



Legislation Details (With Text)

File #: 2022-1611 **Version:** 1 **Name:**

Type: Resolution **Status:** Action

File created: 5/3/2022 **In control:** Board of Commissioners

On agenda: 5/10/2022 **Final action:**

Title: Commission District(s): All
 Proposed approval of two lease forms for certain property located at 2660 Osborne Road, Atlanta, Georgia, 30319, tax parcel identification number 18 240 04 067, as part of the settlement of the City of Brookhaven’s lawsuit against DeKalb County, Civil Action No. 21CV1143 in the Superior Court of DeKalb County. One of the lease forms is for a ground lease between Brookhaven as lessor and DeKalb County as lessee; the other is for Amendment No. 1 to the County’s Lease with the DeKalb Community Service Board (“CSB”), which acts a sublease between DeKalb County as sublessor and the CSB as sublessee. These leases are intended to go into effect at the time of the County’s transfer to Brookhaven of the 2660 Osborne Road property upon which the CSB operates a facility providing intellectual and developmental disability services, and upon which the CSB will continue to provide such services after the transfer of such property.

Indexes:

Attachments: 1. Substitute 2022 05.10 Item 2022-1611

Date	Ver.	Action By	Action	Result
5/10/2022	1	Board of Commissioners	approved substitute	Pass
5/3/2022	1	Special Called Meeting		

Substitute

Public Hearing: YES NO **Department:** Law Department

SUBJECT:

Commission District(s): All

Proposed approval of two lease forms for certain property located at 2660 Osborne Road, Atlanta, Georgia, 30319, tax parcel identification number 18 240 04 067, as part of the settlement of the City of Brookhaven’s lawsuit against DeKalb County, Civil Action No. 21CV1143 in the Superior Court of DeKalb County. One of the lease forms is for a ground lease between Brookhaven as lessor and DeKalb County as lessee; the other is for Amendment No. 1 to the County’s Lease with the DeKalb Community Service Board (“CSB”), which acts a sublease between DeKalb County as sublessor and the CSB as sublessee. These leases are intended to go into effect at the time of the County’s transfer to Brookhaven of the 2660 Osborne Road property upon which the CSB operates a facility providing intellectual and developmental disability services, and upon which the CSB will continue to provide such services after the transfer of such property.

Information Contact: Viviane Ernstes, County Attorney

Phone Number: 404 441-8009

PURPOSE:

To approve the forms for a ground lease between Brookhaven and DeKalb County and Amendment No. 1 to the

County's Lease with the DeKalb Community Service Board for certain property located at 2660 Osborne Road, Atlanta, Georgia, 30319, tax parcel identification number 18 240 04 067.

NEED/IMPACT:

To comply with the County's obligations under the Intergovernmental Agreement, Settlement Agreement, and Full and Final Release of Claims ("Agreement") with the City of Brookhaven and provide for the CSB's and County's continued use of and access to a building and certain other areas on the 2660 Osborne Road property to be transferred to Brookhaven as part of a settlement.

FISCAL IMPACT:

Cost of continued building maintenance by the County during the lease period.

RECOMMENDATION:

Approve forms for the ground lease between Brookhaven and DeKalb County and Amendment No. 1 to the County's Lease with the DeKalb Community Service Board and authorize the CEO to execute the ground lease, Amendment No. 1 and any other documents related to these leases at an appropriate time and in a form authorized by the County Attorney.