

House Resolution 1116 (COMMITTEE SUBSTITUTE)

By: Representatives Pirkle of the 169th and Greene of the 154th

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

8 WHEREAS:

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

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18 § 12-5-280, et. seq. and the Governor's powers to regulate State owned property O.C.G.A.
19 § 50-16-61, hereinafter referred to as the "Property" and adjoining water bottoms; and
20 (2) The above-described property consists of State-owned marshlands that have been
21 previously filled pursuant to the Coastal Marshlands Protection Act; and
22 (3) East River Street, LLC ("ERS") claims to own in fee simple the Property pursuant
23 to a deed from Georgia Power Company, dated January 14, 2013, and recorded in Deed
24 Book 384-D, Pages 225-232 of the Chatham County Clerk of Superior Court ("Deeded
25 Property"), which may be more particularly described on a plat of survey prepared by a
26 Georgia registered land surveyor and presented to the State Properties Commission for
27 approval; and also all riparian, wharf, and other rights in, to, and over the adjoining water
28 bottoms, which tract of land and rights in, to, and over the adjoining water bottoms is
29 claimed to include the above-described property; and
30 (4) ERS desires to, at its sole cost and expense, establish, construct, and develop property
31 adjacent to the Savannah River which is claimed to include the above-described property;
32 and
33 (5) To resolve any and all disputes as to the ownership of the above-described property
34 and all present and former littoral, wharfing, and other rights, interests, and privileges in
35 and to the above-described property and adjoining tidally influenced water bottoms and
36 tidal waters, the State Properties Commission seeks authorization to convey a portion of
37 the State's interest in the Property to ERS in exchange for the conveyance of property
38 from ERS, which property shall include a strip of land, being approximately 0.35 of an
39 acre, identified as "Area to be Conveyed to State" on an Exhibit titled East River Street
40 Development "Area to be Conveyed" prepared by Thomas & Hutton Engineering, dated
41 January 4, 2024, a copy of which has been presented to the State Properties Commission
42 for review and subject to a final survey being presented for approval, and measuring from
43 the property line to not less than three feet in width adjoining the south face of the
44 sheetpile bulkhead described herein for the length of the Deeded Property along the

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

56 WHEREAS:

- 57 (1) The State of Georgia is the owner of real property rights located in Fulton County,
58 Georgia; and
- 59 (2) Said real property rights are located in Land Lot 78 of the 14th District of Fulton
60 County and includes approximately 1.30 acres in fee simple, hereinafter referred to as the
61 "Property", and said Property being further detailed and identified in that existing lease by
62 and between the State of Georgia and Jamestown Shopping Center, Inc. dated July 25,
63 1969, as recorded in the State Properties Commission inventory as Real Property Record
64 003997, as amended by that Agreement, dated April 6, 1972, as recorded in the State
65 Properties Commission inventory as Real Property Record 005462; and
- 66 (3) Said above-described property may be more particularly described on a plat of survey
67 entitled "Property of the State of Georgia the Old Governor's Mansion Property", dated
68 October 19, 1968, and prepared by Ernest L. Boggus, P.E.&L.S.; and
- 69 (4) Marriott International, Inc., or a wholly owned subsidiary is desirous of acquiring the
70 Property; and

71 (5) Said above-described property is under custody of the State Properties Commission
72 and it is desirous of declaring said above-described property surplus to the current and
73 future needs of the State, and is seeking authorization to convey said above-described
74 property for the consideration of fair market value and for such other considerations as
75 determined by the State Properties Commission to be in the best interests of the State of
76 Georgia; 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 256.0 acres, being in Land Lots 233, 234, 271
81 and 272, 13th Land District, City of Perry, Houston County, Georgia, and more
82 particularly described in that General Warranty Deed, dated March 15, 2000, from Hilda
83 P. Cochran being recorded in Deed Book 1517, Pages 334-342, in the office of the Clerk
84 of Superior Court of Houston County, and on file with the State Properties Commission
85 Real Property Records as RPR 009520, and in that Deed of Gift, dated March 15, 2000,
86 from Hilda P. Cochran being recorded in Deed Book 1517, Pages 343-346 in the office
87 of the Clerk of Superior Court of Houston County, and on file with the State Properties
88 Commission Real Property Records as RPR 009521; and

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

90 (4) By official action dated January 11, 2024, the Georgia Department of Agriculture
91 requested the above-described property be conveyed to the Board of Regents of the
92 University System of Georgia subject to a reversionary interest if the above-described
93 property ceases to be used for any purpose other than the development and operation of
94 an agricultural demonstration farm; and

95 (5) By official action dated January 11, 2024, the Board of Regents of the University
96 System of Georgia requested acquisition of the above-described property subject to a

97 reversionary interest if the above-described property ceases to be used for any purpose
98 other than the development and operation of an agricultural demonstration farm; and

