

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 14 TO THE CENTRAL PASSENGER TERMINAL COMPLEX AGREEMENT AND LEASE WITH EXPRESSJET AIRLINES, INC., COVERING THE PERMANENT SURRENDER TO THE CITY OF ATLANTA OF APPROXIMATELY 378 SQUARE FEET OF SPACE ON CONCOURSE C AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) and Atlantic Southeast Airlines, Inc. (“ASA”) entered into an Agreement and Lease, dated August 1, 1990, for premises located in the Central Passenger Terminal Complex at Hartsfield-Jackson Atlanta International Airport, and various amendments approved by the City Council and executed by the parties (collectively the “CPTC Lease”), including that certain Agreement to Amend and Extend CPTC Leases, Use Agreements and Certain Other Space Use Agreements entered into by ASA and the City, effective as of September 20, 2010 (the “Extension Agreement”); and

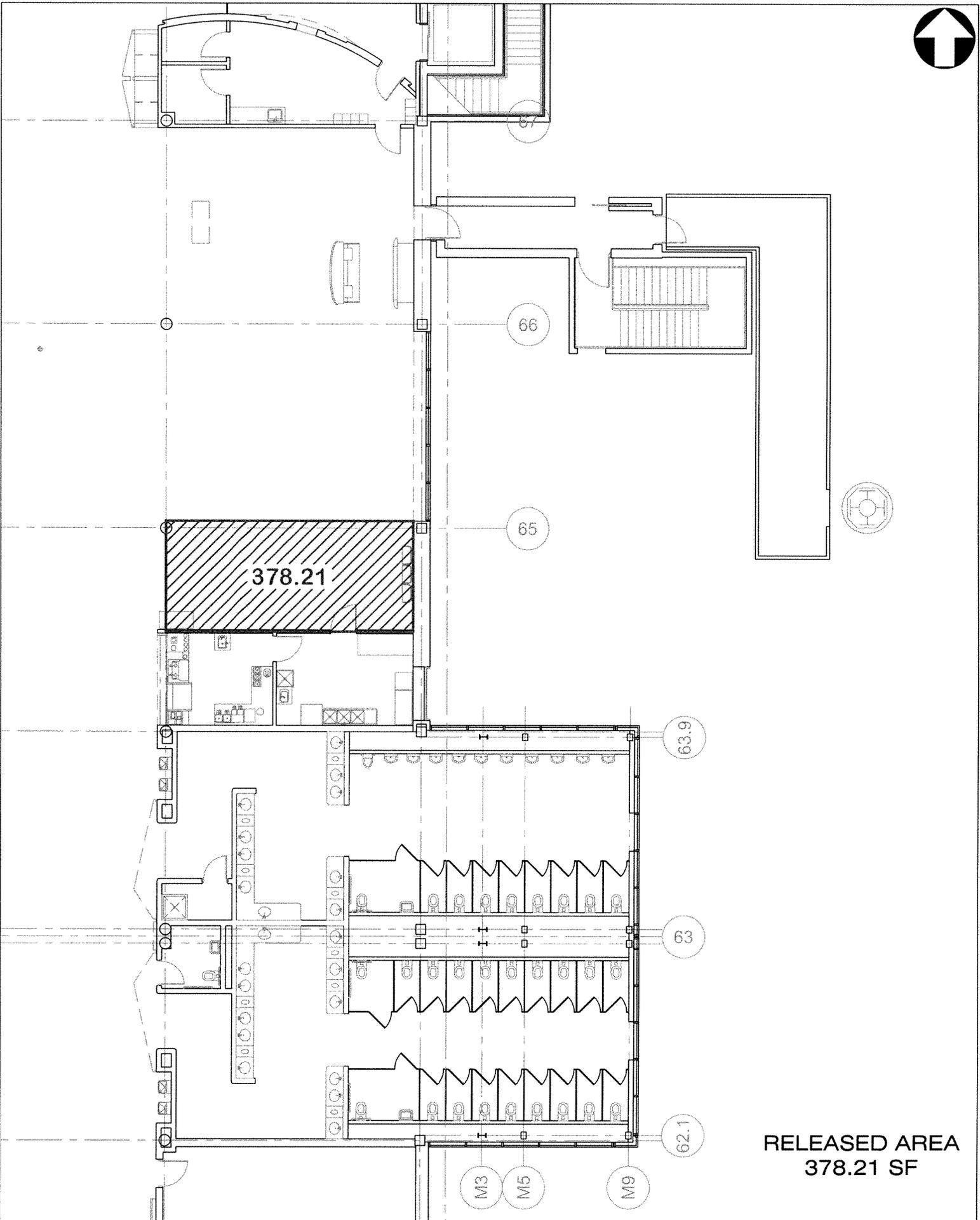
WHEREAS, in 2010, ASA acquired an interest in ExpressJet Airlines, Inc., and is now known and recognized as ExpressJet Airlines, Inc. (“ExpressJet”); and

