



A RESOLUTION

03- R-1815

BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A REIMBURSABLE AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE REIMBURSEMENT BY THE CITY TO DELTA OF CERTAIN COSTS TO BE INCURRED BY DELTA FOR THE DESIGN AND CONSTRUCTION OF CERTAIN REPLACEMENT AND INTERIM FACILITIES, INCLUDING BUT NOT LIMITED TO RELOCATION OF ELECTRIC SWITCHGEAR AND A FIBER OPTIC LINE, REPLACEMENT PARKING DECK DESIGN, AND GEOTECHNICAL AND SURVEY SERVICES SUPPORTING THE RELOCATIONS AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT UP TO AN ESTIMATED AMOUNT NOT TO EXCEED \$8,073,146.00, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") and Delta Air Lines, Inc. ("Delta") are parties to an Amended and Restated Lease Agreement, dated December 1, 1989, and subsequent amendment dated August 21, 2003 ("TOC Lease"), for Delta's Technical Operations Center ("TOC"), which serves as Delta's primary aircraft maintenance facility at Hartsfield Atlanta International Airport ("Hartsfield"); and

WHEREAS, the City has undertaken the design of a new East International Terminal ("EIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at Hartsfield; and

WHEREAS, the City requires the use of portions of Delta's TOC Leasehold in connection with the EIT project; which portions are anticipated to be surrendered in phases by Delta to the City due to the complexity of mitigating damages caused by facility relocations and reductions in Leased Premises; and

WHEREAS, the Atlanta City Council adopted Resolution 03-R-0087 on March 3, 2003, a copy of which is attached hereto as Exhibit 1, authorizing the Mayor to enter into an Agreement with Delta which provides for the surrender by Delta to the City of approximately 3.03 acres of land within its TOC Leasehold as the first phase of the anticipated phased surrender; and

WHEREAS, in order to eventually surrender a second portion of the Delta TOC Leasehold needed by the City for the EIT under a subsequent phase, Delta must now design and construct in advance certain replacement and interim facilities on other portions of the TOC and in the vicinity of the TOC and EIT; and

WHEREAS, in order to mitigate and cure the damages to Delta caused by a future phased taking of the Delta TOC Leased Premises for the EIT project as contemplated above, Delta and the City desire and intend to enter into a Reimbursable Agreement, under which Delta would design and construct and the City would compensate Delta for certain replacement and interim facilities,



including but not limited to relocation of electric switchgear and a fiber optic line, replacement parking deck design, and geotechnical and survey services supporting the relocations.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and hereby is authorized to execute on behalf of the City of Atlanta a Reimbursable Agreement with Delta Air Lines, Inc., which shall provide for Delta to perform the replacement design and construction of certain replacement and interim facilities, including but not limited to design and construction described above, for a cost to the City not to exceed \$8,073,146.00.

BE IT FURTHER RESOLVED that the cost to the City under said Reimbursable Agreement is to be charged to and paid from Fund Account Center No. 2H26 571001 R21E052096AA.

BE IT FURTHER RESOLVED that the City Attorney be and hereby is directed to prepare said Reimbursable Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that said Reimbursable Agreement shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to Delta.

A true copy,

Phonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 03, 2003
NOV 10, 2003



CITY COUNCIL
ATLANTA, GEORGIA

Exhibit I

A RESOLUTION AS AMENDED

03-R-0087

BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE RELINQUISHMENT TO THE CITY OF APPROXIMATELY 3.03 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT.

WHEREAS, the City of Atlanta (the "City") and Delta Air Lines Inc. ("Delta") are parties to an Amended and Restated Lease Agreement ("TOC Lease"), dated December 1, 1989, for Delta's Technical Operations Center ("TOC"), which serves as Delta's primary aircraft maintenance facility at Hartsfield Atlanta International Airport ("Hartsfield"); and

WHEREAS, the City has undertaken the design and construction of a new East International Terminal ("EIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities to improve service to international airlines and their passengers at Hartsfield; and

WHEREAS, the Federal Aviation Administration ("FAA") and the City have jointly determined that the new Air Traffic Control Tower ("ATCT"), to be constructed in support of the fifth runway project at the Airport, must be sited adjacent to and partially upon land comprising the Delta TOC at Hartsfield; and

WHEREAS, the City requires the use of a portion of Delta's TOC Leased Premises in connection with both the EIT project and the ATCT, and Delta is ready and willing to relinquish the portion of the Delta TOC Leased Premises needed by the City for the ATCT and the first phase of the EIT project which is the subject of this legislation; and

WHEREAS, the City and Delta desire and intend to enter into an agreement amending the TOC Lease and memorializing the relinquishment of the portion of Delta's TOC needed for the first phase of the EIT project and the ATCT (the "Amendatory Agreement"); and

WHEREAS, the FAA and the City desire and intend to enter into an agreement covering the leasing of the site upon which the ATCT will be located, and which comprises a portion of the Delta TOC Leased Premises to be relinquished hereunder, and the execution of such agreement is contingent upon the execution of the Amendatory Agreement contemplated hereunder; and

WHEREAS, in order to mitigate and cure the damages to Delta caused by the partial taking of the Delta TOC Leased Premises for the EIT project and the ATCT, Delta and the City also desire and intend to simultaneously enter into a companion Reimbursable Agreement, under which Delta would design and construct and the City would compensate Delta for certain replacement and interim facilities, including but not limited to replacement of a materials storage facility, a new parking deck and new or refurbished surface parking areas, and



operate a temporary employee busing service, at a cost to the City not to exceed Thirteen Million, Five Hundred and Eleven Thousand, and Thirty Six Dollars (\$13,511,036.00); and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and hereby is authorized to execute on behalf of the City of Atlanta an Amendatory Agreement with Delta Air Lines, Inc., which shall provide for the relinquishment by Delta to the City of approximately 3.03 acres of land within its Leased Premises under the Amended and Restated Lease Agreement for the Technical Operations Center at Hartsfield Atlanta International Airport, and for the temporary continued use by Delta of certain portions said property for time periods that will not exceed one (1) year thereafter.

