

13- R -0594

(Do Not Write Above This Line)

A RESOLUTION BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT BY AND BETWEEN THE CITY OF ATLANTA AND RUBY TUESDAY, INC. FOR VEHICLE PARKING ON LAND OWNED BY THE CITY OF ATLANTA LOCATED AT 1200 VIRGINIA AVENUE IN LAND LOTS 127 AND 130 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

ADOPTED BY APR 15 2013 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: Transportation
Date: March 27 2013
Chair: [Signature]
Action: Fav, Adv, Hold (see rev. side)
Members: Carla Smith, Felicia A. Abner, [Signature]
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

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 APR 15 2013 ATLANTA CITY COUNCIL PRESIDENT [Signature]

CERTIFIED APR 15 2013 Rhonda Daughlin Johnson MUNICIPAL CLERK

MAYOR'S ACTION APPROVED APR 24 2013 WITHOUT SIGNATURE BY OPERATION OF LAW



**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT BY AND BETWEEN THE CITY OF ATLANTA AND RUBY TUESDAY, INC. FOR VEHICLE PARKING ON LAND OWNED BY THE CITY OF ATLANTA LOCATED AT 1200 VIRGINIA AVENUE IN LAND LOTS 127 AND 130 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns and operates Hartsfield-Jackson Atlanta International Airport ("Airport"), which includes 5.324 acres of real property located on Virginia Avenue in Hapeville, Georgia ("Land"); and

WHEREAS, the City leased the Land to Carousel Hotel Corporation ("Carousel") pursuant to that certain Restated and Consolidated Lease Agreement dated December 9, 1997 (the "Lease"); and

WHEREAS, Carousel constructed certain improvements on the Land to include a 280+ room hotel and vehicle parking; and

WHEREAS, the Lease was assigned to the Diplomat Construction Corporation ("Diplomat") on May 18, 1998, as authorized by Resolution Number 98-R-0720 which was adopted by the City Council on April 20, 1998 and approved by the Mayor on April 21, 1998; and

WHEREAS, Diplomat entered into a Collateral Assignment to Secure Debt with Integrity Bank dated January 16, 2002; and

WHEREAS, Diplomat subsequently filed for protection under Chapter 11 of the United States Bankruptcy Code on April 3, 2009; and

WHEREAS, the Lease was placed in receivership on December 29, 2009; and Integrity Bank purchased the Lease, among other assets not owned by the City; and

WHEREAS, pursuant to a Collateral Assignment to Secure Debt the Lease was purchased by and assigned to the State Bank of Texas ("SBT") on January 4, 2010; and

WHEREAS, Diplomat entered Chapter 7 of the United States Bankruptcy Code on May 21, 2010 and a Trustee was appointed to act on behalf of the Diplomat Estate; and

WHEREAS, Khushal Hospitality LLC ("KHL") subsequently purchased the leasehold interest from SBT and the Trustee; and



WHEREAS, the assignment of the Lease from SBT to KHL was authorized by the City pursuant to Resolution Number 12-R-0603 which was adopted by City Council on May 7, 2012 and approved by the Mayor on May 16, 2012; and

WHEREAS, the City through its Department of Aviation has met with KHL regarding its plans for the further development and improvement of the Land and the improvements constructed thereon; and

WHEREAS, the City and KHL have agreed to fully amend and restate the Lease to include terms and conditions for improving the Land and the improvements constructed thereon that are in the best interests of the City and the Airport; and

WHEREAS, authorization to amend and restate the Lease was provided by the City Council by adopting Resolution Number 13-R-0020 on January 22, 2013 and approved by operation of law on January 31, 2012; and

WHEREAS, the terms and conditions authorized by Resolution 13-R-0020 include, among others, the return of land previously under lease by KHL to the City to include parking improvements constructed thereon that are used by Ruby Tuesday, Inc. ("Ruby Tuesday") for vehicular parking for its restaurant located on an adjacent parcel; and

WHEREAS, Ruby Tuesday is unable to develop its own parking facilities and has requested to continue to lease the parking improvements previously under lease from KHL directly from the City; and

WHEREAS, the terms and conditions for improving the Land and the improvements constructed thereon agreed to by and between the City and KHL include the requirement for the City to continue to provide parking for Ruby Tuesday under substantially the same terms and conditions as previously agreed to by and between Ruby Tuesday and KHL; and

WHEREAS, the City and Ruby Tuesday have agreed to enter into a Lease Agreement covering its use of the parking improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor is hereby authorized to execute on behalf of the City of Atlanta a Lease Agreement authorizing the use of land owned by the City for vehicular parking for customers of Ruby Tuesday, Inc.; and

BE IT FINALLY RESOLVED that a Lease Agreement shall not become binding on the City and the City shall incur no liability until the agreement has been executed by the Mayor, attested to by the Municipal Clerk, and approved as to form by the City Attorney and delivered to the appropriate parties.

