



**A SUBSTITUTE ORDINANCE**

**01-0-1879**

**BY COUNCILMEMBER DEBI STARNES**

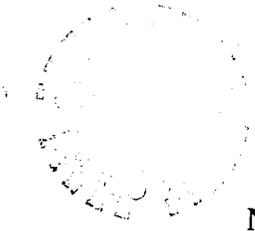
**AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE RESTATED COMMERCIAL FACILITIES SUBLEASE BY AND AMONG THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA, GEORGIA, THE CITY OF ATLANTA, GEORGIA AND CV UNDERGROUND, LLC FOR THE PURPOSE OF EXTENDING SAID SUBLEASE, RELATED TO THE UNDERGROUND ATLANTA PROJECT, FOR AN ADDITIONAL PERIOD NOT TO EXCEED THIRTY-EIGHT (38) YEARS AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (the "City") and the Downtown Development Authority of the City of Atlanta, Georgia (the Authority) have entered into the Amended and Restated Commercial Facilities Sublease dated April 5, 1999 with Underground Festival, Inc. and CV Underground, LLC ("Sublessee"); and

**WHEREAS**, the Sublessee has explained that the relative shortness of the lease term of the Sublease precludes Sublessee from financing or otherwise finding means to invest in significant improvements to the Underground Project that will be needed to provide better opportunities for the Underground Project's long term viability; and

**WHEREAS**, the City has determined that it is in the best interest of the City to extend the Sublease for an additional period not to exceed thirty - eight (38) years in accordance with O.C.G.A. §36-30-3(c)(1).

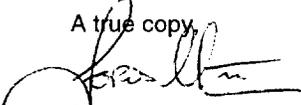


**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION 1:** The Mayor be and is hereby authorized to execute on behalf of the City of Atlanta, Georgia, an amendment to the Restated Commercial Facilities Sublease by and among the Downtown Development Authority of the City of Atlanta, Georgia, the City of Atlanta and CV Underground, LLC for the purpose of extending said sublease, related to the Underground Atlanta project, for an additional period not to exceed thirty-eight (38) years, which amendment shall be substantially in the form as attached hereto as Exhibit "A".

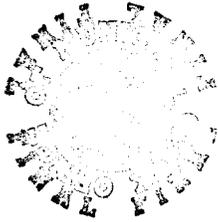
**SECTION 2:** The Mayor and officers of the City are hereby requested to do any and all things and to execute and all documents required to be done and executed in connection with the issuance of the execution, delivery and performance of the amendment authorized herein.

**SECTION 3:** That all ordinances or resolutions or parts of ordinances or resolutions, to the extent in conflict herewith, be and are hereby repealed.

A true copy,  
  
Deputy Clerk

**ADOPTED as amended by the Council  
APPROVED by the Mayor**

DEC 03, 2001  
DEC 11, 2001



**AMENDMENT NO. 1**

**TO THE**

**AMENDED AND RESTATED**  
**COMMERCIAL FACILITIES SUBLEASE**

**BY AND AMONG**

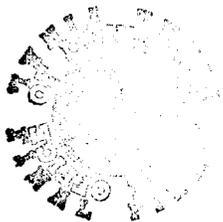
**DOWNTOWN DEVELOPMENT AUTHORITY OF**  
**THE CITY OF ATLANTA, GEORGIA**

**THE CITY OF ATLANTA, GEORGIA**

**AND**

**CV UNDERGROUND, LLC**

**EXHIBIT A**



**AMENDMENT NO. 1  
TO THE  
AMENDED AND RESTATED  
COMMERCIAL FACILITIES SUBLEASE**

This Amendment No. 1 To the Amended And Restated Commercial Facilities Sublease, made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and among the Downtown Development Authority of the City of Atlanta, Georgia, a public body corporate and politic duly created and organized pursuant to the Downtown Development Authorities Law (1981 Ga. Laws 1744, codified at O.C.G.A. §36-42-1 et seq.) (the "DDA"), the City of Atlanta, Georgia, a municipal corporation and political subdivision of the State of Georgia (the "City"), and CV Underground, LLC, a limited liability company duly organized and existing under Georgia law (the "Sublessee").

**W I T N E S S E T H**

**WHEREAS**, the City of Atlanta (the "City") and the Downtown Development Authority of the City of Atlanta, Georgia (the "Authority") have entered into the Amended and Restated Commercial Facilities Sublease dated April 5, 1999 with Underground Festival, Inc. and CV Underground, LLC ("Sublessee"); and

**WHEREAS**, the Sublessee has explained that the relative shortness of the lease term of the Sublease precludes Sublessee from financing or otherwise finding means to invest in significant improvements to the Underground Project that will be needed to provide better opportunities for the Underground Project's long term viability; and

**WHEREAS**, the City has determined that it is in the best interest of the City and the Underground Atlanta Project to extend the Sublease for an additional period not to exceed thirty - eight (38) years in accordance with O.C.G.A. §36-30-3-(c)(1); and

**WHEREAS**, by Ordinance No. 01-0-1879, adopted \_\_\_\_\_ and approved \_\_\_\_\_, the proposed thirty - eight (38) year lease extension was authorized and approved.



