

CITY COUNCIL
ATLANTA, GEORGIA

ORDINANCE BY FINANCE/
EXECUTIVE COMMITTEE

04-0 -1885

AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS TO APPROVE TENANT IMPROVEMENTS AT DUNBAR CENTER, GEORGIA HILL CENTER, AND JOHN BIRDINE CENTER AND TO GRANT RENT ABATEMENTS THEREFOR IN AN AMOUNT NO GREATER THAN \$2.00 PER SQUARE FOOT; AND FOR OTHER PURPOSES.

Whereas, the Dunbar Center, George Hill Center, and John Birdine Center (collectively, "Neighborhood Centers") are owned by the City of Atlanta ("City"), managed and operated by the Department of Parks, Recreation, and Cultural Affairs ("DPRCA"), and maintained by the Bureau of General Services; and

Whereas, the Neighborhood Centers are in need of improvement and rehabilitation; and

Whereas, the City seeks to encourage current and future tenants in the Neighborhood Centers (singularly, "Tenant") to effectuate improvements inside the Neighborhood Centers ("Tenant Improvements" or "Improvements" or "Improvement"), including at a minimum providing new carpet throughout the Tenant's leased space, repainting of the Tenant's leased space, and upgrading all electrical work in the Tenant's leased space as required for Tenant use. Such Improvements will provide a financial benefit to the City and will allow for better service to the community; and

Whereas, the current rental rate at the Neighborhood Centers established by this City Council is \$8.44 per square foot; and

Whereas, to encourage Tenant Improvements, the City wishes to provide rent abatement for such Improvements in an amount not to exceed \$2.00 per square foot, where the Tenant receives pre-Improvement and post-Improvement approval from the Commissioner of DPRCA ("Commissioner").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1. The Commissioner is hereby authorized to approve all proposed Tenant Improvements, to determine the appropriate amount of rent abatement for said Improvements, and to grant rent abatement to Tenants who effectuate said pre-approved Tenant Improvements. Said rent abatement shall not exceed \$2.00 per square foot, and shall be granted only if the Improvements include, at a minimum, providing new carpet throughout the Tenant's leased space, repainting of the Tenant's leased space, and/or upgrading all electrical work in the Tenant's leased space as required for Tenant use. The total rent abatement shall be divided by the number of months remaining in the Tenant's

lease, and said amount shall be deducted from the Tenant's monthly rental payment. A Tenant shall receive no greater than one rent abatement for any given project.

Section 2. The Commissioner shall create a written set of procedures by which she/he determines the amount of rent abatement to be granted for Tenant Improvements, and shall apply said procedures consistently for each Tenant rent abatement request. The procedures shall include, but not be limited to, the requirements set forth in this Ordinance.

Section 3. Any Tenant who desires to make Improvements within one or more of the Neighborhood Centers shall submit an Improvement plan and expenses thereof to the Commissioner. Based on the Improvement plan and expenses, the Commissioner shall make a preliminary determination of the amount of rent abatement, if any, to be granted to the Tenant. This preliminary determination shall not be deemed final until the Commissioner consults with the Bureau of General Services regarding the proposed Tenant Improvements. In addition, the preliminary determination shall not be deemed final until it is approved in writing by the Chief Financial Officer of the Department of Finance, or her/his designee. The Department of Finance shall evaluate the preliminary determination by comparing the estimated benefit of the proposed Tenant Improvements against the dollar value of the Commissioner's proposed Rent Abatement. Once the preliminary determination is deemed final, the Commissioner shall communicate the preliminary determination to the Tenant in writing. The Commissioner shall not permit Tenant Improvements nor grant rent abatement unless the Tenant receives approval from the Commissioner for such Improvements prior to beginning any construction or demolition work related to the Improvements.

Section 4. After completing the Improvements, the Tenant shall notify the Commissioner of the completion, and shall provide the Commissioner with an accounting of the Improvements, including all supporting documentation. The Commissioner shall inspect the Tenant Improvements and review the accounting and documentation. The Commissioner shall make a final determination of the rent abatement, if any, to be provided to the Tenant. The Commissioner shall communicate this final determination to the Tenant in writing.

Section 5. In the event that the Commissioner determines that the Tenant Improvements are of a quality equal to or greater than the pre-approved proposed Improvement plan, and that the cost of the Improvements are adequately supported with documentation and are equal to or greater than the pre-approved costs, the Commissioner shall provide rent abatement in an amount equal to, but no greater than the Commissioner's preliminary determination of rent abatement, as referenced in Section 3 above. In the event that the Commissioner's inspection of the Tenant Improvements and review of the accounting and documentation leads her/him to a conclusion that the rent abatement should be greater than the preliminary determination of rent abatement, the additional rent abatement must be reviewed by the Bureau of General Services, which shall provide a written recommendation regarding the same, and must be approved in writing by the Commissioner of the Department of Finance, or her/his designee.



Section 6. This ordinance shall apply retroactively to each current Tenant who has made Improvements or has requested Improvement-based rent abatements within the past eighteen months, provided that the Commissioner pre-approved the Tenant Improvements.

Section 7. Nothing in this Ordinance shall alter the Bureau of General Services' responsibility for the maintenance and improvement of the Neighborhood Centers.

Section 8: All Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

A true copy

A handwritten signature in black ink, appearing to read "John Doe", written over the text "A true copy" and "Deputy Clerk".

Deputy Clerk

ADOPTED by the City Council
APPROVED by the Mayor

NOV 15, 2004
NOV 19, 2004

RCS# 6248
11/15/04
2:51 PM

Atlanta City Council

Regular Session

04-O-1885

APPROVE TENANT IMPROVEMENTS @ DUNBAR
GA HILL & JOHN BIRDINE CTR
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | B Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | NV Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | Y Sheperd | NV Borders |

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(Do Not Write Above This Line)

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ADOPTED BY

NOV 15 2004

COUNCIL

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

First Referred 11-01-2004

Referred To Finance / Executive

Chair Referred

Date Referred

Refer To

Committee FINANCE
 Date 11-01-2004
 Chair [Signature]
 Referred To FIN EXEC

Committee FINANCE
 Date 11/10/04
 Chair [Signature]
 Actions: [Signature]
 Fav, Adv, Held (see rev. slide)
 Other: [Signature]
 Members: [Signature]
 Refer To [Signature]

Committee
 Date
 Chair
 Actions
 Fav, Adv, Held (see rev. slide)
 Other
 Members
 Refer To

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

CERTIFIED
 NOV 15 2004

CERTIFIED
 NOV 15 2004
 [Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION
 [Signature]
 NOV 19 2004