

**10-R-0395**

(Do Not Write Above This Line)

A RESOLUTION 10-R-

BY COUNCILMEMBER JOYCE SHEPHERD

*Joyce Shepherd*

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE MCPHERSON PLANNING LOCAL REDEVELOPMENT AUTHORITY, INC., IN ORDER TO EXTEND THE INTERGOVERNMENTAL AGREEMENT TERM TO APRIL 20, 2010 FROM FEBRUARY 20, 2010, SO AS TO PERMIT THE COMPLETION OF THE RE-ZONING WORK RELATING TO FORT MCPHERSON, WHICH IS BEING FULLY FUNDED BY A GRANT FROM THE UNITED STATES OFFICE OF ECONOMIC ADJUSTMENT; TO AUTHORIZE THE MAYOR TO FURTHER EXTEND SAID INTERGOVERNMENTAL AGREEMENT BY AN ADDITIONAL FOUR (4) MONTHS (SUBJECT TO AVAILABILITY OF FUNDS THEREFOR); AND FOR OTHER PURPOSES.

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

Date Referred 2/15/10  
 Referred To: Finance/Exec  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee Finance/Exec

Date 2/15/10

Chair Joyce Shepherd

Action Fav, Adv, Hold (see rev. side)

Members [Signature]

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

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Members \_\_\_\_\_

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

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

CERTIFIED

MAR 01 2010

**CERTIFIED**  
 MAR 01 2010  
*Joyce Shepherd*  
 CLERK

MAYOR'S ACTION

*[Signature]*

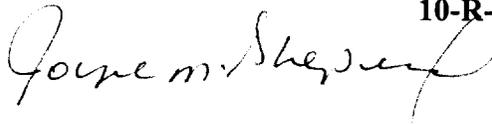
Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members ADOPTED BY  
MAR 01 2010  
**COUNCIL**  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

A RESOLUTION

BY COUNCILMEMBER JOYCE SHEPERD

10-R-



**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE MCPHERSON PLANNING LOCAL REDEVELOPMENT AUTHORITY, INC., IN ORDER TO EXTEND THE INTERGOVERNMENTAL AGREEMENT TERM TO APRIL 20, 2010 FROM FEBRUARY 20, 2010, SO AS TO PERMIT THE COMPLETION OF THE RE-ZONING WORK RELATING TO FORT MCPHERSON, WHICH IS BEING FULLY FUNDED BY A GRANT FROM THE UNITED STATES OFFICE OF ECONOMIC ADJUSTMENT; TO AUTHORIZE THE MAYOR TO FURTHER EXTEND SAID INTERGOVERNMENTAL AGREEMENT BY AN ADDITIONAL FOUR (4) MONTHS (SUBJECT TO AVAILABILITY OF FUNDS THEREFOR); AND FOR OTHER PURPOSES.**

**WHEREAS**, On October 20, 2009, the City of Atlanta (the "City") entered into an Intergovernmental Agreement with the McPherson Planning Local Redevelopment Authority, Inc., (THE "MPLRA") in order to authorize the commencement of re-zoning work relating to Fort McPherson; and

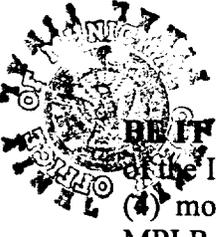
**WHEREAS**, the re-zoning work contemplated in the Intergovernmental Agreement is being funded by a grant award from the United States Office of Economic Adjustment ("OEA") to the MPLRA; and

**WHEREAS**, the OEA Grant funds are available for expenditure, by MPLRA on behalf of the City, until the end of April of 2010; and

**WHEREAS**, the City and the MPLRA have determined that an additional two (2) months will be needed to complete the re-zoning work contemplated under the Intergovernmental Agreement, which currently expires on February 20, 2010; and

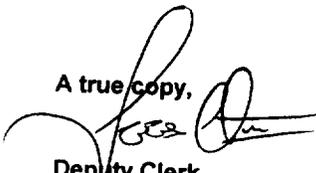
**WHEREAS**, the City desires and has determined that it is in the best interests of the citizens of the City of Atlanta to so extend the term of the Intergovernmental Agreement; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor be and is hereby authorized to execute the first amendment to the Intergovernmental Agreement between the City and the MPLRA (the "First Amendment"), a form of which is attached hereto as **Exhibit A** and by this reference made a part hereof, in order to extend the term of the Intergovernmental Agreement from February 20, 2010 to April 20, 2010, among other things.



