

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2010 - 183

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A RIGHT OF WAY ACQUISITION CONTRACT WITH THE DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH RIGHT OF WAY WILL BE ACQUIRED FOR THE CW GRANT PARKWAY GRADE SEPARATION PROJECT, NO. STP00-0001-00(817); TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE 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 CONTRACT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the County Board of Commissioners agreed to the County's obligation in the right of way acquisition phase of the CW Grant Parkway Grade Separation Project, No. STP00-0001-00(817) (the "Project") in a February 2009 Project Framework Agreement through Resolution 2008-165, dated October 7, 2008, and a January 2006 Local Government Project Agreement through Resolution 2005-135, dated October 18, 2005; and

WHEREAS, the County previously executed a Right of Way Acquisition Contract for the Project through Resolution 2008-141, dated August 19, 2008, but the Department of Transportation, State of Georgia ("GDOT") did not finalize the contract at that time; and

WHEREAS, execution of a new Right of Way Acquisition Contract is required by GDOT before the County will be authorized to proceed with the right of way phase of the Project; and

WHEREAS, per GDOT's current project schedule, all necessary right of way must be acquired by June 2012, and GDOT plans to bid the construction phase in February 2012; and

WHEREAS, the County is responsible for all right of way costs (which include land and improvement costs, relocation expenses and contracted property management costs) exceeding \$4,955,000.00; and

WHEREAS, the County desires to enter into a Right of Way Acquisition Contract with GDOT to acquire the right of way needed to complete the Project; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into a Right of Way Acquisition Contract with GDOT to provide for the purposes identified herein.

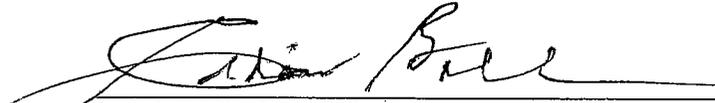
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS  
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby authorizes the County to enter into an Right of Way Acquisition Contract with the Department of Transportation, State of Georgia providing for the terms and conditions under which right of way will be acquired for completion of the CW Grant Parkway Grade Separation Project, No. STP00-0001-00(817). The Board of Commissioners hereby authorizes the Chairman to execute the Contract and to perform all other acts necessary to accomplish the intent of this Resolution. Further, 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 Contract. The Agreement shall be subject to such minor changes, insertions or deletions as the Board of Commissioners may approve.

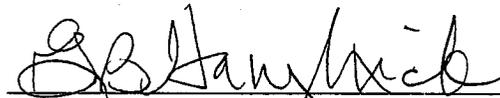
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

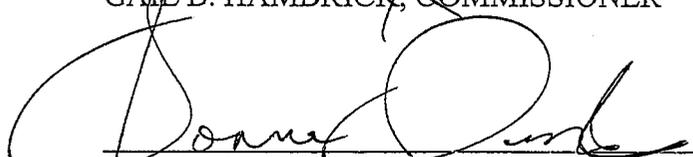
SO RESOLVED, this the 7<sup>th</sup> day of September, 2010.

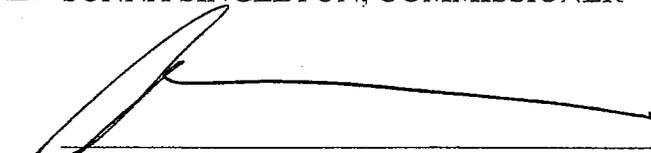
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
ELDRIN BELL, CHAIRMAN

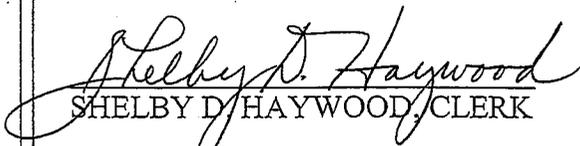
  
WOLE RALPH, VICE-CHAIRMAN

  
GAIL B. HAMBRICK, COMMISSIONER

  
SONNA SINGLETON, COMMISSIONER

  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK