

1 A RESOLUTION APPROVING A RIGHT OF ACCESS AND USE LICENSE  
2 AGREEMENT BETWEEN FULTON COUNTY, GEORGIA, AND THE CENTER  
3 HELPING OBESITY IN CHILDREN END SUCCESSFULLY, INC. FOR THE PURPOSE  
4 OF FORMALIZING THE TERMS OF ACCESS TO CERTAIN PORTIONS OF COUNTY-  
5 OWNED PROPERTY LOCATED AT 2805 METROPOLITAN PARKWAY, SW,  
6 ATLANTA, GEORGIA TO PREPARE AND DISTRIBUTE HEALTHY MEALS FOR  
7 ECONOMICALLY DISADVANTAGE FAMILIES ; TO AUTHORIZE THE CHAIRMAN TO  
8 EXECUTE THE RIGHT OF ACCESS AND USE LICENSE AGREEMENT ; TO  
9 AUTHORIZE THE COUNTY ATTORNEY TO APPROVE THE RIGHT OF ACCESS AND  
10 USE LICENSE AGREEMENT AS TO FORM AND TO MAKE MODIFICATIONS  
11 THERETO TO PROTECT THE COUNTY’S INTERESTS; AND FOR OTHER  
12 PURPOSES.

13       **WHEREAS**, childhood obesity is a serious problem in the United States, putting  
14 children and adolescents at risk for poor health; and

15       **WHEREAS**, obesity-related conditions include high blood pressure, high  
16 cholesterol, type 2 diabetes, breathing problems such as asthma and sleep apnea, and  
17 joint problems; and

18       **WHEREAS**, obesity is largely preventable through consuming healthy and  
19 nutritional meals daily and by following basic principles of healthy eating habits; and

20       **WHEREAS**, the Center Helping Obesity In Children End Successfully Inc.,  
21 (“C.H.O.I.C.E.S.”) is a nonprofit entity founded to be a resource for economically  
22 disadvantaged families with family members and youths at risk for obesity; and

23       **WHEREAS**, it is the intent of Fulton County and C.H.O.I.C.E.S. to enter into a  
24 Right of Access and Use License Agreement for the purpose of formalizing terms of  
25 access to kitchen, certain office space and the parking lot at County-owned property  
26 located at 2805 Metropolitan Parkway, S.W., Atlanta, Georgia, formally known as the Oak  
27 Hill Child, Adolescent, and Family Center; and

1           **WHEREAS**, pending the approval of the Right of Access and Use License  
2 Agreement by the Fulton County Board of Commissioners, C.H.O.I.C.E.S. will have  
3 access to kitchen, meal prep space, and parking lot that will be used to prepare and  
4 distribute healthy and nutritional meals for economically disadvantage families on the  
5 second and fourth weeks of each month; and

6           **WHEREAS**, the County’s Home Rule powers, found in Article 9, Section 2,  
7 Paragraph 1(a) of the Georgia Constitution, provide, in part, that “[t]he governing authority  
8 of each county shall have legislative power to adopt clearly reasonable ordinances,  
9 resolutions, or regulations relating to its property, affairs, and local government for which  
10 no provision has been made by general law and which is not inconsistent with this  
11 Constitution or any local law applicable thereto.”

12           **WHEREAS**, pursuant to Fulton County Code § 1-117, the Board of Commissioners  
13 has “exclusive jurisdiction and control . . . over directing and controlling all the property of  
14 the county, as they may deem expedient, according to law . . .”

15           **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby  
16 approves a Right of Access and Use License Agreement with C.H.O.I.C.E.S. in  
17 substantially the form attached hereto as Exhibit “A,” and incorporated herein by  
18 reference.

19           **BE IT FURTHER RESOLVED**, that the Chairman of the Board of Commissioners  
20 is hereby authorized to execute the Right of Access and Use License Agreement and  
21 other necessary ancillary documents between Fulton County and C.H.O.I.C.E.S.

22           **BE IT FURTHER RESOLVED**, that the County Attorney is hereby authorized to  
23 approve the Right of Access and Use License agreement and any other ancillary

1 documents as to form and to make such other or additional modifications that are  
2 necessary to protect the County's interests prior to execution by the Chairman.

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

6 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,  
7 Georgia, this \_\_\_\_\_ day of May, 2023.

8 **FULTON COUNTY BOARD OF**  
9 **COMMISSIONERS**

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11  
12  
13  
14 \_\_\_\_\_  
15 Robert L. Pitts, Chairman

16 ATTEST:

17  
18  
19 \_\_\_\_\_  
20 Tonya R. Grier, Clerk to the Commission

21 APPROVED AS TO FORM:

22  
23  
24  
25 \_\_\_\_\_  
26 Y. Soo Jo, County Attorney