

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2019 – 26

A RESOLUTION AUTHORIZING A SIGN LOCATION AND MAINTENANCE AGREEMENT WITH WAGNER AVERLY INVESTORS I, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WAGNER AVERLY INVESTORS II, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ORP AVERLY INVESTORS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, TO CONVEY AN EASEMENT FOR THE RIGHT TO LOCATE AND MAINTAIN A SIGN WITHIN THE UNPAVED RIGHT OF WAY OF BATTLE CREEK ROAD; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County (the “County”) has undertaken the widening of Battle Creek Road from Valley Hill Road to Southlake Parkway (Project No. STO00-9108-00(005)) (the “Road Project”) which requires, *inter alia*, the acquisition of right of way from and the relocation of the driveway and existing entrance sign for the Averly Apartments owned by Wagner Averly Investors I, LLC, Wagner Averly Investors II, LLC, and ORP Averly Investors, LLC (collectively, the “Owner”); and

WHEREAS, there is insufficient land remaining in the existing location for the relocation of the sign; and

WHEREAS, the Owner is willing to convey the required right of way and avoid potential litigation over the total just and adequate compensation therefor, provided that the County is willing to allow the entrance sign to be relocated on an

unpaved area within the right of way of Battle Creek Road (outside vehicular and pedestrian thoroughfares) as part of the resolution of the Condemnation Case; and

WHEREAS, Owner is willing to maintain the sign once constructed; and

WHEREAS, the Parties desire to enter into this Agreement, setting forth the rights, duties, obligations, and responsibilities of each.

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

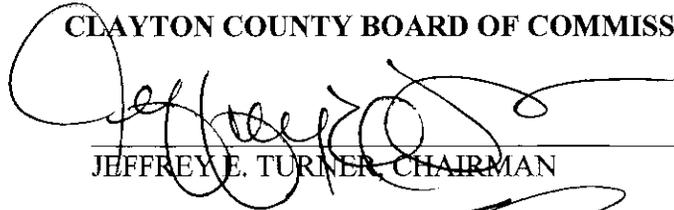
Section 1. The Board of Commissioners hereby authorizes Clayton County to enter into a Sign Easement Agreement with Owner in the form attached hereto as Exhibit 1 (the "Agreement"). The Board authorizes the Chairman to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. The Board further authorizes the Chief Financial Officer 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.

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

SO RESOLVED, this the ____ day of February, 2019.

{Signatures on the following page}

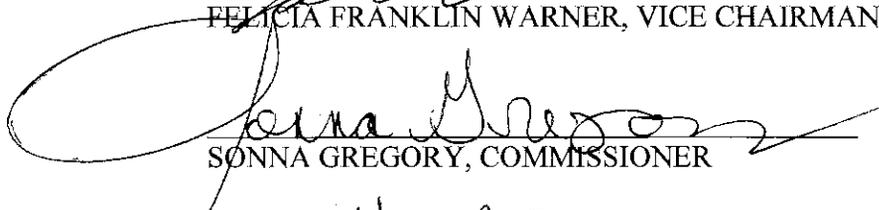
CLAYTON COUNTY BOARD OF COMMISSIONERS



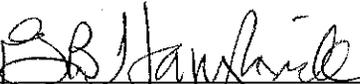
JEFFREY E. TURNER, CHAIRMAN



FELICIA FRANKLIN WARNER, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL HAMBRICK, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:


BRENDA JAMES, CLERK