

Minutes

Land Committee

A.W. Jones Heritage Center
610 Beachview Drive
St. Simons Island, GA 31522

January 29, 2016

Attending:

Committee Members

Dwight Davis, Chairman
Mark Mobley, Vice Chairman
William Bagwell
Dwight Evans
Bill Jones
Rob Leebern
Matt Sawhill
Paul Shailendra
Ray Lambert, Board Chair, ex-officio

Board Members

Nancy Addison
Duncan Johnson, Jr.
Aaron McWhorter
Bodine Sinyard
Brother Stewart
Philip Watt
Philip Wilheit
Dee Yancey

Guests

Bryan Tolar, Georgia Agribusiness Council
Ronny Just, Georgia Power Company
Mark Berry, Georgia Power Company
Tracy Bible Raulerson, Opterra Energy
Craig Campbell, Opterra Energy
Kris Anderson, GEFA
Tom Ulmer, Opterra Energy
David Kyler, Center for a Sustainable Coast

Staff Members

Mark Williams
Walter Rabon
Kyle Pearson
Zachary Harris
Mary Kathryn Yeara
Cathy Barnette
Amber Carter
Dave Crass
Dan Forster
Jon Ambrose
Mary Pffka
Steve Friedman
Eddie Henderson
Stephen Adams
Keil Toney
Chris Ridley
Jeff Weaver
Spud Woodward
Karl Burgess
Doug Haymans
Shawn Jordan
Bob Sargent
Jennifer Kline
Jill Andrews
Stacia Hendricks
Skye Stockel
John Erbele
Terry West
Jud Turner
Mary Walker
Jac Capp
Jeff Cown
Chuck Mueller

The January 29, 2016 meeting of the Land Committee was called to order by Ray Lambert, Chairman of the Board of Natural Resources.

Chairman Lambert called on Dwight Davis, Chairman of the Land Committee, who called on Steve Friedman, Chief of Real Estate.

Mr. Friedman stated that Item A would be requesting action on the proposed amendments to rule 391-1-8-.07 relating to the conveyance of Heritage Preserves to local governments. He further stated that the current rule allows the Heritage Preserve designation to be removed for properties conveyed to a local government subject to a conservation easement, but does not allow a local government to assign any interest it acquires in the property. He added that the proposed amendments would allow the local government to assign its interest if the Heritage Preserve property is a historic home located on three acres or less of real property and designated by the Secretary of the Interior as a National Historic Landmark. The local government would still need to grant a conservation easement to the Department.

Mr. Friedman stated that the Board was briefed on these amendments at the December 1, 2015 meeting. He further stated that the proposed amendments went out for public comment and are now presented for adoption.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

Mr. Watt thanked the committee, Mr. Friedman, Kyle Pearson, Dave Crass, and Commissioner Williams for their work on this action item.

A motion was made by Mr. Evans, seconded by Mr. Mobley and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Conveyance of Heritage Preserves to Local Governments, Chapter 391-1-8-.07, as presented.

Mr. Friedman stated item B included a land exchange between the state of Georgia and Melissa Bowen, Allison Bowen Cape, and Elizabeth Bowen Phelps. He further stated that the area of land was 3.696± acres in Gwinnett County. He added that the land was a part of the Chattahoochee River-Gwinnett River Care.

Mr. Friedman stated that in 2001, the Department acquired 51± acres known as the West Tract, along the Chattahoochee River in Gwinnett County as part of the River Care 2000 project. He further stated that this property joins the Chattahoochee River National Recreation Area and is currently managed by Gwinnett County under a 50-year intergovernmental agreement signed in 2003. He added that this exchange will add acres closer to the River which is considered more important ecologically, and exchange out an odd shaped portion which has little value to the River.

Mr. Friedman stated that the acres and value of each tract being exchanged are equal, however the land coming to the Department is considered more important for protection of the River. He further stated that upon approval of the General Assembly and SPC, the IGA with Gwinnett County will be amended to reflect this exchange.

