35 of an  
38 acre, identified as "Area to be Conveyed to State" on an Exhibit titled East River Street  
39 Development "Area to be Conveyed" prepared by Thomas & Hutton Engineering, dated  
40 January 4, 2024, a copy of which has been presented to the State Properties Commission  
41 for review and subject to a final survey being presented for approval, and measuring from  
42 the property line to not less than three feet in width adjoining the south face of the  
43 sheetpile bulkhead described herein for the length of the Deeded Property along the  
44 Savannah River, adjoining water bottoms, related rights, subject to those certain riparian  
45 and docking rights appurtenant to the Deeded Property by that certain Resolution adopted

46 and approved by the Mayor and Alderman of the City of Savannah on December 7, 1995,  
47 which Resolution and associated docking, access and utility easement are recorded in  
48 Deed Book 176-C, Page 603 of the Chatham County Clerk of Superior Court, and the  
49 receipt of payment in an amount sufficient for the State to receive fair market value, but  
50 for not less than \$650.00, for any real property it may convey, and such other  
51 consideration and provisions as the State Properties Commission shall in its discretion  
52 determine to be in the best interests of the State of Georgia; provided nothing herein shall  
53 affect any rights, interests, or privileges in the above-described property and adjoining  
54 waters claimed by the City of Savannah; and

55 WHEREAS:

56 (1) The State of Georgia is the owner of certain real property located in Houston County,  
57 Georgia; and

58 (2) Said real property is approximately 256.0 acres, being in Land Lots 233, 234, 271  
59 and 272, 13th Land District, City of Perry, Houston County, Georgia, and more  
60 particularly described in that General Warranty Deed, dated March 15, 2000, from Hilda  
61 P. Cochran being recorded in Deed Book 1517, Pages 334-342, in the office of the Clerk  
62 of Superior Court of Houston County, and on file with the State Properties Commission  
63 Real Property Records as RPR 009520, and in that Deed of Gift, dated March 15, 2000,  
64 from Hilda P. Cochran being recorded in Deed Book 1517, Pages 343-346 in the office  
65 of the Clerk of Superior Court of Houston County, and on file with the State Properties  
66 Commission Real Property Records as RPR 009521; and

67 (3) Said real property is under the custody of the Georgia Department of Agriculture; and

68 (4) By official action dated January 11, 2024, the Georgia Department of Agriculture  
69 requested the above-described property be conveyed to the Board of Regents of the  
70 University System of Georgia subject to a reversionary interest if the above-described

71 property ceases to be used for any purpose other than the development and operation of  
72 an agricultural demonstration farm; and

73 (5) By official action dated January 11, 2024, the Board of Regents of the University  
74 System of Georgia requested acquisition of the above-described property subject to a  
75 reversionary interest if the above-described property ceases to be used for any purpose  
76 other than the development and operation of an agricultural demonstration farm; and

77 WHEREAS:

78 (1) The State of Georgia is the owner of certain real property located in Houston County,  
79 Georgia; and

80 (2) Said real property is approximately 3.0 acres, being in Land Lot 276, 13th Land  
81 District, City of Perry, Houston County, Georgia, and more particularly described in that  
82 Quitclaim Deed, dated November 21, 1986, from The Board of Commissioners of  
83 Houston County, Georgia being recorded in Deed Book 744, Pages 398-407, in the office  
84 of the Clerk of Superior Court of Houston County, and on file with the State Properties  
85 Commission Real Property Records as RPR 007545.01; and

86 (3) Said real property is under the custody of the Georgia Department of Agriculture; and

87 (4) The Georgia Department of Agriculture is desirous of conveying the above-described  
88 property to the Georgia Agricultural Exposition Authority; and

89 (5) The Georgia Agricultural Exposition Authority is desirous of acquiring the  
90 above-described property from the Georgia Department of Agriculture; and

91 WHEREAS:

92 (1) The State of Georgia is the owner of certain real property located in Paulding County,  
93 Georgia; and

94 (2) Said real property is approximately 0.15 of an acre being in Land Lot 886 of the 18th  
95 District, 3rd Section, Paulding County, Georgia, and more particularly described in that

