

00-R-0817

(Do Not Write Above This Line)

RESOLUTION BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #5 TO THE INDENTURE TO LEASE BETWEEN THE CITY OF ATLANTA AND THE ATLANTA BOTANICAL GARDEN, INCORPORATED FOR THE PURPOSE OF REVISING THE ATLANTA BOTANICAL GARDEN MASTER PLAN SO AS TO CONSTRUCT AN ORCHID HOUSE TO THE EXISTING FUQUA CONSERVATORY; ADD TO THE EXISTING DAY HALL; CONSTRUCT A PARKING DECK; VISITOR CENTER; ADDITIONAL PEDESTRIAN ACCESS; RELOCATE EXISTING FENCE; CONSTRUCT EXPOSITION GARDENS; AND TO RELOCATE AND CREATE SERVICE AREAS ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS

ADOPTED BY
JUN 19 2000
COUNCIL

- CONSENT REFER**
- REGULAR REPORT REFER**
- ADVERTISE & REFER**
- 1st ADOPT 2nd READ & REFER**
- PERSONAL PAPER REFER**

Date Referred _____
 Referred To _____
 Date Referred _____
 Referred To _____
 Date Referred _____
 Referred To _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee

CD/HR
 Date *6/14/00*
 Chair *Alvin F. Pitts*
 Actions _____
 Fav, Adv, Held (see rev. slide) _____
 Others _____
 Members _____

Mobile Johnson
Alvin F. Pitts
 Refer To _____

Committee

Date _____
 Chair _____
 Actions _____
 Fav, Adv, Held (see rev. slide) _____
 Others _____
 Members _____

Refer To _____

Committee

Date _____
 Chair _____
 Actions _____
 Fav, Adv, Held (see rev. slide) _____
 Others _____
 Members _____

Refer To _____

Committee

Date _____
 Chair _____
 Actions _____
 Fav, Adv, Held (see rev. slide) _____
 Others _____
 Members _____

Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
 JUN 19 2000
 ATLANTA CITY COUNCIL PRESIDENT
Alvin F. Pitts

CERTIFIED
 JUN 19 2000
Phyllis Doughton Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 JUN 27 2000
Alvin F. Pitts



CITY COUNCIL
ATLANTA, GEORGIA

RESOLUTION BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

JUNE 19, 2000

00- R -0817

AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT #5 TO THE INDENTURE OF LEASE BETWEEN THE CITY OF ATLANTA AND THE ATLANTA BOTANICAL GARDEN, INCORPORATED FOR THE PURPOSE OF REVISING THE ATLANTA BOTANICAL GARDEN MASTER PLAN SO AS TO CONSTRUCT AN ORCHID HOUSE TO THE EXISTING FUQUA CONSERVATORY; ADD TO THE EXISTING DAY HALL; CONSTRUCT A PARKING DECK; VISITOR CENTER; ADDITIONAL PEDESTRIAN ACCESS; RELOCATE EXISTING FENCE; CONSTRUCT EXPOSITION GARDENS; AND TO RELOCATE AND CREATE SERVICE AREAS ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS, BUREAU OF PARKS.

Whereas, on March 28, 1980, the City of Atlanta and the Atlanta Botanical Garden, Incorporated entered into an Indenture of Lease for a period not to exceed 50 years; and

Whereas, the terms of the Indenture to Lease provided for the establishment of a botanical garden and the support necessary for future expansion of the garden and site; and

Whereas, the Atlanta Botanical Garden has received contributions from various donors to build, at no cost to the City of Atlanta, the proposed Orchid House as an addition to the Fuqua Conservatory; add to the existing Day Hall construct a parking deck; construct a Visitor's Center; develop additional pedestrian access; relocate existing fence; construct a cluster of gardens referred to as the Exposition Gardens, and to relocate and create service areas which are in that portion of the leased property now scheduled to be built; and

Whereas, the all of the referenced additions will be constructed as approved by Neighborhood Planning Units "E" and "F" and the Atlanta Urban Design Commission; and

Whereas, these revisions will conserve and show a variety of plants for educational and enjoyment; provide a unique study opportunity for students, teachers and schools of all educational levels; and enhance the quality of life for our citizens of all ages and backgrounds and visitors to the City of Atlanta; and

Whereas, the Gardens will continue to benefit the City of Atlanta and all of its citizens by serving as a focal-point of education, tourism, floral conservation and pride; and



Whereas, these newly constructed facilities will require an amendment to the original Master Plan authorized by a Resolution adopted by the City Council on November 5, 1984 and approved by the Mayor on November 8, 1984; and

Whereas, the terms of the original Master Plan shall not be changed except as herein modified; and

Whereas, Section 5.2 of the Indenture to Lease contemplates the preparation of modifications to the Master Plan for submission to and approval by the Atlanta City Council and the Mayor, said Section 5.2 reading as follows:

“5.2 Planning and Development of the Garden. The Lessee shall develop and maintain the garden in accordance with the Plan. The Lessee, in cooperation with the Lessor and its designees, shall continue to prepare plans for development of additional areas of the Demised Premises with a view toward completion of a Master Plan for the development of the garden. Upon completion of the Plan and its final approval by the Mayor, the City Council and the Trustees of the Lessee, said Master Plan shall supersede and become the Plan for the purposes of this Agreement. It is hereby agreed that substantial modifications of the Plan, any additional Plan, and said Master Plan must first be approved in writing by the Mayor and the City Council before such modifications or Plans shall be put into effect, provided however, that the Lessor hereby expressly acknowledges, confirms and consents to the development of the Demised Premises contemplated by the Plan.”

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Mayor be and is hereby authorized to enter into Amendment #5 to the Indenture to Lease between the City of Atlanta and the Atlanta Botanical Garden, Incorporated for the purpose of revising the Atlanta Botanical Garden Master Plan so as to construct an Orchid House to the existing Fuqua Conservatory; add to the existing Day Hall; construct a parking deck; construct a Visitor Center; additional pedestrian access; relocate existing fence; to construct a cluster of gardens referred to as the Exposition Gardens; and to relocate and create service areas, at no cost to the City of Atlanta, on behalf of the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks.

Section 2: That the terms and conditions of the original Indenture to Lease shall not be changed except as herein amended.

Section 3: That the City Attorney be and is hereby directed to prepare the appropriate Amendment #5 to the Indenture to Lease for execution by the Mayor to be approved by the City Attorney as to form.



Section 4: That this Amendment #5 shall not become binding on the City and the City shall incur no liability upon same until such Amendment #5 has been fully executed and delivered to the Lessee.

A true copy,
Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

JUNE 19, 2000
June 27, 2000

RCS# 2016
6/19/00
2:32 PM

Atlanta City Council

Regular Session

Consent Agenda Pages (1 - 8)

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-0795
00-R-0831

PRESIDENT PITTS RECUSED ON 00-
O-0756.
