

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION 2009- 138

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO EXERCISE ITS POWERS OF EMINENT DOMAIN IN ACCORDANCE WITH THE PROVISIONS OF GEORGIA LAW FOR THE PURPOSE OF ACQUIRING CERTAIN PROPERTY FOR USE BY THE CLAYTON COUNTY DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT FOR THE CLARK HOWELL HIGHWAY PROJECT; TO AUTHORIZE THE CHAIRMAN TO EXECUTE ANY DOCUMENTS RELATING THERETO, AND TO OTHERWISE PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners previously deemed it in the best interest of Clayton County, and determined that Clayton County would best be served, by acquiring certain property for the relocation of Clark Howell Highway; and

WHEREAS, the Board of Commissioners previously authorized the exercise of Clayton County's powers of eminent domain for the purpose of acquiring said property for the relocation of Clark Howell Highway; and

WHEREAS, the Board of Commissioners previously authorized the taking of a portion of that certain tract and parcel of land known as 583 Weems Street, also known as 4915 Clark Howell Highway, being tax parcel no. 13 054A C001 (0.828 acres of right of way and 0.098 acres of temporary construction easement); and

WHEREAS, the Clayton County Department of Transportation and Development has recommended that the entire tract and parcel of land known as 583 Weems Street, also

known as 4915 Clark Howell Highway, being tax parcel no. 13 054A C001, be acquired for the relocation of Clark Howell Highway; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and Clayton County will best be served, by acquiring the entire tract and parcel of land known as 583 Weems Street, also known as 4915 Clark Howell Highway, being tax parcel no. 13 054A C001, for the relocation of Clark Howell Highway;

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

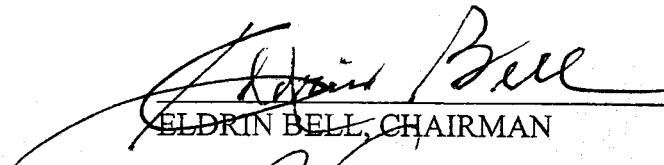
Section 1. The Board of Commissioners hereby authorizes Clayton County to exercise its powers of eminent domain in accordance with the provisions of Georgia law for the purpose of acquiring certain property for use by the Clayton County Department of Transportation and Development for the Clark Howell Highway Project, specifically that certain tract and parcel of land known as 583 Weems Street, also known as 4915 Clark Howell Highway, being shown as parcel no. 12 on the right of way plans, and being tax parcel no. 13 054A C001, containing approximately 2.39 acres, more or less. Further, the Board of Commissioners hereby authorizes the Chairman to execute any and all documents relating thereto, and otherwise to perform all acts necessary to accomplish the intent of this Resolution. The property to be acquired is more fully described on Exhibit "A" attached hereto and incorporated herein by this reference.

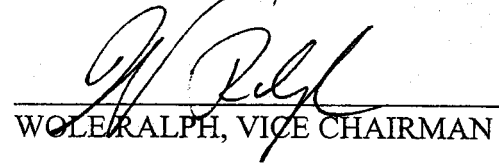
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

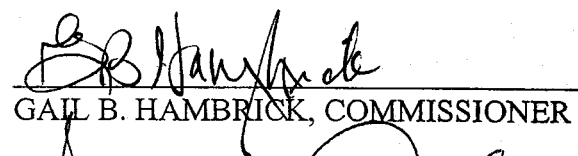
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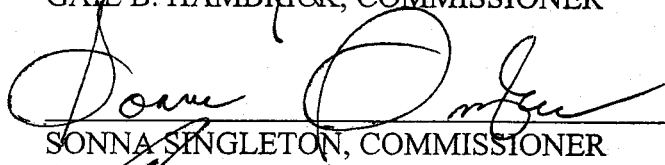
SO RESOLVED, this 1st day of September, 2009.

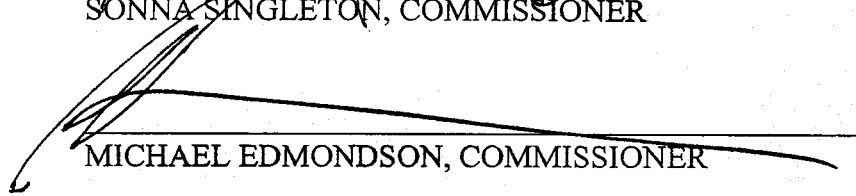
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:

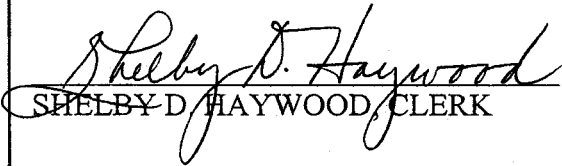

SHELBY D. HAYWOOD, CLERK

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 54 of the 13th Land District located in Clayton county, Georgia, containing 2.39 acres, more or less, of land, being Block "A", of Subdivision of John B. Lee, known as JOHN B. LEE CLARK HOWELL SUBDIVISION, shown by plat of same made by J. O. Lee, Surveyor, dated April 14, 1948, and being more particularly described as follows:

BEGINNING at the Northwest corner formed by the intersection of the North side of Eleanor Drive (sometimes referred to as Weems Street) with the Southwesterly right-of-way line of Clark Howell Highway (sometimes referred to as Old State Highway 85); running thence in a Westerly direction along the Northern side of Eleanor Drive 552 feet to a point; running thence North 221 feet to the Southwest corner of the property now or formerly owned by Mrs. Essie Lee (Mrs. J. H.) Addy; running thence in an Easterly direction along the Southern line of said Addy property 452 feet to the Southwesterly right-of-way of Clark Howell Highway; running thence in a Southeasterly direction along the Southwesterly side of said Highway 227 feet to the point of beginning. Being the same property acquired by John B. Lee, Jr. from J. B. Lee by warranty deed dated May 8, 1948, and recorded in Deed Book 60, page 29, Clayton County Records.

Also being known as:

4915 Clark Howell Highway
Clayton County, Georgia

Tax Parcel 13-054A-00C-001