

House Resolution 1090 (AS PASSED HOUSE AND SENATE)

By: Representatives Watson of the 172nd, Harden of the 148th, Tanner of the 9th, LaRiccia of the 169th, and Pirkle of the 155th

A RESOLUTION

1 Authorizing the change of use of certain property located in Jeff Davis County currently
 2 dedicated as a heritage preserve and authorizing the granting of a revocable license
 3 agreement and a nonexclusive easement for the construction, operation, and maintenance of
 4 facilities and ingress and egress in, on, over, under, upon, across, or through certain state
 5 owned real property located in Jeff Davis County; authorizing the change of use of certain
 6 property located in Crisp County currently dedicated as a heritage preserve and authorizing
 7 the granting of a revocable license agreement and a nonexclusive easement for the
 8 construction, operation, and maintenance of facilities and ingress and egress in, on, over,
 9 under, upon, across, or through certain state owned real property located in Crisp County;
 10 to provide an effective date; to repeal conflicting laws; and for other purposes.

11 WHEREAS, the State of Georgia is the owner of a certain parcel of real property located in
 12 Jeff Davis County; and

13 WHEREAS, the Department of Natural Resources has requested a change of use to the
 14 property located in Jeff Davis County dedicated as a heritage preserve at the request of the
 15 Georgia Department of Transportation, and such request was approved by the Board of
 16 Natural Resources on December 6, 2017; and

17 WHEREAS, the Georgia Department of Transportation desires to construct, operate, and
 18 maintain facilities and ingress and egress in, on, over, under, upon, across, or through a
 19 portion of said property located in Jeff Davis County; and

20 WHEREAS, the construction, operation, and maintenance of such facilities and the ingress
 21 and egress in, on, over, under, upon, across, or through the above-described state property
 22 have been approved by the Board of Natural Resources; and

23 WHEREAS, the State of Georgia is the owner of a certain parcel of real property located in
 24 Crisp County; and

25 WHEREAS, the Department of Natural Resources has requested a change of use to the
26 property located in Crisp County dedicated as a heritage preserve at the request of the
27 Georgia Department of Transportation, and such request was approved by the Board of
28 Natural Resources on December 6, 2017; and

29 WHEREAS, the Georgia Department of Transportation desires to construct, operate, and
30 maintain facilities and ingress and egress in, on, over, under, upon, across, or through a
31 portion of said property located in Crisp County; and

32 WHEREAS, the construction, operation, and maintenance of such facilities and the ingress
33 and egress in, on, over, under, upon, across, or through the above-described state property
34 have been approved by the Board of Natural Resources.

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

37 **PART ONE**

38 **SECTION 1-1.**

39 That the State of Georgia is the owner of the hereinafter described real property in Jeff Davis
40 County, that the property is in the custody of the Department of Natural Resources, which
41 supports the change to the use of approximately 3.956± acres of the heritage preserve
42 dedicated area, and that in all matters related to the change of use, the State of Georgia is
43 acting by and through the Department of Natural Resources. Said area is located in Jeff
44 Davis County and is more particularly described as follows:

45 "Those approximately 3.956± acres in Bullard Creek Wildlife Management Area in Jeff
46 Davis County dedicated as a Heritage Preserve by Executive Order of Governor Zell Miller
47 on July 8, 1996. A map of the Heritage Preserve area is attached to the Executive Order as
48 Exhibit A and is on file in the office of the State Properties Commission."

49 **SECTION 1-2.**

50 That the resolution adopted at the December 6, 2017, meeting of the Board of Natural
51 Resources recommended to change the use of the above-described area to allow the grant of
52 a revocable license agreement and an easement to the Georgia Department of Transportation
53 for the widening of State Route 135/US Route 221 and for the replacement of the bridge
54 across the Altamaha River.

55 **SECTION 1-3.**

56 That the widening of State Route 135/US Route 221 and the replacement of the bridge across
57 the Altamaha River for improved transportation and safety is in the public interest and that
58 the recommendation of the Board of Natural Resources to change the use of the
59 approximately 3.956± acres of the heritage preserve dedicated area to allow the grant of a
60 revocable license agreement and an easement to the Georgia Department of Transportation
61 for the purpose of widening State Route 135/US Route 221 and replacing the bridge across
62 the Altamaha River is approved.

63 **SECTION 1-4.**

64 That the Department of Natural Resources shall file with the Secretary of State and the
65 Office of the Clerk of the Superior Court of Jeff Davis County a notice of the removal of the
66 heritage preserve dedication over the above-described area.

67 **SECTION 1-5.**

68 That custody of the above-described property shall remain in the Department of Natural
69 Resources.

70 **PART TWO**

71 **SECTION 2-1.**

72 That the State of Georgia is the owner of the above-described easement area, that the
73 property is in the custody of its Department of Natural Resources, which does not object to
74 the granting of this revocable license agreement and nonexclusive easement of
75 approximately 3.956± acres, and that, in all matters relating to the easement, the State of
76 Georgia is acting by and through its State Properties Commission.

77 **SECTION 2-2.**

78 That, in accordance with the change of use of the above-described easement area, the State
79 of Georgia acting by and through its State Properties Commission is authorized to grant to
80 the Georgia Department of Transportation, or its successors and assigns, a revocable license
81 agreement and nonexclusive easement for the construction, operation, and maintenance of
82 a traffic safety improvement in, on, over, under, upon, across, or through the easement area
83 for the purpose of planning, constructing, erecting, installing, maintaining, repairing,
84 replacing, inspecting, and operating a traffic safety improvement together with the right of
85 ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary
86 to accomplish the aforesaid purpose.

87 **SECTION 2-3.**

88 That the easement area shall be used by the Georgia Department of Transportation solely for
89 the purpose of planning, constructing, erecting, installing, maintaining, repairing, replacing,
90 inspecting, and operating said traffic safety improvement.

91 **SECTION 2-4.**

92 That the Georgia Department of Transportation shall have the right to remove or cause to be
93 removed from said easement area only such trees and bushes as may be reasonably necessary
94 for the proper construction, installation, operation, and maintenance of said traffic safety
95 improvement.

96 **SECTION 2-5.**

97 That, after the Department of Transportation has put into use the traffic safety improvement
98 for which this easement is granted, a subsequent abandonment of the use thereof shall cause
99 a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,
100 privileges, powers, and easement granted herein. Upon abandonment, the Department of
101 Transportation, or its successors and assigns, shall have the option of removing its facilities
102 from the easement area or leaving the same in place, in which event the easement area shall
103 become the property of the State of Georgia, or its successors and assigns.

104 **SECTION 2-6.**

105 That no title shall be conveyed to the Department of Transportation and, except as herein
106 specifically granted to the Department of Transportation, all rights, title, and interest in and
107 to said easement area are reserved in the State of Georgia, which may make any use of said
108 easement area not inconsistent with or detrimental to the rights, privileges, and interest
109 granted to the Department of Transportation.

110 **SECTION 2-7.**

111 That if the State of Georgia, acting by and through its State Properties Commission,
112 determines that any or all of the facilities placed on the easement area should be removed or
113 relocated to an alternate site on state owned land in order to avoid interference with the state's
114 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
115 easement to allow placement of the removed or relocated facilities across the alternate site
116 under such terms and conditions as the State Properties Commission shall in its discretion
117 determine to be in the best interest of the State of Georgia, and the Department of
118 Transportation shall remove or relocate its facilities to the alternate easement area at its sole
119 cost and expense without reimbursement from the State of Georgia unless, in advance of any

120 construction being commenced, the Department of Transportation provides a written estimate
121 for the cost of such removal and relocation and the State Properties Commission determines,
122 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of
123 the State of Georgia and approves payment by the State of Georgia of all or a portion of such
124 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.
125 Upon written request from the grantee or any third party, the State Properties Commission,
126 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the
127 property for the relocation of the facilities without cost, expense, or reimbursement from the
128 State of Georgia. If an easement is relocated for any reason, the State Properties
129 Commission is authorized to convey by quitclaim deed the state's interest in the former
130 easement area without further approval by the General Assembly.

131 **SECTION 2-8.**

132 That the easement granted to the Department of Transportation shall contain such other
133 reasonable terms, conditions, and covenants as the State Properties Commission shall deem
134 to be in the best interest of the State of Georgia and that the State Properties Commission is
135 authorized to use a more accurate description of the easement area, so long as the description
136 utilized by the State Properties Commission describes the same easement area herein granted.

