

11-0-1252
(Do Not Write Above This Line)

AN ORDINANCE
BY *Fin/Exec* COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY TO PURCHASE UNDEVELOPED LAND EAST OF HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT FROM AIRPORT STATION, LLC, FOR RUNWAY PROTECTION AND FUTURE AIRPORT DEVELOPMENT; AUTHORIZING A METHODOLOGY FOR A TRANSACTION TO TERMINATE CERTAIN LEASEHOLD INTERESTS WHICH ARE TO BE A PART OF AN EXCHANGE OR SALE OF CITY REAL PROPERTY INTERESTS IN THE IMMEDIATE AREA OF THE PURCHASE TRACT; FOR LAND PURCHASE NOT TO EXCEED 60 ACRES IN AN AMOUNT NOT TO EXCEED \$32,437,500; TO BE CHARGED TO AND PAID FROM FDOA 5502 (AIRPORT RENEWAL & EXTENSION FUND), 180201 (AVIATION CAPITAL PLANNING & DEVELOPMENT) 5411001 (LAND), 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

substitute

ADOPTED BY
SEP 19 2011

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

Date Referred

9/8/11

Referred To:

Fin/Exec

Date Referred

Referred To:

Date Referred

First Reading

Committee *Finance Executive*
Date *8/31/11*
Chair *James Leppard*
Referred To *Finance Executive*

Finance Executive
Date

9.14.11

Chair

James Leppard

Action

Fav, Adv, Hold (see rev. side)

Other
Substitute

Members

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

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

CERTIFIED

CERTIFIED
SEP 19 2011

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
SEP 19 2011

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 28 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW

11-O-1252

**A SUBSTITUTE ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

A SUBSTITUTE ORDINANCE AUTHORIZING THE CITY TO PURCHASE UNDEVELOPED LAND EAST OF HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT FROM AIRPORT STATION, LLC, FOR RUNWAY PROTECTION AND FUTURE AIRPORT DEVELOPMENT; AUTHORIZING A METHODOLOGY FOR A TRANSACTION TO TERMINATE CERTAIN LEASEHOLD INTERESTS WHICH ARE TO BE A PART OF AN EXCHANGE OR SALE OF CITY REAL PROPERTY INTERESTS IN THE IMMEDIATE AREA OF THE PURCHASE TRACT; FOR LAND PURCHASE NOT TO EXCEED 60 ACRES IN AN AMOUNT NOT TO EXCEED \$32,437,500; AND TO WAIVE CITY OF ATLANTA CODE SECTIONS 2-1543 AND 2-1571; TO BE CHARGED TO AND PAID FROM FDOA 5502 (AIRPORT RENEWAL & EXTENSION FUND) 180201 (AVIATION CAPITAL PLANNING & DEVELOPMENT) 5411001 (LAND) 7563000 (AIRPORT); AND FOR OTHER PURPOSES.

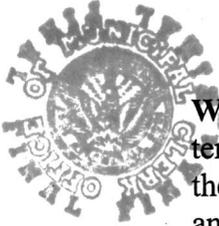
WHEREAS, the City of Atlanta ("City") owns and operates Hartsfield-Jackson Atlanta International Airport ("Airport"); and

WHEREAS, Airport Station LLC ("Airport Station") owns the fee simple interest in approximately 122 acres of land adjacent to the airport, and intends to develop, or reserve for future development, no less than 62 acres of this land; and

WHEREAS, the City wishes to purchase from Airport Station the fee simple interest in approximately 52.7 acres of land for runway protection and future airport development, which will be determined by licensed surveyor, and shall not exceed 60 acres; and

WHEREAS, the City and Airport Station have agreed upon a purchase price of \$540,625 per acre, which is fair market value as validated by an appraisal commissioned by the City; and

WHEREAS, the estimated total purchase price for the 60 acres shall not exceed Thirty Two Million Four Hundred Thirty Seven Thousand Five Hundred Dollars (\$32,437,500.00); and



WHEREAS, Resolution 08R1198 authorized the consent to an assignment of a long term lease on 7.7 acres of land from Ford Motor Company to Airport Station, LLC; and the southern portion of the 7.7 acres is under the Runway 26L approach lighting system; and

WHEREAS, Airport Station, LLC now wishes to exchange the City's leased fee interest in approximately 3.1 acres out of the 7.7 acres under long term lease, and for ownership of fee simple interest in approximately 1.4 acres of surplus City owned land adjacent to the 3.1 acres, which is no longer needed by the City, in exchange for release to the City of their leasehold interest in the remaining 4.6 acres under the long term lease including the land under the Runway 26L approach lighting system (the "Exchange Transaction"); and

WHEREAS, based on appraisals, the value of the property interests being received by the City from Airport Station, LLC in the Exchange Transaction is greater in value than the property interests being conveyed by the City to Airport Station, LLC; and

WHEREAS, the consummation of the proposed purchase and land exchange will be contingent upon written approval by the Federal Aviation Administration; and

WHEREAS, the Aviation General Manager and the Chief Procurement Officer recommend that the City consent to the proposed purchase and land exchange.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: That upon notice from the Federal Aviation Administration that the proposed purchase and land exchange is approved, the Mayor is hereby authorized to execute the documents necessary to cause the proposed land purchase and exchange of surplus property transactions to occur between the City and Airport Station.

Section 2: That the purchase price of the property and all acquisition costs associated with the purchase in an amount not to exceed \$32,437,500 shall be charged to and paid from FDOA 5502 (Airport Renewal & Extension Fund) 180201 (Aviation Capital Planning & Development) 5411001 (Land) 7563000 (Airport).

Section 3: That the City Attorney is hereby directed to draft such documents as are necessary evidencing the purchase agreement and land exchange for execution by the Mayor.

Section 4: That the purchase agreement and land exchange will not become binding on the City, and the City will incur no liability under it until it has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to Airport Station LLC.

Section 5: That due to certain differences between the requirements of state law and the City Code and the need for flexibility in negotiating the final terms of the Exchange



Transaction, that those sections of the City Code, specifically including, without limitation Sec. 2-1543 and Sec. 2-1571, be waived to the extent of the conflict for the purpose.

Section 6: That this ordinance become effective upon the Mayor's signature or as specified by City Charter Sec. 2-403.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Sept. 19, 2011
Sept. 28, 2011

RCS# 1415
9/19/11
4:03 PM

Atlanta City Council

REGULAR SESSION

11-O-1252

AUTHORIZE PURCHASE OF LAND NEAR HJAIA
RUNWAY PROTECTION AND FUTURE DEVELOPMENT
ADOPT/SUBST

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

11-O-1252