

12-*P*-0595

(Do Not Write Above This Line)

A RESOLUTION BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO FC-6006007904, CONCOURSE E DUTY FREE CONCESSION AGREEMENT BETWEEN ALDEASA ATLANTA JOINT VENTURE AND THE CITY OF ATLANTA, ON BEHALF OF THE DEPARTMENT OF AVIATION, TO WAIVE THE MINIMUM ANNUAL GUARANTEE FOR THE REMAINDER OF THE LEASE TERM; AND FOR OTHER PURPOSES.

Substitute

ADOPTED BY
MAY 07 2012

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 *g* _____
 Referred To _____

Transportation

5-2-12

Chair

Action
Fav, Adv, Hold (see rev. side)
Other *on concourse*

Members

[Signatures]

Johnson

Refer To

[Signature]

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

Committee

Date

Chair

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

Members

Refer To

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

CERTIFIED

CERTIFIED
MAY 07 2012

ATLANTA CITY COUNCIL, PRESIDENT

[Signature]

CERTIFIED
MAY 7 2012

[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 16 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

12-R-0595

**A SUBSTITUTE RESOLUTION
BY TRANSPORTATION COMMITTEE**

A SUBSTITUTE RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO FC-6006007904, CONCOURSE E DUTY FREE CONCESSION AGREEMENT BETWEEN ALDEASA ATLANTA JOINT VENTURE AND THE CITY OF ATLANTA, ON BEHALF OF THE DEPARTMENT OF AVIATION, TO WAIVE THE MINIMUM ANNUAL GUARANTEE FOR THE REMAINDER OF THE LEASE TERM; AND FOR OTHER PURPOSES.

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

WHEREAS, the City entered into FC-6006007904, Concourse E Duty Free Concession Agreement (the “Agreement”) with Aldeasa Atlanta Joint Venture (“Aldeasa”), to operate a duty free retail concession at the Airport; and

WHEREAS, the allocated space for Aldeasa is located on Concourses E and T in the Central Passenger Terminal Complex; and

WHEREAS, the Agreement was awarded through a competitive sealed proposal process in accordance with the City of Atlanta Code of Ordinances; and

WHEREAS, Aldeasa and the City desire to amend the Agreement to waive the Minimum Annual Guarantee (“MAG”) for the remainder of the lease term, which expires November 14, 2012; and

WHEREAS, Aldeasa will continue to pay percentage rent in the amount of thirty percent (30%) of gross revenue. However, if gross sales are 40% or more below the prior year sales during the same period, then Aldeasa will pay percentage rent in the amount of twenty-two percent (22%) of gross revenue; and

WHEREAS, the Aviation General Manager and Chief Procurement Officer recommend the execution of an amendment to the Agreement effective May 1, 2012.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor is authorized on behalf of the City of Atlanta to execute an amendment to FC-6006007904, Concourse E Duty Free Concession Agreement between Aldeasa Atlanta Joint Venture and the City of Atlanta to waive the Minimum Annual Guarantee for the remainder of the lease term, which expires November 14, 2012.



BE IT FURTHER RESOLVED that the City Attorney is directed to prepare an amendment for execution by the Mayor.

BE IT FURTHER RESOLVED that said amendment will contain language obligating Aldeasa to pay percentage rent in the amount of thirty percent (30%) of gross revenue. However, if gross sales are 40% or more below the prior year sales during the same period, then Aldeasa will pay percentage rent in the amount of twenty-two percent (22%) of gross revenue.

BE IT FINALLY RESOLVED that said amendment shall not become binding upon the City, and the City shall incur no obligation or liability until same has been signed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to Aldeasa Atlanta Joint Venture.

A true copy,

Rhonda Daughin Johnson

Municipal Clerk

ADOPTED by the Atlanta City Council

APPROVED as per City Charter Section 2-403

May 07, 2012

May 16, 2012

RCS# 1945
5/07/12
3:45 PM

Atlanta City Council

12-R-0595

EXECUTE AMNDMNT:FC-6006007904 CONCOURSE
E DUTY FREE CONCESSION W/ALDEASA ATLANTA
ADOPT/SUB

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

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