Mr. Davis stated to let the record show that although Mr. Phelps was not present at the meeting, he had previously recused himself from any discussion or vote on this item.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Sawhill, seconded by Mr. Bagwell and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to exchange 3.696± acres of real property, Chattahoochee River-Gwinnett River Care, Gwinnett County, as presented.

Mr. Friedman stated that Item C would include the granting of a revocable License Agreement and Permanent Easement of 3.256± acres by the State Properties Commission and General Assembly to the Georgia Power Company. He further stated that the Georgia Power Company received a request from the Board of Regents of the University System of Georgia to provide electricity to structures for the University of Georgia Center for Research and Education located on the Wormsloe Historic Site. He added that an access easement to the GPC is necessary before GPC can fulfill the request.

Mr. Friedman stated that in 2013, the Wormsloe Foundation donated 15± acres to the Board of Regents with the understanding that the University of Georgia (UGA) would operate the property as a historical and ecological nature preserve for scientific, historical, educational, and aesthetic purposes. He further stated that since the 15± acres was landlocked, the Board of Regents received an access easement through Wormsloe State Historic Site; however, the easement is not transferrable. He added that Georgia Power Company needs an easement in order to provide electrical service to the new UGA structures.

Mr. Friedman stated that the access easement to Georgia Power will be within the current Board of Regents access easement that the Parks and Historic Sites Division has already ensured is not disruptive to the site. He further stated that no adverse impact of any interest to the Department has been identified relative to the proposed operations. He added that the affected property is Heritage Preserve designated; however, the Parks Division determined that UGA activities are in line with the designated uses and greatly benefit the site.

Mr. Friedman stated that Georgia Power requires a new revocable license agreement to be issued by the State Properties Commission and a permanent access easement to be granted by the Georgia Assembly. He further stated that since the revocable license agreement and permanent access

easement will benefit the Board of Regents, the Department recommends the revocable license agreement and permanent access easement be granted at no cost.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Leebern, seconded by Mr. Mobley and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission and Georgia Assembly approval to grant a Revocable License Agreement and Permanent Easement of 3.256± to the Georgia Power Company, Wormsloe Historic Site, Chatham County, as presented.

Mr. Friedman stated that Item D would be seeking approval to enter into a 10-year Lease Agreement for .07± acres with New Cingular Wireless PCS, LLC, Smithgall Woods State Park in White County. He further stated that before Charles Smithgall sold 5,618± acres to the State in 1994 that became known as Smithgall Woods State Park, he entered into a twenty-five year lease agreement for 0.07± acres with Bellsouth Mobility, Inc. He added that since that time, Bellsouth Mobility, Inc. constructed and operated a telecommunications tower on this site.

Mr. Friedman stated that the current owner of the tower is New Cingular Wireless PCS, LLC, and they wish to enter into a new 10-year lease agreement with the ability to sublease. He further stated that after a short term lease from May 19, 2017 through December 31, 2017, the new agreement would be effective on January 1, 2018 between the State Properties Commission and Cingular. He added that the State Properties Commission is determining the fair market value of the lease and other considerations for entering into the agreement that include improving wireless cell coverage for the nearby cabins at Unicoi State Park.

Mr. Friedman stated that any monetary consideration will be deposited into the State Treasury. He further stated that upon approval of the Board to enter into the lease agreement, the SPC will obtain approval from the General Assembly to enter into the long term lease agreement.

Mr. Friedman stated he would request the Committee recommend that the Board approve the item as presented.

A motion was made by Mr. Bagwell, seconded by Mr. Evans and carried unanimously that the Committee recommend that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission and Georgia Assembly approval to enter into a 10-year lease agreement for .07± acres with New Cingular Wireless PCS, LLC, Smithgall Woods State Park, White County, as presented.

There being no further business, the meeting was adjourned.