

**AN ORDINANCE
BY COUNCILMEMBERS MICHAEL JULIAN BOND, AMIR R. FAROKHI, AND
CLETA WINSLOW
AS AMENDED BY COMMUNITY DEVELOPMENT/HUMAN SERVICES
COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO AND EXECUTE A FIFTY (50) YEAR LEASE WITH THE NATIONAL MONUMENTS FOUNDATION, INC., FOR CITY OWNED PROPERTY CONSISTENT WITH THE MAPS CONTAINED IN EXHIBIT A, WHEREBY THE TERMS OF THE LEASE WILL INCLUDE THE FOUNDATION'S DEVELOPMENT OF THE PEACE MUSEUM COMPLEX, WHICH WILL INCLUDE THE PEACE COLUMN MUSEUM, THE GEORGIA NOBEL PEACE PANTHEON, AND 18 MONUMENTS TO GEORGIA PEACEMAKERS, AT NO COST TO THE CITY; AND AUTHORIZING THE WAIVER OF CITY CODE SECTION 2-1547 REGARDING THE PROCEDURES FOR LEASING CITY-OWNED REAL PROPERTY, FOR PURPOSES OF ENTERING THIS LEASE, WHERE SAID WAIVER IS BASED UPON THE UNIQUE CIRCUMSTANCES OF THE PROPOSED PARK; AND REQUIRING CERTAIN PREREQUISITE TRANSACTIONS TO OCCUR PRIOR TO EXECUTING THE LEASE; AND FOR OTHER PURPOSES.

WHEREAS, Rodney Cook, Sr. Park, hereafter referred to as The Peace Park, will honor the contributions of many generations of Georgia Peacemakers to the City of Atlanta, state of Georgia, and to the Civil Rights movement. The Peace Park will be located in a neighborhood where many civil rights leaders resided, including Nobel Peace Laureate Dr. Martin Luther King, Jr. The Peace Park will be domiciled in closed proximity to the Atlanta University Center, the largest complex of African American students and scholars in the world. Atlanta gave birth to the modern civil rights movement and was the national headquarters of the Southern Christian Leadership Conference (SCLC) and the Student Nonviolent Coordinating Committee (SNCC). Atlanta's Leadership, guided by the spirit of The Atlanta Way, has always practiced biracial, nonviolent social change for the greater good of Atlanta and the state of Georgia.

WHEREAS, Rodney Mims Cook Jr. (hereinafter "Cook, Jr.") is a highly-respected international authority on classical architecture and urban planning. Cook, Jr. has been encouraged by his father, Rodney Mims Cook, Sr., to build Rodney Cook Sr. Park at a location close to the site of the original park; and is the Founder and President of the National Monuments Foundation (hereinafter "NMF"), a public non-profit organization whose purpose is to create beautiful self-sustaining destination landmarks of national and historical relevance, as well as Peace centers for cultural, civic and social activism for communities around the world that will be destination landmarks of national, historical and aesthetic significance, and that will uplift the communities in which they are built through a classical approach; and

WHEREAS, according to Exhibit B, The Peace Park will be dedicated to Atlanta's contribution to peace and civil rights. It will include passive green space, water features, public art, educational components, an urban garden, the Peace Museum Complex, and numerous other amenities related to use for park, recreational and cultural purposes. The specific contents of the Park are described in Exhibit B; and

WHEREAS, consistent with its mission, NMF will seek to strengthen the Westside TAD community in which the Park is located. The Peace Park will generate numerous jobs, including construction, park maintenance, facility maintenance, restaurant and museum operations, urban farming, and concessions sales. NMF's objective is to fill approximately 50% of these entry level positions and approximately 20% of the positions overall with residents of the Westside TAD community; and

WHEREAS, the NMF has a history of successfully performing grand projects in Atlanta. Among many projects around the world, NMF coordinated the design and construction of the World Athletes Monument (commonly known as the Prince of Wales Monument) at Pershing Point on Peachtree Street, which commemorates the 1996 Centennial Olympic Games. NMF choreographed the design and construction of the Millennium Gate Museum at Atlantic Station which includes the most comprehensive museum of Georgia history in the state, and which is the largest classical monument erected in the United States since the Jefferson Memorial; and

WHEREAS, consistent with NMF's mission, the Park will be self-sustaining. All of NMF's net income from the Park will be used solely for the improvement, maintenance, repair, operation and management of the Park buildings and monuments, for which NMF will have full responsibility at no cost to the City; and

WHEREAS, in order for NMF to implement the project it will need control of the parcels on the maps in Exhibit A for the purposes of fully financing and implementing the construction of the Peace Museum Complex; and

WHEREAS, the City and NMF have negotiated terms set forth in the draft Ground Lease Agreement, hereafter referred to as the GLA, Between The City of Atlanta and National Monuments Foundation, Inc. attached hereto as Exhibit B (hereinafter the "GLA"); and

WHEREAS, the elements and scale of the proposed The Peace Park will provide direct investment in the City, will create numerous jobs, will enhance the economic and aesthetic conditions in the surrounding community, and will establish a remarkable, educational and artistic City landmark that will be enjoyed by generations of Atlanta residents and visitors; and

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

Section 1: The Mayor, on behalf of the City, is authorized to enter into and execute a fifty-year Lease with the National Monuments Foundation for the Premises, as shown in Exhibit A consistent with the Lease agreement in Exhibit B.