99 WHEREAS:

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

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

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

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

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

113 WHEREAS:

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

116 (2) Said real property is approximately 0.15 of an acre being in Land Lot 886 of the 18th
117 District, 3rd Section, Paulding County, Georgia, and more particularly described in that
118 Limited Warranty Deed, dated December 18, 2014, from the B.M. Jones Company, L.P.,
119 being recorded in Deed Book 03344, Pages 573-587, in the office of the Clerk of Superior
120 Court of Paulding County and on file with the State Properties Commission Real Property
121 Records as RPR 011623.01; and

- 122 (3) Said real property is under the custody of the Department of Natural Resources; and
123 (4) Paulding County is currently leasing the above-described property and by official
124 action dated July 25, 2023, the Paulding County Board of Commissioners resolved to enter
125 into a ground lease for the above-described property for a 25-year term for the installation,
126 operation, and maintenance of a communications tower for public safety and county
127 government purposes only, and will not be used for commercial purposes; and
128 (5) By official action dated May 23, 2023, the Board of Natural Resources resolved to
129 enter into a ground lease for the above-described property for the installation, operation,
130 and maintenance of a communications tower for 911 emergency service to the public for
131 a 25-year term; and

132 WHEREAS:

- 133 (1) The State of Georgia is the owner of certain real property located in Walker County,
134 Georgia; and
135 (2) Said real property is approximately a 28,517 square feet portion of a building, located
136 at Building 500 on the Walker County Campus of Georgia Northwestern Technical
137 College, being in Land Lots 121 and 122 of the 8th District, Walker County, Georgia, and
138 more particularly described in that Warranty Deed, dated December 1, 1989, from the
139 Walker County Board of Education, being recorded in Deed Book 621 Pages 774-777, in
140 the office of the Clerk of Superior Court of Walker County and on file with the State
141 Properties Commission Real Property Records as RPR 007891; and
142 (3) Said real property is under the custody of the Technical College System of Georgia;
143 and
144 (4) Walker County Board of Education is currently leasing the above-described property
145 and is desirous of entering into a new lease for 10 years, with (1) ten-year renewal option
146 to use the above-described property for the Walker Board of Education's Walker LAUNCH
147 Program; and

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

152 WHEREAS:

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

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

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

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

168 (5) By official action dated August 22, 2023, the Board of Natural Resources does not
169 object to leasing of the above-described property for a term from lease commencement
170 to expiration on December 31, 2027 with (2) five-year renewal options for fair market
171 value; and

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

174 ARTICLE I
175 SECTION 1.

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

183 SECTION 2.

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

192 **SECTION 3.**

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

196 **SECTION 4.**

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

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

219 **SECTION 5.**

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

223 **SECTION 6.**

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

229 **SECTION 7.**

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

232 **ARTICLE II**

233 **SECTION 8.**

234 The State of Georgia is the owner of the above-described improved property located in
235 Fulton County, containing approximately 1.30 acres, and that in all matters relating to the
236 conveyance of said real property the State of Georgia is acting by and through its State
237 Properties Commission.

238 **SECTION 9.**

239 That the State of Georgia, acting by and through its State Properties Commission, is
240 authorized to convey by appropriate instrument to Marriott International, Inc., or a wholly
241 owned subsidiary for the sale of the property for the consideration of \$50,000,000.00 and
242 such further terms and conditions as determined by the State Properties Commission to be
243 in the best interest of the State of Georgia.

244 **SECTION 10.**

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

247 **SECTION 11.**

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

250 **SECTION 12.**

251 That the deed shall be recorded by the Grantee in the Superior Court of Fulton County,
252 Georgia and a recorded copy shall be forwarded to the State Properties Commission.

253 **SECTION 13.**

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

256

ARTICLE III

257

SECTION 14.

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

262

SECTION 15.

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

270

SECTION 16.

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

274

SECTION 17.

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

277 **SECTION 18.**

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

281 **SECTION 19.**

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

284 **ARTICLE IV**285 **SECTION 20.**

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

290 **SECTION 21.**

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

296 **SECTION 22.**

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

300 **SECTION 23.**

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

303 **SECTION 24.**

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

307 **SECTION 25.**

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

310 **ARTICLE V**

311 **SECTION 26.**

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

316 **SECTION 27.**

317 That the State of Georgia, acting by and through the State Properties Commission, is
318 authorized to lease the above-described property to Paulding County, Georgia, for a term of
319 25 years for the consideration of \$10.00 annually, and such further terms and conditions as
320 determined by the State Properties Commission as to be in the best interest of the State of
321 Georgia.

322 **SECTION 28.**

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

326 **SECTION 29.**

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

329 **SECTION 30.**

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

332 **SECTION 31.**

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

355 **SECTION 36.**

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

358 **SECTION 37.**

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

361 **ARTICLE VII**

362 **SECTION 38.**

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

366 **SECTION 39.**

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

372 **SECTION 40.**

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

376 **SECTION 41.**

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

379 **SECTION 42.**

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

382 **SECTION 43.**

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

385 **ARTICLE VIII**

386 **SECTION 44.**

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

389 **SECTION 45.**

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