

1 **RESOLUTION AUTHORIZING THE LEASE OF A 1.08-ACRE**
2 **PARCEL OF LAND TO THE CITY OF JOHNS CREEK**
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4 **WHEREAS**, Fulton County, Georgia (“Fulton County”) and the City of
5 Atlanta (“Atlanta”) jointly own the North Fulton Water Treatment Plant (“Plant”) by
6 and through a joint venture partnership between Atlanta and Fulton County
7 known as the Atlanta Fulton County Water Resources Commission (“AFCWRC”);
8 and

9 **WHEREAS**, the AFCWRC oversees the maintenance, operation, repairs
10 and improvements to the Plant and associated real property; and

11 **WHEREAS**, Atlanta and Fulton County jointly own an approximate 1.08
12 acre parcel (“subject parcel”) of land that is currently used and maintained as
13 passive greenspace adjacent to the Plant property; and

14 **WHEREAS**, this subject parcel is located adjacent to land utilized as a
15 nature preserve and known as the Autrey Mill Nature Preserve (“Nature
16 Preserve”); and

17 **WHEREAS**, the Nature Preserve is owned by the City of Johns Creek
18 (“Johns Creek”) and operated and maintained by the Autrey Mill Nature Preserve
19 Association, Inc. (“Nature Preserve Association”); and

20 **WHEREAS**, Johns Creek desires to lease the subject parcel from Atlanta
21 and Fulton County for the managing and maintenance of this parcel in its current
22 natural state; and

23 **WHEREAS**, the subject parcel is not used in conjunction with operations
24 of the Plant; and

1 **WHEREAS**, the appointed members of the AFCWRC have unanimously
2 approved the request to lease the subject parcel to Johns Creek; and

3 **WHEREAS**, Atlanta and Fulton County, by and through the AFCWRC,
4 desire to lease the subject parcel to Johns Creek for the purpose of managing
5 and maintaining the subject parcel as greenspace in its natural state and
6 condition; and

7 **WHEREAS**, the Fulton County Board of Commissioners finds that it is in
8 the public interest for Fulton County to lease the subject parcel to Johns Creek;
9 and

10 **WHEREAS**, the Fulton County Board of Commissioners finds that the
11 lease of the subject parcel to Johns Creek will result in substantial public
12 benefits, including but not limited to:

- 13 • continuity in the management and maintenance of the Nature Preserve for
14 the citizens and residents of Johns Creek and Fulton County; and
- 15 • removal from Fulton County, by and through the AFCWRC, of the burden
16 and expense of maintaining this greenspace;

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of
18 Commissioners hereby agrees to lease the subject parcel to Johns Creek.

19 **BE IT FURTHER RESOLVED**, that, consistent with prior Board actions
20 with respect to the rental of parks and greenspace, the rental rate payable to
21 Fulton County under the lease shall be one dollar (\$1.00) per year.

22 **BE IT FURTHER RESOLVED**, that the final lease agreement for the
23 subject parcel shall include restrictions ensuring that this parcel (regardless of

1 future ownership) shall be limited to use as passive greenspace in perpetuity and
2 shall be made available to residents of Johns Creek and Fulton County.

3 **BE IT FURTHER RESOLVED**, that the County Manager, in conjunction
4 with the County Attorney, is hereby directed to take all such steps as are
5 necessary to consummate the lease of the subject parcel as authorized by this
6 Resolution.

7 **BE IT FURTHER RESOLVED**, that the Chairman of the Board of
8 Commissioners (or Vice-Chairman, in the Chairman's absence) is hereby
9 authorized to execute all documents necessary to accomplish the lease of the
10 subject parcel to Johns Creek as authorized by this Resolution.

11 **BE IT FURTHER RESOLVED**, that upon full execution of the lease, the
12 County Manager shall present the final lease agreement to the Board of
13 Commissioners for spreading upon the minutes in accordance with state law.

14 **BE IT FURTHER RESOLVED**, that the Clerk to the Commission is
15 directed to forward a copy of this Resolution to the Mayor and Council of the City
16 of Johns Creek.

17 **BE IT FURTHER RESOLVED** that this Resolution shall become effective
18 upon its adoption, and that all resolutions and parts of resolutions in conflict with
19 this Resolution are hereby repealed to the extent of the conflict.

20 **SO PASSED AND ADOPTED**, this _____ day of June, 2010.

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SPONSORED BY:

Lynne Riley, Commissioner
District 3

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CO-SPONSORED BY:

John H. Eaves, Chair
District 1 (At Large)

Tom Lowe, Commissioner
District 4

ATTEST:

APPROVED AS TO FORM:

Mark Massey, Clerk to the Commission R. David Ware, County Attorney

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