WHEREAS, ExpressJet and the City wish to amend the CPTC Lease (as defined in the Extension Agreement) to provide for the return of approximately 378 square feet of space on the boarding level of Concourse C to the City.

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 of Atlanta an Amendment No. 14 to the CPTC Lease under which ExpressJet will permanently surrender approximately 378 square feet of space on the boarding level of Concourse C North to the City.

BE IT FURTHER RESOLVED that the City Attorney is directed to prepare said Amendment No. 14 for execution by the Mayor.

BE IT FINALLY RESOLVED that said Amendment No. 14 shall not become binding upon the City, and the City shall incur no obligation or liability thereunder 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 ExpressJet.



**RELEASED AREA
378.21 SF**

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Authorization is sought to execute Amendment No. 14 to the ExpressJet Central Passenger Terminal Complex Lease covering the return of approximately 378 square feet of space on Concourse C from ExpressJet to the City of Atlanta.

2. Please provide background information regarding this legislation.

The Concessions group at the Airport has an ongoing program focused on maximizing concessions revenues and enhancing customer service levels by identifying underutilized spaces throughout the airport that have the potential for use by concessions. When such spaces are identified, efforts are undertaken to secure rights to them. The proposed Amendment No. 14 covers one such space that is currently under ExpressJet's Central Passenger Terminal Complex Lease ("CPTC Lease").

An approximately 378 square foot space on the east side of the boarding level of Concourse C north at gate C37 has been identified for the expansion of an existing and adjacent space dedicated to concessions. ExpressJet and the Airport are in agreement that the space would be better utilized for concessions and ExpressJet has agreed to relinquish the space to the Airport. The Concessions group included the approximately 378 square foot space in the Concourse C Concessions RFP and the successful proponent is now ready to commence developing the space.

The Aviation General Manager supports this transaction and recommends that the City of Atlanta enter into an Amendment 14 with ExpressJet to take back the space.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract: through 9/20/2017**

4. Fund Account Center (Ex. Name and number):

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: None

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery: Cost recovery based rentals

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: Audwyn Francis

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 3/08/13

Anticipated Committee Meeting Date(s): 3/27/13

Anticipated Full Council Date: 4/15/13

Legislative Counsel's Signature: Richard Rubin - Senior Assistant City Attorney

Commissioner's Signature: [Signature]

Chief Financial Officer: N/A

Chief Information Officer Signature (for IT Procurements) N/A

Chief Procurement Officer Signature: N/A

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 14 TO THE CENTRAL PASSENGER TERMINAL COMPLEX AGREEMENT AND LEASE WITH EXPRESSJET AIRLINES, INC., COVERING THE PERMANENT SURRENDER TO THE CITY OF ATLANTA OF APPROXIMATELY 378 SQUARE FEET OF SPACE ON CONCOURSE C AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: _____
(date)

Received by LC from CPO: _____
(date)

Received by Mayor's Office: 3.8.13 [Signature]
(date)

Reviewed by: [Signature]
(date)

Submitted to Council: _____
(date)