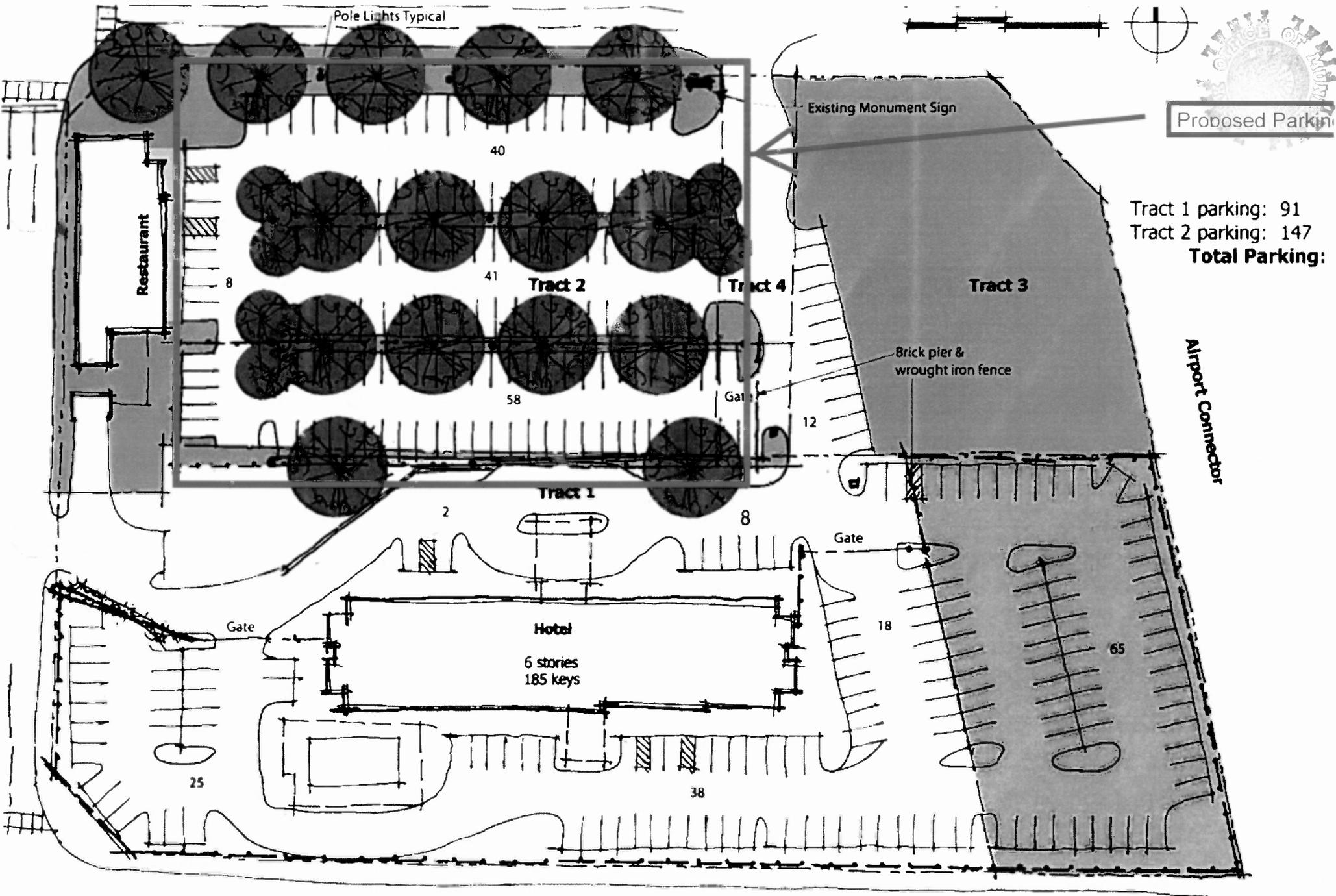
A true copy.

A handwritten signature in black ink, appearing to be "K. L. ...", written over a faint circular stamp.

Deputy Municipal Clerk

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

April 15, 2013
April 24, 2013



RCS# 2642
4/15/13
3:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA:SECTION I:ALL ITEMS
MONDAY, APRIL 15, 2013
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 1

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

CONSENT I

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		03-18-13
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3. 13-O-0442	37. 13-R-0547	69. 13-R-0579
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33. 13-R-0543	66. 13-R-0576	
34. 13-R-0544		