

13-0 -1244
(Do Not Write Above This Line)

**AN ORDINANCE 13-0-
BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE
AUTHORIZING THE MAYOR,
ON BEHALF OF THE CITY OF
ATLANTA, TO ENTER INTO A
TEN-YEAR AGREEMENT
WITH INVEST ATLANTA
WHEREBY THE CITY WILL
LEASE FROM INVEST
ATLANTA THE BELTLINE
EASTSIDE CORRIDOR,
WHICH CONTAINS OR WILL
CONTAIN THREE MULTI-USE
TRAILS; AND DECLARING
THAT THE PROPERTY
ABUTTING THE THREE
MUTLI-USE TRAILS IS NOT
DEDICATED IN PERPETUITY
AS RECREATION PROPERTY;
AND FOR OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred: 9/3/13
Referred To: CD/HR
Date Referred:
Referred To:
Date Referred:
Referred To:

Committee: CDHR
Date: 8/27/13
Chair: Joyner
Referred To: CDHR

Committee: CDHR
Date: 9/19/13
Chair: Joyner
Action: Fav
Fav, Adv, Hold (See rev. side)
Other

Members:
C. King
A. Smith
H. King
J. King

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
SEP 16 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
SEP 16 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
SEP 16 2013
Ronda Daughin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
SEP 25 2013
WITHOUT SIGNATURE
BY OPERATION OF LAW

AN ORDINANCE

13-O-

BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE

13-0-1244

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA, TO ENTER INTO A TEN-YEAR AGREEMENT WITH INVEST ATLANTA WHEREBY THE CITY WILL LEASE FROM INVEST ATLANTA THE BELTLINE EASTSIDE CORRIDOR, WHICH CONTAINS OR WILL CONTAIN THREE MULTI-USE TRAILS; AND DECLARING THAT THE PROPERTY ABUTTING THE THREE MULTI-USE TRAILS IS NOT DEDICATED IN PERPETUITY AS RECREATION PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Development Authority, doing business as Invest Atlanta (“*Invest Atlanta*”), was duly created and is existing under and by virtue of the Constitution and laws of the State of Georgia and activating legislation of the City of Atlanta (the “*City*”); and

WHEREAS, pursuant to the Redevelopment Powers Law, O.C.G.A. § 36-44-1 *et seq.* and Atlanta Ordinance 05-O-1733, Invest Atlanta was designated as the redevelopment agency with respect to the City’s Tax Allocation District Number Six – Atlanta BeltLine; and

WHEREAS, the Atlanta BeltLine (“*Atlanta BeltLine*”) will be a twenty-two mile corridor encircling the City that contains public parks, multi-use trails and public transit; and

WHEREAS, one of the major components of the Atlanta BeltLine project is the design, creation and development of numerous new or reconfigured multi-use trails; and

WHEREAS, Invest Atlanta owns certain real property known as the Atlanta BeltLine Eastside Corridor, which is located in the City within Fulton County. This Corridor contains or will contain three multi-use trails (each of them individually, “*Trail*”; more than one Trail, the “*Trails*”; the three Trails collectively, the “*Property*”); and

WHEREAS, the location of the Property, including the specific location of each of the three Trails, is shown on Exhibit “A” which is attached hereto and incorporated herein by reference; and

WHEREAS, currently, Invest Atlanta has completed construction of one of the three Trails, namely the “Eastside Trail”, and is constructing the two other Trails, namely the “Northeast Hiking Trail” and the “Southwest Hiking Trail”; and



WHEREAS, by leasing the Property, the City can manage and maintain the Trails as part of its established park system, can implement park rules thereon, and can utilize the Atlanta Police Department to patrol the area; and

WHEREAS, **Exhibit “B”** (attached hereto and incorporated herein by reference) depicts land owned by Invest Atlanta that abuts the Property (the “***Abutting Land***”), and which is not and will not be part of the multi-use trails. It is anticipated that the Abutting Land will become part of a transit and/or right-of-way system; and

WHEREAS, by leasing the Abutting Land, the City can manage and maintain it for temporary recreational use, with the agreement that the Abutting Land may be used in the future for transit and/or right-of-way purposes, and that recreational use will cease immediately to accommodate such use (or the preparation therefor) when Invest Atlanta and/or the City so direct; and

WHEREAS, it is in the best interest of the City to lease the Property and Abutting Land from Invest Atlanta pursuant to the terms described below.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: The Mayor, on behalf of the City, is hereby authorized to enter a Lease Agreement (the “***Lease***”) with Atlanta Beltline, Inc. for the Property and the Abutting Land (collectively, the “***Premises***”), including all of the improvements located on the Premises now or in the future, provided that the Lease is substantially similar to the agreement attached hereto as **Exhibit “C”** and that its material terms include without limitation the following:

- 1) The Lease shall have an initial term of ten years. It shall contain two five-year renewal options that may be exercised upon mutual agreement of Invest Atlanta and the City.
- 2) Invest Atlanta shall remain responsible for constructing the Northeast Hiking Trail and the Southwest Hiking Trail at no cost to the City.
- 3) The City shall be responsible for the management and maintenance responsibilities for the Eastside Trail and the Abutting Land thereto.
- 4) Invest Atlanta shall be responsible for the management and maintenance responsibilities of the Northeast Hiking Trail and its Abutting Land until it completes construction of the Northeast Hiking Trail, at which time the City will assume the management and maintenance responsibilities of said Trail and its abutting Land.
- 5) Invest Atlanta shall be responsible for the management and maintenance responsibilities of the Southwest Hiking Trail and its Abutting Land until it completes construction of the Southwest Hiking Trail, at which time the City will assume the management and maintenance responsibilities of said Trail and its abutting Land.

