

**CITY COUNCIL
ATLANTA, GEORGIA**

16-R-3078

*****A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A FOURTH AMENDMENT TO RENTAL AGREEMENT WITH J5 RESIDENTIAL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“LANDLORD”), ON BEHALF OF THE ATLANTA POLICE DEPARTMENT, FOR THE RENTAL OF APPROXIMATELY 27,460 SQUARE FEET OF OFFICE SPACE LOCATED AT 763 JUNIPER STREET, ATLANTA, GEORGIA, FOR CONTINUED OCCUPANCY OF THE ATLANTA HIGH INTENSITY DRUG TRAFFICKING AREA TASK FORCE (“ATLANTA HIDTA”), FOR ONE (1) MONTH FOLLOWING THE NOTICE TERMINATION DATE COMMENCING ON APRIL 29, 2016 AND EXPIRING ON MAY 28, 2016, AT A RENTAL RATE OF \$58,357.08, TO BE CHARGED TO AND PAID FROM A GRANT FROM THE WHITE HOUSE OFFICE ON NATIONAL DRUG CONTROL POLICY (“ONDCP”), HIDTA GRANT G15GA00031: 2501 (INTERGOVERNMENTAL GRANT FUND); 240101 (GENERAL LEDGER DEPARTMENT; APD CHIEF OF POLICE); 5223103 (BUILDING, FABRICATED, PRE-FABRICATED OR PRE-MANUFACTURED, RENTAL OR LEASE); 1320000 (FUNCTION ACTIVITY NUMBER: CHIEF EXECUTIVE); 212012 (GENERAL LEDGER PROJECT: HIDTA 2015-2016); 32255 (GENERAL LEDGER FUNDING SOURCE: HIDTA 2015-2016); AND FOR OTHER PURPOSES.**

Workflow List:

Office of Research and Policy Analysis	Completed	01/13/2016 12:52 PM
Public Safety & Legal Administration Committee	Completed	01/12/2016 3:00 PM
Atlanta City Council	Completed	01/19/2016 1:00 PM
Atlanta City Council	Completed	01/19/2016 1:00 PM
Mayor's Office	Pending	

HISTORY:

01/12/16 Public Safety & Legal Administration Committee FAVORABLE

RESULT:	FAVORABLE [UNANIMOUS]	Next: 1/19/2016 1:00 PM
AYES:	Martin, Bottoms, Smith, Bond, Young Jr., Norwood, Winslow	

01/19/2016 Atlanta City Council ADOPTED

RESULT:	ADOPTED [12 TO 0]
AYES:	Norwood, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms
ABSENT:	Joyce Sheperd
AWAY:	Michael Julian Bond, Kwanza Hall

Certified by Presiding Officer	Certified by Clerk
Mayor's Action	

See Authentication Page Attachment

*****A RESOLUTION BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO A FOURTH AMENDMENT TO RENTAL AGREEMENT WITH J5 RESIDENTIAL HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“LANDLORD”), ON BEHALF OF THE ATLANTA POLICE DEPARTMENT, FOR THE RENTAL OF APPROXIMATELY 27,460 SQUARE FEET OF OFFICE SPACE LOCATED AT 763 JUNIPER STREET, ATLANTA, GEORGIA, FOR CONTINUED OCCUPANCY OF THE ATLANTA HIGH INTENSITY DRUG TRAFFICKING AREA TASK FORCE (“ATLANTA HIDTA”), FOR ONE (1) MONTH FOLLOWING THE NOTICE TERMINATION DATE COMMENCING ON APRIL 29, 2016 AND EXPIRING ON MAY 28, 2016, AT A RENTAL RATE OF \$58,357.08, TO BE CHARGED TO AND PAID FROM A GRANT FROM THE WHITE HOUSE OFFICE ON NATIONAL DRUG CONTROL POLICY (“ONDCP”), HIDTA GRANT G15GA00031: 2501 (INTERGOVERNMENTAL GRANT FUND); 240101 (GENERAL LEDGER DEPARTMENT; APD CHIEF OF POLICE); 5223103 (BUILDING, FABRICATED, PRE-FABRICATED OR PRE-MANUFACTURED, RENTAL OR LEASE); 1320000 (FUNCTION ACTIVITY NUMBER: CHIEF EXECUTIVE); 212012 (GENERAL LEDGER PROJECT: HIDTA 2015-2016); 32255 (GENERAL LEDGER FUNDING SOURCE: HIDTA 2015-2016); AND FOR OTHER PURPOSES.**