Section 2: The terms of the GLA shall be consistent with Exhibit B.

Section 3: NMF shall develop the Leased Premises, as set forth in this Exhibit A, consistent with the GLA in Exhibit B to create the Peace Museum Complex within The Peace Park, all at no cost to the City:

a) The Peace Park plan shall include stand-alone monuments and sculptures of Georgia peacemakers from the 1733 founding of the Colony of Georgia to the present (hereinafter the "Sculptures"). These sculptures may include Reverend Ralph David Abernathy, Dorothy Bolden, Senator Julian Bond, Joseph E. Boone, Rodney Cook Sr., W.E.B. DuBois, Mayor Maynard H. Jackson, Coretta Scott King, Dr. Martin Luther King, Jr., Booker T. Washington, Congressman John Lewis, Ambassador Andrew Young, Alonzo Herndon, Grace Towns Hamilton, Herman J. Russell, Hosea L. Williams, James Orange, and Joseph E. Lowery.

b) A 115-foot Peace Column topped with Chief Tomochichi (Chief of the Yamacraw Tribe and co-founder of Georgia) shall be located in the Park. A museum will be located in the base of the Peace Column containing the M.L. King and C.T. Vivian Family Libraries and exhibits highlighting local peacemakers, the Civil Rights Movement, and Georgia's 300-year tradition of peace.

c) The Georgia Nobel Peace Pantheon commemorating Georgia's Nobel Peace Laureates shall be located in the Park. It will have a 2-story pedestal housing the Shin Dae-yong Global Peace Institute and provide office space for peace-focused institutions from around the world.

d) A later phase of the project shall include constructing the Ambassador Andrew Young Peace Center and Arnett Art Museum on the south edge of the park.

e) NMF may not construct any other buildings on the Premises other than those listed above in this Section 3 (the Buildings, which shall include the Peace Pantheon and the Peace Column). The collective ground area of all of the Buildings shall not exceed five (5) acres. All Buildings will be LEED certified or certified by an equivalent recognized designation system acceptable to the City in its reasonable discretion.

f) An historic oversight committee of no fewer than three and no greater than five people will be created to review all proposed and existing historical elements of the Park for accuracy and authenticity. Committee members will be selected by NMF, and the selection will not be deemed final until approved by the Mayor or her designee, where such approval will not be unreasonably denied, conditioned or delayed. Committee members must be accomplished historians who specialize in Atlanta history, human rights history, and/or historical presentation.

Section 4: Phase 1 of the Park will be completed consistent with the terms outlines in the GLA in Exhibit B.

Section 5: The NMF has provided a comprehensive financial model to the city for the peace museum complex.

Section 6: Annual rent for the Premises shall be consistent with the GLA in Exhibit B.

Section 7: Section 110-3(i) of the Code of Ordinances of Atlanta, Georgia is hereby waived such that NMF is authorized to receive vending permit(s) for its Concessions Program for locations of the Park designated in the Lease, provided that NMF meets all of the criteria set forth in Atlanta Code of Ordinances section 30-1401 through 30-1460, entitled "Vending on Public Property", as

may be amended and re-codified from time to time. NMF shall be permitted to operate its Concessions Program without paying a vending fee.

Section 8: The requirements of the City's Procurement and Real Estate Code, including but not limited to City Code Section 2-1547 regarding the leasing of City-owned real property, are hereby waived for purposes of this Lease only.

Section 9: The City Attorney or her designee is hereby directed to prepare for execution by the Mayor, the GLA along with any amendments agreed upon by the city and NMF in Exhibit B and any and all other deeds, instruments, and other documents that the City Attorney deems necessary or advisable to carry out the purposes and intent of this Ordinance.

Section 10: In addition to her authority to execute the Lease, the Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments and other documents that the City Attorney deems to be necessary or advisable in order to carry out the purposes and intent of this Ordinance.

Section 11: The Lease, deeds, instruments and documents referenced in Section 15 must be approved as to form by the City Attorney or her designee prior to execution by the Mayor.

Section 12: The Lease, deeds, instruments and other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the Lease, deed, instrument or document has been signed by the Mayor, attested to by the Municipal Clerk and delivered to NMF.

Section 13: The City shall deposit all rent received pursuant to the Lease into the following trust account, and the account funds may be utilized solely for improvement, maintenance and repair of The Peace Park:

Fund	7701	TRUST FUND
Dept\Org	140201	PRC PARKS ADMINISTRATION
Account	3810001	LAND RENTALS, GENERAL
Function\Activity	6210000	PARK ADMINISTRATION
Project	600394	RODNEY COOK SR. PARK
Award	69999	FUNDING SOURCE FOR NON-CAPITAL TRUST
PROJECTS		

Section 14: Every six months, beginning on the first Community Development Human Resources ("CDHR") Committee meeting of 2013, a presentation will be made by NMF and the Department of Parks, Recreation and Cultural Affairs ("DPRCA") to the CDHR Committee regarding the status of the construction of Rodney Cook Sr. Park, and such presentations shall continue until completion of the construction and final acceptance of the work by DPRCA.

Section 15: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

EXHIBIT A

PREMISES

EXHIBIT B

**GROUND LEASE AGREEMENT
BETWEEN
THE CITY OF ATLANTA
AND
NATIONAL MONUMENTS FOUNDATION, INC.**