

AN ORDINANCE

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A RIGHT-OF-FLIGHT EASEMENT AGREEMENT BETWEEN THE CITY OF ATLANTA, THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, A BODY POLITIC CREATED BY SPECIAL AMENDMENT TO THE CONSTITUTION OF THE STATE OF GEORGIA AND GATEWAY AIRPORT ASSOCIATES, L.P., A GEORGIA LIMITED LIABILITY PARTNERSHIP; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns and operates William B. Hartsfield Atlanta International Airport (the "Airport"); and

WHEREAS, Gateway and the College Park Business Industrial Development Authority ("Authority") own a portion of the real property where the new Georgia International Convention Center and the associated Gateway Development are being constructed; and

WHEREAS, portions of the real property have been subjected hereto various aviation easements, covenants, restrictions, conditions, reservations and limitations of use to promote the safe passage of aircraft in the airspace above, adjacent to or in the vicinity of the surface of the real property; and

WHEREAS, Gateway and the Authority have proposed the construction of hotels to support the Georgia International Convention Center which require modification to the aviation easement, covenants, restrictions, conditions, reservations and limitations of use associated with the real property; and

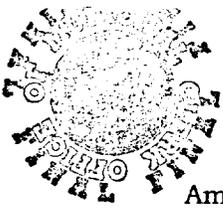
WHEREAS, the modifications have been coordinated with the City of College Park, Gateway, the Authority, the Airlines, and the City to the mutual satisfaction of all parties concerned; and

WHEREAS, Gateway, the Authority, and the City desire to supercede all prior recorded and unrecorded aviation easements, covenants, restrictions, conditions, reservation and limitations and simultaneously enter into a Right-Of-Flight Easement Agreement establishing aviation easements, covenants, restrictions, conditions, reservations, limitations, and rights of entry to support the construction of the hotel facilities on the real property while allowing for the safe passage of aircraft in the airspace above, adjacent to or in the vicinity of the surface of the real property; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute and enter into a Right-Of Flight Easement Agreement on behalf of the City, to ensure the safety of the flying public while supporting the continued development of the Georgia International Convention Center and the associated gateway development.

BE IT FURTHER ORDAINED, that the City Attorney be and is hereby directed to prepare the Right-of-Flight Easement Agreement for execution by the Mayor or her designee, to be approved as to form by the City Attorney.

BE IT FURTHER ORDAINED, that this Right-of-Flight Easement Agreement shall not become binding on the City and the City shall incur no liability upon same until such



Amendment has been executed by the Mayor and delivered to the City of College Park and The College Park Business and Industrial Development Authority.

BE IT FINALLY ORDAINED, that all parts of ordinances in conflict herewith be, and are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 21, 2003
APR 21, 2003

RCS# 4616
4/21/03
2:23 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-19; Except 03-0-0441; 03-0-0391

Adopt

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

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

CONSENT I

4/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0186
2. 03-O-0350
3. 03-O-0401
4. 03-O-0442
5. 03-O-0438
6. 03-O-0445
7. 03-O-0446
8. 03-O-0443
9. 03-O-0450
10. 03-O-0485
11. 03-O-0399
12. 03-O-0369
13. 03-O-0416
14. 03-O-0193
15. 03-O-0355
16. 03-O-0359
17. 03-O-0360
18. 03-O-0436
19. 02-O-1543
20. 03-O-0432
21. 03-O-0433
22. 03-O-0434
23. 03-R-0444
24. 03-R-0530
25. 03-R-0531
26. 03-R-0532
27. 03-R-0533
28. 03-R-0534
29. 03-R-0535
30. 03-R-0536
31. 03-R-0537
32. 03-R-0538
33. 03-R-0546
34. 03-R-0577
35. 03-R-0390
36. 03-R-0451
37. 03-R-0571
38. 03-R-0549
39. 03-R-0555
40. 03-R-0556
41. 03-R-0558
42. 03-R-0559
43. 03-R-0560
44. 03-R-0561
45. 03-R-0562
46. 03-R-0563
47. 03-R-0564
48. 03-R-0572
49. 03-R-0588
50. 03-R-0589
51. 03-R-0590
52. 03-R-0448
53. 03-R-0454
54. 03-R-0528
55. 03-R-0529
56. 03-R-0569
57. 03-R-0570
58. 03-R-0591
59. 03-R-0592
60. 03-R-0217
61. 03-R-0539
62. 03-R-0541
63. 03-R-0542
64. 03-R-0566
65. 03-R-0593
66. 03-R-0544
67. 03-R-0545
68. 03-R-0565
69. 03-R-0496
70. 03-R-0497

**Items Adversed on
the Consent Agenda**

72. 03-R-0498
73. 03-R-0499
74. 03-R-0500
75. 03-R-0501
76. 03-R-0502
77. 03-R-0503
78. 03-R-0504
79. 03-R-0505
80. 03-R-0506
81. 03-R-0507
82. 03-R-0508
83. 03-R-0509
84. 03-R-0510
85. 03-R-0511
86. 03-R-0512
87. 03-R-0513
88. 03-R-0514
89. 03-R-0515
90. 03-R-0516
91. 03-R-0517
92. 03-R-0518
93. 03-R-0519
94. 03-R-0520
95. 03-R-0521
96. 03-R-0522
97. 03-R-0523
98. 03-R-0524
99. 03-R-0525
100. 03-R-0526
101. 03-R-0527

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391

03-0433

(Do Not Write Above This Line)

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BY TRANSPORTATION COMMITTEE

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ADOPTED BY

APR 2 1 2003

COUNCIL

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

Date Referred 3/17/03

Referred To: Transportation

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____

Members

[Handwritten signatures]

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

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

APR 2 1 2003

Shirley G. Moore
 COUNCIL PRESIDENT PROTTEM

CERTIFIED

APR 2 1 2003

Rachel Douglas Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

APR 2 1 2003

Shirley G. Moore
 MAYOR