A SUBSTITUTE RESOLUTION **04-R-1049**

BY TRANSPORTATION COMMITTEE

A SUBSTITUTE RESOLUTION AUTHORIZING THE MAYOR OR HER DESIGNEE TO EXECUTE AN AGREEMENT WITH THE ATLANTA AIRLINES TERMINAL CORPORATION FOR THE RELOCATION OF THE INTERIM SPENT DE-ICING FLUID STORAGE TANKS, FOR A COST TO THE CITY NOT TO EXCEED $1,776,500.00, TO BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2H27 574001 R21E010493CG (AIRPORT REVENUE BOND FUND); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the Hartsfield-Jackson Atlanta International Airport (hereinafter "the Airport") has entered into certain Lease Agreements, dated March 22, 1978, with various airlines serving the Airport (hereinafter "Contracting Airlines"), which cover the planning, design, development, construction, maintenance, and operation of the Central Passenger Terminal Complex (hereinafter "CPTC) at the Airport; and

WHEREAS, the Contracting Airlines formed Atlanta Airlines Terminal Corporation (hereinafter "AATC") to manage and operate the jointly leased and common use areas of the CPTC, including mechanical plants, on behalf of the Airlines and the City collectively; and

WHEREAS, existing tanks for the storage and disposal of spent de-icing fluid from the de-icing pads located on Concourse E are currently in the footprint of the Maynard Holbrook Jackson Jr. International Terminal (hereinafter "MHJIT"); and

WHEREAS, construction of various enabling projects for the MHJIT are now in progress, and requires the relocation of the interim spent de-icing fluid storage facility as depicted on Exhibit A. The relocation of the spent de-icing fluid tanks must by completed before November 1, 2004; and

WHEREAS, it is appropriate for AATC to relocate the existing spent de-icing storage fluid tanks within the CPTC; and

WHEREAS, the relocation of the existing spent de-icing storage fluid tanks will be reimbursed by the City, as established in Section 6.01B of the March 22, 1978 CPTC Lease agreement with the Contracting Airlines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA, that the Mayor or her designee be and hereby is authorized to execute on behalf of the City of Atlanta a Reimbursable Agreement with AATC for relocation of existing spent de-icing fluid tanks in the CPTC at Hartsfield-Jackson Atlanta International Airport, with the reimbursement of the cost thereof by the City to AATC up to a total amount not to exceed $1,776,500.00.

BE IT FINALLY RESOLVED, that all contracted work shall be charged to and paid from Fund Account and Center Number 2H27 574001 R21E010493CG (Airport Revenue Bond Fund).

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare an appropriate contractual agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that this agreement shall not become binding on the City and the City shall incur no liability upon same until such contract has been executed by the Mayor and delivered to AATC.