



A SUBSTITUTE RESOLUTION BY COUNCILMEMBER MULLER:

A RESOLUTION EXPRESSING THE INTENT OF COUNCIL AS TO CERTAIN LANGUAGE CONTAINED IN THE ORDINANCE APPROVING THE RENEWAL AGREEMENT FOR CHASTAIN AMPHITHEATER, AND FOR OTHER PURPOSES.

WHEREAS, On December 4, 2000, Council adopted Ordinance No. 00-O-1557, approved by the Mayor on December 6, 2000, which ordinance authorized the Renewal Agreement for Chastain Park Amphitheater; and

WHEREAS, prior to its amendment on the floor of Council on December 4, 2000, the first paragraph of Section 19 of the Renewal Agreement, entitled "Parking," did then read as follows:

19.

PARKING

The City shall permit the Venture or its agent to manage those City-owned parking lots identified on Exhibit "H" hereto on an exclusive basis on each performance date (commencing three [3] hours prior to the scheduled performance and ending at midnight on said day) for the term of this Renewal Agreement. The Venture shall pay to the City an amount equal to one-third (33 $\frac{1}{3}$ %) of the gross receipts (net of any applicable sales, use or similar taxes) documented in writing certified by the Venture or its designee from parking on said parking lots. Said amounts shall be paid no later than November 15 of each year. The Venture shall employ parking systems which are of the same quality as those employed during 1990.

AND

WHEREAS, during the course of deliberations upon said ordinance on the floor of Council, an amendment was proposed by Councilmember Morris and approved unanimously, which amended Section 19, "Parking," of the Renewal Agreement, so that said first paragraph of Section 19 of the Renewal Agreement, and as executed by the parties, now reads (with amended material in italics):

19.

PARKING

The City shall permit the Venture or its agent to manage those City-owned parking lots identified on Exhibit "H" hereto on an exclusive basis on each performance date (commencing three [3] hours prior to the scheduled performance and ending at midnight on said day) for the term of this Renewal Agreement; *provided, that in the parking*



lot nearest the Chastain Horse Stables clubhouse there shall be at all times a minimum of seventy (70) parking spaces reserved to the operators of the Stables for the benefit of patrons of the Stables.

The Venture shall pay to the City an amount equal to one-third (33 $\frac{1}{3}$ %) of the gross receipts (net of any applicable sales, use or similar taxes) documented in writing certified by the Venture or its designee from parking on said parking lots. Said amounts shall be paid no later than November 15 of each year. The Venture shall employ parking systems which are of the same quality as those employed during 1990.

AND,

WHEREAS, there has arisen a dispute between the operators of the Chastain Horse Stables and Chastain Ventures as to the interpretation of the effect of the above-described amendment:

NOW, IT IS THEREFORE RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, THAT the meaning and intent of Council when it adopted the above-described amendment to Section 19 of the Renewal Agreement, and the interpretation of said Section by Council, is that the Chastain Horse Stables are to have full use of the seventy (70) parking spaces reserved to them by this Section 19; that they are not required to pay any sums of money to Chastain Ventures for the use and benefit of said spaces; and that it was and is the intent of Council that these seventy (70) spaces not be included in the area under the exclusive control of Chastain Ventures during events at the Amphitheater; and

IT IS FURTHER RESOLVED THAT it is the interpretation of this Section 19 by Council and the intent of Council by the adoption of this Section 19 that Chastain Ventures is not required to make any payment to the City for the use of those parking spaces reserved to Chastain Horse Stables by said Section 19; and

IT IS FURTHER RESOLVED THAT the operators of Chastain Horse Stables ("Stables") are hereby authorized to charge and collect a parking fee for the spaces reserved to them in an amount equal to the amount allowed to be charged by Chastain Ventures for its managed spaces, retroactive to the beginning of the current Pre-Season at Chastain Amphitheater. In connection with any such parking fees collected by the Stables on dates when events are being held at Chastain Amphitheater, the Stables shall pay to the City an amount equal to one-third (33 $\frac{1}{3}$ %) of the gross receipts (net of any applicable sales, use or similar taxes) documented in writing certified by the Stables or its designee from parking on said parking lots. Said amounts shall be paid no later than November 15 of each year. Any such amounts received by the City under this paragraph shall be held by the City in a dedicated fund and expended solely for repairs and improvements to Chastain Park.

Page 2 of 2

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUN 04, 2001

JUN 13, 2001

RCS# 2923
6/04/01
4:30 PM

Atlanta City Council

Regular Session

01-R-0851 Express Council Intent Re. Certain Lang
of Chastain Amphitheater Renewal Lease
ADOPT ON SUB

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

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

01-R-0851

Removed from consent by Clair Muller

01 0851 (Write in this line)
Not

A RESOLUTION BY FINANCE / EXECUTIVE COMMITTEE

A RESOLUTION EXPRESSING THE INTENT OF COUNCIL AS TO CERTAIN LANGUAGE CONTAINED IN THE ORDINANCE APPROVING THE RENEWAL AGREEMENT FOR CHASTAIN AMPHITHEATRE; AND FOR OTHER PURPOSES.

- 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 FINANCE
 Date 5-30-01
 Chair [Signature]
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members [Signature]
 Refer To _____

Committee _____
 Date _____
 Chair _____
 Action: _____
 Fav, Adv, Hold (see rev. side) _____
 Other: _____
 Members _____
 Refer To _____

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

CERTIFIED

CERTIFIED
JUN 4 2001

ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
JUN 0 4 2001

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 13 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW