

1 **A RESOLUTION TO EXTEND THE TERMS AND CONDITIONS OF AN ORIGINAL**
2 **UTILITIES ACCESS AND SERVICES AGREEMENT BETWEEN FULTON COUNTY,**
3 **GEORGIA AND REJV CONCOURSE ATLANTA,LLC, AT 5 CONCOURSE PARKWAY,**
4 **ATLANTA, GEORGIA PURSUANT TO A SECOND AMENDMENT TO A UTILITIES**
5 **ACCESS AND SERVICES AGREEMENT; TO AUTHORIZE THE CHAIRMAN TO**
6 **EXECUTE A SECOND AMENDMENT TO UTILITY ACCESS AND SERVICES**
7 **AGREEMENT; TO AUTHORIZE THE COUNTY ATTORNEY TO APPROVE A SECOND**
8 **AMENDMENT TO UTILITY ACCESS AND SERVICES AGREEMENT AS TO FORM**
9 **AND TO MAKE ANY MODIFICATIONS THERETO IN ORDER TO PROTECT THE**
10 **INTERESTS OF FULTON COUNTY PRIOR TO EXECUTION; AND FOR OTHER**
11 **PURPOSES.**

12 **WHEREAS**, in 1967, the President's Commission on Law Enforcement and
13 Administration of Justice recommended that a "single number should be established"
14 nationwide for reporting emergency situations; and

15 **WHEREAS**, Fulton County Emergency Services is the cornerstone of the County's
16 comprehensive public safety response system with the main objective of the this
17 department being to facilitate the flow of information in a seamless and rapid manner, and
18 to provide aid, comfort, and instructions to the public prior to the arrival of Law
19 Enforcement, Fire, and Emergency Medical Services; and

20 **WHEREAS**, Fulton County, Georgia and REJV CONCOURSE ATLANTA, LLC are
21 involved in a utilities access and services agreement previously approved as Agenda Item
22 #198 at the Board of Commissioner's Meeting held May 20, 1992 and Agenda Item # 16-
23 0567 approved at the Board of Commissioner's Meeting held July 20, 2016, for the
24 purpose of providing rooftop space for emergency communication equipment; and
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26 **WHEREAS**, REJV CONCOURSE ATLANTA, LLC is the landlord and responsible
27 for the management of the rooftop space located at 5 Concourse Parkway, situated in
28 Atlanta, Georgia; and
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30 **WHEREAS**, the term of the utilities access and services agreement will expired on
31 December 31, 2020, and it is the mutual desire of Fulton County and REJV CONCOURSE
32 ATLANTA LLC to extend the terms and conditions of the utilities access and services
33 agreement for a period of four (4) years inclusive of renewal options ; and

34 **WHEREAS**, Article 9, § 2, Par. 1(a) of the Georgia Constitution states in part "[t]he
35 governing authority of each county shall have legislative power to adopt clearly
36 reasonable ordinances, resolutions, or regulations relating to its property, affairs, and

1 local government for which no provision has been made by general law and which is not
2 inconsistent with this Constitution or any local law applicable thereto."

3 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
4 approves the Second Amendment to Utility Access and Services Agreement with REJV
5 CONCOURSE ATLANTA, LLC, in substantially the form attached hereto as Exhibit "A."

6 **BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners
7 is hereby authorized to execute the Second Amendment to Utility Access and Services
8 Agreement between Fulton County and REJV CONCOURSE ATLANTA, LLC.

9 **BE IT FURTHER RESOLVED**, that the County Attorney is hereby authorized to
10 approve the First Amendment to License Agreement as to form and to make such other
11 or additional modifications as are necessary, to protect the County's interests prior to
12 execution by the Chairman.

13 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
14 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
15 are hereby repealed to the extent of the conflict.

16 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
17 Georgia, this _____ day of _____, 2020.

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20 ATTEST

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Tonya R. Grier

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Clerk to the Commission

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APPROVED AS TO FORM:

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Patrise Perkins-Hooker
County Attorney

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

Robert L. Pitts, Chairman