AN ORDINANCE **03-O-0433**

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A RIGHT-OF-FLIGHT EASEMENT AGREEMENT BETWEEN THE CITY OF ATLANTA, THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, A BODY POLITIC CREATED BY SPECIAL AMENDMENT TO THE CONSTITUTION OF THE STATE OF GEORGIA AND GATEWAY AIRPORT ASSOCIATES, L.P., A GEORGIA LIMITED LIABILITY PARTNERSHIP; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") owns and operates William B. Hartsfield Atlanta International Airport (the "Airport"); and

WHERAS, Gateway and the College Park Business Industrial Development Authority ("Authority") own a portion of the real property where the new Georgia International Convention Center and the associated Gateway Development are being constructed; and

WHEREAS, portions of the real property have been subjected hereto various avigation easements, covenants, restrictions, conditions, reservations and limitations of use to promote the safe passage of aircraft in the airspace above, adjacent to or in the vicinity of the surface of the real property; and

WHEREAS, Gateway and the Authority have proposed the construction of hotels to support the Georgia International Convention Center which require modification to the avigation easement, covenants, restrictions, conditions, reservations and limitations of use associated with the real property; and

WHEREAS, the modifications have been coordinated with the City of College Park, Gateway, the Authority, the Airlines, and the City to the mutual satisfaction of all parties concerned; and

WHEREAS, Gateway, the Authority, and the City desire to supercede all prior recorded and unrecorded avigation easements, covenants, restrictions, conditions, reservation and limitations and simultaneously enter into a Right-Of-Flight Easement Agreement establishing avigation easements, covenants, restrictions, conditions, reservations, limitations, and rights of entry to support the construction of the hotel facilities on the real property while allowing for the safe passage of aircraft in the airspace above, adjacent to or in the vicinity of the surface of the real property; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and is hereby authorized to execute and enter into a Right-Of Flight Easement Agreement on behalf of the City, to ensure the safety of the flying public while supporting the continued development of the Georgia International Convention Center and the associated gateway development.

BE IT FURTHER ORDAINED, that the City Attorney be and is hereby directed to prepare the Right-of-Flight Easement Agreement for execution by the Mayor or her designee, to be approved as to form by the City Attorney.

BE IT FURTHER ORDAINED, that this Right-of-Flight Easement Agreement shall not become binding on the City and the City shall incur no liability upon same until such

Amendment has been executed by the Mayor and delivered to the City of College Park and The College Park Business and Industrial Development Authority.

BE IT FINALLY ORDAINED, that all parts of ordinances in conflict herewith be, and are hereby repealed.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: **Greg Pridgeon**

General Manager's Signature: ______
From: Originating Dept. Aviation
Contact: Anita Williams 404-530-6600
Committee of Purview: TC
Committee Deadline: 02/28/03
Committee Meetings: 03/12/03
City Council Meeting: 03/1703

CAPTION:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE A RIGHT-OF-FLIGHT EASEMENT AGREEMENT BETWEEN THE CITY OF ATLANTA, THE COLLEGE PARK BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, A BODY POLITIC CREATED BY SPECIAL AMENDMENT TO THE CONSTITUTION OF THE STATE OF GEORGIA AND GATEWAY AIRPORT ASSOCIATES, L.P., A GEORGIA LIMITED LIABILITY PARTNERSHIP; AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION: The Capital Improvement Program will result in the construction of a Consolidated Rental Car Facility and an associated People Mover System which will connect the Rental Agency complex to the Central Passenger Terminal Complex with an intermediate stop at the Georgia International Convention Center/Gateway Development complex. The Gateway complex has been proposed to contain several hotels to support the International Convention Center. The final location of support facilities (hotels, shops, etc.) to support the Georgia International Convention Center/Gateway Development has been finalized and approved by the Federal Aviation Administration. This paper will authorize the establishment of a perpetual right-of-flight easement for the passage of aircraft in the airspace over, across and in the vicinity of and adjacent to the Gateway Airport Associates property.

FINANCIAL IMPACT: NA

SOURCE: NA

Mayor's Staff Only:

~~~~~~

Received by Mayor's Office: ________ (Date)

Reviewed: ____________________ (Initials) (Date)

Submitted to Council: ____________

Action by Committee: _____Approved _____Adversed _____Held _____Amended

_____Substitute _____Referred _____Other
~~~~~~