

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2008 - 37

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR THE IMPROVEMENT OF 2852 LINEAR FEET OF GILBERT ROAD BETWEEN CONLEY ROAD AND THE ATLANTA CITY LIMITS WITHIN UNINCORPORATED CLAYTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, that portion of Gilbert Road located in Clayton County, Georgia, from the Atlanta City limits to the intersection of Gilbert Road and Conley Road is public right-of-way consisting of approximately 2852 linear feet of two lane residential roadway ("Gilbert Road Segment"); and

WHEREAS, the area surrounding the Gilbert Road Segment has been in economic distress for many years constituting a blight on this area of the Clayton County community creating substantial need for redevelopment; and

WHEREAS, Gilbert Road Joint Venture ("Developer") is the owner of 85.50766 acres of land ("Land") planned for redevelopment adjacent to or in proximity to the Gilbert Road Segment and is expected to result in the creation of 470 permanent white-collared and semi-skilled jobs and to result in an annual contribution of approximately \$1,250,732.00 in tax revenue to Clayton County; and

WHEREAS, the improvement of the Gilbert Road Segment is essential to Developer's redevelopment plan for the Land; and

WHEREAS, the Developer agrees to contribute \$1,300,000.00 ("Developer Contribution") and such other funds as may be required to acquire any necessary easements and rights-of way and to cause construction of the Gilbert Road Developer Improvements

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(defined below) on the Gilbert Road Segment; and

WHEREAS, the Developer desires to be reimbursed by public proceeds from the creation of a future Tax Allocation District ("TAD") created by the County that includes the Land and the Gilbert Road Segment and issuance of TAD bonds or from funding through the Georgia Regional Transportation Authority ("GRTA"), the Georgia Department of Transportation ("GDOT"), or other methods through which the Developer may be reimbursed with public funds; and

WHEREAS, the County agrees that it will make reasonable efforts to create the TAD for this area that includes the Land and the Gilbert Road Segment; and

WHEREAS, the County further agrees that if a TAD is created that includes the Land and the Gilbert Road Segment, the County will make reasonable efforts to issue TAD bonds or to obtain funding through GRTA, the GDOT, or other methods through which the Developer may be reimbursed the \$1,300,000.00 Developer Contribution, together with any other funds, as the Developer has expended for acquiring any necessary easements and rights-of way and for making the Gilbert Road Developer Improvements (defined below); and

WHEREAS, the Developer has agreed to use the Developer Contribution and such other funds as shall be required to acquire any necessary easements and rights-of-way and to cause realignment and construction on the Gilbert Road Segment in accordance with Clayton County and AASHTO standards set forth on Exhibit A attached hereto and made a part hereof of the two (2) lanes of road (24 feet in width) located closest to the Land as shown on the Master Site Plan for Aviation Park prepared by Eberly & Associates dated January 12, 2007, attached hereto as Exhibit B and made a part hereof, together with associated curb and gutter on the east side of Gilbert Road only (collectively the "Gilbert Road Plans and

Specifications"); and

WHEREAS, the realignment and construction work on the Gilbert Road Segment by the Developer shall be referred to as the "Gilbert Road Developer Improvements"); and

WHEREAS, the Developer shall have no obligation or responsibility for causing construction of the third lane of road (12 feet in width) shown on the Gilbert Road Plans and Specifications or the associated curb and gutter on the west side of Gilbert Road or for acquiring any easements or rights-of-way needed for such third lane of road;

**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 agrees to, among other matters, as follows:

- a. The Developer shall cause the Gilbert Road Developer Improvements to be made using the Developer Contribution and such other funds as shall be required to cause realignment and construction of the two (2) lanes of road (24 feet in width) located closest to the Land together with associated curb and gutter on the east side of Gilbert Road in accordance with the Gilbert Road Plans and Specifications and, with the County's assistance, shall provide such funds as are necessary to acquire any easements and rights-of-way needed to make the Gilbert Road Developer Improvements in accordance with the Gilbert Road Plans and Specifications.
- b. The Developer shall have no obligation or responsibility for causing construction of the third land of road (12 feet in width) or the

associated curb and gutter on the west side of Gilbert Road shown on the Gilbert Road Plans and Specifications or for acquiring any easements and rights-of-way needed for such third lane of road.

- c. The County hereby agrees that the County will make reasonable efforts to establish a redevelopment plan and to create a TAD that includes the Land and the Gilbert Road Segment.
- d. The County hereby agrees that the County will make reasonable efforts to issue TAD bonds or to obtain funds through GRTA , GDOT or other methods through which the Developer may be reimbursed for the Developer Contribution, together with any other documented funds the Developer has reasonably expended for Gilbert Road Developer Improvements to the Gilbert Road Segment.

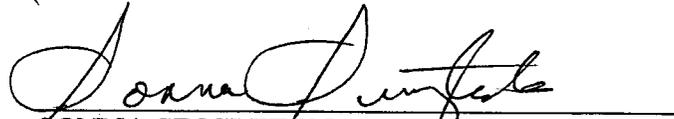
Section 2. The County hereby authorizes the Chairman to execute a Project Management Agreement containing terms and conditions set forth in Section 1. above and such other terms and conditions that are not inconsistent with the terms and conditions expressed in this Resolution and in the outline of obligations and responsibilities of the parties attached Exhibit C.

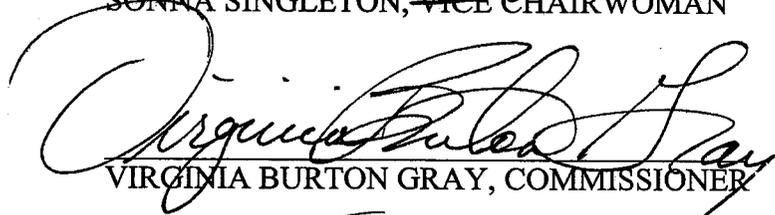
Section 3. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

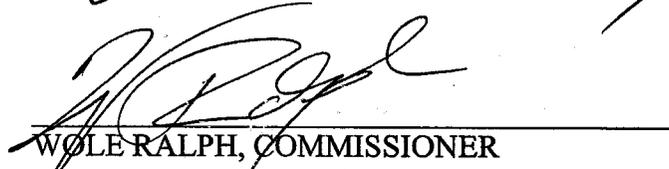
SO RESOLVED, this 19<sup>th</sup> day of February, 2008.

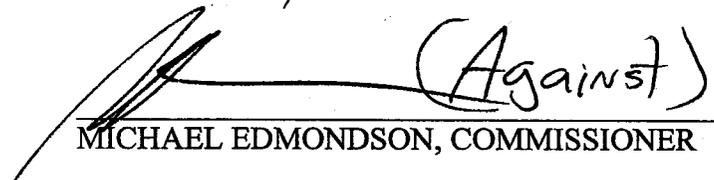
CLAYTON COUNTY BOARD OF COMMISSIONERS

  
EDRIN BELL, CHAIRMAN

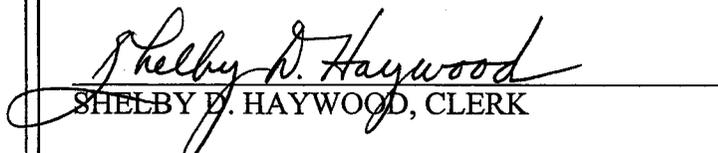
  
SONNA SINGLETON, VICE CHAIRWOMAN

  
VIRGINIA BURTON GRAY, COMMISSIONER

  
WOLE RALPH, COMMISSIONER

 (Against)  
MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

  
SHELBY D. HAYWOOD, CLERK