

CITY OF HAMPTON

STATE OF GEORGIA

RESOLUTION NO. 2022-13

A RESOLUTION TO AUTHORIZE THE CITY COUNCIL TO ENTER INTO AN MUTUAL AGREEMENT WITH HENRY COUNTY; TO ACCEPT THE TRANSFER OF A PUBLIC SAFETY COMMUNICATION TOWER FROM HENRY COUNTY; TO PROVIDE FOR REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE, AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Hampton, Georgia (“City”) is the Mayor and Council thereof; and

WHEREAS, the City maintains its own police department as does Henry County (“County”), who provides police services to the unincorporated area; and

WHEREAS, the County’s Emergency Communications provides emergency communications to the City; and

WHEREAS, the County approved and completed the construction of a new public safety communication tower to improve coverage in the County; and

WHEREAS, upon the completion of the new communication tower, the County, in County Resolution No. 22-93, deemed its old tower surplus and approved the transfer of the old tower to the City; and

WHEREAS, the County further approved an agreement with the City regarding the transfer of the old tower; and

WHEREAS, the Agreement with Henry County regarding the old tower (attached hereto at Exhibit “A”) calls for the City’s acceptance of the old tower, registration of the tower in the City’s name, maintenance requirements, and more; and

WHEREAS, the City finds it in its best interest to enter into the Agreement with Henry County to accept the transfer of the old tower and adhere to the other terms in the Agreement; and

WHEREAS, the County Resolution is attached hereto at Exhibit “B” and incorporated by reference; and

WHEREAS, the Agreement shall be approved for execution by the Mayor and take effect immediately; and

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the City of Hampton, Georgia, and by the authority thereof, that the City accepts the old tower, adopts, and approves the April 5, 2022, Agreement with Henry County regarding the transfer of the old tower to the City, attached hereto and incorporated by reference, and accepts the terms therein.

SO RESOLVED, this 10 day of May 2022.

CITY OF HAMPTON, GEORGIA


ANN TARPLEY, Mayor

ATTEST:


RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:

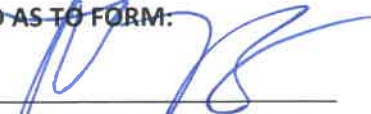

L'ERIN BARNES WIGGINS, City Attorney

Exhibit "A"

(Henry Co Board of Commission Resolution 22-93)

BOARD OF COMMISSIONERS OF
HENRY COUNTY, GEORGIA

RESOLUTION NO. 22-93

A Resolution of the Board of Commissioners declaring the empty radio tower located in the City of Hampton as surplus, and transferring this asset to the City of Hampton

WHEREAS, Henry County Emergency Communications provides effective Emergency Communications for all Public Safety agencies that service Henry County; and,

WHEREAS, through Resolution 19-281 the Henry County Board of Commissioners approved the construction of a new Public Safety Communication Tower and relocation of the communications building to improve coverage in the areas on the west side of Henry County; and,

WHEREAS, the new tower and building relocation has been completed, now making the previous tower located on Wolf Street in Hampton, Georgia unusable; and

WHEREAS, Henry County Emergency Communications is requesting to declare the old tower located on Wolf Street as surplus, and transfer this asset to the City of Hampton; and,

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of Henry County declare the property surplus and approves the transfer of ownership of the empty tower located on Wolf Street to City of Hampton. The Chair and/or County Manager is hereby authorized to execute all appropriate documentation to accomplish the surplus and transfer of ownership of said property.

This 5 of APRIL, 2022.

HENRY COUNTY BOARD OF COMMISSIONERS

BY:



Carlotta Harrell, Chair

ATTEST:


Nathifa Cunningham, Deputy County Clerk

AGREEMENT BETWEEN HENRY COUNTY AND THE CITY OF HAMPTON

This Agreement is entered into on this 5 day of APRIL, 2022, by and between Henry County, Georgia, a political subdivision of the State of Georgia, (hereinafter, "County") and the City of Hampton, also a political subdivision of the State of Georgia, (hereinafter, "City").

RECITALS

WHEREAS, through Resolution 19-281 the Henry County Board of Commissioners approved the construction of a new Public Safety Communication Tower and relocation of the communications building to improve coverage in the areas on the west side of Henry County; and,

WHEREAS, the new tower and building relocation has been completed, now making the previous tower located on Wolf Street in Hampton, Georgia, (hereinafter, "Old Tower") unusable; and

WHEREAS, the Old Tower is no longer needed by Henry County Emergency Communications and is considered surplus for which a value cannot be ascertain; and

WHEREAS, the City has expressed to the County a desire to obtain ownership of the Old Tower; and

NOW, THEREFORE, in consideration of the mutual benefits to both parties, it is hereby agreed as follows:

- I. Transfer.**
The County hereby agrees to transfers to the City all of the County's ownership rights to the Old Tower. The City hereby accepts ownership of the Old Tower "as is."
- II. Warranties.**
The County warrants that to the best of its knowledge, the County owns the Old Tower free and clear of any liens and has the full right, power, and authority to transfer the Old Tower to the City. The City acknowledges that the County makes no warranties regarding the registration, upkeep and/or condition of the Old Tower.
- III. Cities Duties.**
The City agrees to take all reasonable steps for maintenance and safety of the Old Tower. The City agrees that if registration of the Old Tower is required by federal or state law, the City shall register the Old Tower under the City's name as the City's Property and pay all cost associated with such registration.

IV. Liability.

The Parties agree that the County shall not have any liability or responsibility for any expense, or damage arising out of or resulting from the act or omission of the City, or the City's respective officials, officers, employees or agents, or from any third-party stemming from the City's ownership of the Old Tower, to include any claims from any third-party against the City. Nothing herein this agreement shall be construed as a waiver of any defenses or claims that the County may have against the City or to a third-party claim. In addition, nothing herein shall be construed as a waiver of any governmental immunities that the County may have, including sovereign immunity or any immunity available to its officers, officials, employees, and agents as against any party or claim.

V. Entire Agreement.

This agreement contains the entire understanding of the parties with respect to the subject matter of the agreement and is subject to the laws of the State of Georgia. This Agreement also supersedes all other agreements and understandings, both oral and written, between the parties relating to the subject matter of the agreement.

Signature page follows

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals this the 5 day of APRIL, 2022.

HENRY COUNTY, GEORGIA

CITY OF HAMPTON, GEORGIA



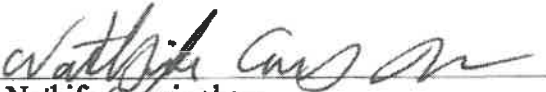
Carlotta Harrell, Chair
Board of Commissioners



(Name)
(Title)

ATTEST:

ATTEST:



Nathifa Cunningham,
Deputy County Clerk



Secretary/
Assistant Secretary

Rosalinda Fairley
City Clerk

(Affix County Seal)

(Affix Corporate Seal)

APPROVED AS TO FORM:



Nancy L. Rowan, County Attorney