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- 6) The Premises shall be subject to the City's ordinances and all other applicable laws. The City may enforce said ordinances and laws on the entire Premises, including without limitation on the Northeast Hiking Trail and Southwest Hiking Trail prior to completion of their construction.
 - 7) The City shall owe no rent in exchange for lease of the Premises. In lieu of rent, the City shall perform the management and maintenance responsibilities set forth in the Lease.

SECTION 2: The City shall use the Property solely as a public multi-use trail and for other recreational purposes consistent therewith. It shall also allow Invest Atlanta to use the Property for the purposes described in the Lease and also reflected in Exhibit C.

SECTION 3: The Abutting Land shall not be deemed part of the multi-use Trails. The Abutting Land is not dedicated as recreation property or as property that will be open to the public in perpetuity for park and recreation purposes. The City may allow the Abutting Land to be used by the public for recreational purposes, but said recreational use shall be consistent with the generally acceptable use of open space *adjacent* to a trail. It is hereby acknowledged that Invest Atlanta reserves the right to utilize the Abutting Land for transit and/or right-of-way purposes in the future.

SECTION 4. The City Attorney or her designee is hereby directed to prepare the Lease for execution by the Mayor.

SECTION 5. The Lease shall not become binding on the City, and the City shall incur no liability upon the same until the Lease has been executed by the Mayor and attested to by the Municipal Clerk.

SECTION 6. All other ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

A true copy,


Municipal Clerk

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

September 16, 2013
September 25, 2013

RCS# 3015
9/16/13
2:19 PM

Atlanta City Council

CONSENT AGENDA SECTION I PAGES (1-20)
EXCEPT 13-O-1260
ADOPT

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

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

+

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	09-16-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1227	40. 13-R-3544	66. 13-R-3571
2. 13-O-1228	41. 13-R-3545	67. 13-R-3572
3. 13-O-1229	42. 13-R-3546	68. 13-R-3573
4. 13-O-1230	43. 13-R-3427	69. 13-R-3574
5. 13-O-1232	44. 13-R-3428	70. 13-R-3576
6. 13-O-1235	45. 13-R-3429	71. 13-R-3577
7. 13-O-1258	46. 13-R-3533	72. 13-R-3578
8. 13-O-1263	47. 13-R-3547	73. 13-R-3579
9. 13-O-1265	48. 13-R-3537	74. 13-R-3580
10. 13-O-1266	49. 13-R-3538	75. 13-R-3581
11. 13-O-1267	50. 13-R-3539	
12. 13-O-1234	51. 13-R-3549	
13. 13-O-1248	52. 13-R-3550	
14. 13-O-1082	53. 13-R-3551	
15. 13-O-1216	54. 13-R-3552	
16. 13-O-1236	55. 13-R-3560	
17. 13-O-1238	56. 13-R-3561	
18. 13-O-1240	57. 13-R-3562	
19. 13-O-1241	58. 13-R-3563	
20. 13-O-1244	59. 13-R-3564	
21. 13-O-1247	60. 13-R-3565	
22. 13-O-1242	61. 13-R-3566	
23. 13-O-1260	62. 13-R-3567	
24. 13-O-1249	63. 13-R-3568	
25. 13-O-1250	64. 13-R-3569	
26. 13-O-1251	65. 13-R-3570	
27. 13-O-1252		
28. 13-O-1253		
29. 13-O-1254		
30. 13-O-1255		
31. 13-O-1256		
32. 13-R-3555		
33. 13-R-3556		
34. 13-R-3557		
35. 13-R-3558		
36. 13-R-3559		
37. 13-R-3012		
38. 13-R-3541		
39. 13-R-3542		

