



STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02 Atlanta, Georgia 30334

POLICY

TITLE: SPC 06 - Land Management: Certifications of Ownership for State Agencies

ADOPTED: December 11, 2012 (Effective: January 1, 2013)

REVISED:

1. Definitions

- (a) SPC Certification of Ownership: SPC notification to Georgia State Financing and Investment Commission (GSFIC)/Construction Division that inventoried deeds demonstrate that a proposed area of construction is titled in the name of the State of Georgia.
- (b) Custodial Agency: The State of Georgia agency maintaining custody of state-owned property and requesting SPC Certification that the proposed area of construction is titled in the State of Georgia.
- (c) State-Owned: Real Property interest owned by an agency or department of State government other than the Georgia Board of Regents and Georgia Department of Transportation.
- (d) Tax-Exempt General Obligation Bonds: Bonds issued by the State of Georgia, for which Bond Counsel has opined at the time of issuance, that the interest received by bond holders would not be subject to federal income taxes, and for which no action has occurred subsequent to issuance which would cause the bonds to be deemed as private activity or arbitrage bonds under the Internal Revenue Code of 1986, as amended ("Tax Code") or give rise to private business use as defined within the Tax Code.

2. Purpose

To ensure that any construction for a Custodial Agency is on State-owned property if (a) using State-funded General Obligation (G. O.) Bonds, or (b) using other funding greater than \$1,000,000. GSFIC requires SPC's certification that such limits of construction are within the State-owned property boundary. Any off-site utility permits, licenses or easements must be secured and provided to SPC by the Custodial Agency prior to certification.

Based on the complexity of the title information or lack of complete information, SPC may require the Custodial Agency to obtain a title report from a Special Assistant Attorney General (SAAG) hired by the Georgia Office of the Attorney General.

3. Policy

The State Properties Commission (SPC), on behalf of the Georgia State Financing and Investment Commission (GSFIC), requires that real property construction projects funded with tax-exempt G. O. Bonds be only on property owned in fee simple by the State and then only for use which will comply with federal regulations regarding tax-exempt bonds.

Any real estate ownership interest must be inventoried with and be certified by SPC for property on which construction projects will have funding as in paragraph 2.

While certification is not required for construction projects not using G. O. Bonds or being less than \$1,000,000 in non-G.O. Bond funding for design and construction costs, it is strongly recommended by SPC that SPC certification still be obtained for such projects as well.

Construction projects falling entirely within the building footprint of a previously certified project are not required to seek re-certification however it is strongly recommended that agencies still seek SPC Certification.

4. Policy Requirements

- (a) A letter from the Custodial Agency is submitted to the SPC Deputy Executive Director requesting SPC Certification of Ownership. The Agency letter to SPC will copy the GSFIC construction project manager, listing all documentation provided to SPC. (sample attached)
- (b) The request from the Custodial Agency should include:
 - i. Completed SPC Certification Checklist (attached)
 - ii. All incoming deeds to the State in fee simple ownership of the property or easements, encroachment agreements, or license agreements to or from the State within the Limits of Construction in the area on which improvements shall be made
 - iii. Copies of title insurance policies for each incoming deed or easement, if available
 - iv. Copies of any survey referenced in incoming deeds or easements
 - v. Survey of all property on which there will be construction, with the boundary lines depicted for each incoming deed or easement so it may be determined that all parcel boundaries are contiguous, and demonstrated that there are no physical gaps between parcels owned by Regents. If a survey was not completed with the incoming deed, a survey will have to be prepared from all metes and bounds legal descriptions to obtain SPC Certification
 - vi. Location of the project in the county (County map)

- vii. Aerial map indicating the project area with respect to its immediate surroundings (area map)
 - viii. Limits of Construction drawing, prepared by an engineer or surveyor, overlaid on a survey showing boundary lines of all State-owned parcels
 - if above drawing covers such a large area that definition of project area is diminished, then provide that drawing and a second drawing scaled to zoom in to show the area of construction in more detail on the survey
 - footprint of existing and proposed structures within the project area
 - all proposed and existing utility lines from where such service lines enter the proposed building to where each service line ties-in to its main distribution line
 - any offsite work including, but not limited to utility lines to tie-in to the main distribution line, entrances, deceleration lanes, sidewalks, storm drains, drainage easements, slope easements, driveways, private access roads
 - ix. Proper permissions for any off-site improvement. Any perpetual permission (e.g., easements) will also be submitted by the Custodial Agency for approval by the SPC Board to include:
 - if the offsite property is county or city owned, a Resolution from the governing body and Letter or Permit giving permission for improvements
 - if the offsite property is privately owned, a Temporary Construction Easement and/or Permanent Easement from the landowner for the area to be improved
 - x. Encroachment Agreements from a non-State entity if any proposed improvements are to be made within that entity's easement area
 - xi. Any other supporting documentation requested by SPC in its Certification process.
- (c) SPC's Deputy Executive Director will determine SPC's ability to certify ownership and issue a memo to GSFIC if adequate information is available to do so (sample attached).

