



Fulton County Board of Commissioners
Agenda Item Summary

19-1107

BOC Meeting Date
 12/18/2019

Requesting Agency

Real Estate and Asset Management

Commission Districts Affected

All Districts

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

Request approval of a Resolution to approve a Second Amendment to Lease Agreement between Fulton County, Georgia (Lessee) and Selig Enterprises, Inc. (Lessor) for the purpose of extending the lease term at 4701 Fulton Industrial Boulevard Atlanta, Georgia for the operations of the Fulton County Police Department; to authorize the County Attorney to approve the Second Amendment to Lease Agreement as to form and make modifications thereto prior to execution. Effective January 1, 2020, with annual renewals through 2024 at a rental rate of \$10,956.18 per month, with 3% increase each year

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

According to O.C.G.A. § 36-60-13, each county or municipality in this State shall be authorized to enter into multiyear lease, purchase, or lease purchase contracts of all kinds for the acquisition of goods, materials, real and personal property, services and supplies.

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People trust government is efficient, effective, and fiscally sound

Is this a purchasing item?

No

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

Scope of Work: The approval of the Fulton County Board of Commissioners is being requested by the Fulton County Police Department to execute a lease extension agreement for the purpose of extending their occupancy at 4701 Fulton Industrial Boulevard Atlanta, Georgia. The Fulton County Police Department uses this location as its headquarters, for evidence storage, arrest and detaining of suspects, and general policing of the Fulton Industrial Boulevard corridor.

In accordance with Fulton County Policy the approval of the Fulton County Board of Commissioner's is required prior to executing or modifying the terms of all contractual agreements in which the County is a party to the agreement.

Pending approval of the Board of Commissioners the monthly rental payment of \$10,956.18 shall become effective January 1, 2020, the monthly rental rate will be increased annually on each succeeding January 1 during the Lease Term and any Renewal Term by three percent (3%) of the annual installment of rent payable during the previous year, in no event shall this lease continue beyond December 31, 2024 unless extended by mutual consents.

Agency Director Approval		County Manager's Approval
Typed Name and Title Joseph N. Davis, Director, Department of Real Estate and Asset Management	Phone 404-612-3772	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Community Impact: A continued police presence and daily police operations that are necessary to reduce crime, ensure the safety of citizens and for development of relationships with residents and businesses within the community that will improve the quality of life.

Department Recommendation: In cooperation with the Police Department, the Department of Real Estate and Asset Management recommends approval to extend the lease of approximately 20,100 square feet of warehouse and office space for up to five (5) years to further the goals and objectives of the Police Department.

Project Implications: The extension of the lease term will allow police operations to continue without interruption from this established location for up to the next five years.

Community Issues/Concerns: There have been no issues/concerns raised or presented to the Department by constituents or clients concerning this agenda item.

Department Issues/Concerns: None

History of BOC Agenda Item: the Police Department occupied this space originally in 1993 under a lease approved by the Board of Commissioners on May 5, 1993 (Agenda Item #245). The most recent lease which allowed for continuing the occupancy at 4701 Fulton Industrial Boulevard until December 31, 2019 was approved on January 20, 2010 (Agenda Item #10-0152).

Contract & Compliance Information

(Provide Contractor and Subcontractor details.)

Agency Director Approval		County Manager's Approval
Typed Name and Title Joseph N. Davis, Director, Department of Real Estate and Asset Management	Phone 404-612-3772	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

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Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				

Total Contract Value	.
Total M/FBE Values	.
Total Prime Value	.

Fiscal Impact / Funding Source *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*
 Monthly rental payments of \$10,956.18 will be paid from funding line 301-320-3206-1121.

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*

1. Amendment to Fulton County Lease Agreement
2. Resolution

Source of Additional Information *(Type Name, Title, Agency and Phone)*
 Linda DuBose Alexander, Real Estate Specialist 404-612-7276

Agency Director Approval		County Manager's Approval
Typed Name and Title Joseph N. Davis, Director, Department of Real Estate and Asset Management	Phone 404-612-3772	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement

Contract Attached: .	Previous Contracts: .		
Solicitation Number: .	Submitting Agency: .	Staff Contact: .	Contact Phone: .