1244

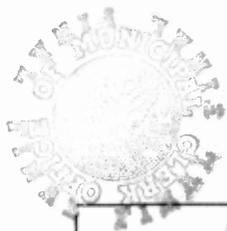
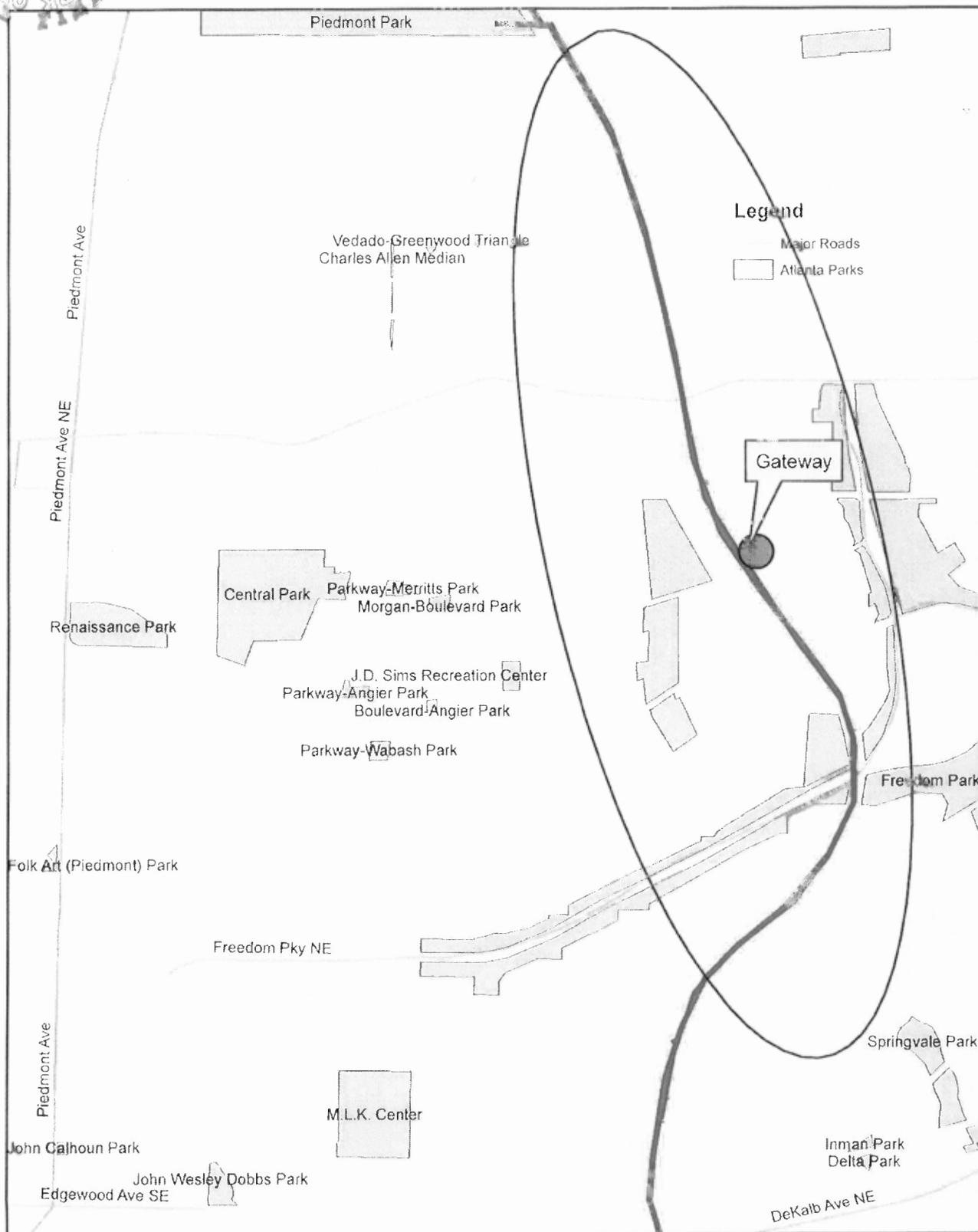


