

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009 - 193

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO TWO AGREEMENTS WITH GEORGIA POWER PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH UTILITIES WILL BE RELOCATED IN CONNECTION WITH THE GARDEN WALK BOULEVARD EXTENSION PROJECT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENTS 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; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, to construct the Garden Walk Boulevard Extension RRB # 08-33 Project (the "Project"), the existing underground utilities must be relocated; and

WHEREAS, Georgia Power (the "Company") has provided documentation to the Clayton County Department of Transportation and Development showing its easement rights to a portion of the utility facilities to be relocated; and

WHEREAS, the Company must complete the relocation of its facilities before a significant amount of work may be accomplished by the road contractor for the Project; and

WHEREAS, the County must reimburse the Company for its construction costs to relocate its utility facilities due to the Company having acquired easement rights for its facilities prior in time to the County's acquisition of the road right-of-way for the Project; and

WHEREAS, in connection with the utility relocation, the Company has requested an easement to relocate a portion of its utility lines onto County property at Fire Station #1

on Garden Walk Boulevard, where such relocation will not affect Fire Department operations; and

WHEREAS, the County desires to enter into a utility relocation agreement with the Company at maximum cost to the County of \$28,090.00, and grant an easement to relocate the Company's utility facilities onto County property; 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 two agreements with Georgia Power to achieve the results contemplated therein.

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

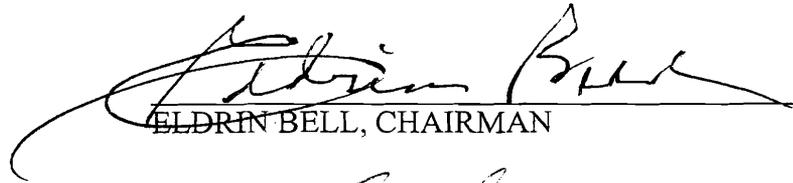
Section 1. The Board of Commissioners hereby authorizes the County to enter into two agreements with Georgia Power providing for the terms and conditions under which the County will grant an easement to the Company, and utility facilities will be relocated onto County property at a cost not to exceed \$28,090.00 in order to construct the Garden Walk Boulevard Extension RRB # 08-33 Project. The Board of Commissioners hereby authorizes the Chairman to execute these agreements 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. The agreements with Georgia Power 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 1st day of December, 2009.

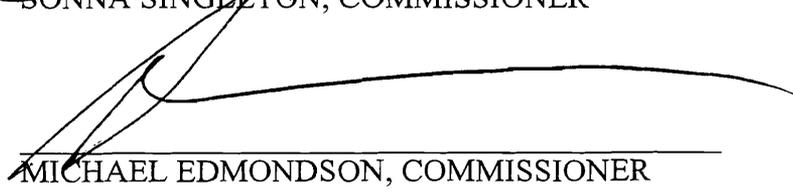
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