

13- R -0595

(Do Not Write Above This Line)

A RESOLUTION
BY TRANSPORTATION COMMITTEE

A RESOLUTION AUTHORIZING THE
MAYOR TO EXECUTE AN
AMENDMENT TO LEASE
AGREEMENT WITH SOUTHWEST
AIRLINES CO. ("SOUTHWEST")
COVERING THE LEASE OF
APPROXIMATELY .50 ACRES OF
CITY OF ATLANTA OWNED LAND
LOCATED IN COLLEGE PARK,
GEORGIA FOR THE CONSTRUCTION
OF A PEDESTRIAN SIDEWALK TO
SUPPORT SOUTHWEST'S AIRPORT
CORPORATE CENTER LOCATED ON
ADJACENT LAND; AND FOR OTHER
PURPOSES.

- 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 _____

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

Members
Carle Smith
Lejandra A. Moore
Abell

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

ADOPTED BY

APR 15 2013

COUNCIL

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 Daughin 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 EXECUTE AN AMENDMENT TO LEASE AGREEMENT WITH SOUTHWEST AIRLINES CO. ("SOUTHWEST") COVERING THE LEASE OF APPROXIMATELY .50 ACRES OF CITY OF ATLANTA OWNED LAND LOCATED IN COLLEGE PARK, GEORGIA FOR THE CONSTRUCTION OF A PEDESTRIAN SIDEWALK TO SUPPORT SOUTHWEST'S AIRPORT CORPORATE CENTER LOCATED ON ADJACENT LAND; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") owns and operates Hartsfield-Jackson Atlanta International Airport and owns a 155.6+/- acre tract of undeveloped land located near the intersection of Godby Road and Old National Highway in College Park, Georgia (the "Godby Road Tract"); and

WHEREAS, Resolution 06-R-0162, which was adopted by Council on January 17, 2006 and approved by the Mayor on January 24, 2006, authorized the lease of approximately 3.5 acres of the Godby Road Tract to MDG Development Group, LLC ("MDG"), for the construction and operation of a facility to be used by AirTran Airways for Flight Attendant Training (the "Facility"); and

WHEREAS, Resolution 07-R-1696, which was adopted by Council on September 4, 2007 and approved by the Mayor on September 12, 2007, authorized the lease of an additional and approximately 2.0 acres of the Godby Road Tract to MDG, to further the appropriate development of the Facility; and

WHEREAS, MDG executed a ground lease with the City of Atlanta on March 25, 2008 for the lease of land contemplated by Resolutions 06-R-0162 and 07-R-1696 to construct a facility for AirTran Airways for flight attendant training and other purposes; and

WHEREAS, MDG constructed and leased the Facility to AirTran Airways; and

WHEREAS, Southwest has purchased AirTran Airways and has assumed the ground lease with the City; and

WHEREAS, Southwest has determined that it will expand the use of the Facility to include reservations, administrative and other support functions incidental to its operations; and

WHEREAS, Southwest has determined that additional employee vehicle parking will be required at the facility to accommodate its expanded use; and



WHEREAS, Resolution 12-R-1331 authorized the execution of a ground lease with Southwest for the lease of land for the construction and operation of a vehicle parking lot to support growth at the Facility; and

WHEREAS, Southwest desires to construct a pedestrian sidewalk to facilitate the safe use of public transportation located within walking distance of the Facility and desires to enter into a ground lease with the City for land immediately adjacent to the facility to construct such pedestrian sidewalk; and

WHEREAS, the Aviation General Manager recommends that the City enter into a ground lease with Southwest to meet the objectives set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that the Mayor is authorized to execute on behalf of the City, an Amendment to a Lease Agreement with Southwest for approximately .50 acres of land for the construction of a pedestrian sidewalk subject to substantially the following terms and conditions:

- 1) Southwest will lease the Additional Premises per all of the terms and conditions of the base Lease save and except for rent. During the Term, Southwest will not be obligated to pay rent for the Additional Premises. Except for rent, Southwest agrees to be bound by all of the terms and conditions of the Lease with respect to the Additional Premises.
- 2) Southwest will construct the sidewalk and any improvements thereon at its expense and in a good and workmanlike manner. Construction will be in compliance with all applicable laws, codes, rules and regulations with first quality materials and components in accordance with plans and specifications subject to the approval of the City.
- 3) Upon completion, the sidewalk and any other related improvements will become the property of the City.
- 4) During the term of the Lease, Southwest will (a) maintain the sidewalk and any other improvements in good working order and condition, free of any debris and in a safe and unobstructed manner and (b) repair and replace the sidewalk and any related improvements. Any repairs and or replacements will be at least as good quality as the original construction thereof.



- 5) The use of the sidewalk by Southwest will be on a nonexclusive basis. Use will be in common with the City and any adjoining tenants of the City.
- 6) During the term of the Lease, Southwest will be responsible for the payment of all taxes levied or assessed on the Additional Premises, the sidewalk and any improvements constructed on the land.

BE IT FURTHER RESOLVED, that the City Attorney be and hereby is directed to prepare the Amendment for execution by the Mayor containing substantially the terms set forth in this Resolution and any other terms or conditions as are customarily included in lease agreements of similar nature.

BE IT FINALLY RESOLVED, that the Amendment will not become binding on the City and the City will incur no obligation or 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 Southwest Airlines Co.

A true copy.

Deputy Municipal Clerk

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

April 15, 2013
April 24, 2013



Existing Facility





Additional Parking Improvements



Approximate pedestrian sidewalk location
in relation to the new parking improvements

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
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0455	35. 13-R-0545	67. 13-R-0577
2. 13-O-0440	36. 13-R-0546	68. 13-R-0578
3. 13-O-0442	37. 13-R-0547	69. 13-R-0579
4. 13-O-0454	38. 13-R-0548	70. 13-R-0580
5. 13-O-0605	39. 13-R-0549	71. 13-R-0581
6. 13-O-0611	40. 13-R-0550	72. 13-R-0582
7. 13-O-0288	41. 13-R-0551	73. 13-R-0583
8. 13-O-0428	42. 13-R-0552	74. 13-R-0584
9. 13-O-0429	43. 13-R-0553	75. 13-R-0585
10. 13-O-0432	44. 13-R-0554	76. 13-R-0586
11. 13-O-0606	45. 13-R-0555	77. 13-R-0587
12. 13-R-0593	46. 13-R-0556	78. 13-R-0588
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14. 13-R-0595	48. 13-R-0558	80. 13-R-0590
15. 13-R-0596	ITEMS ADVERSED ON CONSENT	81. 13-R-0591
16. 13-R-0597	49. 13-R-0559	
17. 13-R-0598	50. 13-R-0560	
18. 13-R-0600	51. 13-R-0561	
19. 13-R-0601	52. 13-R-0562	
20. 13-R-0602	53. 13-R-0563	
21. 13-R-0620	54. 13-R-0564	
22. 13-R-0501	55. 13-R-0565	
23. 13-R-0539	56. 13-R-0566	
24. 13-R-0540	57. 13-R-0567	
25. 13-R-0603	58. 13-R-0568	
26. 13-R-0430	59. 13-R-0569	
27. 13-R-0437	60. 13-R-0570	
28. 13-R-0439	61. 13-R-0571	
29. 13-R-0541	62. 13-R-0572	
30. 13-R-0608	63. 13-R-0573	
31. 13-R-0609	64. 13-R-0574	
32. 13-R-0542	65. 13-R-0575	
33. 13-R-0543	66. 13-R-0576	
34. 13-R-0544		