Exhibit A: Eastside Trail

Oval contains subject trail segment



1,300 650 0 1,300 Feet

Park Design 9/9/13



Exhibit B: Eastside Corridor

Oval contains subject corridor segment

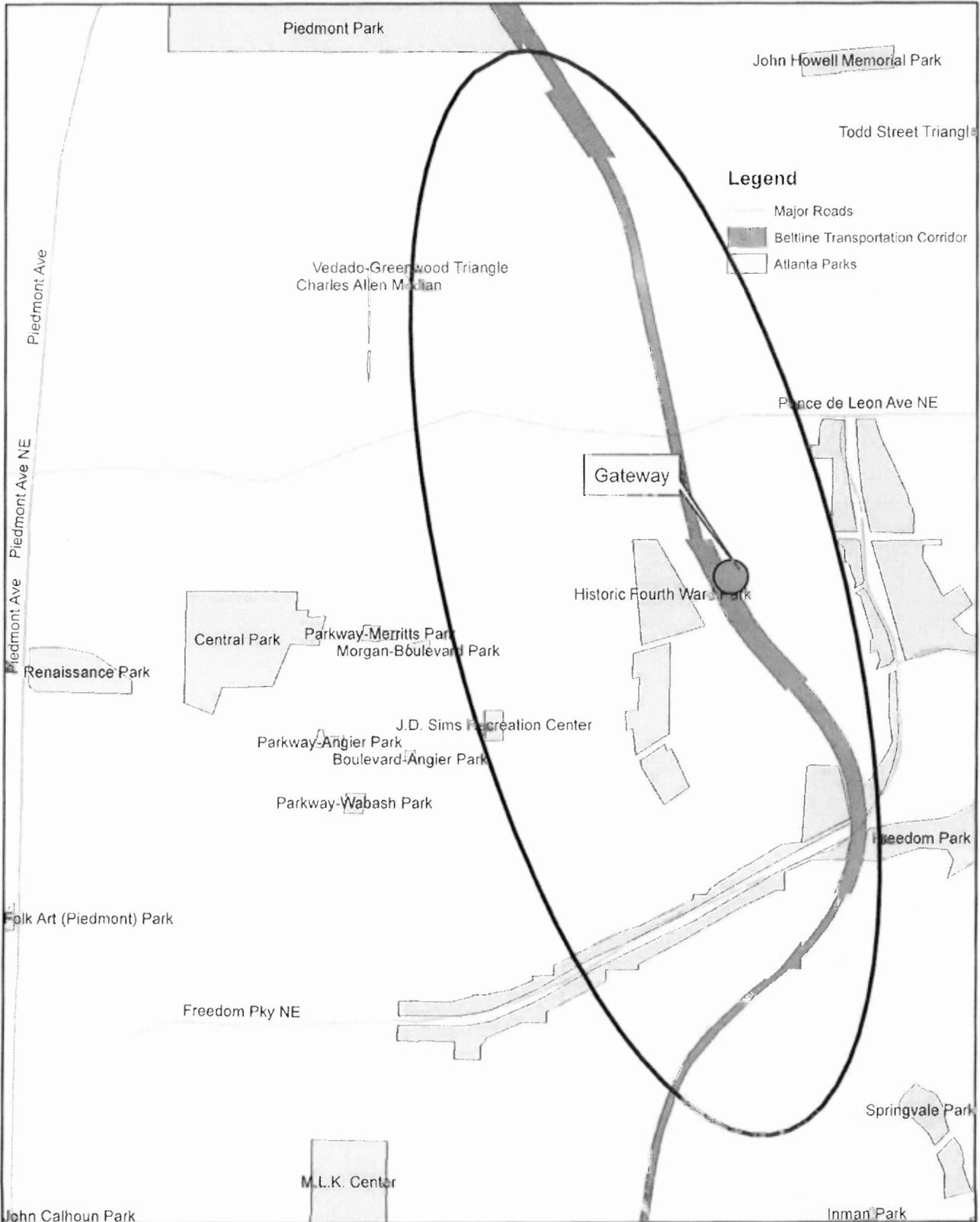




Exhibit A: Southwest Trail

Oval contains subject trail segment.

