

1 **A RESOLUTION APPROVING A THIRD AMENDMENT TO A COMMERCIAL LEASE**
2 **AGREEMENT BETWEEN FULTON COUNTY, GEORGIA (TENANT) AND HERITAGE**
3 **PLACE MANAGER, LLC (LANDLORD) FOR THE PURPOSE OF EXTENDING THE**
4 **LEASE TERM AT 3155 ROYAL DRIVE, SUITE 125, ALPHARETTA, GEORGIA, FOR**
5 **FIVE (5) RENEWABLE ONE (1) YEAR TERMS FOR THE FULTON COUNTY BOARD**
6 **OF HEALTH TO PROVIDE HEALTH SERVICES TO FULTON COUNTY RESIDENTS;**
7 **TO AUTHORIZE THE CHAIRMAN TO EXECUTE A THIRD AMENDMENT TO**
8 **COMMERCIAL LEASE AGREEMENT AND RELATED DOCUMENTS; TO AUTHORIZE**
9 **THE COUNTY ATTORNEY TO APPROVE A THIRD AMENDMENT TO COMMERCIAL**
10 **LEASE AGREEMENT AND RELATED DOCUMENTS AS TO FORM AND TO MAKE**
11 **ANY MODIFICATIONS THERETO PRIOR TO EXECUTION; AND FOR OTHER**
12 **PURPOSES.**

13 **WHEREAS**, on September 21, 2005, the Fulton County Board of Commissioners
14 approved Agenda Item # 05-1056, which authorized a lease agreement between Fulton
15 County, Georgia ("Fulton County") and Holder/Royal 400, LLC, now Heritage Place
16 Manager, LLC, ("Lease Agreement") for 14,625 square feet of office space to provide
17 health and related services at 3155 Royal Drive, Suite 125. Alpharetta, Georgia 30004
18 ("Premises"); and

19 **WHEREAS**, on March 2, 2016, the Board of Commissioners approved the First
20 Amendment to the original lease as Agenda Item 16-0182, extending the lease term from
21 March 1, 2016 to December 31, 2016 and on December 7, 2016, as Agenda Item #16-
22 1091, the Board of Commissioners approved the Second Amendment to Commercial
23 Lease Agreement that extended the lease term from January 1, 2017 to December 31,
24 2021; and

25 **WHEREAS**, through the adoption of House Bill 885 (Laws 201, Act 467, § 1,
26 effective April 27, 2016) in the 2015-2016 Regular Session, the Georgia General
27 Assembly repealed O.C.G.A. § 31-3-2.1, which had allowed Fulton County to operate its
28 public health services through its internal Department of Health and Wellness; and

29 **WHEREAS**, House Bill 885 further provided that the operation of public health
30 services in Fulton County was to transition from being a department within the County to
31 being a county board of health similar to the other boards of health around the State of
32 Georgia that were never incorporated into county governments; and

33 **WHEREAS**, Fulton County therefore adopted Resolution Nos. 17-0298 and 17-
34 0299 on April 12, 2017, dissolving the Department of Health and Wellness and directing
35 County staff to facilitate the creation of the Fulton County Board of Health as a separate
36 entity; and

1 **WHEREAS**, the Fulton County Board of Health enjoys all powers and obligations
2 of a county board of health that are set forth in O.C.G.A. § 31-3-1, *et seq.* and as may be
3 delegated by the Georgia Department of Public Health and by and through the authorities
4 established in O.C.G.A § 31-2-1, *et seq.*, O.C.G.A. § 26-2-370, *et seq.*, and other state
5 laws as of July 1, 2017; and

6 **WHEREAS**, pursuant to O.C.G.A. § 31-3-9 Fulton County is obligated to “provide
7 the county board of health with quarters and equipment sufficient for its operation”; and

8 **WHEREAS**, Article 9, § 2, Par. 1(a) of the Georgia Constitution states in part “[t]he
9 governing authority of each county shall have legislative power to adopt clearly
10 reasonable ordinances, resolutions, or regulations relating to its property, affairs, and
11 local government for which no provision has been made by general law and which is not
12 inconsistent with this Constitution or any local law applicable thereto.”

13 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
14 approves the Third Amendment to a Commercial Lease Agreement between Fulton
15 County, a political subdivision of the state of Georgia (Tenant), and Heritage Place
16 Manager, LLC, a Georgia limited liability company (Landlord), for the purpose of
17 extending the lease term at 3155 Royal Drive, Suite 125, Alpharetta, Georgia in
18 substantially the form attached hereto as Exhibit “A.”

19 **BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners
20 (or Vice-Chairman, in the Chairman’s absence) is hereby authorized to execute the Third
21 Amendment to a Commercial Lease Agreement between Fulton County and Heritage
22 Place Manager, LLC.

23 **BE IT FURTHER RESOLVED**, that the County Attorney is hereby authorized to
24 approve the Third Amendment to a Commercial Lease Agreement as to form and
25 substance, and to make such other or additional modifications as are necessary, to
26 protect the County’s interests prior to execution by the Chairman.

27 **BE IT FURTHER RESOLVED**, that this Resolution shall become effective upon its
28 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
29 are hereby repealed to the extent of the conflict.

30 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
31 Georgia, this _____ day of December, 2021.

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FULTON COUNTY BOARD OF
COMMISSIONERS

Robert L. Pitts, Chairman

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12 ATTEST:

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16 _____
17 Tonya Grier, Clerk to the Commission

18 APPROVED AS TO FORM:

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21 _____
22 Y. Soo Jo
23 County Attorney
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