

House Bill 1077 (AS PASSED HOUSE AND SENATE)

By: Representatives Quick of the 117th, Williams of the 119th, and Frye of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Downtown Athens Development Authority, approved March
2 23, 1977 (Ga. L. 1977, p. 3533), as amended, which authority was created pursuant to an
3 amendment to the Constitution as contained in Ga. L. 1975, p. 1698, and amended by Ga. L.
4 1976, p. 1912; to provide for the powers, duties, and responsibilities of said authority; to
5 provide for the appointment of members of said authority and their terms of office; to define
6 and create the Downtown Athens Area; to authorize the authority to issue revenue bonds or
7 revenue certificates, or both; to authorize the authority to exercise the power of eminent
8 domain; to provide for the levy and collection of taxes in the Downtown Athens Area; to
9 exempt residence, church, and school property from such tax levies; to provide for other
10 matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and
11 for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Pursuant to an amendment to the Constitution authorizing the creation of a public corporation
15 to be known as the Downtown Athens Development Authority, having been ratified by the
16 electors at the general election in November, 1976, there was created in and for the City of
17 Athens, Clarke County, Georgia, a public corporation to be known as the Downtown Athens
18 Development Authority, and the City of Athens having been merged into the Unified
19 Government of Athens-Clarke County, to be composed of seven members, two of whom
20 shall be owners of an interest of at least a life estate or greater interest in commercial real
21 estate located in the Downtown Athens Area as hereinafter defined and who are active
22 members of the Athens Downtown Council so long as such Council exists, and two of whom
23 shall be operating businesses in the Downtown Athens Area as hereinafter defined and who
24 are active members of the Athens Downtown Council so long as such Council exists. These
25 four members shall be appointed by the Mayor and Commission of the Unified Government
26 of Athens-Clarke County. One member shall be the Mayor of the Unified Government of

27 Athens-Clarke County by virtue of his or her office, one member shall be a member of the
 28 Commission of Athens-Clarke County, Georgia, appointed by the Mayor, and one member
 29 shall be the Chairperson or other designee of the Board of Directors of the Athens Area
 30 Chamber of Commerce, or its successor, by virtue of his or her office. The Mayor of the
 31 Unified Government of Athens-Clarke County, the member of the Commission of
 32 Athens-Clarke County, and the Chairperson of the Athens Area Chamber of Commerce shall
 33 serve for the term of their offices. One of the Downtown Athens Area property owners and
 34 one of the merchants shall be appointed for a period of one year and one of each shall be
 35 appointed for a period of two years, and thereafter the terms of office for all of said
 36 Downtown Athens Area property owners and merchants shall be two years. All appointed
 37 members shall hold office until their successors are appointed and qualified.

38 **SECTION 2.**

39 The Downtown Athens Area shall consist of that area in Athens-Clarke County, Georgia,
 40 described as follows:

41 Beginning at the intersection of Dougherty Street and Pulaski Street; running thence
 42 east on Dougherty Street to College Avenue; running thence north on College Avenue
 43 to Hoyt Street; running thence east on Hoyt Street to The Central of Georgia Railroad;
 44 running thence south on The Central of Georgia Railroad to Strong Street; running
 45 thence east on Strong Street to Foundry Street; running thence south on Foundry Street
 46 to Oconee Street; running thence southeast on Oconee Street to The Central of Georgia
 47 Railroad; running thence southwest on the Central of Georgia Railroad 150 feet;
 48 running thence northwest on a line of 150 feet southwest of and parallel to the
 49 southwesterly right of way line of Oconee Street to the intersection of South Thomas
 50 Street and South Street; running thence west on South Street to South Jackson Street;
 51 running thence north on South Jackson Street to East Broad Street; running thence west
 52 on East Broad Street to Lumpkin Street; running thence south on Lumpkin Street to
 53 Wray Street; running thence west on Wray Street to South Hull Street; running thence
 54 north on South Hull Street to a point 200 feet south of the southerly right of way line
 55 of West Broad Street; running thence west, on a line 200 feet south of and parallel to
 56 the southerly right of way line of West Broad Street, to the westerly property line of Dr.
 57 B. T. Beasley and the City of Athens, said line being located 181 feet east of the
 58 easterly right of way line of Florida Avenue, measured perpendicular from Florida
 59 Avenue; running thence north on said property line to West Broad Street; running
 60 thence west on West Broad Street to Newton Street; thence south to Newton Street to
 61 the southerly line of the Ramada Inn property; thence westerly along said property line
 62 and continuing westerly in the same direction to the easterly side of Finley Street;

- 96 to machinery, apparatus, equipment, and utilities useful or desirable in connection
97 therewith, within the Downtown Athens Area which promote the economic improvement
98 and development or redevelopment of the Downtown Athens Area;
- 99 (2) To receive and administer gifts, grants, and donations and to administer trusts and to
100 enter into trust indentures;
- 101 (3) To grant, loan, sell, and lease any of its funds and property to private persons and
102 corporations agreeing to operate, expand, acquire, construct, develop, rehabilitate,
103 improve, own, and maintain any commercial or business enterprise or establishment or
104 any dwelling accommodations, cooperative apartments, and condominiums within the
105 Downtown Athens Area, which in the judgment of the governing body of the authority
106 will be of benefit to the economic improvement and development or redevelopment of
107 said area;
- 108 (4) To borrow money and issue notes, obligations, and revenue bonds therefor and to
109 sell, convey, mortgage, pledge, and assign proceeds of tax levied within the Downtown
110 Athens Area, and any and all of its funds, revenues, property, and income as security for
111 the payment thereof and interest thereon and to secure the repayment of any such money
112 so borrowed by the terms of the resolution authorizing such financing and to enter into
113 a trust indenture relative thereto;
- 114 (5) To appoint and employ officers, agents, and employees and to provide for their
115 compensation in order to effectuate the purposes of this Act;
- 116 (6) To encourage and promote the economic improvement, development, redevelopment,
117 and rehabilitation of the Downtown Athens Area and to make long-range plans therefor
118 in cooperation with the Unified Government of Athens-Clarke County, Georgia;
- 119 (7) To accumulate its funds from such tax levy herein authorized from year to year and
120 to invest and reinvest such funds;
- 121 (8) To designate any of its officers to sign and act for the authority pertaining to the
122 rights, powers, and privileges herein conferred;
- 123 (9) To do any and all acts and things necessary, convenient, or desirable to accomplish
124 the purpose of this Act and the rights, powers, and privileges herein conferred;
- 125 (10) To contract with the Unified Government of Athens-Clarke County, Georgia, for
126 the collection of any taxes levied pursuant to this Act;
- 127 (11) To adopt such bylaws governing the conduct of the affairs of the authority and to
128 elect such officers as the authority shall deem necessary;
- 129 (12) To exercise all of the powers vested in the authority by Article IX, Section V,
130 Paragraphs I, IV, and V of the Constitution of the State of Georgia and Chapter 42 of
131 Title 36 of the Official Code of Georgia Annotated and all other necessary and ancillary

132 powers necessary to carry out the provisions of said legislation as it pertains to the
133 Downtown Athens Development Authority;

134 (13) The revenue bonds or other obligations herein authorized to be issued shall not be
135 deemed to constitute a debt of the Unified Government of Athens-Clarke County,
136 Georgia, within the meaning of Article IX, Section VII, Paragraph I of the Constitution,
137 nor a pledge of the faith and credit of the Unified Government of Athens-Clarke County,
138 Georgia, nor shall the Unified Government of Athens-Clarke County, Georgia, be subject
139 to any pecuniary liability thereon. The revenue bonds shall not be payable from, nor a
140 charge upon, funds of the Unified Government of Athens-Clarke County, Georgia. If
141 given as security for bonds or other obligations, any bondholder or lender shall have the
142 right to compel the authority and the Unified Government of Athens-Clarke County,
143 Georgia to levy the special tax herein provided for within the limit herein prescribed to
144 pay the bonds or other obligations and interest thereon; and

