

14-0-1185 14-0-1185

AN ORDINANCE BY COUNCILMEMBER CARLA SMITH ADREAN Amending Zoo Agreement and Authorizing Construction Easement AN ORDINANCE WAITING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14 OF THE CITY OF ATLANTA CODE OF ORDINANCES AND AUTHORIZING THE MAYOR TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA-FULTON COUNTY ZOO, INC., ("ZOO ATLANTA") TO ALLOW FOR ZOO ATLANTA'S CONSTRUCTION OF AN AMPHIBIAN AND REPTILE COMPLEX AT THE ATLANTA ZOO AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, FULTON COUNTY AND THE CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY FOR THE PURPOSE OF REPLACING EXHIBIT A TO THE INTERGOVERNMENTAL AGREEMENT; AND FOR OTHER PURPOSES..

As Amended

- CONSENT REFER
 - REGULAR REPORT REFER
 - ADVERTISE & REFER
 - 1ST ADOPT 2ND READ & REFER
 - PERSONAL PAPER REFER
- Date Referred: 4-21-14
 Referred To: *April Exes*
 Date Referred: *April Exes*
 Referred To:
 Date Referred:
 Referred To:

OMC Staff Conf + made forward names from

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee *April Exes*
 Date *4/23/14*
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other *As Amended*

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

Members' *Wanda Curkley*
Stacy L. Harris
 Refer To *Johnson*

Members _____
 Refer To _____

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

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

ADOPTED BY
 MAY 05 2014
COUNCIL

Members _____
 Refer To _____

Refer To _____

Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd

Readings

CERTIFIED
 MAY 05 2014
 ATLANTA CITY BOUNCE PRESIDENT

CERTIFIED
 MAY 05 2014
 R. L. B...
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

WITHOUT SIGNATURE BY OPERATION OF LAW

**AN ORDINANCE
BY COUNCILMEMBER CARLA SMITH
AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE BY COUNCIL MEMBER CARLA SMITH AS AMENDED BY FINANCE/EXECUTIVE COMMITTEE WAIVING ANY CONFLICTING PROVISIONS OF ARTICLE X, DIVISION 14 OF THE CITY OF ATLANTA CODE OF ORDINANCES AND AUTHORIZING THE MAYOR TO EXECUTE APPROPRIATE DOCUMENTS CONVEYING TEMPORARY CONSTRUCTION EASEMENTS TO THE ATLANTA-FULTON COUNTY ZOO, INC., ("ZOO ATLANTA") TO ALLOW FOR ZOO ATLANTA'S CONSTRUCTION OF AN AMPHIBIAN AND REPTILE COMPLEX AT THE ATLANTA ZOO AND AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA, FULTON COUNTY AND THE CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY FOR THE PURPOSE OF REPLACING EXHIBIT A TO THE INTERGOVERNMENTAL AGREEMENT; AND FOR OTHER PURPOSES.

Whereas, the City of Atlanta (the "City") is the owner of approximately 36.42 acres of land located in Grant Park which is operated as a public zoo (the "Zoo") and which is leased by the City to the City of Atlanta and Fulton County Recreation Authority (the "Authority") pursuant to an Intergovernmental Agreement between the City, the Authority and Fulton County dated March 27, 1992 (the "Agreement") and

Whereas, the Zoo is operated by Zoo Atlanta pursuant to an operating agreement between the Authority and Zoo Atlanta; and

Whereas, Zoo Atlanta desires to construct an amphibian and reptile complex at the Zoo (the "Project"); and

Whereas, in order to construct the Project, Zoo Atlanta has requested temporary construction easements from the City as shown on Exhibit A attached hereto; and

Whereas, the project will greatly benefit the Zoo and its visitors; and

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

SECTION 1: That the Mayor, on behalf of the City is hereby authorized to execute appropriate documents conveying temporary construction easements in favor of Zoo Atlanta to enable the Project.

SECTION 2: That Article X, Division 14 of the Atlanta City Code is hereby waived to the extent of any conflict with this ordinance.

SECTION 3: That the Mayor, on behalf of the City is hereby authorized to enter into a second amendment to the Agreement with the Authority and Fulton County in substantially similar form as attached hereto as Exhibit B.

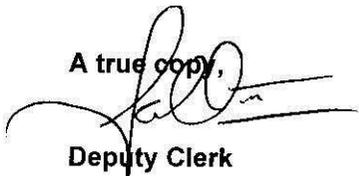
SECTION 4: That except as expressly set forth in the second amendment the Agreement shall remain unchanged.

SECTION 5: That the City Attorney is directed to prepare appropriate documents for execution by the Mayor.

SECTION 6: That the documents will not become binding on the City and the City will incur no obligation or liability under them until they have been executed by the Mayor, approved as to form by the City Attorney and delivered to Zoo Atlanta, the Authority and Fulton County.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,



Deputy Clerk

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

MAY 05, 2014
MAY 14, 2014

Prepared by and upon
recording return to:

Douglass P. Selby, Esquire
Hunton & Williams LLP
Bank of America Plaza, Suite 4100
600 Peachtree Street, N.E.
Atlanta, Georgia 30308-2216

THIS SPACE FOR RECORDERS USE ONLY

**SECOND AMENDMENT TO
GOVERNMENTAL AGREEMENT REGARDING
THE ATLANTA ZOO**

THIS SECOND AMENDMENT, dated as of the 2nd day of April, 2014, to that certain Governmental Agreement Regarding the Atlanta Zoo (the "Governmental Agreement") made and entered into as of June 1, 2007, as amended by the First Amendment, dated as of January 25, 2010 (the "First Amendment"), among the **CITY OF ATLANTA**, a municipal corporation of the State of Georgia (the "City"), **FULTON COUNTY**, a political subdivision of the State of Georgia (the "County"), and the **CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY**, a body corporate and politic and a political subdivision of the State of Georgia (the "Authority");

WITNESSETH:

WHEREAS, the City, the County and the Authority entered into the Governmental Agreement, pursuant to which an approximately 36.42-acre parcel of land, improvements thereon and associated facilities at Grant Park owned by the City (the "Leasehold") are leased to the Authority and currently operated as a public zoo (the "Atlanta Zoo") for amusement and educational purposes;

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed by their respective duly authorized officers and their seals to be affixed, all as of the date first above written.

ATTEST:

CITY OF ATLANTA

MUNICIPAL CLERK (SEAL)

KASIM REED, MAYOR

RECOMMENDED:

APPROVED:

Commissioner
Department of Parks, Recreation,
And Cultural Affairs

Chief Procurement Officer

APPROVED AS TO FORM:

Senior Assistant City Attorney

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My commission Expires:

[NOTARY SEAL]

Signatures Continued on Next Page

EXHIBIT B

[Signature Page – Second Amendment to Governmental Agreement Regarding the Atlanta Zoo]

FULTON COUNTY

By: _____
Chairman

Approved as to form:

ATTEST: _____
Clerk to Commission

County Attorney

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My commission Expires:

[NOTARY SEAL]

[Signature Page – Second Amendment to Governmental Agreement Regarding the Atlanta Zoo]

Signed, sealed and delivered
in the presence of:

Vivienne Kern
Unofficial Witness

David Harris Jacobs
Notary Public
My commission Expires: January 17, 2015

[NOTARY SEAL]

**CITY OF ATLANTA AND FULTON
COUNTY RECREATION AUTHORITY**

BY: James B. Hays A
Chairperson

ATTEST: Linda Jones
Secretary
[SEAL]

SECRETARY'S CERTIFICATE

I, the undersigned Secretary of City of Atlanta and Fulton County Recreation Authority, and keeper of the records and seal thereof, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of the Resolution adopted 03/17/14, by a majority of the Members of the Authority in a meeting duly called and assembled in accordance with the By-Laws and procedures of the Authority, which meeting was open to the public and at which a quorum was present and acting throughout and the original of the foregoing Resolution appears on record in the Minute Book of the Authority which is in my custody and control.

Given under my hand and seal of the City of Atlanta and Fulton County Recreation Authority, this 2 day of April, 2014.

(CORPORATE SEAL)


Secretary

EXHIBIT B

EXHIBIT A

[Leasehold Description]

RCS# 267
5/05/14
2:29 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT
14-O-1178
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

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		05-05-14
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 14-O-1172	43. 14-R-3418	85. 14-R-3460
2. 14-O-1185	44. 14-R-3419	86. 14-R-3461
3. 14-O-1186	45. 14-R-3420	87. 14-R-3462
4. 14-O-1187	46. 14-R-3421	88. 14-R-3463
5. 14-O-1188	47. 14-R-3422	89. 14-R-3464
6. 14-O-1189	48. 14-R-3423	90. 14-R-3465
7. 14-O-1190	49. 14-R-3424	91. 14-R-3466
8. 14-O-1192	50. 14-R-3425	92. 14-R-3467
9. 14-O-1193	51. 14-R-3426	93. 14-R-3468
10. 14-O-1174	52. 14-R-3427	94. 14-R-3469
11. 14-O-1176	53. 14-R-3428	95. 14-R-3470
12. 14-O-1095	54. 14-R-3429	96. 14-R-3471
13. 14-O-1110	55. 14-R-3430	97. 14-R-3472
14. 14-O-1179	56. 14-R-3431	98. 14-R-3473
15. 14-O-1198	57. 14-R-3432	99. 14-R-3474
16. 14-O-1200	58. 14-R-3433	100. 14-R-3475
17. 14-O-1201	59. 14-R-3434	101. 14-R-3476
18. 14-O-1170	60. 14-R-3435	102. 14-R-3477
19. 14-R-3493	61. 14-R-3436	103. 14-R-3478
20. 14-R-3494	62. 14-R-3437	104. 14-R-3479
21. 14-R-3495	63. 14-R-3438	105. 14-R-3480
22. 14-R-3496	64. 14-R-3439	106. 14-R-3481
23. 14-R-3497	ITEMS ADVERSED ON CONSENT	107. 14-R-3482
24. 14-R-3397	65. 14-R-3440	108. 14-R-3483
25. 14-R-3498	66. 14-R-3441	109. 14-R-3484
26. 14-R-3499	67. 14-R-3442	110. 14-R-3485
27. 14-R-3500	68. 14-R-3443	111. 14-R-3486
28. 14-R-3501	69. 14-R-3444	112. 14-R-3487
29. 14-R-3398	70. 14-R-3445	113. 14-R-3488
30. 14-R-3405	71. 14-R-3446	114. 14-R-3489
31. 14-R-3407	72. 14-R-3447	115. 14-R-3490
32. 14-R-3408	73. 14-R-3448	116. 14-R-3491
33. 14-R-3409	74. 14-R-3449	117. 14-R-3492
34. 14-R-3410	75. 14-R-3450	
35. 14-R-3411	76. 14-R-3451	
36. 14-R-3412	77. 14-R-3452	
37. 14-R-3402	78. 14-R-3453	
38. 14-R-3403	79. 14-R-3454	
39. 14-R-3502	80. 14-R-3455	
40. 14-R-3492	81. 14-R-3456	
41. 14-R-3416	82. 14-R-3457	
42. 14-R-3417	83. 14-R-3458	
	84. 14-R-3459	