Description:.

FINANCIAL SUMMARY

Total Contract Value:	MBE/FBE Participation:
Original Approved Amount: .	Amount: . %: .
Previous Adjustments: .	Amount: . %: .
This Request: .	Amount: . %: .
TOTAL: .	Amount: . %: .

Grant Information Summary:

Amount Requested: .	<input type="checkbox"/>	Cash
Match Required: .	<input type="checkbox"/>	In-Kind
Start Date: .	<input type="checkbox"/>	Approval to Award
End Date: .	<input type="checkbox"/>	Apply & Accept
Match Account \$: .		

Funding Line 1: .	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
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KEY CONTRACT TERMS

Start Date: .	End Date: .
Cost Adjustment: .	Renewal/Extension Terms: .

ROUTING & APPROVALS
(Do not edit below this line)

X	Originating Department:	Davis, Joseph	Date: 12/11/2019
X	County Attorney:	Stewart, Dernal	Date: 12/11/2019
.	Purchasing/Contract Compliance:	.	Date: .
.	Finance/Budget Analyst/Grants Admin:	.	Date: .
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 12/11/2019

SECOND AMENDMENT OF LEASE AGREEMENT

THIS AGREEMENT made this _____ day of December, 2019, by and between SELIG ENTRPRISES, INC. whose address for the purposes hereof is 1100 Spring Street, NW, Suite 550, Atlanta, Georgia 30309 (hereinafter called "Landlord") and Fulton County, a political subdivision of the State of Georgia (hereinafter called "Tenant");

WITNESSETH

WHEREAS, ON THE 20TH DAY OF January 2010, Landlord did lease to Tenant, real property located at 4701 Fulton Industrial Blvd, Atlanta, Georgia 30336, in Fulton County, Georgia, comprising 20,100 square feet; and

WHEREAS, ON THE 4TH DAY OF January 2012, the parties did amend said lease to reduce the rental amount being paid in the then-current lease agreement, said amendment being hereinafter included by reference with in the January 20, 2010 Agreement (together called the "Lease Agreement"); and

WHEREAS, the parties desire to amend the Lease to extend the lease term and other matters;

NOW THEREFORE, in consideration of the premises and for the purpose of conforming said Lease Agreement to the intention of the parties, it is hereby agreed that said Lease Agreement shall be amended and modified with the following particulars:

1.

Exhibit "A" to the Lease Agreement, Special Stipulations, Paragraph 1. Is hereby modified by deleting said paragraph in its entirety, and inserting in lieu thereof the following language:

1. TERM

Tenant takes and accepts from Landlord the Demised Premises upon the terms and conditions herein contained and in their present condition and as suited for the use intended by Tenant, to have and to hold the same for the term (the "Lease Term") of the Lease.

Pursuant to O.C.G.A. Section 36-60-13: The term of this Lease shall be for a total of five (5) optional one year terms which begin on January 1, 2020 (the "Commencement Date"), and end on December 31, 2020 (the Termination Date). The Lease shall renew annually for four (4) more consecutive one-year terms beginning on January 1st of each year and ending on December 31st of each year at the indicated Rates in Section 2 (Rental). The four optional one (1) year automatic renewals shall be contingent upon the availability and appropriation of funds by the Fulton County Board of Commissioners unless sooner terminated as provided for in the Lease. In no event shall this lease continue beyond December 31, 2024 unless by mutual consent a provided for in the Lease Term.

This Lease shall obligate Tenant to pay only the sums payable during the calendar year of execution or in the event of renewal by Tenant, for sums payable in the individual calendar year renewal term.

2.

