

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2008 - 28

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT WITH NORKFOLK SOUTHERN CORPORATION PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH UTILITIES WILL BE RELOCATED IN CONNECTION WITH A LOCAL GOVERNMENT PROJECT AGREEMENT BETWEEN THE COUNTY AND THE DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County has approved the ATMS Enhancement Implementation Project (the "Project") through a Local Government Project Agreement ("LPGA") that was executed on December 1, 2003 between Clayton County and the Department of Transportation State of Georgia ("GDOT"); and

WHEREAS, the Project is funded 100% by the Georgia Regional Transportation Authority (GRTA) Bond Program, with a cost breakdown of \$2,000,000.00 for engineering costs and \$4,350,000.00 for the construction costs associated with the Project; and

WHEREAS, one of the County's responsibilities of the LPGA is the relocation of any utilities or facilities in conflict with the Project, of which Norfolk Southern Corporation is one company that would require fiber optic cable installations across its railroad tracks; and

WHEREAS, all the utility charges in conjunction with the Project are 100% reimbursable from GDOT as a portion of the construction funding, and all utility contracts and agreements must be executed before GDOT will certify utilities for the Project; and

WHEREAS, the County desires to enter into an agreement with Norfolk Southern Corporation to relocate aerial and underground wire line fiber optic cable crossings for \$8,980.00, and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into an Agreement with Norfolk Southern Corporation to achieve the results contemplated therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby authorizes the County to enter into an Agreement with Norfolk Southern Corporation providing for the terms and conditions under which fiber optic cable will be installed across its railroad tracks for \$8,980.00 in connection with the ATMS Enhancement Implementation Project (the "Project"). These funds are 100% reimbursable from the Department of Transportation State of Georgia. The Board of Commissioners hereby authorizes the Chairman to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Local Government Project Agreement that was executed on December 1, 2003 between Clayton County and the Department of Transportation State of Georgia. The Agreement with

Norfolk Southern Corporation shall be subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

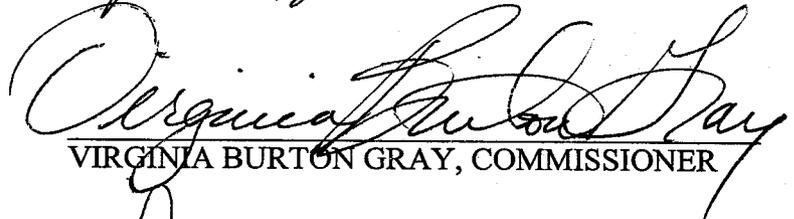
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 19th day of February, 2008.

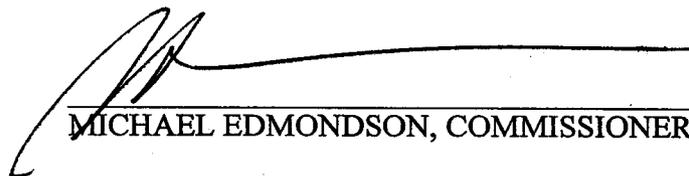
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