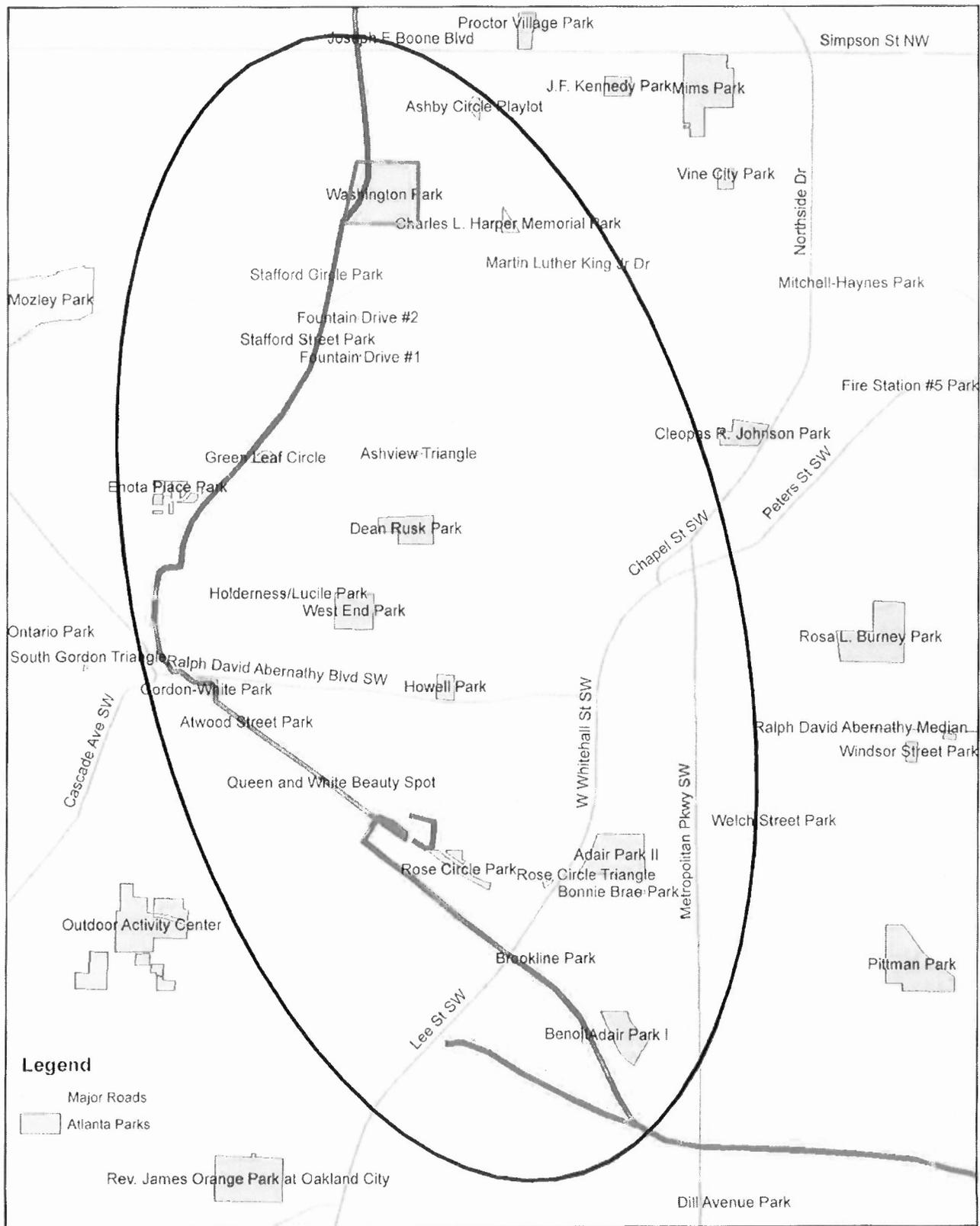
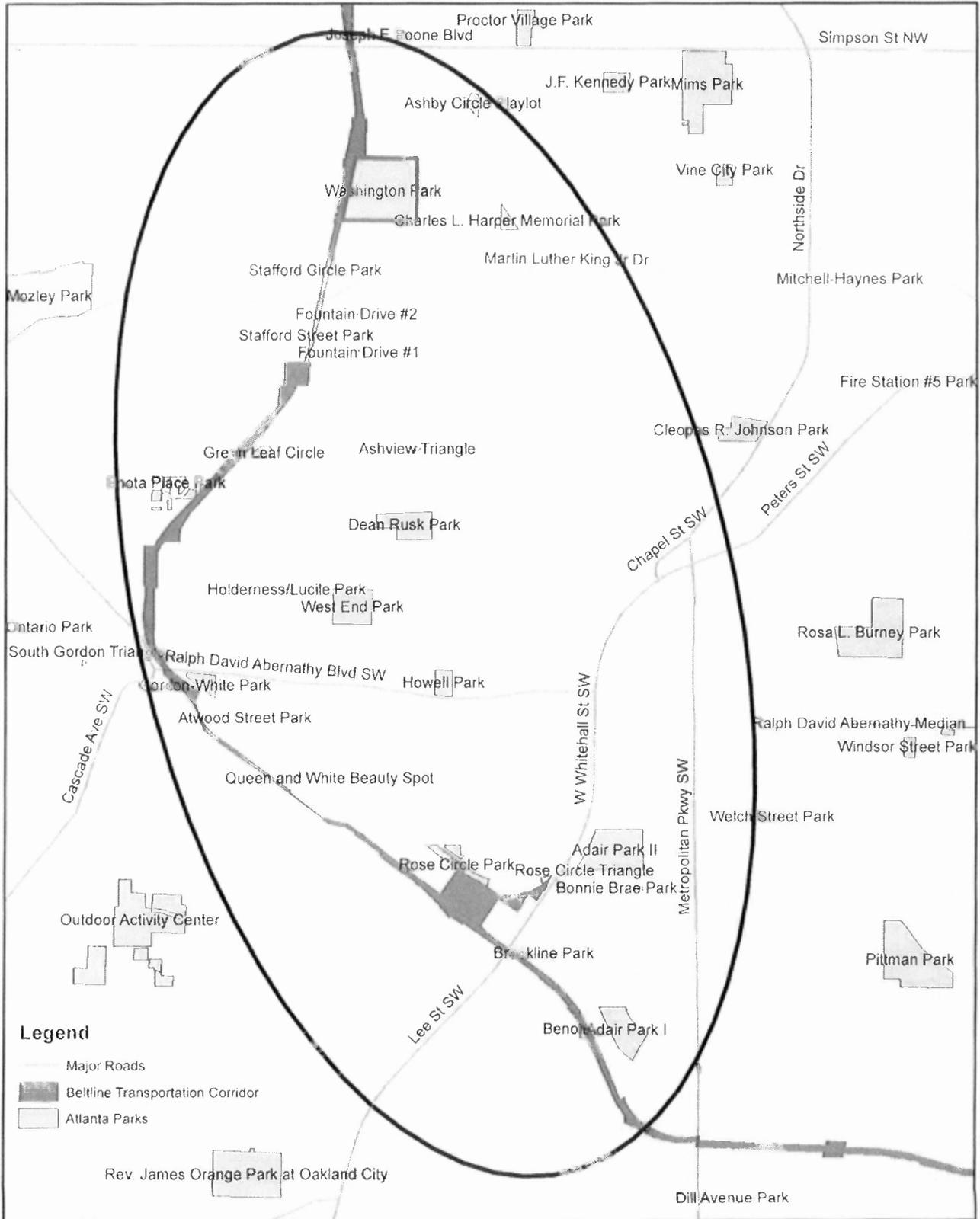




Exhibit B: Southwest Corridor

Oval contains subject corridor segment.



