

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2012 - 224

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN INDEMNIFICATION AGREEMENT WITH THE CITY OF MORROW PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE CITY OF MORROW WILL PERMIT THE COUNTY TO RELOCATE A FIRE TOWER TO THE W. H. REYNOLDS NATURE PRESERVE; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, through Resolution 2011-71, Clayton County (“County”) entered into a Contract for the Relocation of the Forestry Fire Tower with Georgia Development Partners, dated January 3, 2012, to disassemble a fire tower previously located in Henry County, and then relocate and re-assemble it at the W. H. Reynolds Nature Preserve (the “Location”); and

WHEREAS, the existing construction plans for the tower re-assembly do not bear the proper engineer seal and signature which certifies that they meet the current construction codes adopted by the State of Georgia and the City of Morrow (the “City”); and

WHEREAS, in order to receive the proper permitting from the City to erect the fire tower at the Location, the County has agreed to indemnify and hold harmless the City against all risk associated with moving, transporting, relocating, constructing, inspecting and maintaining the tower, as well as all risks in connection with the tower’s continued presence at the Location; and

WHEREAS, the Board of Commissioners deems it in the best interest of the County, and the County will best be served by entering into an Indemnification Agreement with the City for the above-stated purpose.

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 an Indemnification Agreement with the City of Morrow, providing for the terms and conditions under which the County will indemnify and hold harmless the City of Morrow against all risk associated with moving, transporting, relocating, constructing, inspecting and maintaining a fire tower, as well as all risks in connection with the tower's continued presence at the W. H. Reynolds Nature Preserve. The Board of Commissioners hereby authorizes the Chairman to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. The Indemnification Agreement shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Board of Commissioners may approve.

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

{Signature Page Follows}

SO RESOLVED, this the 6<sup>th</sup> of November, 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

  
WOLE RALPH, VICE CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK