

1 A RESOLUTION APPROVING A GROUND LEASE AGREEMENT BETWEEN FULTON
2 COUNTY, GEORGIA (LANDLORD) AND PRO PLAYER HOLDINGS, LLC (TENANT)
3 FOR THE PURPOSE OF LEASING APPROXIMATELY 19 ACRES OF REAL
4 PROPERTY AT CAMP TRUITT FOR THE PURPOSE OF DEVELOPING ATHLETIC
5 FACILITIES ONSITE WITH RENTAL PROCEEDS TO BE USED IN THE
6 FURTHERANCE OF 4H ACTIVITIES; AUTHORIZING THE CHAIRMAN TO EXECUTE
7 THE GROUND LEASE AGREEMENT AND RELATED DOCUMENTS; AUTHORIZING
8 THE COUNTY ATTORNEY TO APPROVE THE GROUND LEASE AGREEMENT AND
9 RELATED DOCUMENTS AS TO FORM AND TO MAKE NECESSARY
10 MODIFICATIONS THERETO PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.
11

12 **WHEREAS**, Fulton County, Georgia is the fee simple owner of the real property
13 located at 3124 Lake Shore Drive, College Park, Georgia, consisting of approximately
14 37.78 acres formally known as Camp Truitt by virtue of a Limited Warranty Deed from
15 John W. Chaplan as Grantor dated May 27, 1937 and recorded in Deed Book Page 1655
16 and Page 142; and

17 **WHEREAS**, Fulton County's Limited Warranty Deed contains a right of reversion
18 and use restriction that requires the subject property to be used "exclusively for park,
19 recreation grounds, and educational purposes [among other things].," and in the event a
20 use is permitted other than those stipulated, ownership of the real property shall revert
21 back to the Grantor and or Grantor's heirs, devisees and assigns; and

22 **WHEREAS**, on June 29, 1958, the Executrix of Mr. Chapman's estate, the grantor
23 of the property to the County, recorded a document in the Real Estate Records for Fulton
24 County in Deed Book Page 3551, Page 97, which modified the reversion and use
25 restriction to provide:

26 Notwithstanding any of the restrictions contained in the deed dated May 27,
27 1937 above referred to, or the right of reversion contained in said deed, and
28 reserved to John M. Chapman, his heirs, successors and assigns, the use
29 of said property conveyed in said deed, by Fulton County or the State of
30 Georgia for any purpose to serve the 4-H Clubs of Fulton County and
31 Georgia and to promote agricultural, social and economic interest of the
32 rural people of Fulton County and the State of Georgia, are declared to be
33 proper uses of said property and not in violation of the restrictions imposed
34 thereon by the deed dated May 27, 1937 above referred to, and no violation
35 of said deed or right of reversion of any interest in said property shall ever
36 exist as long as said property is used for such purposes, or any other
37 purpose specifically described and set forth in said deed; and

38 **WHEREAS**, the Executrix's recording further provided:

1 The rental or use of any portion of the property conveyed in the deed date
2 May 27, 1937 so as to produce an income derived from any person, shall
3 not constitute a violation of said deed or give rise to any right of reversion,
4 provided the income from such property so received, shall itself be reserved
5 for, and used for the purposes authorized in the original deed dated May
6 27, 1937 and in this Agreement; and

7 **WHEREAS**, presently the University of Georgia Cooperative Extension provides
8 4-H related and other services to resident of Fulton County at Camp Truitt; and
9

10 **WHEREAS**, Pro Player Holdings, LLC has proposed to Fulton County that they be
11 allowed to ground lease and develop approximately 19 acres of the Camp Truitt Site with
12 a \$20 million dollar 50,000 square feet facility with indoor basketball and volleyball courts,
13 indoor soccer fields, retractable bleacher seating for attendees, a 300-meter multi-lane
14 indoor track, training rooms, an aquatic pool, and other amenities; and

15 **WHEREAS**, the addition of the proposed development is to provide Fulton County
16 residents multiple amenities and health benefits to include; improvements with overall
17 community health that can be obtain when residents work out at a state of the art
18 community health facility within their community, reductions in teen crimes that results
19 when teens are provided alternate activities to engage themselves in, and national
20 exposure when sports events are held onsite; and

21
22 **WHEREAS**, the Department of Real Estate and Asset Management has
23 negotiated mutually acceptable ground leasing terms with Pro Player Holdings, LLC to
24 lease approximately 19 acres of real property at 3124 Lake Shore Drive, College Park,
25 Georgia; and

26 **WHEREAS**, said lease terms include (i) a 30 year term with two optional 10 year
27 renewal options, (ii) yearly rent of \$27,200 (\$2,266.67 per month) based on the results of
28 a ground rent appraisal report, (iii) the obligation of Pro Player Holdings to complete
29 construction of their improvements within four (4) years of the Effective Date of the ground
30 lease agreement, and (iv) a one-time payment of \$1,000,000.00 to be made 30 days after
31 the end of the Due Diligence Period (120 days after lease execution), to be held in escrow
32 until the date construction of the improvements begins; and

33 **WHEREAS**, the approval of the Fulton County Board of Commissioners is required
34 prior to the Chairman executing a ground lease agreement that will permit the
35 development of approximately 19 acres of real property owned within the site formally
36 known as Camp Truitt; and

1 APPROVED AS TO FORM:

2

3

4

5

6

Kaye W. Burwell, Interim County Attorney

7