



STATE PROPERTIES COMMISSION

270 Washington Street, Suite 2-129, Atlanta, Georgia 30334

POLICY

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

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

REVISED: December 12, 2017

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 20-year General Obligation (G.O.) Bonds in an amount greater than \$100,000, 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.

Certification is not required for construction projects that:

- 1) do not use G. O. Bonds;
- 2) use \$100,000 or less of G.O. Bonds;
- 3) use only 5-year G.O. Bonds;
- 4) use less than \$1,000,000 in non-G.O. Bond funding for design and construction costs; or
- 5) fall entirely within the building footprint of a previously certified project.

However, it is strongly recommended by SPC that SPC certification still be obtained for such projects as well.

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