137 **SECTION 2-9.**

138 That this resolution does not affect and is not intended to affect any rights, powers, interest,
139 or liability of the Georgia Department of Transportation with respect to the state highway
140 system, of a county with respect to the county road system, or of a municipality with respect
141 to the city street system. The grantee shall obtain any and all other required permits from the
142 appropriate governmental agencies as are necessary for its lawful use of the easement area
143 or public highway right of way and comply with all applicable state and federal
144 environmental statutes and regulations in its use of the easement area.

145 **SECTION 2-10.**

146 That, given the public purpose of the project, the consideration for such easement shall be
147 \$10.00 and such further consideration and provisions as the State Properties Commission
148 may determine to be in the best interests of the State of Georgia.

149 **SECTION 2-11.**

150 That this grant of easement shall be recorded by the grantee in the Superior Court of Jeff
151 Davis County, and a recorded copy shall promptly be forwarded to the State Properties
152 Commission.

153 **SECTION 2-12.**

154 That the authorization in this resolution to grant the above-described revocable license
155 agreement and nonexclusive easement to the Department of Transportation shall expire three
156 years after the date that this resolution becomes effective.

157 **SECTION 2-13.**

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

160 **PART THREE**

161 **SECTION 3-1.**

162 That the State of Georgia is the owner of the hereinafter described real property in Crisp
163 County, that the property is in the custody of the Department of Natural Resources, which
164 supports the change to the use of approximately 5± acres of the heritage preserve dedicated
165 area, and that in all matters related to the change of use, the State of Georgia is acting by and
166 through the Department of Natural Resources. Said area is located in Crisp County and is
167 more particularly described as follows:

168 "Those approximately 5± acres at Georgia Veterans Memorial State Park in Crisp County
169 dedicated as a Heritage Preserve by Executive Order of Governor Zell Miller on
170 July 8, 1996. A map of the Heritage Preserve is attached to the Executive Order as Exhibit
171 A and is on file in the office of the State Properties Commission."

172 **SECTION 3-2.**

173 That the resolution adopted at the December 6, 2017, meeting of the Board of Natural
174 Resources recommended to change the use of the above-described area to allow the grant of
175 a revocable license agreement and an easement to the Georgia Department of Transportation
176 for the widening of State Route 30/US Route 280.

177 **SECTION 3-3.**

178 That the widening of State Route 30/US Route 280 for improved transportation and safety
179 is in the public interest and that the recommendation of the Board of Natural Resources to
180 change the use of the approximately 5± acres of the heritage preserve dedicated area to allow
181 the grant of a revocable license agreement and an easement to the Georgia Department of
182 Transportation for the purpose of widening State Route 30/US Route 280 is approved.

183 **SECTION 3-4.**

184 That the Department of Natural Resources shall file with the Secretary of State and the
185 Office of the Clerk of the Superior Court of Crisp County a notice of the removal of the
186 heritage preserve dedication over the above-described area.

187 **SECTION 3-5.**

188 That custody of the above-described property shall remain in the Department of Natural
189 Resources.

190 **PART FOUR**

191 **SECTION 4-1.**

192 That the State of Georgia is the owner of the above-described easement area, that the
193 property is in the custody of its Department of Natural Resources, which does not object to
194 the granting of this revocable license agreement and nonexclusive easement of approximately
195 5± acres, and that, in all matters relating to the easement, the State of Georgia is acting by
196 and through its State Properties Commission.

197 **SECTION 4-2.**

198 That, in accordance with the change of use of the above-described easement area, the State
199 of Georgia acting by and through its State Properties Commission is authorized to grant to
200 the Georgia Department of Transportation, or its successors and assigns, a revocable license
201 agreement and nonexclusive easement for the construction, operation, and maintenance of
202 a traffic safety improvement in, on, over, under, upon, across, or through the easement area
203 for the purpose of planning, constructing, erecting, installing, maintaining, repairing,
204 replacing, inspecting, and operating a traffic safety improvement together with the right of
205 ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary
206 to accomplish the aforesaid purpose.

207 **SECTION 4-3.**

208 That the easement area shall be used by the Georgia Department of Transportation solely for
209 the purpose of planning, constructing, erecting, installing, maintaining, repairing, replacing,
210 inspecting, and operating said traffic safety improvement.