NOW, THEREFORE, for and in consideration of the foregoing premises, the sum of TEN AND NO/100 (\$10.00), and the covenants, representations, warranties and agreements set forth herein, the parties hereto do hereby agree as follows:

**Add to the end of the Article II, Section 2.01.(A).**

**Sublease Extension.** When the Sublease expires a 12:00 o'clock midnight on December 31, 2048, it shall automatically stand renewed for an additional thirty - eight (38) year period, thus ending at 12:00 o'clock midnight on December 31, 2086.

IN WITNESS WHEREOF, DDA, City and Sublessee have this Amendment No. 1. to the Amended and Restated Sublease to be signed on their behalf by their duly authorized officers and have their corporate seals to be affixed hereto, effective as of the day and year first above set forth.

**DOWNTOWN DEVELOPMENT AUTHORITY  
OF THE CITY ATLANTA, GEORGIA**

BY: \_\_\_\_\_  
President

ATTEST \_\_\_\_\_

[SEAL]

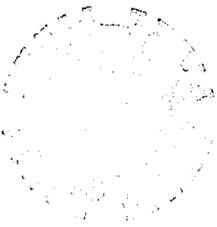
Signed, sealed and delivered  
this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
[Notary Seal]



**CITY OF ATLANTA**

By: \_\_\_\_\_  
William C. Campbell  
Mayor

Attest \_\_\_\_\_  
Municipal Clerk

Signed, sealed and delivered  
this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ in the presence of:

[CITY SEAL]

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
[Notary Seal]

**APPROVED AS TO FORM:**  
\_\_\_\_\_  
City Attorney

**RECOMMENDED:**  
\_\_\_\_\_  
Chief Operating Officer

**RECOMMENDED:**  
\_\_\_\_\_  
Chief Financial Officer

**SUBLESSEE:**

**CV UNDERGROUND, LLC**, a Georgia limited liability company

By: O'Leary, Inc., its sole manager

By: \_\_\_\_\_  
Daniel E. O'Leary, President

**ATTEST** \_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Signed, sealed and delivered  
this \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ in the presence of:

[CORPORATE SEAL]

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public



My Commission Expires:

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[Notary Seal]

RCS# 3363  
12/03/01  
10:01 PM

Atlanta City Council

Regular Session

01-O-1879      Execute Restated Commerical Facilities  
Sublease; Underground Atlanta; 99 years  
ADOPT/SUB/CON

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

RESTATED COMMERCIAL FACILITIES SUBLEASE

BY AND AMONG

DOWNTOWN DEVELOPMENT AUTHORITY OF  
THE CITY OF ATLANTA, GEORGIA

THE CITY OF ATLANTA, GEORGIA

AND

CV UNDERGROUND, LLC

**LARGE ATTACHMENT:**

**DOCUMENT(S),**

**MANUAL(S)**

**OR**

**MAP(S)**

**NOT COPIED,**

**PULL ORIGINAL**

**FOR COPY OR TO VIEW**

01-0-1879

(Do Not Write Above This Line)

An Ordinance by Councilmember Debi Starnes:

Authorizing the Mayor to execute a restated commercial facilities sublease by and among the Downtown Development Authority of the City of Atlanta, Georgia, the City of Atlanta, Georgia and CV Underground, LLC; for the purpose of permitting the sublessee of Underground Atlanta to extend the lease term in ten-year increments to a total lease term of 99 years; and for other purposes.

ADOPTED BY  
DEC 03 2001

COUNCIL  
AB Amended

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

Date Referred 11/5/01

Referred To: #15/01 Fin/Exec

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred to \_\_\_\_\_

Committee FIN/Exec

Date 11-14-01

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav. Adv. Hold (see rev. side) \_\_\_\_\_

Other: \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Committee FIN/Exec

Date 11-28-01

Chair \_\_\_\_\_

Action: \_\_\_\_\_

Fav. Adv. Hold (see rev. side) \_\_\_\_\_

Other: as substituted on condition of members' votes

Members \_\_\_\_\_

Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

**CERTIFIED**

DEC 3 2001

ATLANTA CITY COUNCIL PRESIDENT

*Robert A. Parker*

**CERTIFIED**

DEC 03 2001

*[Signature]*

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

**MAYOR'S ACTION**

DEC 1 2001

*[Signature]*