

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2019-129

A RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY, AND PERFORMANCE OF AN AMENDED UTILITY RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY IN CONNECTION WITH THE GODBY ROAD WIDENING PROJECT (FROM GODBY ROAD-SOUTH HAMPTON TO STATE ROUTE 314); 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 AUTHORIZE THE CHIEF FINANCIAL OFFICER TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Department of Transportation plans to Godby Road (the "Project"), which Project already has been approved by the Board of Commissioners; and

WHEREAS, the current Project plans call for construction of a portion of the roadway on, over, or across property where Georgia Power Company ("GPC") owns easements or rights of way; and

WHEREAS, GPC currently has facilities for the distribution and transmission of electricity located in or on such easements or rights of way; and

WHEREAS, GPC has agreed to relocate its facilities as necessary for the Project, with the costs therefor to be shared by GPC and the County at a pre-determined percentage; and

WHEREAS Clayton County entered into a Utility Relocation Agreement (the "Agreement") with Georgia Power Company for the Godby Road Widening Project, dated February 18, 2014 (Resolution 2014-37); and

WHEREAS, the parties desire to enter into an amended Utility Relocation Agreement to set forth the terms and conditions of the relocation and responsibility for the costs thereof; 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 entering into this amended Utility Relocation Agreement with GPC.

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

Section 1. Approval of Utility Relocation Agreement. The Board of Commissioners hereby authorizes the execution, delivery, and performance of the

Amended Utility Relocation Agreement in substantially the form attached hereto as composite 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 Amended Utility Relocation 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. Budget Amendment. The Chief Financial Officer is hereby authorized and directed to amend the budget as necessary to accommodate the transaction authorized by this Resolution.

Section 4. 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 5. 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.

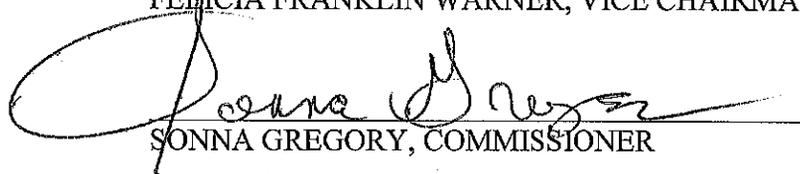
15th **PASSED, ADOPTED, SIGNED, APPROVED, and EFFECTIVE** this the day of October, 2019.

{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

EXHIBIT "A"

Utility Relocation Agreement