WHEREAS, the Atlanta Police Department (“Department”) has been an active participant in the Atlanta High-Intensity-Drug-Trafficking-Area-Task-Force (“Atlanta HIDTA”) responsible for disrupting and dismantling violent drug trafficking organizations in the Atlanta area for over ten years; and

WHEREAS, Resolution 05-R-0680 authorized the mayor to execute agreements on behalf of Atlanta HIDTA, and designated the Atlanta Police Department (“Department”) as the “pass-through” agency for Atlanta HIDTA; and

WHEREAS, Ordinance 11-O-0941 authorized the Mayor of the City of Atlanta, on behalf of the Atlanta Police Department acting as the “pass-through” agency for the Atlanta HIDTA, to accept the assignment of the lease agreement with Peachtree Fidelity I, LLC from the Georgia Bureau of Investigation for 27,640 square feet of office space for the continued occupancy of Atlanta HIDTA; and

WHEREAS, J5 Residential Holdings, LLC, a Delaware limited liability company (“Landlord”) and the City of Atlanta (“Tenant”) are parties to that certain Rental Agreement dated February 25, 1998, as amended by that certain First Amendment dated February 5, 2003, as amended by that certain Amendment to Rental Agreement and Assignment and Assumption Agreement dated May 31, 2005, as amended by that certain Third Amendment to Rental Agreement dated July 16, 2012 (“Third Amendment”), as assigned by Peachtree Fidelity I, LLC (the “Original Landlord”) to Landlord, as assigned by the Georgia Bureau of Investigation to Tenant (as amended and assigned, the “Lease”), with respect to the premises containing approximately 27,460 square feet and located at 763 Juniper Street, Atlanta, Georgia, and more particularly described in the Lease (the “Leased Premises”); and

WHEREAS, Atlanta HIDTA, the Chief of Police and J5 Residential Holdings, LLC, a Delaware limited liability company (“Landlord”) acknowledge that, on April 28, 2015, the Original Landlord delivered to Tenant written notice pursuant to Section 4 of the Third Amendment of Original Landlord’s election to

terminate the Lease in conjunction with a sale of the Leased Premises to Landlord, which termination shall be effective as of April 28, 2016 (“Notice Termination Date”); and

WHEREAS, Atlanta HIDTA and the Chief of Police desire to hold over in the Leased Premises for one (1) month following the Notice Termination Date until May 28, 2016 (“Holdover Term”) for a rental in the amount of \$58,357.08 (the “Holdover Payment”), paid in advance, on the first (1st) day of the Holdover Term, and J5 Residential Holdings, LLC, a Delaware limited liability company (“Landlord”) agrees to consent to such holding over and holdover payment, and to be otherwise bound by all of the terms, covenants and conditions contained in the lease.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF

ATLANTA, GEORGIA, that the Mayor be and is hereby authorized to enter into a Fourth Amendment to the Rental Agreement with J5 Residential Holdings, LLC, a Delaware limited liability company (“Landlord”), for the rental of approximately 27,460 square feet of office space located at 763 Juniper Street, Atlanta, Georgia, at a rental rate of Fifty-Eight Thousand Three Hundred Fifty-Seven and Eight Cents (\$58,357.08) (the “Holdover Payment”), paid in advance, on the first (1st) day of the Holdover Term, and to be otherwise bound by all of the terms, covenants and conditions contained in the Lease.

BE IT FURTHER RESOLVED, that the Holdover Payment of Fifty-Eight Thousand Three Hundred Fifty-Seven and Eight Cents (\$58,357.08) to be paid in advance, on the first (1st) day of the Holdover Term for the Fourth Amendment to the Rental Agreement with J5 Residential Holdings, LLC, a Delaware limited liability company (“Landlord”) shall be charged to and paid from a grant from the White House Office on National Drug Control Policy (“ONDCP”), HIDTA Grant G15GA0003A: 2501 (intergovernmental Grant Fund); 240101 (General Ledger Department: APD Chief of Police); 5223103 (Building, Fabricated, Pre-Fabricated or Pre-manufactured, Rental or Lease); 1320000 (Function Activity Number: Chief Executive); 212012 (General Ledger Project: HIDTA 2015-2016); 32255 (General Ledger Funding Source: HIDTA 2015-2016); and for other purposes.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to review the rental agreement prior to execution by the Mayor; and

BE IT FINALLY RESOLVED, that the agreement shall not be binding upon the City and the City will incur no obligation or liability under it until it has been approved by the City Attorney as to form, executed by the Mayor, and attested to by the Municipal Clerk and delivered J5 Residential Holdings, LLC, a Delaware limited liability company.