



STATE PROPERTIES COMMISSION

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

POLICY

TITLE: SPC 13 – Land Management: Granting a Revocable License Agreement

ADOPTED: June 29, 2015 (Effective: July 1, 2015)

REVISED:

1. Definitions

- (a) State Properties Commission: The State’s real estate portfolio manager responsible for all acquisitions and dispositions of State owned real property interests as created by O.C.G.A. 50-16-32. The members of the governing body thereof are collectively referred to as the “Commission”.
- (b) Revocable License: The granting, subject to certain terms and conditions contained in a written revocable license agreement, to a named person or persons (licensee), and to that person or persons only, of a revocable personal privilege to use a certain described parcel or tract of the property to be known as the licensed premises for a named purpose. Regardless of any and all improvements and investments made, consideration paid, or expenses and harm incurred or encountered by the licensee, a revocable license shall not confer upon the licensee any right, title, interest, or estate in the licensed premises, nor shall a revocable license confer upon the licensee a license coupled with an interest or an easement. A revocable license may be revoked, canceled, or terminate, with or without cause, at any time by the licensor (SPC).
- (c) Revocable License Agreement (RLA): A written instrument which embodies a revocable license and which sets forth the names of the parties thereto and the terms and conditions upon which the revocable license is granted.
- (d) Agency: The State agency having custody of a State-owned real property; which may also be the current or previous user.
- (e) Easement: The granting of a permanent use and right over, under, on, across or through State-owned property.
- (f) Property: Any State of Georgia-owned real property as defined in O.C.G.A. 50-16-31 (8A-8F).

2. Purpose

The purpose of this Policy is to establish administrative procedures for granting a Revocable License Agreement for state owned real Property in accordance with O.C.G.A. 50-16-42.

3. Policy Statement

- (a) The Commission shall have the exclusive power to negotiate, prepare, and grant in its own name, without competitive bidding, a revocable license to any person to enter upon, extend from, cross through, over, or under, or otherwise to encroach upon any of the Property under the custody and control of the Commission, or under the custody and control of any Agency which is subject to the requirements of O.C.G.A. 50-16-38.
- (b) Any grant of Revocable License must be in writing and contain terms and conditions that are determined by the Commission to be in the best interest of the state, provided that:
 - i. Each grant of Revocable License, if not revoked prior to, shall stand revoked, canceled, and terminated as of the third anniversary of the date of the RLA.
 - ii. The RLA shall not confer, coupled or otherwise, any right, title, interest, or estate in the licensed premises, regardless of any and all improvement and investments made, consideration paid, or expenses and harm incurred or encountered by the licensee.
 - iii. Each grant of Revocable License shall be made for an adequate monetary consideration of not less than \$650, the adequacy of which shall be determined by the Commission in considering the factors involved in each grant; however, if the Commission determines that the Revocable License directly benefits the state, then any monetary consideration set by the Commission shall be deemed adequate.
 - iv. Any proposed use of the licensed Property meets all applicable safety and regulatory standards and requirements.
- (c) Commission approval is required prior to granting a RLA, provided, however the Commission's Executive Director may grant a RLA in accordance with Commission By-Law V if it meets the following criteria:
 - i. The purpose of the RLA is for either public use, or public benefit; or
 - ii. An Easement over the Property that is subject to the RLA request will not be necessary and the term of the RLA will be less than 18 months.

4. Attachments

Attachment 1: Standard Operating Procedure for Granting a Revocable License Agreement

STANDARD OPERATING PROCEDURES (INTERNAL)

SPC-LM-06	Granting a Revocable License Agreement	Effective: July 1, 2015
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Definitions

- (a) Revocable License: The granting, subject to certain terms and conditions contained in a written revocable license agreement, to a named person or persons (licensee), and to that person or persons only, of a revocable personal privilege to use a certain described parcel or tract of the property to be known as the licensed premises for a named purpose. Regardless of any and all improvements and investments made, consideration paid, or expenses and harm incurred or encountered by the licensee, a revocable license shall not confer upon the licensee any right, title, interest, or estate in the licensed premises, nor shall a revocable license confer upon the licensee a license coupled with an interest or an easement. A revocable license may be revoked, canceled, or terminate, with or without cause, at any time by the licensor (SPC).
- (b) Revocable License Agreement (RLA): A written instrument which embodies a revocable license and which sets forth the names of the parties thereto and the terms and conditions upon which the revocable license is granted.
- (c) State Properties Commission (SPC): The State’s real estate portfolio manager responsible for all acquisitions and dispositions of State owned real property interests and is created by O.C.G.A. 50-16-32. The members of the governing body thereof are collectively referred to as the “SPC”.
- (d) Action Request: Any required board resolutions or constitutional officer letters, instructions, forms, documents, and checklists which each agency must provide or complete to request a real property action of SPC.
- (e) Agency: The State agency having custody of a State-owned real property; which may also be the current or previous user.
- (f) Appraisal: A determination of value of real property arrived at by a Georgia licensed appraiser who is familiar with property values in the area where the property is situated and/or a member of a nationally recognized appraisal organization.
- (g) Easement: The granting of a permanent use and right over, under, on, across or through State-owned property.
- (h) Property: Any State of Georgia-owned real property as defined in O.C.G.A. 50-16-31 (8A-8F).

Purpose

The purpose is to establish administrative procedures for granting a Revocable License Agreement for state owned real Property in accordance with O.C.G.A. 50-16-42.

Procedure

1. An Agency initiates a RLA request through submission of a completed Action Request to SPC. If SPC staff receives a RLA request from a Public or Private Entity, SPC shall direct the requesting party to submit the RLA request through the appropriate Agency.
2. Upon receipt of a completed Action Request, SPC staff will review the submitted RLA request and determine whether the request is for the sole/substantial benefit to the State, or not.
 - a. If so, granting of the RLA will be for a nominal consideration.
 - b. If not, granting of the RLA will be for the **greater** amount of either:
 - i. \$650.00; or,
 - ii. the fair market value determined by an Appraisal.
3. SPC staff shall prepare the RLA in writing to include such terms and conditions determined to be in the best interest of the State, provided that:
 - a. The RLA shall not be granted for a period longer than three (3) years from the date of the RLA;
 - b. The RLA shall not confer, coupled or otherwise, any right, title, interest, or estate in the licensed premises, regardless of any and all improvement and investments made, consideration paid, or expenses and harm incurred or encountered by the licensee; and
 - c. Any proposed use of the licensed Property meets all applicable safety and regulatory standards and requirements.
4. SPC approval is required prior to granting a RLA, provided, however SPC's Executive Director may grant a RLA in accordance with SPC By-Law V if it meets the following criteria:
 - a. The purpose of the RLA is for either public use, or public benefit; **or**
 - b. An Easement over the Property that is subject to the RLA request will not be necessary **and** the term of the RLA will be less than 18 months.
5. After required approval procedures are met, SPC staff will facilitate the RLA request by:
 - a. drafting the RLA;
 - b. circulating the RLA for appropriate signatures;
 - c. inventory and forward copies of the final, fully executed RLA document to the requesting parties.