

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2016 - 117

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AMENDMENT TO A UTILITY RELOCATION AGREEMENT WITH GEORGIA POWER COMPANY FOR THE RELOCAITON OF UTILITIES ASSOCIATED WITH THE GODBY ROAD WIDENING PROJECT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AMENDMENT AND ANY AND ALL DOCUMENTS RELATING THERETO, AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County entered into a Utility Relocation Agreement (the "Agreement") with Georgia Power Company for the Godby Road Widening Project, dated February 18, 2014 (Resolution 2014-37); and

WHEREAS, Georgia Power is required to comply with the Buy America requirements under federal law (23 U.S.C 313 and C.F.R. 635.410); and

WHEREAS, the Agreement did not address the Buy America requirement; and

WHEREAS, the parties desire to amend the Agreement to add Section 14 regarding compliance with Buy America regulation; and

WHEREAS, the Board of Commissioners deems it to be in the best interest of the County to so amend the Agreement.

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

Section 1. The Agreement shall be amended to add Section 14 addressing the Buy America Regulations. The amendment shall be accomplished by a written First Amendment to Utility Relocation Agreement (the "Amendment") in substantially the form attached hereto as Exhibit "A", which Amendment also adds to the Agreement as Exhibit "B" a certification entitled "Buy America Certificate of Compliance". All other provisions of the Agreement shall be unaffected by the Amendment and shall remain in full force and effect.

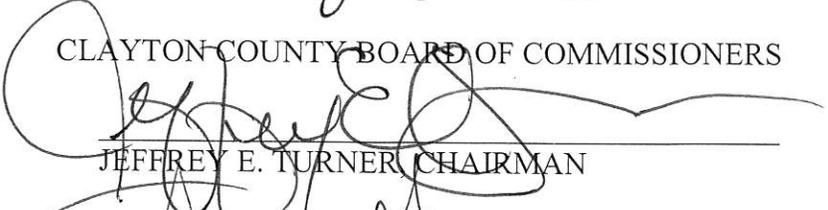
Section 2. The Chairman is hereby authorized to execute the First Amendment to Utility Relocation Agreement, and any and all other documents necessary, and otherwise to perform all acts necessary or prudent, to carry out and to effectuate the intent of this Resolution.

Section 3. If any section, sentence, clause, or phrase of this Resolution is held or determined by any court of competent jurisdiction to be invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Resolution, and such remainder shall remain in full force and effect.

Section 4. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 7th day of June, 2016.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN

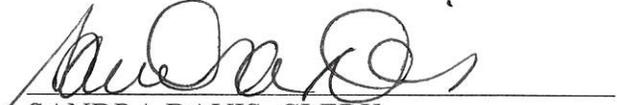

SONNA GREGORY, VICE CHAIRMAN


MICHAEL EDMONDSON, COMMISSIONER


GAIL B. HAMBRICK, COMMISSIONER


SHANA M. ROOKS, COMMISSIONER

ATTEST:


SANDRA DAVIS, CLERK