

SPECIAL MEETING

THE BRUNSWICK - GLYNN COUNTY JOINT PLANNING COMMISSION

APRIL 14th, 1975

8:30 A. M.

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PRESENT: Chairman Wayne E. Floyd, W. H. Cowman, Harry I. Driggers, Neal Gale, and C. Edward Nicholson

ABSENT: Cormac McGarvey, Charles N. Croft and Father M. S. Poitier

ALSO PRESENT: Executive Director Edward H. Stelle, and Staff Planner Wm. P. Hooker

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The Chairman announced that this Special Meeting had been called for the purpose of giving consideration to two important resolutions.

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Resolution with respect to Status of Beaches on St. Simons Island

The Executive Director explained that resolutions have been adopted by the Glynn County Commission and concerned agencies protesting the court's ruling that the beaches on St. Simons Island are privately owned by adjacent property owners and not open to the general public.

Messrs. E. A. Wages, Jr., and his father were present to express their opinion. Mr. Wages stated that public beaches have existed and should continue to do so.

Mr. Stelle then read the Resolution pertaining to this matter that had been adopted by the Glynn County Commission on March 6th, 1975.

Stating that the Planning Commission should endorse the County's resolution, a motion was made by Mr. Gale and seconded by Mr. Cowman to adopt the following resolution:

A RESOLUTION

WHEREAS, the Supreme Court of this State on February 3, 1902, decided that in the absence of special title by grant, lease, prescription, or otherwise, the boundary of a landowner abutting on the ocean, or on any estuary, bay, inlet, or arm thereof where the tide regularly ebbs and flows, extends only to ordinary high-water mark (Johnson V. State, 114 Ga. 790 (1902)): and

WHEREAS, the Attorney General of this State has taken the position that the tideland above referred to, unless granted by a charter from the King of England prior to July 4, 1776, became the property of the State of Georgia at that time; that an attempt by the General Assembly in 1902 to specifically grant these tide-waters (Ga. Laws 1902, p. 108; Ga. Code Ann. Section 85-1307) was void at its inception because it was a gift of property to private citizens in violation of the Georgia Constitution; that the subsequent attempt to ratify and confirm the 1902 Act by a provision of the 1945 Ga. Constitution (Art.1, Sec. VI; Ga. Code Ann., Sec. 2-601) was invalid since the 1902 Act was void ab initio and because the 1945 Constitutional provision did not give the voters sufficient

notice of the intent to donate a significant portion of State property to private landowners; and

WHEREAS, the appellate courts of several states have rendered decisions holding that there is a continuing right in the public to use, not only the beach between high and low tidewater levels, but also that dry sand area between high tide marsh and the beginning of vegetation; and

WHEREAS, the State of Georgia in its sovereign capacity is trustee for and guardian and representative of the people of the State of Georgia, as parens patriae, and owner of all ungranted land within its boundaries; and

WHEREAS, the People of this State have exercised the rights of access to and use and enjoyment of the beaches and seashore of this State since the Founding of our Nation; and

WHEREAS, the rights of the People to continue use and enjoyment of the beaches and of access thereto have been brought into question by recent developments in the Coastal Areas, and these rights are not protected by the unofficial opinion of the Attorney General as referred to above;

THEREFORE, BE IT RESOLVED that the Brunswick - Glynn County Joint Planning Commission unanimously, strongly and respectfully do hereby request and urge the Honorable George D. Busbee, Governor of this State, through all agencies under his direction, to make every possible effort to ensure that the rights of the People of this State of access to and use of the ocean beaches and waters be protected.

The motion was unanimously adopted.

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Interstate 95 on Blythe Island

The Executive Director read a resolution which he had been requested to prepare at the meeting of April 1st, 1975, in relation to an interchange and overpasses on Blythe Island on I-95.

After review and upon a motion made by Mr. Nicholson and seconded by Mr. Cowman, the following resolution was unanimously adopted:

A RESOLUTION

WHEREAS, the Georgia Department of Transportation is holding a Public Hearing concerning the location of overpasses and an interchange on Blythe Island on Interstate 95; and

WHEREAS, the Brunswick - Glynn County Joint Planning Commission has previously made recommendations to the Department of Transportation as to future land use, and overpass and interchange locations on Blythe Island; and

WHEREAS, the area of Blythe Island to the northwest of Interstate 95 is predominately undeveloped but residential in character; and

WHEREAS, the State owned lands referred to as Blythe Island State Park is currently undeveloped; and

WHEREAS, the Department of Transportation has initiated construction of an overpass at Blythe Island Drive;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the overpass at Blythe Island Drive and I-95 be completed as it has been contracted; and

BE IT FURTHER RESOLVED that additional access to the northwest side of Blythe Island over Interstate 95 be considered at the time development of that area of the Island warrants; and that such access be considered in the vicinity of West Shore Drive; and that, if a interchange is considered, it be so located as to provide the best access to the Blythe Island State Park causing the least detrimental impact to the residential area of the island.

This Resolution will be submitted at the Georgia Department of Transportation Public Hearing to be held on April 24th, 1975, at 7:30 P. M., in the Glynn County Courthouse.

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Executive Director Reports

The Executive Director gave a short report on his trip to Atlanta on April 9th and 10th, 1975, to present an application for funds for a Mass Transit Feasibility Study, to confer with H U D on a "701" Planning Grant, to discuss the Second Year Coastal Zone Management Grant, and to confer with the Georgia Department of Transportation regarding the Transportation Plan.

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MEETING ADJOURNED AT 9:15 A. M.