STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2017- 9

A RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY, AND PERFORMANCE OF AN EASEMENT LIMITED AGREEMENT WITH SOUTHERN NATURAL GAS COMPANY IN CONNECTION WITH THE FLINT RIVER ROAD WIDENING PROJECT; 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 widen Flint River Road from Glenwoods Drive to Kendrick 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 Southern Natural Gas Company ("SNG") owns easements or right of way; and

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

WHEREAS, the Project as currently designed will not affect SNG's existing facilities or require the adjustment or relocation of such facilities; and

WHEREAS, SNG is willing to allow the construction of the Project on, over, and across its existing easements and rights of way upon certain specified conditions; and

WHEREAS, the parties desire to enter into an Easement Limited Agreement for the purpose of granting the County the right to construct, install, and maintain the Project on, over, and across SNG's easements and rights of way and setting the terms for granting such rights; 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 the Easement Limited Agreement with SNG.

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

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

Easement Limited Agreement 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 Limited 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 acquisition 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.

PASSED, ADOPTED, SIGNED, APPROVED, and **EFFECTIVE** this the 7th day of February, 2017.

[Signatures on following page to Resolution No. 2017-9]

CLAYTON COUNTY BOARD OF COMMISSIONERS

JEFFREY E. TURNER, CHAIRMAN

MICHAEL EDMONDSON, VICE CHAIRMAN

SONNA GREGORY, COMMISSIONER

GAIL B. HAMBRICK, COMMISSIONER

FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

SANDRA T. DAVIS, CLERK