Exhibit "A" to the Lease Agreement, Special Stipulations, Paragraph 2. Rental is hereby modified with the following language:

Effective January 1, 2020, the base monthly Rental shall be as follows:

- i. \$10,956.18 beginning January 1, 2020 up to and including December 31, 2020
- ii. \$11,284.87 beginning January 1, 2021 up to and including December 31, 2021
- iii. \$11,623.41 beginning January 1, 2022 up to and including December 31, 2022
- iv. \$11,972.11 beginning January 1, 2023 up to and including December 31, 2023
- v. \$12,331.28 beginning January 1, 2024 up to and including December 31, 2024

3.

Exhibit "A" to the Lease Agreement, Special Stipulations, Paragraph 8. Improvements by Landlord is hereby modified by deleting said paragraph in its entirety, and inserting in lieu thereof the following language:

Upon execution of this Lease, Landlord agrees to perform certain improvements to the Premises at Landlords sole cost as follows:

- Carpet cleaning throughout
- Parking lot repair and restriping
- Replacement of picnic tables
- Repair of hole in drywall above prisoner's bench
- Upgrades to bathrooms, to include
 - Replacement of metal partitions
 - Paint cupboards and possible replacement of counter tops
 - Deep cleaning of tile floors and walls
- Upgrades to the break room, to include
 - Improved lighting
 - Paint cupboards and possible replacement of counter tops
 - Deep cleaning of floors
 - Paint
- Replacement of glass door from lobby with one that fits securely and cannot be pushed open
- Upgrade to glass panel in front of the receptionist to one that cannot be pushed in
- Balance the air conditioning units throughout

4.

Except as hereinabove set forth, said Master Lease Agreement shall remain otherwise in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto set their hands, affixed their seals and delivered these presence on the day and year first above written.

TENANT

Fulton County, a political Subdivision of the State of Georgia

LANDLORD

Selig Enterprises, Inc.
A Georgia Corporation

BY: _____
Robert L. Pitts, Chairman
Fulton County Board of Commissioners

By: _____
Kent W. Walker
Vice President

ATTEST

ATTEST

By: _____
Tonya Grier, Clerk
Fulton County Board of Commissioners

By: _____
Kevin Curry
Vice President

APPROVED AS TO FORM

This ____ day of _____, 2019

By: _____
Fulton County Attorney

1 A RESOLUTION TO APPROVE A SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN FULTON
2 COUNTY, GEORGIA (LESSEE), AND SELIG ENTERPRISES, INC. (LESSOR) FOR THE PURPOSE OF EXTENDING
3 THE LEASE TERM AT 4701 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GEORGIA, FOR THE
4 OPERATIONS OF THE FULTON COUNTY POLICE DEPARTMENT; TO AUTHORIZE THE COUNTY ATTORNEY
5 TO APPROVE THE SECOND AMENDMENT TO LEASE AGREEMENT AS TO FORM AND MAKE
6 MOFIFICATIONS THERETO PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.

7

8 **WHEREAS**, Fulton County, Georgia, ("Fulton County") is a political subdivision of the State of Georgia,
9 existing as such under and by the Constitution, statutes, and laws of the Stat of Georgia; and

10 **WHEREAS**, the Fulton County Police Department maintains its principle place of operation at 4701
11 Fulton Industrial Boulevard; and

12 **WHEREAS**, the Fulton County Police Department has been a tenant at this location since 1993; and

13 **WHEREAS**, it is the desire of Fulton County and Selig Enterprise, Inc. to enter into a lease extension
14 agreement for the purpose of extending the current lease term for up to an additional five years; and

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

19 **NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners herein approves the Second
20 Amendment to Lease Agreement with Selig Enterprises, Inc., to extend the term of the Lease, in
21 substantially the form attached hereto as Exhibit "A".

22 **BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners is hereby authorized to
23 execute the Second Amendment to Lease Agreement , after approval as to form by the County Attorney.

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

27 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County, Georgia, this ____ day of
28 _____, 2019

FULTON COUNTY BOARD OF COMMISSIONERS

By: _____
Robert L. Pitts, Chairman,
Fulton County Board of Commissioners

ATTEST:

Tonya Grier, Interim Clerk to the Commission

APPROVED AS TO FORM:

Patrise Perkins-Hooker, County Attorney

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