

1 **A RESOLUTION AUTHORIZING APPROVAL OF A LEASE AGREEMENT BETWEEN**
2 **FULTON COUNTY, GEORGIA AND SK ARO, LLC, TO PROVIDE SPACE FOR THE**
3 **FULTON COUNTY DISTRICT ATTORNEY'S OFFICE; AUTHORIZING THE**
4 **CHAIRMAN AND COUNTY MANAGER TO EXECUTE THE LEASE AGREEMENT AND**
5 **RELATED DOCUMENTS; AUTHORIZING THE COUNTY ATTORNEY TO APPROVE**
6 **THE LEASE AGREEMENT AS TO FORM AND MAKE NECESSARY MODIFICATIONS**
7 **THEREOF PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.**

8 **WHEREAS**, the Fulton County District Attorney's Office (the "DA's Office") is
9 responsible for investigating and prosecuting violations of criminal statutes within Fulton
10 County; and

11 **WHEREAS**, as a result of the COVID-19 pandemic, the DA's Office is experiencing
12 a historic backlog with the prosecuting of criminal cases in the Superior Courts of Fulton
13 County, Georgia; and

14 **WHEREAS**, in the interest of public safety and the need to timely investigate and
15 prosecute current and backlogged criminal cases, the DA's Office has received the
16 approval of the Fulton County Board of Commissioners to increase personnel and office
17 space; and

18 **WHEREAS**, the current space occupied by the DA's Office is insufficient to
19 accommodate current staff, let alone increased staff; and

20 **WHEREAS**, the DA's Office and the Department of Real Estate and Asset
21 Management ("DREAM") have located additional office space totaling 25,269 square feet
22 in close proximity to the Fulton County Justice Center Tower Complex for its operations
23 on the second, third and fourth floors at 86 Pryor Street, Atlanta, Georgia, whose landlord
24 is SK ARO, LLC, a Delaware limited liability company authorized to transact business in
25 the State of Georgia (the "Landlord"); and

26 **WHEREAS**, the Landlord and DA's Office together with DREAM and the County
27 Attorney's Office, have negotiated a full service lease with an initial term commencing on
28 or about November 1, 2021 and ending at 11:59 p.m. on December 31, 2021 (the "Initial
29 Term"); and

1 **WHEREAS**, after the expiration of the Initial Term, and subject to the provisions of
2 O.C.G.A. § 36-60-13 (the Georgia multiyear lease, purchase, or lease purchase contracts
3 statute), the lease shall automatically renew for five (5) consecutive twelve (12) month
4 calendar year (January – December) terms, subject to termination and appropriation of
5 funding; and

6 **WHEREAS**, the lease further provides that at the end of those five (5) renewal
7 years, the County has the option of leasing the space for an additional five (5) year period,
8 subject to the provisions of O.C.G.A. § 36-60-13, for a total potential lease consisting of
9 ten (10) years and two (2) months; and

10 **WHEREAS**, the rent for the Initial Term and the first option year shall be
11 \$52,500.00 per month and shall escalate by three percent (3%) each consecutive option
12 year in which it is renewed; and

13 **WHEREAS**, the DA's Office and DREAM seek approval from the Board of
14 Commissioners to enter into the lease agreement, authorization for the Chairman and
15 County Manager to execute the lease agreement and related documents, and
16 authorization for the County Manager and the County Attorney to finalize negotiation of
17 the lease agreement and related documents consistent with the terms approved by the
18 Board of Commissioners.

19 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
20 approves Fulton County entering into a full service lease agreement with SK ARO, LLC
21 for the second, third and fourth floors of the building located at 86 Pryor Street.

22 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby approves
23 said full service lease having an Initial Term commencing on or about November 1, 2021
24 and ending at 11:59 p.m. on December 31, 2021 and after the expiration of the Initial
25 Term, and subject to the provisions of O.C.G.A. § 36-60-13, automatically renewing for
26 five (5) consecutive twelve (12) calendar month (January – December) terms, with the
27 option of leasing the space for an additional five (5) year period, subject to the provisions

1 of O.C.G.A. § 36-60-13, for a total potential lease consisting of ten (10) years and two (2)
2 months.

3 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby approves
4 the rent for the Initial Term and the first option year of \$52,500.00 per month, with a three
5 percent (3%) escalation for each consecutive year thereafter; and

6 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby approves
7 and authorizes the County Attorney's Office to approve as to form the full service lease
8 agreement and to make necessary modifications thereto prior to execution to protect the
9 interests of Fulton County.

10 **BE IT FURTHER RESOLVED**, that the Chairman and the County Manager are
11 hereby authorized to execute the lease and related documents upon presentment in final
12 form by the County Attorney and County Manager after finalization of negotiations.

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 6th day of October, 2021.

18 **FULTON COUNTY BOARD OF COMMISSIONERS**

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21
22 Robert L. Pitts
23 Chairman

24 ATTEST:

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27 Tonya R. Grier
28 Clerk to the Commission
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1 APPROVED AS TO FORM:

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5 Kaye Woodard Burwell
6 Interim County Attorney

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