

Senate Bill 252

By: Senators Halpern of the 39th, Orrock of the 36th, McLaurin of the 14th, Esteves of the 35th, Goodman of the 8th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 37 of Title 36 of the Official Code of Georgia Annotated, relating to
2 acquisition and disposition of real and personal property generally, so as to provide for
3 conveyance of municipal property interests to independent school systems; to provide for
4 municipal replacement of such conveyed property; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 37 of Title 36 of the Official Code of Georgia Annotated, relating to acquisition and
9 disposition of real and personal property generally, is amended by revising Code Section
10 36-37-6.1, relating to sale, exchange, lease, or grant of easement over property used for
11 recreational purposes by incorporated municipalities having population greater than 300,000,
12 as follows:

13 "36-37-6.1.

14 (a) This Code section shall be applicable to incorporated municipalities of the State of
15 Georgia having a population of more than 300,000 according to the United States decennial
16 census of 1960 or any future such census.

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17 (b) All such municipalities shall have authority to sell, exchange, or otherwise dispose of
18 any real or personal property comprising parks, playgrounds, golf courses, swimming
19 pools, or other like property used primarily for recreational purposes, provided that nothing
20 in this Code section shall have the effect of authorizing alienation where such would be in
21 derogation of rights, duties, and obligations imposed by prior deed, contract, or like
22 document of similar import or where such alienation would cause divesting of title to a
23 park, playground, golf course, swimming pool, or other like property that had been
24 dedicated to public use and not subsequently abandoned.

25 (c)(1) All such municipalities shall have authority to lease out and grant easements over
26 property used primarily for recreational purposes to others consistent with general park
27 and recreational purposes for a period not exceeding 50 years and for a valuable
28 consideration. Any such recreational property which was formerly used for annual
29 regional fair purposes but is no longer so used may be leased by any such municipality
30 to one or more private entities for terms of not more than 50 years each for development
31 and use as motion picture and television production, processing, and related facilities
32 together with all such support and service facilities as are necessary or convenient to such
33 use.

34 (2) All such municipalities shall have authority to enter into contracts and renewals and
35 extensions of contracts for the cooperative operation, maintenance, cooperative
36 management, and funding of property which in no way limits the governance or the
37 policy role of said municipalities which property is used primarily for recreational
38 purposes consistent with general park and recreational purposes, for periods not
39 exceeding ten years and for a valuable consideration.

40 (3) Notwithstanding the provisions of subsection (b) of this Code section, all such
41 municipalities shall have authority to lease out, grant easements over, or convey any
42 property described in subsection (b) of this Code section to an independent school system
43 operating in such municipality for a valuable consideration where the governing authority

44 of such municipality and the board of such independent school system determine that
45 such lease, easement, or conveyance is in the best interest of their respective jurisdictions.
46 If such property is conveyed, the governing authority of such municipality shall
47 subsequently replace such property with one or more properties which are determined by
48 such governing authority to be, in the aggregate, of substantially equivalent benefit to the
49 citizens of such municipality, taking into consideration the prevailing uses and needs of
50 such municipality. One or more independent conveyances of property as may be agreed
51 upon by such municipality and independent school system for the public uses set forth
52 in subsection (b) of this Code section shall be credited against the replacement property
53 required by this paragraph for any subsequent conveyance of property described in
54 subsection (b) of this Code section by the municipality to the independent school system."

55 **SECTION 2.**

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