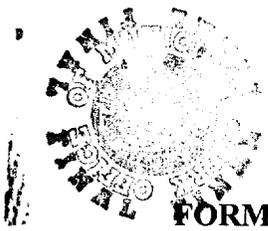
**BE IT FURTHER RESOLVED**, that the Mayor is hereby authorized to further extend the term of the Intergovernmental Agreement (as extended by the First Amendment) by an additional four (4) months if he determines that it is necessary or convenient to provide the City and the MPLRA with additional time to complete the re-zoning work; provided, however, that sufficient funding for such additional term shall be provided by the MPLRA for such purpose (with the written agreement of the MPLRA) prior to any such additional extension.

**BE IT FINALLY RESOLVED**, that the First Amendment (and any additional amendments to the Intergovernmental Agreement) shall not become binding upon the City and the City shall incur no obligation or liability thereunder or hereunder until the same has been signed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form, and delivered to the parties.

A true copy,  
  
Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

MAR 01, 2010  
MAR 09, 2010



**EXHIBIT A**

**FORM OF FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BY  
AND BETWEEN THE MCPHERSON PLANNING LOCAL REDEVELOPMENT  
AUTHORITY, INC. AND THE CITY OF ATLANTA**

This FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (this "First Amendment"), dated as of the \_\_\_\_ day of \_\_\_\_\_, 2010 (the "Effective Date") supplements and amends that certain Intergovernmental Agreement by and between The McPherson Planning Local Redevelopment Authority, Inc., a public body corporate and politic duly created or its successors or assigns (including, without limitation, the McPherson Implementing Local Redevelopment Authority) and validly existing under the Constitution and laws of the State of Georgia (the "AUTHORITY") and the City of Atlanta, a municipal corporation of the State of Georgia (the "CITY"), dated October 20, 2009 (the "Intergovernmental Agreement," and together with this First Amendment are collectively, the "Agreement"). All terms used herein and not otherwise defined shall have the meanings ascribed to them in the Intergovernmental Agreement.

Whereas, the parties previously entered into the Intergovernmental Agreement to assist in the establishment of the zoning for Fort McPherson prior to its September 2011 closing.

Whereas, the parties understand and agree that the conclusion of the re-zoning work being undertaken pursuant to the Intergovernmental Agreement will exceed the initial four (4) month period allotted for same under the Intergovernmental Agreement, and desire to extend the term of the Intergovernmental Agreement by approximately two (2) months to allow for the completion of the re-zoning work.

Whereas, the CITY and the AUTHORITY have determined that it is in the best interests of the citizens of the City of Atlanta to extend the time frame under the Intergovernmental Agreement so that the planning and other related activities needed to determine the most desirable re-zoning of the property known as Fort McPherson may proceed through and including April 20, 2010.

NOW, THEREFORE, in consideration of the premises herein contained, and for other consideration, the receipt and sufficiency of which are hereby acknowledged, the AUTHORITY and the CITY hereby agree as follows:

**1. Extension of the Term.** The term provided for in Paragraph A of Section 4 of the Intergovernmental Agreement is hereby amended and replaced, in its entirety, to read as follows:

**"4. Term and Termination.**

A. Term. The term of the consulting arrangements under this Agreement will be from October 20, 2009 through and including April 20, 2010, unless sooner terminated in accordance with Subsection (B) following."



**2. Authorization for the Mayor to extend the Term.** Section 6 of the Intergovernmental Agreement (which was previously noted as "Reserved") is hereby amended and restated to provide as follows:

**"6. Authorization for the Mayor to extend the Term.** The Mayor is hereby authorized to extend the term provided for in Paragraph A of Section 4 of the Intergovernmental Agreement, without further action of the City Council of the City, for up to four (4) additional months, as and to the extent he determines that a further extension of time is necessary or appropriate to complete the re-zoning work contemplated under the Agreement, and (i) the MPLRA consents to such an extension in writing and (ii) has provided the City with sufficient evidence to establish that it has or will have sufficient funds to pay for any additional work during any such extension period."

**3. Agreement remains in Full Force and Effect.** The Intergovernmental Agreement, as modified by this First Amendment, shall remain in full force and effect in accordance with its terms.

**DULY EXECUTED** and delivered by the AUTHORITY and the CITY, effective as of \_\_\_\_\_, 2010.

**AUTHORITY:**

McPHERSON PLANNING LOCAL  
REDEVELOPMENT AUTHORITY, INC.

By: \_\_\_\_\_  
Jack C. Spratt  
Executive Director

Address: 86 Pryor Street, Suite 300  
Atlanta, Georgia 30303



**CITY:**

**CITY OF ATLANTA:**

(SEAL)

By: \_\_\_\_\_  
Shirley Franklin, Mayor

Attest:

By: \_\_\_\_\_  
Rhonda Dauphin Johnson, Municipal Clerk

Approved as to Form:

By: \_\_\_\_\_  
R. Roger Bhandari, Acting City Attorney

RCS# 99  
3/01/10  
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 2  
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I