5. Attachments

- Attachment 1: SPC Certification Checklist
- Attachment 2: Sample Agency Request Letter
- Attachment 3: Sample GSFIC Certification Letter



CERTIFICATION INSTRUCTIONS & CHECKLIST

Agency: _____ Project: _____ Tract Name: _____
Contact: _____;
Address: _____; City: _____, State: _____ Zip: _____
Phone: _____; Email: _____; Fax: _____

Please read the instructions and sample Certification request, complete the Checklist and attach the required exhibits.

To initiate any State of Georgia real property Certification request, the agency will send the State Properties Commission (SPC) a digital scanned copy of the entire submission to review by email in pdf, jpg, or tif format, PRIOR TO MAILING THE HARD COPY FILE. The file should include, in the following order:

- Complete This Checklist
Transmittal Memo to the Deputy Executive Director of the State Properties Commission at the above stated address. A letter template is available in this packet. Letter should include the following:
Agency/GSFIC Project Number
Name of Project/Building/Improvement
State the following for each vesting deed where a portion of any parcel falls within the limits of construction
List each attachment included in submission

ATTACHMENTS:

- Plot Plan, per State Construction Process Guideline standards (http://gsfic.georgia.gov/process-guide), to include
Boundary Line Survey, or scale and overlay on original survey
Label each parcel of the project site with Deed Book and Page Number that vested the State in the property
Construction Limits highlighted in red
Existing easements encumbering State highlighted in blue (If applicable)
Off-site improvements being made by State highlighted in yellow (If applicable)
Notes describing off-site improvements or clarifying any questionable areas
Copy of deed(s) that vested the State in the property (referenced on Plot Plan)
Copy of original plat(s) from when property was initially acquired
Copy of any Easements, RLA's or any other encumbrances
Location map
Aerial map
Campus map with project drawn on it (If applicable)
If warranted, include Construction Drawing sheets (Existing Conditions, Site Plan, Grading Plan, Erosion Control Plan)
If Off-site improvements are required:
Encroachment Agreement if construction encroaches into easement area held by a Non-State entity

The file should be emailed for review to J. Wade at jwade@spc.ga.gov and Sean Griffin at sean.griffin@spc.ga.gov.

After SPC has approved the digital submission, package the above items in one (1) legal size "Fastener Folder" with this checklist fastened to the left inside panel, and all other documents in the order listed above to the right inside panel of file, and send to SPC.

*Based on the complexity of the title information or lack of complete information, SPC may require the Custodial Agency to obtain a title report.

Agency Letterhead
(SAMPLE TRANSMITTAL MEMO)

[MMMM DD, YYYY]

Mr. Frank Smith, Deputy Executive Director
State Properties Commission
47 Trinity Avenue, Suite G-02
Atlanta, Georgia 30334

Re: Certification of Ownership, [Project Number], [Project Description],
[Campus/Facility], [City], Georgia ([County Name] County)

Dear Mr. Smith:

The [Agency/Board/Commission/Commissioner Name] ([Acronym]) approved the referenced Project on [Approval Date] ([Resolution/Letter] attached). Prior to bidding the above referenced project for construction, [Agency Name] requests certification that ownership of the subject property is vested in the State of Georgia so that all funds for this Project can be released by Georgia State Financing and Investment Commission.

This property was acquired by the State, as inventoried in your Real Property Record (RPR) No. [#####], State Properties Commission file [###.###]. Upon review of the enclosed supporting documents, I would like to request that SPC certify that the State of Georgia owns the property for this project.