211 **SECTION 4-4.**

212 That the Georgia Department of Transportation shall have the right to remove or cause to be
213 removed from said easement area only such trees and bushes as may be reasonably necessary

214 for the proper construction, installation, operation, and maintenance of said traffic safety
215 improvement.

216 **SECTION 4-5.**

217 That, after the Department of Transportation has put into use the traffic safety improvement
218 for which this easement is granted, a subsequent abandonment of the use thereof shall cause
219 a reversion to the State of Georgia, or its successors and assigns, of all the rights, title,
220 privileges, powers, and easement granted herein. Upon abandonment, the Department of
221 Transportation, or its successors and assigns, shall have the option of removing its facilities
222 from the easement area or leaving the same in place, in which event the easement area shall
223 become the property of the State of Georgia, or its successors and assigns.

224 **SECTION 4-6.**

225 That no title shall be conveyed to the Department of Transportation and, except as herein
226 specifically granted to the Department of Transportation, all rights, title, and interest in and
227 to said easement area are reserved in the State of Georgia, which may make any use of said
228 easement area not inconsistent with or detrimental to the rights, privileges, and interest
229 granted to the Department of Transportation.

230 **SECTION 4-7.**

231 That if the State of Georgia, acting by and through its State Properties Commission,
232 determines that any or all of the facilities placed on the easement area should be removed or
233 relocated to an alternate site on state owned land in order to avoid interference with the state's
234 use or intended use of the easement area, it may grant a substantially equivalent nonexclusive
235 easement to allow placement of the removed or relocated facilities across the alternate site
236 under such terms and conditions as the State Properties Commission shall in its discretion
237 determine to be in the best interest of the State of Georgia, and the Department of
238 Transportation shall remove or relocate its facilities to the alternate easement area at its sole
239 cost and expense without reimbursement from the State of Georgia unless, in advance of any
240 construction being commenced, the Department of Transportation provides a written estimate
241 for the cost of such removal and relocation and the State Properties Commission determines,
242 in its sole discretion, that the requested removal or relocation is to be for the sole benefit of
243 the State of Georgia and approves payment by the State of Georgia of all or a portion of such
244 actual cost and expense, not to exceed 20 percent of the amount of such written estimate.
245 Upon written request from the grantee or any third party, the State Properties Commission,
246 in its sole discretion, may grant a substantially equivalent nonexclusive easement within the
247 property for the relocation of the facilities without cost, expense, or reimbursement from the

248 State of Georgia. If an easement is relocated for any reason, the State Properties
249 Commission is authorized to convey by quitclaim deed the state's interest in the former
250 easement area without further approval by the General Assembly.

251 **SECTION 4-8.**

252 That the easement granted to the Department of Transportation shall contain such other
253 reasonable terms, conditions, and covenants as the State Properties Commission shall deem
254 to be in the best interest of the State of Georgia and that the State Properties Commission is
255 authorized to use a more accurate description of the easement area, so long as the description
256 utilized by the State Properties Commission describes the same easement area herein granted.

257 **SECTION 4-9.**

258 That this resolution does not affect and is not intended to affect any rights, powers, interest,
259 or liability of the Georgia Department of Transportation with respect to the state highway
260 system, of a county with respect to the county road system, or of a municipality with respect
261 to the city street system. The grantee shall obtain any and all other required permits from the
262 appropriate governmental agencies as are necessary for its lawful use of the easement area
263 or public highway right of way and comply with all applicable state and federal
264 environmental statutes and regulations in its use of the easement area.

265 **SECTION 4-10.**

266 That, given the public purpose of the project, the consideration for such easement shall be
267 \$10.00 and such further consideration and provisions as the State Properties Commission
268 may determine to be in the best interests of the State of Georgia.

269 **SECTION 4-11.**

270 That this grant of easement shall be recorded by the grantee in the Superior Court of Crisp
271 County, and a recorded copy shall promptly be forwarded to the State Properties
272 Commission.

273 **SECTION 4-12.**

274 That the authorization in this resolution to grant the above-described revocable license
275 agreement and nonexclusive easement to the Department of Transportation shall expire three
276 years after the date that this resolution becomes effective.

277 **SECTION 4-13.**

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

280 **PART FIVE**

281 **SECTION 5-1.**

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

284 **SECTION 5-2.**

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