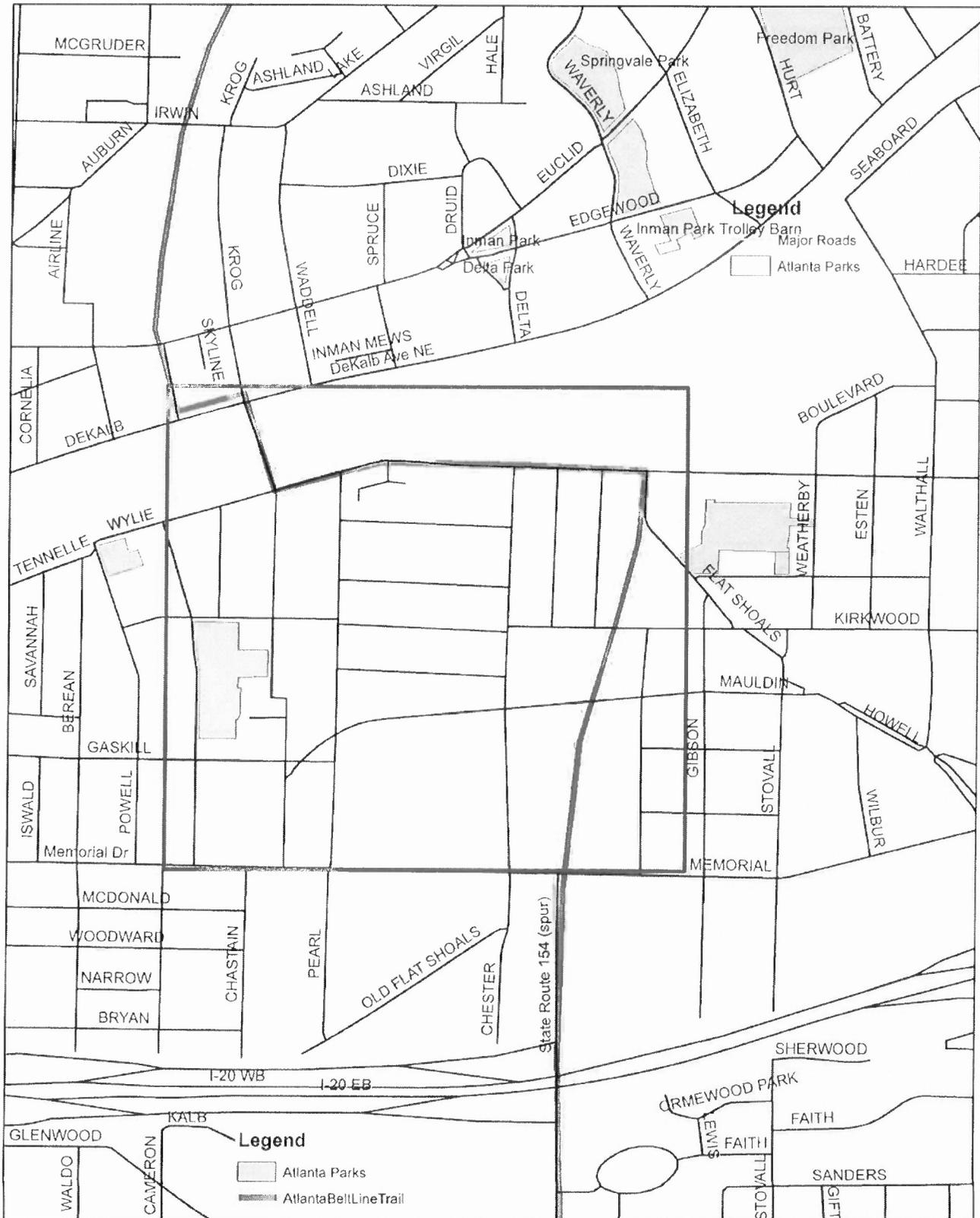
2,100 1,050 0 2,100 Feet

Park Design 9/9/13



Exhibit A: Northeast Hiking Trail (Reynoldstown)