96 Limited Warranty Deed, dated December 18, 2014, from the B.M. Jones Company, L.P.,  
97 being recorded in Deed Book 03344, Pages 573-587, in the office of the Clerk of Superior  
98 Court of Paulding County and on file with the State Properties Commission Real Property  
99 Records as RPR 011623.01; and  
100 (3) Said real property is under the custody of the Department of Natural Resources; and  
101 (4) Paulding County is currently leasing the above-described property and by official  
102 action dated July 25, 2023, the Paulding County Board of Commissioners resolved to enter  
103 into a ground lease for the above-described property for a 25-year term for the installation,  
104 operation, and maintenance of a communications tower for public safety and county  
105 government purposes only, and will not be used for commercial purposes; and  
106 (5) By official action dated May 23, 2023, the Board of Natural Resources resolved to  
107 enter into a ground lease for the above-described property for the installation, operation,  
108 and maintenance of a communications tower for 911 emergency service to the public for  
109 a 25-year term; and

110 WHEREAS:

111 (1) The State of Georgia is the owner of certain real property located in Walker County,  
112 Georgia; and  
113 (2) Said real property is approximately a 28,517 square feet portion of a building, located  
114 at Building 500 on the Walker County Campus of Georgia Northwestern Technical  
115 College, being in Land Lots 121 and 122 of the 8th District, Walker County, Georgia, and  
116 more particularly described in that Warranty Deed, dated December 1, 1989, from the  
117 Walker County Board of Education, being recorded in Deed Book 621 Pages 774-777, in  
118 the office of the Clerk of Superior Court of Walker County and on file with the State  
119 Properties Commission Real Property Records as RPR 007891; and  
120 (3) Said real property is under the custody of the Technical College System of Georgia;  
121 and

122 (4) Walker County Board of Education is currently leasing the above-described property  
123 and is desirous of entering into a new lease for 10 years, with (1) ten-year renewal option  
124 to use the above-described property for the Walker Board of Education's Walker LAUNCH  
125 Program; and

126 (5) By official action dated August 31, 2023, the Technical College System of Georgia  
127 does not object to leasing of the above-described property for 10 years, with (1) ten-year  
128 renewal option, for \$10.00 annually and reimbursement to Georgia Northwestern Technical  
129 College of utilities, janitorial services and police and security as invoiced; and

130 WHEREAS:

131 (1) The State of Georgia is the owner of certain real property located in White County,  
132 Georgia; and

133 (2) Said real property is approximately 4.93 acres, being in Land Lots 37, 38 and 60 of  
134 the 3rd Land District, White County, Georgia, and more particularly described in that  
135 Limited Warranty Deed, dated August 30, 1994, from Charles Smithgall, Jr., being  
136 recorded in Deed Book 406, Pages 1-207, in the office of the Clerk of Superior Court of  
137 White County and on file with the State Properties Commission Real Property Records  
138 as RPR 008547; and

139 (3) Said real property is under the custody of the Department of Natural Resources; and

140 (4) Extenet Systems is currently leasing the above-described property and is desirous of  
141 entering into a new lease for a term from commencement to expire December 31, 2027  
142 with (2) five-year renewal options to use the above-described property to install,  
143 maintain, and operate underground fiber optic cables to an existing cell communications  
144 tower, commonly known as the "Smithgall Tower" located within Smithgall Woods State  
145 Park; and

146 (5) By official action dated August 22, 2023, the Board of Natural Resources does not  
147 object to leasing of the above-described property for a term from lease commencement

148 to expiration on December 31, 2027 with (2) five-year renewal options for fair market  
149 value; and

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

152 ARTICLE I  
153 SECTION 1.

154 That the State is the presumptive owner of certain marshlands consisting of 0.187 of an acre  
155 lying and being in Chatham County, Georgia, described and referred to as the  
156 above-described property, defined hereinabove, and shown on an Exhibit titled East River  
157 Street Development "Area to be Conveyed" prepared by Thomas & Hutton Engineering,  
158 dated January 4, 2024, a copy of which is annexed hereto and incorporated herein, and may  
159 be more particularly described by a plat of survey prepared by a Georgia registered land  
160 surveyor and presented to the State Properties Commission for approval.

161 SECTION 2.

162 East River Street, LLC ("ERS") also claims to own the above-described property in fee  
163 simple, pursuant to a deed from Georgia Power Company, dated January 14, 2013, and  
164 recorded in Deed Book 384-D, Pages 225-232 of the Chatham County Clerk of Superior  
165 Court, and riparian, wharf and other rights in the adjoining water bottoms, which 0.187 of  
166 an acre tract and rights in the adjoining water bottom is claimed to include the  
167 above-described property, and may be more particularly described on a plat of survey  
168 prepared by a Georgia registered land surveyor and presented to the State Properties  
169 Commission for approval.

170 **SECTION 3.**

171 That ERS desires to, at its sole cost and expense, establish, construct, and develop this 0.187  
172 of an acre tract of property adjacent to the Savannah River, which is claimed to include the  
173 above-described property.

