

1 **A RESOLUTION APPROVING A RIGHT OF ACCESS LICENSE AGREEMENT**
2 **BETWEEN FULTON COUNTY, GEORGIA AND THE CITY OF SOUTH FULTON,**
3 **GEORGIA FOR CERTAIN EVENTS AT THE WOLF CREEK AMPHITHEATER AND**
4 **THE SOUTHWEST ARTS CENTER; AND FOR OTHER PURPOSES.**

5 **WHEREAS**, the County currently owns a 42.9 acre site located at 0 Vandiver
6 Road, South Fulton, Fulton County, Georgia, on which is situated the Wolf Creek
7 Amphitheater (the “WCA”) as well as a building known as the County’s Public Safety
8 Training Center (the “PSTC”); and

9 **WHEREAS**, the County currently owns property adjacent to the Wolf Creek
10 Amphitheater (“Wolf Creek Amphitheater Site”) that contain paved parking lot facilities
11 utilized by both the WCA and PSTC; and

12 **WHEREAS**, the County currently owns property adjacent to the Wolf Creek
13 Amphitheater Site, which are part of the closed Merk Mills Landfill, portions of which have
14 historically been used for parking during outdoor live music concerts, plays,
15 performances, festivals, and other events held at WCA; and

16 **WHEREAS**, the County currently owns property located at 915 New Hope Road,
17 SW, South Fulton, Fulton County, Georgia on which is situated the Southwest Arts Center
18 (the “SW Arts Center”); and

19 **WHEREAS**, the County intends to transfer the SW Arts Center to the City; and

20 **WHEREAS**, pursuant to Article 10 of that certain *Intergovernmental Agreement for*
21 *the Transfer of Certain Assets and Provision of Certain Services between Fulton County,*
22 *Georgia and the City of South Fulton, Georgia*, dated February 25, 2020 (the “Transfer
23 IGA”), as amended by that certain *First Amendment to the Intergovernmental Agreement*
24 *for the Transfer of Certain Assets and Provision of Certain Services between Fulton*
25 *County, Georgia and the City of South Fulton, Georgia*, dated March 4, 2020 (the “First
26 Amendment”) (collectively the Transfer IGA and the First Amendment are the “IGA”), the
27 County and City contemplate that the County will transfer the Wolf Creek Amphitheater
28 Site as well as adjacent property to the City upon the happening of certain conditions
29 precedent in accordance with the terms of the IGA; and

30 **WHEREAS**, the County and the City are actively working to satisfy the conditions
31 precedent so as to allow for the transfer contemplated by the Transfer IGA to be
32 effectuated and finalized; and

1 **WHEREAS**, the County and City are also working on a lease agreement (the
2 “Lease”) for the Wolf Creek Amphitheater Site in order for to allow the City further use of
3 the Wolf Creek Amphitheater Site while they actively work to satisfy the conditions
4 precedent so as to allow for the transfer contemplated by the Transfer IGA to be
5 effectuated and finalized; and

6 **WHEREAS**, the City has requested permission to hold the following events (the
7 “Events”): (i) *South Fulton: City on the Rise* at the SW Arts Center on Thursday, April 28,
8 2022, (ii) *Celebrate South Fulton Community Festival* on Saturday, April 30, 2022 at
9 WCA, (iii) High School graduation ceremonies at WCA as requested by various high
10 schools located in and around the City; and (iv) *Juneteenth Celebration* on Sunday, June
11 19, 2022 at WCA; and

12 **WHEREAS**, while the City and the County continue to negotiate the Lease terms,
13 the County is agreeable to permitting the City to use the SW Arts Center and Wolf Creek
14 Amphitheater site for these Events, excluding the PSTC building structure with the
15 exception of two (2) offices located in the PSTC that have been traditionally utilized for
16 the operation of the WCA, pursuant to the Right of Access License Agreement; and

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

22 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
23 approves the Right of Access License Agreement, attached hereto in substantial form as
24 Exhibit A, to authorize the City to hold the following Events: (i) *South Fulton: City on the*
25 *Rise* at the SW Arts Center on Thursday, April 28, 2022, (ii) *Celebrate South Fulton*
26 *Community Festival* on Saturday, April 30, 2022 at WCA, (iii) High School graduation
27 ceremonies at WCA as requested by various high schools located in and around the City;
28 and (iv) *Juneteenth Celebration* on Sunday, June 19, 2022 at WCA.

29 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby
30 authorizes the Chairman, or in the Chairman’s absence the Vice-Chair or County
31 Manager, to execute the Right of Access License Agreement.