1. [List each supporting document]
2. Copy of the Plot Plan Drawing titled "[Drawing Name]" showing the limits of construction and boundary lines for each incoming parcel dated [MMMM DD, YYYY], being prepared by [Engineer/Survey Company Name], and more particularly [Engineer/Surveyor Name], Georgia Registered [Engineer/Land Surveyor] Number [#####], [City Survey Company is located in], Georgia; on file with the State Properties Commission
3. Copy of the [MMMM DD, YYYY] [Type of Deed] Deed by and between the [Grantor Name], as Grantor, and the State of Georgia, as Grantee, which show how title to [# of acres] acres of the site for the project is vested in the State of Georgia; and recorded in Deed Book [##], pages [###] in the Office of the Clerk of Superior Court of [County Name] County, Georgia, and on file in the State Properties Commission Real Property Records as RPR# [#####], SPC File No. [###.###]
4. Copy of that Survey dated [MMMM DD, YYYY], prepared by [Survey Company Name], and more particularly [Surveyor Name], Georgia Registered Land Surveyor Number [#####], [City Survey Company is located in], Georgia; and recorded in Plat Book [##], page [###] in the Office of the Clerk of Superior Court of [County Name] County, Georgia, and on file in the State Properties Commission Real Property Records as RPR# [#####], SPC File No. [###.###]
5. County highway Location Map with site indicated by a red dot
6. Aerial Map with site indicated by a red dot
7. [Campus Map if applicable]
8. *(if warranted)* Copy of Construction Drawing sheets [xx.xx], Existing Conditions sheets [xx.xx], Site Plan sheets [xx.xx], Grading Plan, sheets [xx.xx], Erosion Control Plan sheets [xx.xx], for this project prepared by [Design Professional (DP) Name], [DP City], [DP State]
9. *(if applicable)* Copy of Easement with the RPR No. [#####], SPC file [###.###] dated [Date of Easement] by and between [Grantor Name], Grantor and [Grantee Name], Grantee
10. *(if applicable)* Copy of [Document Type] from [Grantee Name] to the State of Georgia, giving permission to make off-site improvements
11. *(if applicable)* Copy of Encroachment Agreement between [Easement Holder Name], Grantor and State of Georgia, Grantee permitting [construction/improvements/disturbance] to the easement area as on file in the State Properties Commission Real Property Records as RPR# [#####] listed above

Please contact me at (###) ###-#### if you need further information or documentation.

Sincerely,

[Name of Signing Party], [Signing Party Title]

Attachments: [# of attachments]

cc: [CC'd Parties]



STATE PROPERTIES COMMISSION

47 Trinity Avenue, S.W., Suite G02 Atlanta, Georgia 30334

Chairman
Nathan Deal
Governor

Executive Director
Steven L. Stancil

TO: Steven L. Stancil, Director
Georgia State Financing and Investment Commission, Construction Division

FROM: Frank Smith, Deputy Executive Director
State Properties Commission

DATE: July 11, 2014

SUBJECT: **CERTIFICATION OF OWNERSHIP** – Project No.#-###, [Building or Project Name], [Campus (if applicable)], [City], [County Name] County, Georgia.

This response is to a letter dated MM DD, YYYY from [First Name of Agency Representative] [Last Name of Agency Representative], [Title of Agency Representative] at Agency Name (Acronym), requesting us to certify ownership to the above project. To better identify the project site, [Mr./Ms.] [Last Name of Agency Representative] has submitted a copy of the deed and other supporting documents listed in the above letter, which are on file in our office. A copy of the letter is attached for your records

We have searched our Real Property and Inventory Records based on the documents provided by [Mr./Ms.] [First Name of Agency Representative] [Last Name of Agency Representative]. I hereby certify that the limits of construction for this project are within property owned by the State of Georgia, in the custody of Agency Name by virtue of the following:

1. Copy of the [MMMM DD, YYYY] [Type of Deed] Deed by and between the [Grantor Name], as Grantor, and the State of Georgia, as Grantee, which shows how title to [# of acres] acres of the site for the project is vested in the State of Georgia's name; and recorded in Deed Book [##], pages [###] in the Office of the Clerk of Superior Court of [County Name] County, Georgia, and on file in the State Properties Commission Real Property Records as RPR#;
2. Copy of that Survey dated [MMMM DD, YYYY], prepared by [Survey Company Name], and more particularly [Surveyor Name], Georgia Registered Land Surveyor Number [#####], [City Survey Company is located in], Georgia; and recorded in Plat Book [##], page [###] in the Office of the Clerk of Superior Court of [County Name] County, Georgia, and on file in the State Properties Commission Real Property Records as RPR# [#####]
3. County highway Location Map with site indicated with red dot
4. Aerial Map
5. [Campus Map if applicable]
6. Engineered Drawing showing limits of construction showing boundary lines for each incoming parcel [Drawing Name]

7. Engineered Drawing showing limits of construction scaled over the incoming Plats and Surveys [Drawing Name]
8. Copy of Construction Drawing sheets [xx.xx], Existing Conditions sheets [xx.xx], Site Plan sheets [xx.xx], Grading Plan, sheets [xx.xx], Erosion Control Plan sheets [xx.xx], for this project prepared by [Design Professional (DP) Name], [DP City], [DP State]
9. Copy of Easement with the RPR No. [#####] dated [Date of Easement] by and between State of Georgia, Grantor and [Grantee Name], Grantee
10. Copy of Encroachment Agreement between [Easement Holder Name], Grantee, and the State of Georgia, Grantor permitting [construction/improvements/disturbance] to the easement area as on file in the State Properties Commission Real Property Records as RPR# [#####] listed above

Copies of the above items are on file in our office.

Cc: [First Name of Agency Representative] [Last Name of Agency Representative], (Acronym [GSFIC Project Manager Name], GSFIC [Any Additional Parties], [Company or Agency of Additional Parties])