174 **SECTION 4.**

175 That to resolve any and all disputes as to the ownership of the above-described property and  
176 all present and former littoral, wharfing, and other rights, interests, and privileges in and to  
177 the above-described property and adjoining tidally influenced water bottoms and tidal waters,  
178 the State Properties Commission is authorized to convey a portion of the State's interest in  
179 the above-described property to ERS in exchange for the conveyance by ERS of a strip of  
180 land, being approximately 0.35 of an acre, identified as "Area to be Conveyed to State" on  
181 an Exhibit titled East River Street Development "Area to be Conveyed" prepared by Thomas  
182 & Hutton Engineering, dated January 4, 2024, a copy of which has been presented to the  
183 State Properties Commission for review and subject to a final survey being presented for  
184 approval, and measuring from the above-described property line to not less than three feet  
185 in width adjoining the south face of the sheetpile bulkhead described herein for the length  
186 of the Deeded Property along the Savannah River, adjoining water bottoms, related rights,  
187 subject to those certain riparian and docking rights appurtenant to the Deeded Property by  
188 that certain Resolution adopted and approved by the Mayor and Alderman of the City of  
189 Savannah on December 7, 1995, which Resolution and associated docking, access and utility  
190 easement are recorded in Deed Book 176-C, Pages 603 of the Chatham County Clerk of  
191 Superior Court, and the receipt of payment in an amount sufficient for the State to receive  
192 fair market value, but for not less than \$650.00, for any real property it may convey, and such  
193 further consideration and provisions as the State Properties Commission shall in its discretion  
194 determine to be in the best interests of the State of Georgia; provided nothing herein shall

195 affect any rights, interests, or privileges in the above-described property and adjoining waters  
196 claimed by the City of Savannah.

197 **SECTION 5.**

198 That the State Properties Commission is authorized to require a more particular description  
199 of present and former property, rights, interests, and privileges that comprise all or part of  
200 the exchange authorized by this resolution.

201 **SECTION 6.**

202 That any quitclaim deed or documents executed in connection with the sale, or exchange, or  
203 combination thereof contemplated by this resolution shall be recorded by ERS in the office  
204 of the Clerk of Superior Court of Chatham County, and that ERS shall provide a copy of the  
205 recorded deed or documents promptly to the State Properties Commission to be inventoried  
206 and retained by the State Properties Commission.

207 **SECTION 7.**

208 That the authorization provided by this resolution shall expire three years after the date that  
209 this resolution becomes effective.

210 **ARTICLE II**

211 **SECTION 8.**

212 The State of Georgia is the owner of the above-described improved property located in  
213 Houston County, containing approximately 256.0 acres, and that in all matters relating to the  
214 conveyance of said real property the State of Georgia is acting by and through its State  
215 Properties Commission.

216 **SECTION 9.**

217 That the above-described improved real property may be conveyed by appropriate instrument  
218 by the State of Georgia, acting by and through its State Properties Commission, to the Board  
219 of Regents of the University System of Georgia for a consideration of \$10.00 subject to a  
220 reversionary interest if the above-described property ceases to be used for any purpose other  
221 than the development and operation of an agricultural demonstration farm; and such further  
222 consideration and provisions as the State Properties Commission shall in its discretion  
223 determine to be in the best interest of the State of Georgia.

224 **SECTION 10.**

225 That the State Properties Commission is authorized and empowered to do all acts and things  
226 necessary and proper to effect such conveyance, including the execution of all necessary  
227 documents.

228 **SECTION 11.**

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

231 **SECTION 12.**

232 That the deed or deed and plat or plats of the conveyance shall be recorded by the Grantee  
233 in the Superior Court of Houston County, Georgia and a recorded copy shall be forwarded  
234 to the State Properties Commission.

235 **SECTION 13.**

236 That custody of the above-described real property shall remain in the custody of the Georgia  
237 Department of Agriculture until the above-described property is conveyed.

238

**ARTICLE III**

239

**SECTION 14.**

240 The State of Georgia is the owner of the above-described improved property located in  
241 Houston County, containing approximately 3.0 acres, and that in all matters relating to the  
242 conveyance of said real property the State of Georgia is acting by and through its State  
243 Properties Commission.

244

**SECTION 15.**

245 That the above-described improved real property may be conveyed by appropriate instrument  
246 by the State of Georgia, acting by and through its State Properties Commission, to the  
247 Georgia Agricultural Exposition Authority for a consideration of \$10.00, and such further  
248 consideration and provisions as the State Properties Commission shall in its discretion  
249 determine to be in the best interest of the State of Georgia.

