

1 **A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN FULTON COUNTY,**
2 **GEORGIA AND THE CITY OF SOUTH FULTON, GEORGIA FOR USE OF THE WOLF**
3 **CREEK AMPHITHEATER; AUTHORIZING THE CHAIRMAN OR COUNTY MANAGER**
4 **TO EXECUTE THE LEASE AND RELATED DOCUMENTS; AUTHORIZING THE**
5 **COUNTY ATTORNEY TO APPROVE THE LEASE AND RELATED DOCUMENTS AS**
6 **TO FORM PRIOR TO EXECUTION; AND FOR OTHER PURPOSES.**

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

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

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

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

28 **WHEREAS**, the County and the City are actively working to satisfy the conditions
29 precedent so as to allow for the full transfer of the WCA and other identified parcels
30 contemplated by the Transfer IGA to be effectuated and finalized; and

31 **WHEREAS**, the County and City have negotiated a lease agreement (the "Lease"),
32 attached hereto in substantial form as Exhibit A, attached hereto and incorporated by

1 reference, for the Wolf Creek Amphitheater Site in order for to allow the City to further
2 use the Wolf Creek Amphitheater Site while they actively work to satisfy the conditions
3 precedent so as to allow for the full transfer contemplated by the Transfer IGA to be
4 effectuated and finalized; and

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

10 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
11 approves the Lease, attached hereto in substantial form as Exhibit A, between Fulton
12 County, as Lessor, and the City of South Fulton, as Lessee.

13 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby
14 authorizes the Chairman, or in the Chairman’s absence the Vice-Chair or County
15 Manager, to execute the Lease and other documents necessary to implement the
16 requirements of the Lease.

17 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby
18 authorizes the County Attorney to approve the Lease as to form and to make changes
19 thereto to protect the interests of the County prior to its execution.

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

23 **SO PASSED AND ADOPTED**, this 4th day of May, 2022.

24
25 **FULTON COUNTY BOARD OF**
26 **COMMISSIONERS**

27
28 **SPONSORED BY:**

29
30
31 _____
32 Robert L. Pitts, Chairman
33
34
35

1 ATTEST:

2
3
4 _____
5 Tonya R. Grier, Clerk of Commission
6
7

8 APPROVED AS TO FORM:
9
10
11

12 _____
13 Y. Soo Jo
14 County Attorney
15

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