BE IT FURTHER RESOLVED that the City Attorney be and hereby is directed to prepare said Amendatory Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that said Amendatory Agreement shall not become binding upon the City, and the City shall incur no obligation or liability thereunder until the same has been signed by the Mayor and delivered to Delta.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

FEB 03, 2003
FEB 11, 2003

RCS# 5123
11/03/03
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	A Mitchell
B Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	B Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5124
11/03/03
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS: 9
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	NV Fauver	B Martin	Y Norwood
A Young	Y Shook	Y Maddox	B Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1721 2. 03-O-1723 3. 03-O-1835 4. 03-O-1848 5. 03-O-1678 6. 03-O-1679 7. 03-O-1680 8. 03-O-1681 9. 03-O-1682 10. 03-O-1683 11. 03-O-1684 12. 03-O-1494 13. 03-O-1651 14. 03-O-1652 15. 03-O-1689 16. 03-O-1700 17. 03-O-1701 18. 03-O-1829 19. 03-O-1695 20. 03-O-1375 21. 03-O-1511 22. 03-O-1666 23. 03-O-1667 24. 03-O-1838 25. 03-R-1504 26. 03-R-1658 27. 03-R-1808 28. 03-R-1860 29. 03-R-1861 30. 03-R-1815 31. 03-R-1816 32. 03-R-1817 33. 03-R-1676 34. 03-R-1800 35. 03-R-1804 36. 03-R-1866 37. 03-R-1668 38. 03-R-1810 39. 03-R-1811 40. 03-R-1863	41. 03-R-1869 42. 03-R-1870 43. 03-R-1873 Items Adversed on Consent 44. 03-R-1729 45. 03-R-1730 46. 03-R-1731 47. 03-R-1732 48. 03-R-1733 49. 03-R-1734 50. 03-R-1735 51. 03-R-1736 52. 03-R-1737 53. 03-R-1738 54. 03-R-1739 55. 03-R-1740 56. 03-R-1741 57. 03-R-1742 58. 03-R-1743 59. 03-R-1744 60. 03-R-1745 61. 03-R-1746 62. 03-R-1747 63. 03-R-1748 64. 03-R-1749 65. 03-R-1750 66. 03-R-1751 67. 03-R-1752 68. 03-R-1753 69. 03-R-1754 70. 03-R-1755 71. 03-R-1756 72. 03-R-1757 73. 03-R-1758 74. 03-R-1759 75. 03-R-1760 76. 03-R-1761 77. 03-R-1762 78. 03-R-1763 79. 03-R-1764	80. 03-R-1765 81. 03-R-1766 82. 03-R-1767 83. 03-R-1768 84. 03-R-1769 85. 03-R-1770 86. 03-R-1771 87. 03-R-1772 88. 03-R-1773 89. 03-R-1774 90. 03-R-1775 91. 03-R-1776 92. 03-R-1777 93. 03-R-1778 94. 03-R-1779 95. 03-R-1780 96. 03-R-1781 97. 03-R-1782 98. 03-R-1783 99. 03-R-1784 100. 03-R-1785 101. 03-R-1786 102. 03-R-1787 103. 03-R-1788 104. 03-R-1789 105. 03-R-1790 106. 03-R-1791 107. 03-R-1792 108. 03-R-1793 109. 03-R-1794 110. 03-R-1795 111. 03-R-1796 112. 03-R-1797 113. 03-R-1798 114. 03-R-1799 115. 03-R-1840 116. 03-R-1003

03-~~2~~-1815

(Do Not Write Above This Line)

A RESOLUTION

BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A REIMBURSABLE AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE REIMBURSEMENT BY THE CITY TO DELTA OF CERTAIN COSTS TO BE INCURRED BY DELTA FOR THE DESIGN AND CONSTRUCTION OF CERTAIN REPLACEMENT AND INTERIM FACILITIES, INCLUDING BUT NOT LIMITED TO RELOCATION OF ELECTRIC SWITCHGEAR AND A FIBER OPTIC LINE, REPLACEMENT PARKING DECK DESIGN, AND GEOTECHNICAL AND SURVEY SERVICES SUPPORTING THE RELOCATIONS AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT UP TO AN ESTIMATED AMOUNT NOT TO EXCEED \$8,073,146.00, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA 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 _____

Transportation

10/29/03

Chair

Chair

Fav, Adv, Hold (see rev. side)

Members

C. T. Martin

Chair

Chair

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

NOV 03 2003

COUNCIL

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

NOV 03 2003

ATLANTA CITY COUNCIL PRESIDENT

Atton W. Woodard

CERTIFIED

NOV 03 2003

Frank D. ...

MAYOR'S ACTION

APPROVED

[Signature]

NOV 10 2003

MAYOR