

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2018- 123

A RESOLUTION TO AMEND THE CONSERVATION EASEMENT BETWEEN LAKE SPIVEY GOLF CLUB, INC AND CLAYTON COUNTY, GEORGIA; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ALL DOCUMENTS NECESSARY TO CARRY OUT THE SAME, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Lake Spivey Golf Club, Inc. and Clayton County entered into a conservation easement on the 27th day of May, 2009 and filed on the 10th day of July 2009 in Clayton County (the "Easement"); and

WHEREAS, Lake Spivey Golf Club, Inc. granted to the County a non-exclusive, perpetual Conservation Easement of unlimited duration over and across that property located in Land Lots 11, 22, 23, & 43 of the 12th District of Clayton County, Georgia, being the property to be designated as "Conservation Open Space" on the Final Plat of the Development and referred to as Tracts #1 through and including Tract #6 and Tract #8 in Exhibit "A" (Original Exhibit "A"); and

WHEREAS, the parties desire to amend the easement by deleting some of the real property originally encumbered by the easement; and

WHEREAS, the property described in "Exhibit A" (Amended Easement's Exhibit A) will be released from the easement; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County and its citizens, and the County and its citizens will best be served by amending the Conservation Easement.

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

Section 1. Approval of Easement Agreement. The Board of Commissioners hereby authorizes the execution and delivery of the amended Conservation Easement in substantially the form attached hereto as Exhibit "A", subject to such changes, insertions, or omissions as may be approved by the Chairman and approved as to form by the County Attorney; and the execution of such Easement Agreement by the Chairman, as hereby authorized, shall be conclusive evidence of such approval.

Section 2. Other Actions Authorized. The Chairman, officers, and employees of the County shall perform such acts, execute and deliver such instruments and documents, and do all other such things as may be necessary or prudent to accomplish and effectuate the intent of this resolution.

Section 3. Repealer. All motions, orders, ordinances, bylaws, resolutions, and parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

Section 4. Effective Date; Severability. This resolution shall become effective immediately, and if any section, paragraph, clause, or provision hereof shall for any reason be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect any of the remaining provisions hereof.

PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE this the 4th day of December, 2018.

CLAYTON COUNTY BOARD OF COMMISSIONERS

 (opposed)
JEFFREY E. TURNER, CHAIRMAN


MICHAEL EDMONDSON, VICE CHAIRMAN


SONNA SINGLETON GREGORY, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER

 (opposed)
FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:


SANDRA DAVIS, CLERK

[SEAL]