

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2012 – 272

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT FOR THE EXCHANGE OF REAL PROPERTY WITH STEPHENS MDS, LP, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH CERTAIN PROPERTIES WILL BE ACCEPTED AND CONVEYED; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR 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; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County owns certain real property lying and being in Clayton County, Georgia, and being more particularly described in Exhibit A of the Agreement for the Exchange of Real Property (“Agreement”) attached hereto and hereby made a part hereof, together with all and singular the rights, privileges, easements and appurtenances pertaining to such real property (hereinafter referred to as "Property A");

WHEREAS, Stephens MDS, LP (“Stephens”) owns certain real property lying and being in Clayton County, Georgia, and being more particularly described in Exhibit B of the Agreement attached hereto and hereby made a part hereof, together with all and singular the rights, privileges, easements and appurtenances pertaining to such real property (hereinafter referred to as "Property B");

WHEREAS, Stephens wishes to convey Property B to the County to the extent necessary to enable the County to straighten and correct Property A so as to be a new roadway across Property B (hereinafter referred to as the "Roadway");

WHEREAS, expressly conditioned upon the completion of the Roadway across Property B and no earlier than thirty (30) days thereafter, the County wishes to convey Property A unto Stephens free and clear;

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into an Agreement for the Exchange of Real Property for the reasons stated herein.

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 Agreement for the Exchange of Real Property with Stephen MDS, LP, providing for the terms and conditions under certain properties will be accepted and conveyed as outlined in the Agreement attached hereto. Further the Board of Commissioners hereby authorizes the Chairman to the Agreement and otherwise to perform all other acts necessary to accomplish the intent of this Resolution. The Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Settlement Agreement.

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

SO RESOLVED, this the ____ day of _____, 2012.

{SIGNATURES ON FOLLOWING PAGE}

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