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PIEDMONT PARK CONSERVANCY FACT SHEET

Fact: The Community Center is structurally sound.

Piedmont Park Conservancy has provided reports from the building's Structural Engineer of Record. These stamped engineering reports certify the building is structurally sound. They have been provided to the tenant.

FALSE: Tenant was not allowed to resume construction, because they still do not have proper information from a geotechnical engineer, or any engineer, confirming the sinkhole has been addressed and the site is safe; neither does the PPC. (See Exhibits 18, 24, 25)

Fact: The City of Atlanta Watershed Management completed testing.

The City of Atlanta and their contractors conducted extensive testing of the sewer assets underneath the void and in all the surrounding areas as recommended in the Piedmont Geotechnical Field Report and the M2 Structural Report. The Conservancy forwarded the report from The City of Atlanta outlining their inspection of all sewer assets in the immediate area and their process of inspection and repairing the void to the tenant.

FALSE: The City of Atlanta inspected the sewer and determined the sewer did not cause sinkhole. The City of Atlanta recommended that PPC needed to do further inspection. which PPC never did. THE CITY MADE IT CLEAR THAT THEY DID NOT FIX THE SINKHOLE. After publishing a false press release, the City of Atlanta forced the PPC to amend the press release. (See Exhibits 10, 17, 25, 26, 28)

Fact: This remains a commercial dispute between landlord and tenant.

The Piedmont Park Conservancy has been accommodating:

- Executed Letter of Intent, April, 2017 taking the property off the market
- Executed Lease Agreement, June 2017
- Provided extra time/ lease amendments to help with the tenant's requests
- Only issued notice of Termination for Default after 8 months of inactivity

The tenant's alleged safety concerns were raised only after the landlord declined to provide further monetary concessions for which the landlord has no obligation.

FALSE: The only reason this project stopped was because of safety. PPC has been threatening Tenant with action, because they refuse to build on an unsafe site. Tenant has been clear that they will not put profits before safety. There are other lease issues, having to do with Landlord items, but the one and only reason they stopped was safety and the PPC's continued refusal to do the testing required to make the site safe. (See Exhibits 29, 21, 23, 24, 26, 30)

Fact: The tenant had numerous avenues to continue the project.

In the event of a disagreement regarding responsibility or necessity of repairs, the lease provides the tenant the ability to perform such repairs and seek to recover costs from landlord. Rather than do so, the tenant suspended work and allowed all lease deadlines to pass in default of its obligations under the lease.

FALSE: Tenant was prevented by the PPC from doing work on the foundation on August 7th. PPC CEO, Mark Banta put it in writing, and told Tenant and contractors on site. (See Exhibit 9)

To enhance and preserve Piedmont Park as a vital, urban green space and as a cultural and recreational resource that enriches the quality of life for all Atlantans.