250

**SECTION 16.**

251 That the State Properties Commission is authorized and empowered to do all acts and things  
252 necessary and proper to effect such conveyance, including the execution of all necessary  
253 documents.

254

**SECTION 17.**

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

257 **SECTION 18.**

258 That the deed or deed and plat or plats of the conveyance shall be recorded by the Grantee  
259 in the Superior Court of Houston County, Georgia and a recorded copy shall be forwarded  
260 to the State Properties Commission.

261 **SECTION 19.**

262 That custody of the above-described real property shall remain in the custody of the Georgia  
263 Department of Agriculture until the above-described property is conveyed.

264 **ARTICLE IV**

265 **SECTION 20.**

266 The State of Georgia is the owner of the above-described property located in Paulding  
267 County, containing approximately 0.15 of an acre, and that in all matters relating to the  
268 leasing of said real property the State of Georgia is acting by and through its State Properties  
269 Commission.

270 **SECTION 21.**

271 That the State of Georgia, acting by and through the State Properties Commission, is  
272 authorized to lease the above-described property to Paulding County, Georgia, for a term of  
273 25 years for the consideration of \$10.00 annually, and such further terms and conditions as  
274 determined by the State Properties Commission as to be in the best interest of the State of  
275 Georgia.

276 **SECTION 22.**

277 That the State Properties Commission is authorized and empowered to do all acts and things  
278 necessary and proper to effect such lease, including the execution of all necessary  
279 documents.

280 **SECTION 23.**

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

283 **SECTION 24.**

284 That the lease shall be recorded by the Lessee in the Superior Court of Paulding County,  
285 Georgia and a recorded copy shall be forwarded to the State Properties Commission.

286 **SECTION 25.**

287 That custody of the above-described real property shall remain in the custody of the  
288 Department of Natural Resources during the term of the lease.

289 **ARTICLE V**

290 **SECTION 26.**

291 The State of Georgia is the owner of the above-described property located in Walker County,  
292 containing approximately 28,517 square feet, and that in all matters relating to the leasing  
293 of said real property the State of Georgia is acting by and through its State Properties  
294 Commission.

295 **SECTION 27.**

296 That the State of Georgia, acting by and through the State Properties Commission, is  
297 authorized to lease the above-described property to Walker County Board of Education, for  
298 a term of 10 years, and include (1) ten-year renewal option, for \$10.00 annually and  
299 reimbursement to Georgia Northwestern Technical College of utilities, janitorial services and  
300 police and security as invoiced, and such further terms and conditions as determined by the  
301 State Properties Commission as to be in the best interest of the State of Georgia.

302 **SECTION 28.**

303 That the State Properties Commission is authorized and empowered to do all acts and things  
304 necessary and proper to effect such lease, including the execution of all necessary  
305 documents.

306 **SECTION 29.**

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

309 **SECTION 30.**

310 That the lease shall be recorded by the Lessee in the Superior Court of Walker County,  
311 Georgia and a recorded copy shall be forwarded to the State Properties Commission.

312 **SECTION 31.**

313 That custody of the above-described real property shall remain in the custody of the  
314 Technical College System of Georgia during the term of the lease.

315 ARTICLE VI  
316 SECTION 32.

317 The State of Georgia is the owner of the above-described property located in White County,  
318 containing approximately 4.93 acres, and that in all matters relating to the leasing of said real  
319 property the State of Georgia is acting by and through its State Properties Commission.

320 SECTION 33.

321 That the State of Georgia, acting by and through the State Properties Commission, is  
322 authorized to lease the above-described property to Extenet Systems, for a term from lease  
323 commencement to expiration on December 31, 2027, with (2) five-year renewal options, for  
324 the consideration of \$1,800.00 annually, and such further terms and conditions as determined  
325 by the State Properties Commission as to be in the best interest of the State of Georgia.

326 SECTION 34.

327 That the State Properties Commission is authorized and empowered to do all acts and things  
328 necessary and proper to effect such lease, including the execution of all necessary  
329 documents.

330 SECTION 35.

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

333 SECTION 36.

334 That the lease shall be recorded by the Lessee in the Superior Court of White County,  
335 Georgia and a recorded copy shall be forwarded to the State Properties Commission.

336 **SECTION 37.**

337 That custody of the above-described real property shall remain in the custody of the  
338 Department of Natural Resources during the term of the lease.

339 **ARTICLE VII**

340 **SECTION 38.**

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

343 **SECTION 39.**

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