

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2008 - 165

A RESOLUTION TO RESCIND RESOLUTION NO. 2005-135 AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH TRANSPORTATION IMPROVEMENTS RELATED TO THE AVIATION BOULEVARD GRADE SEPARATION AT NS RR-GRTA PROJECT WILL BE FACILITATED, AND TERMINATE SAID AGREEMENT; TO AUTHORIZE CLAYTON COUNTY TO ENTER INTO A NEW AGREEMENT FOR ACQUISITION OF RIGHT OF WAY STATE-AID OR FEDERAL-AID PROJECT REIMBURSABLE WITH THE DEPARTMENT OF TRANSPORTATION STATE OF GEORGIA FOR THE CW GRANT UNDERPASS PROJECT, NO. STP-0001-00(817), PI NO. 0001817; 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, on October 18, 2005, the Board of Commissioners approved Resolution 2005-135 authorizing the County to enter into an agreement the State of Georgia, Department of Transportation ("GDOT") whereby the County and GDOT would let to construction for Project No. STP00-0001-00(817), PI No. 0001817 (the "Project") the rights of way which were to be acquired in the name of GDOT by the County, with the cost of the right of way being distributed between the County and GDOT; and

WHEREAS, prior to completing the terms of the agreement as provided in the authorizing resolution but after entering into said agreement, GDOT provided the County with a new Agreement having terms with no substantive changes to those of the former agreement, but providing greater detail, including cost estimates and an "Attachment B" which outlines a project schedule; and

Whereas, the Aviation Boulevard Grade Separation at NS RR-GRTA Project and the CW Grant Underpass Project are one and the same, and are referenced by the term "Project"; and

WHEREAS, GDOT and the County propose under the new Agreement to let to construction for the Project the rights of way which are to be acquired in the name of GDOT by the County with the cost of the right of way being distributed between the County and GDOT; and

WHEREAS, GDOT agrees to reimburse the County not to exceed \$4,955,000.00 for eligible right of way costs, to include land and improvement costs, relocation expenses and contracted property management costs; and

WHEREAS, the County deems it in its best interest and the County will best be served by entering into a new agreement with the Department of Transportation State of Georgia as contemplated 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 rescinds Resolution No. 2005-135 authorizing the County to enter into an agreement with the State of Georgia, Department of Transportation ("GDOT") regarding the facilitation of transportation improvements for the Aviation Boulevard Grade Separation at NS RR-GRTA Project, and terminates said agreement dated as of January 9, 2006.

Section 2. The Board of Commissioners hereby authorizes the County to enter into a new Agreement for acquisition of right of way state-aid or federal-aid project reimbursable with the Department of Transportation, State of Georgia providing for the terms and conditions under which acquisition of right of way and reimbursement will be made to the County for right of way acquisition associated with the CW Grant Underpass Project, No. STP00-0001-00(817), PI No. 0001817. 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. 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 Agreement. The Agreement is attached hereto as Exhibit "A".

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

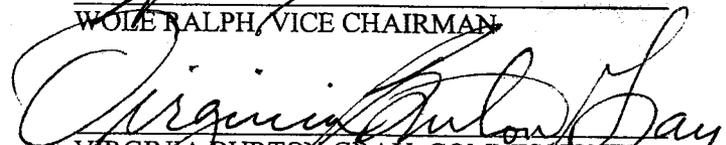
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SO RESOLVED, this the 7th day of October, 2008.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


VIRGINIA BURTON GRAY, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK