

10-R-1490
 (Do Not Write Above This Line)

**A RESOLUTION BY
 COMMUNITY DEVELOPMENT/HUMAN
 RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO A THIRD AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND PIEDMONT PARK, INC. REGARDING THE PARK TAVERN RESTAURANT, THE PURPOSE OF WHICH IS TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A SKATING RINK ON THE LEASED PREMISES; AND FOR OTHER PURPOSES.

**ADOPTED BY
 SEP 20 2010
 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 _____

Committee *CD/HK*
 Date *8/31/10*
 Chair _____
 Action Fav, Adv, Hold (see rev. side) Other _____
 Members _____
 Refer To _____

Committee *CD/HK*
 Date *9/14/10*
 Chair *James Sheperd*
 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 _____

Committee _____
 Date _____
 Chair _____
 Action _____ Fav, Adv, Hold (see rev. side) Other _____
 Members _____
 Refer To _____

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

CERTIFIED
 SEP 20 2010
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 SEP 20 2010
 Rhonda Daughlin Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 SEP 29 2010
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**A RESOLUTION BY
COMMUNITY DEVELOPMENT/ HUMAN RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO A THIRD AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF ATLANTA AND PIEDMONT PARK, INC. REGARDING THE PARK TAVERN RESTAURANT, THE PURPOSE OF WHICH IS TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A SKATING RINK ON THE LEASED PREMISES; AND FOR OTHER PURPOSES.

WHEREAS, the Park Tavern Restaurant ("Park Tavern") is located at 500 10th Street in Atlanta, at the edge of Piedmont Park, at the corner of 10th and Monroe Streets; and

WHEREAS, in a lease agreement dated September 1, 1987 (the lease agreement, including the two amendments thereto, is hereinafter referred to as the "Lease"), the City leased the parcel of land on which Park Tavern is located (hereinafter the "Leased Premises", the exact definition of which is set forth in the Lease) to Piedmont Park, Inc., ("PPI"); and

WHEREAS, the second amendment ("Second Amendment") to the Lease, dated March 1, 1996, restated the Lease terms, and constitutes the most up-to-date, complete agreement between the City and PPI regarding the Leased Premises. For that reason, many references in this resolution will be to the Second Amendment specifically; and

WHEREAS, the Second Amendment modified the length of the Lease term, such that the term is thirty-five years beginning on March 1, 1996, with one fifteen-year renewal option; and

WHEREAS, the Second Amendment sets forth the ways in which PPI may utilize the Leased Premises, and specifically states that: "The lessee agrees that the use of the Leased Premises shall be limited primarily to the operation of a restaurant and lounge open to the public during normal business hours and secondarily to on-site catering services in compliance with all applicable city and county codes for restaurant, lounge and catering service operations." (Second Amendment, last paragraph of Section 1); and

WHEREAS, PPI would like to add a skating rink to the Leased Premises, on the outside of the restaurant, and would like to operate said rink as part of its restaurant business. The skating rink will not require any structural changes to the Leased Premises; and

WHEREAS, PPI requires a change to the Lease in order to operate a skating rink on the Leased Premises. The Commissioner of the Department of Parks, Recreation and Cultural Affairs recommends that PPI be permitted to construct and operate the skating rink, and that the Lease be amended to allow for the same.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA
HEREBY RESOLVES as follows:**



Section 1: The Mayor, on behalf of the City, is hereby authorized to execute and enter into a Third Amendment (“Third Amendment”) to the Lease between Piedmont Park, Inc. and the City of Atlanta regarding the Park Tavern Restaurant. The Third Amendment shall modify the last paragraph of the first section of the Second Amendment to allow PPI to construct and operate a skating rink on the Leased Premises, provided that PPI abides by all laws and regulations pertaining to said construction and activity. Specifically, the last paragraph of Section 1 of the Second Amendment shall be substantively the same as below, with the new language indicated in an underlined format:

“The Lessee agrees that the use of the Leased Premises shall be limited primarily to the operation of a restaurant and lounge open to the public during normal business hours and secondarily to on-site catering services in compliance with all applicable city and county codes for restaurant, lounge and catering service operations. In addition, Lessee may construct and operate an outdoor skating rink on the Leased Premises provided that: 1) the exact location of the skating rink and plans therefore are approved in writing by the Commissioner of the Department of Parks, Recreation and Cultural Affairs; 2) the skating rink has no structural impact upon the Leased Premises; 3) the skating rink and all elements related thereto, including without limitation the cooling unit and catch-area for condensation and runoff, must be located entirely on the Leased Premises; and 4) PPI must abide by all applicable laws, regulations, and City requirements regarding the approval of plans, construction, and operation of the skating rink.”

SECTION 2. The Third Amendment may modify the insurance and/or indemnification provisions set forth in the Second Amendment, based upon the recommendations of the City’s Risk Manager and Acting City Attorney or his designee, without the need for additional authorizing legislation.

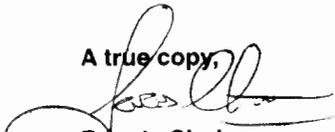
SECTION 3. PPI’s right to have and operate the skating rink on the Leased premises may be terminated by the City without cause beginning 5 years from the execution of the Third Amendment, provided that the City gives PPI at least one hundred eighty days notice. PPI shall have the right to discontinue operating the skating rink, and to remove the skating rink without cause beginning 5 years from the execution of the Third Amendment, provided that PPI gives the City at least one hundred eighty days notice.

SECTION 4: Except for the changes set forth in this Resolution, all other terms of the Lease shall remain unchanged.

SECTION 5. The Acting City Attorney is hereby directed to prepare said Third Amendment for execution by the Mayor, to be approved as to form by the Acting City Attorney or her/his designee.



SECTION 6. The Third Amendment shall not become binding on the City of Atlanta, and the City of Atlanta shall incur no liability upon the same until such Third Amendment has been approved by the Acting City Attorney or her/his designee as to form, executed by the Mayor, attested to by the Municipal Clerk and delivered to PPI.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

SEP 20, 2010

SEP 29, 2010

RCS# 554
9/20/10
2:47 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-0-1689

ADOPT EXCEPT

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

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

CONSENT I

		09-20-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 10-O-1486	38. 10-R-1587	63. 10-R-1610
2. 10-O-1553	39. 10-R-1588	64. 10-R-1611
3. 10-O-1554	40. 10-R-1589	65. 10-R-1612
4. 10-O-1555	41. 10-R-1590	66. 10-R-1613
5. 10-O-1557	42. 10-R-1591	67. 10-R-1614
6. 10-O-1570	43. 10-R-1592	68. 10-R-1615
7. 10-O-1535	44. 10-R-1593	69. 10-R-1616
8. 10-O-1536	45. 10-R-1594	70. 10-R-1617
9. 10-O-1552	46. 10-R-1595	71. 10-R-1618
10. 10-O-1487	47. 10-R-1596	72. 10-R-1619
11. 10-O-1488	48. 10-R-1597	73. 10-R-1620
12. 10-O-1489	49. 10-R-1598	74. 10-R-1621
13. 10-R-1655	50. 10-R-1599	75. 10-R-1622
14. 10-R-1661	51. 10-R-1600	76. 10-R-1623
15. 10-R-1662	52. 10-R-1601	77. 10-R-1624
16. 10-R-1666	53. 10-R-1602	78. 10-R-1625
17. 10-R-1685	54. 10-R-1603	79. 10-R-1626
18. 10-R-1691	55. 10-R-1604	80. 10-R-1627
19. 10-R-1667	56. 10-R-1605	81. 10-R-1628
20. 10-R-1668	57. 10-R-1606	82. 10-R-1629
21. 10-R-1669	58. 10-R-1607	83. 10-R-1630
22. 10-R-1670	59. 10-R-1608	84. 10-R-1631
23. 10-R-1671	60. 10-R-1609	85. 10-R-1632
24. 10-R-1672	61. 10-R-1650	86. 10-R-1633
25. 10-R-1673	62. 10-R-1651	87. 10-R-1634
26. 10-R-1674		88. 10-R-1635
27. 10-R-1675		89. 10-R-1636
28. 10-R-1676		90. 10-R-1637
29. 10-R-1677		91. 10-R-1638
30. 10-R-1678		92. 10-R-1639
31. 10-R-1679		93. 10-R-1640
32. 10-R-1680		94. 10-R-1641
33. 10-R-1681		95. 10-R-1642
34. 10-R-1682		96. 10-R-1643
35. 10-R-1683		97. 10-R-1644
36. 10-R-1490		98. 10-R-1645
37. 10-R-1690		99. 10-R-1646
		100. 10-R-1647
		101. 10-R-1648
		102. 10-R-1649