Rectangle contains subject trail segment



860 430 0 860 Feet

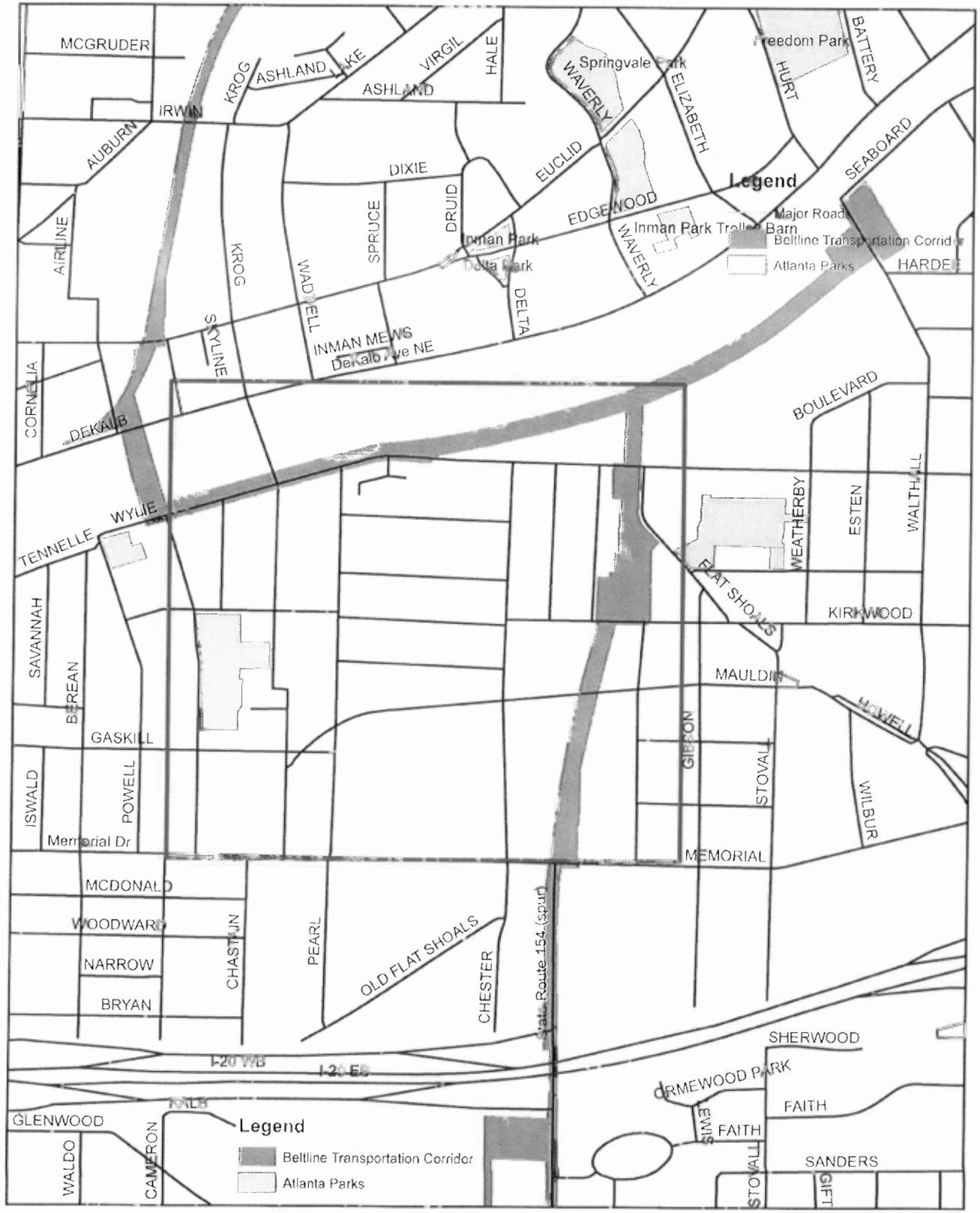


Park Design 9/9/13



Exhibit B: Northeast Hiking Corridor (Reynoldstown)