145 (14) The authority is hereby authorized to issue revenue bonds or other obligations from
146 time to time to carry out the purposes of this Act. Revenue bonds or other obligations so
147 issued shall be paid solely from the revenues pledged to the payment thereof, which
148 revenues may include any funds derived from the special tax levy provided hereunder.
149 Such revenue bonds or obligations shall be authorized by resolution of the governing
150 body of the authority, which may be adopted at a regular or special meeting by a majority
151 vote of the members of said governing body. The governing body of the authority in
152 determining the cost of any undertaking for which revenue bonds or obligations are to be
153 issued may include all costs relative to the issuance thereof, and without intending to
154 limit such costs, may include architectural, engineering, inspection, fiscal agents', and
155 legal expenses estimated to accrue from the date of any such bonds through the period
156 of construction and for six months after such construction, and such bonds or other
157 obligations shall bear such date or dates, mature at such time or times, not exceeding 40
158 years from their respective dates, bear interest at such rate or rates, and may be in such
159 denominations and may carry such registration privileges and be subject to redemption
160 and may contain such terms, covenants, assignments, and conditions as the resolution
161 authorizing the issuance of such bonds may provide. The authority is created for
162 nonprofit and public purposes, and it is hereby found, determined, and declared that the
163 creation of the authority and the carrying out of its corporate purposes is in all respects
164 for the benefit of the people of the State of Georgia, that the authority is an institution of
165 purely public charity, and will be performing an essential governmental function in the
166 exercise of the power conferred upon it by this Act, and for such reasons, the State of
167 Georgia covenants from time to time with the holders of the bonds and other obligations
168 issued hereunder that the authority shall be required to pay no taxes or assessments

169 imposed by the State of Georgia or any of its counties, municipal corporations, political
170 subdivisions, or taxing districts upon any property acquired by the authority or under its
171 jurisdiction, control, possession, or supervision or leased by it to others, or upon its
172 activities in the operation or maintenance of any such property or on any income derived
173 by the authority in the form of fees, recording fees, rentals, charges, purchase price,
174 installments, or otherwise, and that the bonds and other obligations of the authority, their
175 transfer, and the income therefrom shall at all times be exempt from taxation within the
176 State of Georgia. The terms, conditions, covenants, and provisions contained in any such
177 resolution authorizing the issuance of such bonds and other obligations shall bind said
178 governing body then in office and its successors thereof, including any covenant to levy
179 taxes within the limits herein prescribed for the purpose of providing such funds as may
180 be necessary to pay the principal and interest on any such issue or issues of said bonds
181 and other obligations and to create and maintain a reserve for that purpose. Bonds issued
182 by said authority shall be validated in the Superior Court of Clarke County in the same
183 manner as revenue bonds of municipalities are validated as provided under the Revenue
184 Bond Law (O.C.G.A. Section 36-82-60, et seq.) (Ga. L. 1937, p. 761) as amended. There
185 shall be no limitation upon the amount of revenue bonds or other obligations which the
186 authority may issue.

187 **SECTION 7.**

188 No taxes shall be levied for the authority for any purpose against property occupied by the
189 owner exclusively as a residence or property used exclusively for church and educational
190 purposes.

191 **SECTION 8.**

192 The authority shall have the right and power of eminent domain for the purpose of acquiring
193 property for public use in the carrying out of its aims and objectives; provided, however, that
194 no such power shall be exercised as to any specific property until a resolution has been
195 adopted by the Mayor and a two-thirds' vote of the Unified Government of Athens-Clarke
196 County, Georgia, approving the condemnation of such property.

197 **SECTION 9.**

198 The power to tax and to issue bonds or revenue certificates shall require the approval of the
199 Mayor and a two-thirds' vote of the Unified Government of Athens-Clarke County, Georgia,
200 as a condition precedent thereto, and with regard to any tax levy recommended to pay any
201 indebtedness evidenced by bonds or revenue certificates issued by the authority, the approval
202 of the levy shall be mandatory to the extent that the proceeds therefrom are necessary for the

203 payment of current principal and interest requirements and the maintenance of sinking fund
204 requirements therefor.

205 **SECTION 10.**

206 This Act shall become effective upon its approval by the Governor or upon its becoming law
207 without such approval; provided, however, that the tax levies provided for herein shall be
208 effective beginning January 1, 2015.

209 **SECTION 11.**

210 All laws and parts of laws in conflict with this Act are hereby repealed.