

STATE OF GEORGIA

COUNTY OF CLAYTON

**RESOLUTION NO. 2017- 10**

A RESOLUTION AUTHORIZING THE EXECUTION, DELIVERY, AND PERFORMANCE OF A CONSTRUCTION AGREEMENT AND RELATED EASEMENT AGREEMENTS WITH UNITED STATES POSTAL SERVICE IN CONNECTION WITH THE CW GRANT PARKWAY GRADE SEPARATION 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 relocate and realign a portion of CW Grant Parkway (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 owned by the United States Postal Service ("USPS") located at 3900 Crown Road, Atlanta, GA 30304 (the "USPS Property"); and

WHEREAS, USPS is willing to grant and convey to the County such easements as are necessary for the construction, installation, operation, repair, and maintenance of the road, including such temporary easements as are necessary to facilitate certain cure work to affected existing site improvements; and

WHEREAS, the parties desire to enter into a Construction Agreement and certain related Easement Agreements for the purpose of conveying the required permanent and temporary easements and granting the County the right to construct, install, repair and maintain the Project on, over, and across the USPS Property, 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 Construction Agreement and Easement Agreements with USPS.

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

**Section 1. Approval of Construction Agreement and Easement Agreements.**

The Board of Commissioners hereby authorizes the execution, delivery, and performance of the Construction Agreement and related easements in substantially the form attached hereto as Exhibit "A", subject to such changes, insertions, deletions, or

omissions as may be approved by the Chairman and approved as to form by the County Attorney; and the execution of such Agreements 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.

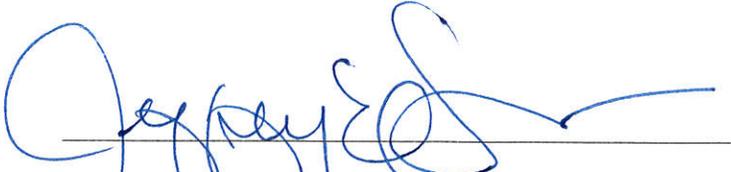
**Section 4. Repealer.** All motions, orders, ordinances, bylaws, resolutions, and parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

**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.

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

[Signatures on following page to Resolution No. 2017-10]

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
JEFFREY B. TURNER, CHAIRMAN

  
MICHAEL EDMONDSON, VICE CHAIRMAN

  
SONNA GREGORY, COMMISSIONER

  
GAIL B. HAMBRICK, COMMISSIONER

  
FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:

  
SANDRA T. DAVIS, CLERK