



**CITY COUNCIL
ATLANTA, GEORGIA**

A RESOLUTION

BY TRANSPORTATION COMMITTEE

03-*R*-0088

A RESOLUTION RESCINDING RESOLUTION NUMBER 02-R-0205, WHEREIN THE MAYOR WAS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE RELINQUISHMENT TO THE CITY OF APPROXIMATELY 6.1 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 ("City") Atlanta City Council adopted Resolution 02-R-0205 on February 18, 2002, and the Resolution was approved by the Mayor on March 5, 2002; and

WHEREAS, Resolution 02-R-0205, a copy of which is attached hereto as Exhibit I, authorized the Mayor to enter into an Agreement with Delta Air Lines, Inc., ("Delta") which would provide for the relinquishment by Delta to the City of approximately 6.1 acres of land within its Leased Premises under the Amended and Restated Lease Agreement ("TOC Lease") for Technical Operations Center ("TOC") at the Hartsfield Atlanta International Airport ("Hartsfield"); and

WHEREAS, under the proposed Agreement, the City would have paid to Delta the sum of Fourteen Million, Eight Hundred Eighty Nine Thousand, Two Hundred and Fourteen Dollars (\$14,889,214.00) in full settlement all of Delta's right, title, interest and claims arising out of Delta's relinquishment to the City that portion of Delta's Leasehold interest and the continued temporary use of said property for employee parking for up to one (1) year thereafter; and

WHEREAS, the above actions were anticipated to be taken to enable the construction of a new Eastside Terminal and related aircraft ramp, entrance roadway, and vehicle parking facilities under the Hartsfield project formerly known as the Concourse E Expansion and Landside Access ("CEELA") project; and

WHEREAS, prior to execution of the contemplated Agreement, the design and scheme of the CEELA project was significantly revised and renamed the East International Terminal ("EIT") project; 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 Hartsfield, must be sited adjacent to and partially upon land comprising the Delta TOC; and

WHEREAS, the EIT project and the ATCT have jointly caused a significant change in the scope and cost of this enabling project and the terms of the above described Agreement are no longer relevant or applicable to the project; and

WHEREAS, Delta and the City now desire to enter into an alternate agreement providing for the relinquishment by Delta to the City of land within its Leased Premises under the TOC Lease at Hartsfield; and



WHEREAS, in order to mitigate and cure the damages to the Delta TOC Leasehold caused by that taking, Delta and the City also desire to simultaneously enter into a companion Reimbursable Agreement, under which Delta would design and construct certain replacement and interim facilities 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 COUNCIL OF THE CITY OF ATLANTA, GEORGIA, Resolution 02-R-0205 must be rescinded so that the Mayor can execute simultaneously that alternate Agreement and the Reimbursable Agreement jointly as a replacement for the Agreement contemplated under Resolution 02-R-0205.

BE IT FURTHER RESOLVED that Resolution 02-R-0205 is hereby rescinded.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 03, 2003
FEB 11, 2003



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY TRANSPORTATION COMMITTEE

02-^R-0205

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DELTA AIR LINES, INC., COVERING THE RELINQUISHMENT TO THE CITY OF APPROXIMATELY 6.1 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 ("TOC LEASE") AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, FOR A COST TO THE CITY NOT TO EXCEED \$14,889,214.00, TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H26 571001 R21E052096AA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has undertaken the Concourse E Expansion and Landside Access ("CEELA") project, for construction of a new Eastside Terminal and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at Hartsfield Atlanta International Airport ("Hartsfield"); and

WHEREAS, the City and Delta Air Lines Inc. ("Delta") are parties to an Amended and Restated Lease Agreement, dated 12/1/89, for Delta's Technical Operations Center ("TOC"), which serves as Delta's primary aircraft maintenance facility at Hartsfield; and

WHEREAS, the City requires the use of a portion of Delta's TOC leasehold in connection with the CEELA project and for the relocated Taxiway D, and Delta is ready and willing to relinquish the area needed by the City in phases, the first of which is the subject of this legislation; and

WHEREAS, Delta will lose the use of 1560 parking spaces as a result of the relinquishment of the area in this first phase, and needs the continued use of the area for parking, for a period of up to one (1) year, while Delta constructs temporary parking on tracts 5 and 6 of the remaining parcel, and commences the construction of a parking deck to replace the displaced parking, on the ultimate remaining parcel.

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 Agreement with Delta Air Lines, Inc., which shall provide for the relinquishment by Delta to the City of approximately 6.1 acres of land, (Phase I), within its Leased Premises under the Amended and Restated Lease Agreement for the Technical Operations Center (TOC) at Hartsfield Atlanta International Airport, more particularly shown on the drawing attached hereto as Exhibit A and made a part hereof by reference, and for the temporary continued use of said property for a period of up to one (1) year thereafter by Delta, subject to the following terms and conditions:

1. The City shall pay to Delta the sum of Fourteen Million, Eight Hundred Eighty Nine Thousand, Two Hundred and Fourteen Dollars (14,889,214.00) in full settlement of all of Delta's right,

EXHIBIT I



title, interest and claims arising out of Delta's relinquishment to City of that portion of Delta's Leasehold interest indicated on "Exhibit A" and the cost to Delta for the continued temporary use of said property for employee parking for up to one (1) year thereafter.

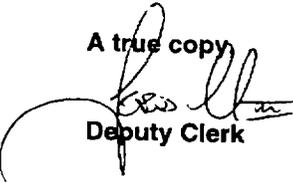
2. Such other terms, conditions, and provisions as are required by City Ordinances or customarily included in leasehold interest relinquishment agreements of a similar nature at the Airport.

BE IT FURTHER RESOLVED that the cost to the City under said Agreement shall 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 Agreement for execution by the Mayor.

BE IT FINALLY RESOLVED that said 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



Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

FEB 18, 2002
MAR 05, 2002

RCS# 4449
2/03/03
3:21 PM

Atlanta City Council

Regular Session

03-R-0088

Rescind 02-R-0205 Re. relinquishment of
land leased to Delta Airlines by City
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

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

03-R-0088

(Do Not Write Above This Line)

03-R-0088

A RESOLUTION BY

TRANSPORTATION COMMITTEE

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ADOPTED BY

FEB 03 2003

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 _____

TRANSPORTATION

1/25/03 Date

R.A. Reed Chair

Fav, Adv, Hold (see rev. side)

RESOLUTION

Members

S.T. Moore
Chair

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

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

CERTIFIED

CERTIFIED FEB 3 2003

COUNCIL PRESIDENT PROTOM

CERTIFIED FEB 03 2003

Ronald D. Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
FEB 11 2003
MAYOR