

Minutes
Land Acquisition Committee
2 Martin Luther King, Jr. Drive, S. E.
Suite 1252 East Tower
Atlanta, GA 30334

May 22, 2012

Attending:

Committee Members

Loyce Turner, Chairman
Walter Hudson, Vice Chairman
Dennis Billew
Bill Carruth
Joe Hatfield
Duncan Johnson
Mark Mobley
Steven Woodruff
Philip Watt, Board Chairman, ex-officio

Board Members

William Bagwell
Ray Lambert
Rob Leebern
Aaron McWhorter
Mark Smith
Jim Walters
Philip Wilheit, Jr.

Visitors

Mark Woodall, Sierra Club
Debbie Phillips, Georgia Industry Environmental Coalition
Bryan Tolar, Georgia Agribusiness Council
Daniel Groce, Georgia Agribusiness Council
Scott Tanner, Joe Tanner & Associates
Katie Kirkpatrick, Metro Atlanta Chamber of Commerce
Ronny Just, Georgia Power Company
Doug Fulle, Oglethorpe Power Company
John Eberhart, Georgia Earth Alliance
Chris Manganiello, Georgia River Network

Staff Members

Mark Williams
Jud Turner
Todd Holbrook
Homer Bryson
Spud Woodward
Dan Forster
Becky Kelley
Dave Crass
Kyle Pearson
Steve Friedman
Lauren Curry
Linda MacGregor
Jim Ussery
Doralyn Kirkland
Carolyn Belcher
Ben Stowers
Cathy Barnette
Amanda Schraner
Steven Hatfield
Keith Bentley
Mary Walker
Mary Ann Evans
Hellen Harris

The May 22, 2012 meeting of the Land Acquisition Committee was called to order by Board Chairman Philip Watt. Chairman Watt called on Loyce Turner, Chairman of the Land Acquisition Committee.

Dr. Turner called on Steve Friedman, Chief of Real Estate, for presentation of three action items.

Mr. Friedman stated that the first item for consideration was granting of a revocable license and permanent easement over 4.7± acres by the State Properties Commission and the General Assembly to Mark Shipp and Cliff Shipp for access to their property in exchange for a Right-of-First Refusal on the Shipp's 45± acres located within Sheffield Wildlife Management Area (WMA), Paulding County.

Mr. Friedman stated that the Shipp family contacted the Department of Natural Resources (DNR), requesting an access easement to cross the Sheffield WMA to allow them access to their property. He further stated that the Shipp Family has owned 45± acres of land in Paulding County for 30 years and have used the same roads to access their property during that time. He added that in the early 1990s, the Sheffield family sold over 3,000 acres to the State, which is now known as the Sheffield WMA.

Mr. Friedman stated that Land Lot 434 was included in these acquisitions, and title to it was unclear, so a quit claim deed was executed by the Sheffield Estate to the State of Georgia. He further stated that in 1998, the State executed a quit claim deed to members of the Shipp family as a title examination revealed that the Sheffield Estate had no interest to convey any property in Land Lot 434, and it belonged to the Shipp family. He added that the original acquisition resulted in the Shipp property being completely surrounded by the WMA, and, as a result, the roads that had been used by the Shipp family to access their property became part of the WMA.

Mr. Friedman stated that an agreement has been made between DNR and the Shipp Family and that the Shipp family would agree to place a Right-of-First Refusal on their property in exchange for a revocable license and permanent easement with a minimal charge. He further stated that should the State not be in a position to purchase the property when the Right-of-First Refusal is presented to DNR, the Right-of-First Refusal would continue against the property.

Mr. Friedman stated that the quit claim deed's legal description was defective in that it omitted a call that would have described the fourth side of the squared shaped property, and a corrective deed will be executed to correct the legal description. He further stated that no adverse impact of any interest of DNR has been identified.

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

A motion was made by Mr. Hudson, seconded by Mr. Johnson and carried unanimously that the Committee recommends that the Board authorize the Commissioner to seek State Properties Commission and General Assembly approval to grant a revocable license and permanent easement over 4.7± acres to Mark Shipp and Cliff Shipp for access to their property in exchange for a Right-of-First

Refusal on the Shipp's 45± acres located within Sheffield Wildlife Management Area, Paulding County.
(Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the next item for consideration was granting of a revocable license and permanent easement by the State Properties Commission to the Georgia Department of Transportation (GDOT) over 7.92± acres for the replacement and maintenance of the State Route 225 at New Town Creek Bridge over the Coosawattee River at new Echota Historic Site, Gordon County.

Mr. Friedman stated that the property is designated as a Heritage Preserve and that the Parks, Recreation & Historic Sites Division has been made aware of this and recommends that the activity not be considered a change of use for the following reasons:

1. The bridge and old State Route 225 already existed when the State acquired the tract;
2. There will be a net gain in acreage back to the Historic Site by straightening the road;
3. The entrances to the Historic Site and boat ramp will be improved in the process.

The Attorney General's office agrees that, under these particular circumstances, the activity would not be a change of use if the Board so finds.

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

A motion was made by Mr. Hudson, seconded by Mr. Johnson and carried unanimously that the Committee recommends that the Board adopt the Resolution to authorize the Commissioner to seek State Properties Commission approval to grant a revocable license and permanent easement to the Georgia Department of Transportation (GDOT) over 7.92± acres for the replacement and maintenance of the State Route 225 at New Town Creek Bridge over the Coosawattee River at new Echota Historic Site, Gordon County, as presented. (Resolution attached hereto and made a part hereof)

Mr. Friedman stated that the final item for consideration was for authorization to enter into a settlement agreement to resolve disputed boundary line and to enter into a boundary line agreement, Otting Wildlife Management Area, Chattooga County.

Mr. Friedman stated that several years ago, DNR discovered that an adjacent landowner to the Otting WMA, BTH 634 Investments, LLC, erected a fence along their supposed boundary. He further stated that upon inspection by DNR personnel, a DNR survey monument was removed and a fence erected within our boundary line, which negatively impacts approximately 3± acres of the Otting WMA.

Mr. Friedman stated that BTH 634 Investments, LLC and DNR acknowledge that the original surveyors of both properties have had issues with accurate surveying in the past. He further state that, as such, the Attorney General's office has drafted a proposed settlement agreement, which would allow both parties to hire their own surveyor to produce a survey of the subject boundary line. He added that each surveyor would then resolve any discrepancies at which point a boundary line agreement between

BTH 634 Investments, LLC and the State would be executed to establish the boundary line. He further added that if the new surveyors cannot resolve the discrepancies, DNR will file an affidavit in the real property records of Chattooga county giving notice of the boundary line dispute.

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

A motion was made by Mr. Hudson, seconded by Mr. Woodruff and carried unanimously that the Committee recommends that the Board adopt the Resolution authorize the Commissioner to seek State Properties Commission approval to enter into a settlement agreement to resolve disputed boundary line and to enter into a boundary line agreement, Otting Wildlife Management Area, Chattooga County, as presented. (Resolution attached hereto and made a part hereof)

Dr. Turner stated that it had been announced that the Land Acquisition Committee would hold an Executive Session at the conclusion of the Committee meeting and he invited all Board Members to attend.

A motion was made by Dr. Turner, seconded by Mr. Hudson and carried unanimously by members Dennis Billew, Joe Hatfield, Duncan Johnson, Mark Mobley, and Steven Woodruff that the Land Acquisition Committee go into Executive Session in accordance with O.C.G.A. §50-14-3(b)(1)(B), in order to discuss the authorization of negotiations to purchase property.

There being no further business, the meeting was adjourned for Executive Session.