Rectangle contains subject corridor



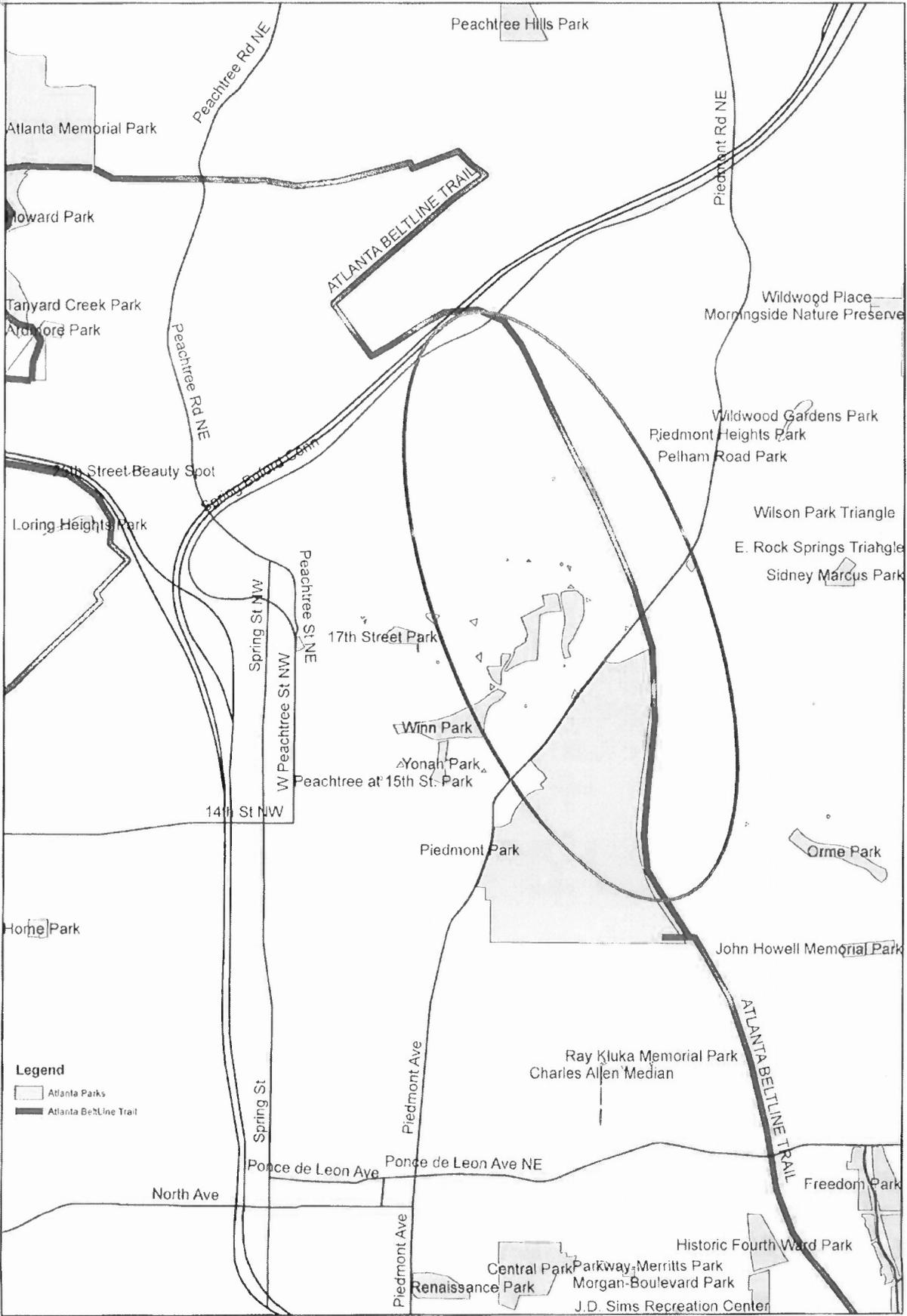
860 430 0 860 Feet

Park Design 9/9/13



Exhibit A: Northeast Hiking Trail

Oval contains subject trail segment



Legend

- Atlanta Parks
- Atlanta BeltLine Trail

2,250 1,125 0 2,250 Feet



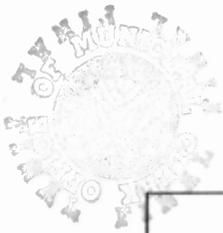
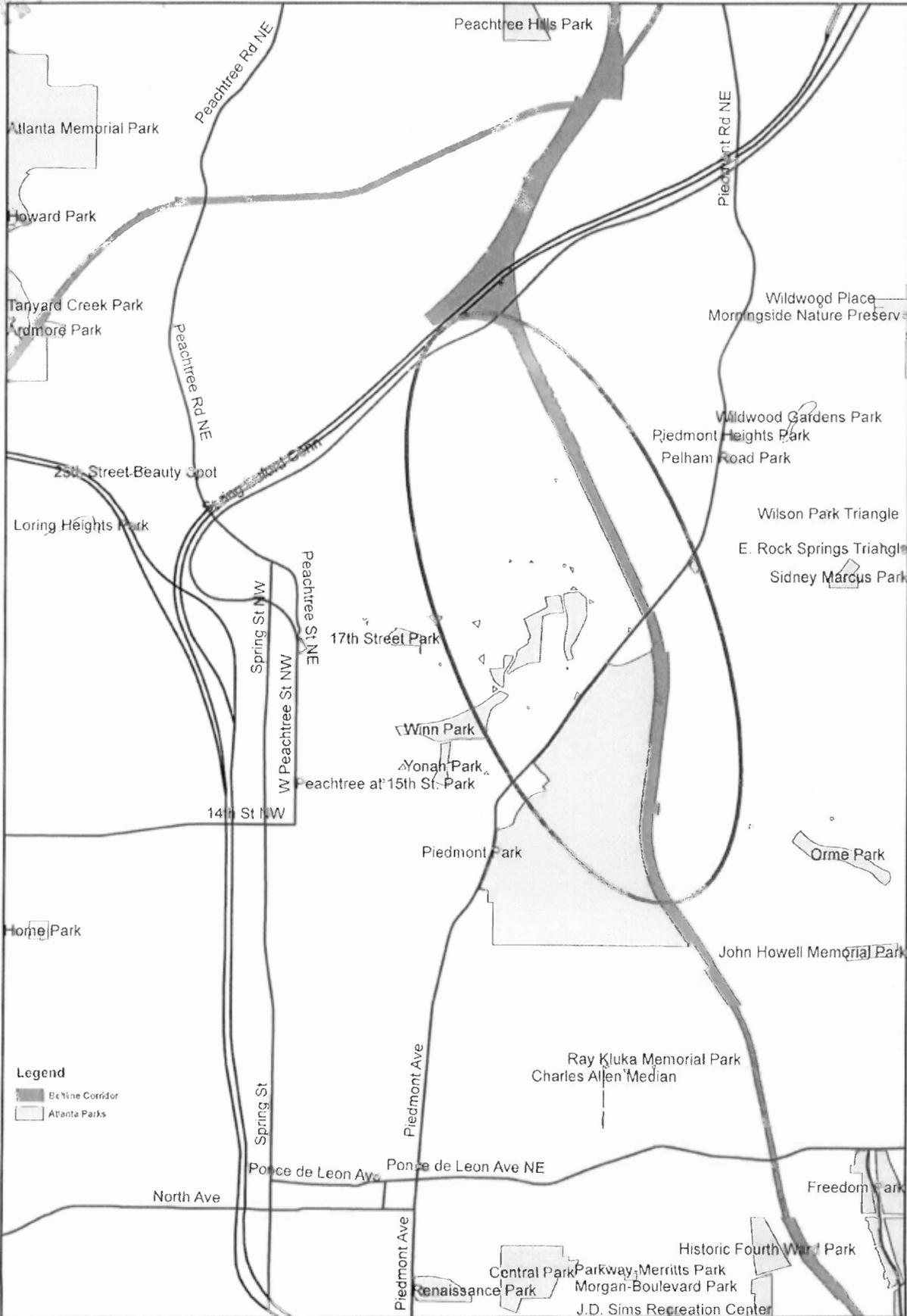


Exhibit B: Northeast Corridor

Oval contains subject Corridor segment



2,250 1,125 0 2,250 Feet

