05-O-1733

AN ORDINANCE

BY COUNCILMEMBERS DEBI STARNES, IVORY LEE YOUNG, JR. CAESAR C. MITCHELL, CLETA WINSLOW, CLAIR MULLER, MARY NORWOOD, HOWARD SHOOK AND CARLA SMITH

AS AMENDED AND SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE (NOVEMBER 1, 2005) Final

CREATING THE BELTLINE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT NUMBER SIX -- BELTLINE; DESIGNATING THE BOUNDARIES OF THE REDEVELOPMENT AREA AND TAX ALLOCATION DISTRICT; ESTABLISHING THE TAX ALLOCATION INCREMENT BASE FOR THE TAX ALLOCATION DISTRICT; ADOPTING A REDEVELOPMENT PLAN FOR THE AREA; ESTABLISHING THE INTENT TO ISSUE AND SELL TAX ALLOCATION BONDS NECESSARY TO EFFECTUATE THE REDEVELOPMENT OF THE AREA; AUTHORIZING ATLANTA DEVELOPMENT AUTHORITY TO ACT AS THE REDEVELOPMENT AGENT TO IMPLEMENT THE REDEVELOPMENT PLAN PURSUANT TO THE REDEVELOPMENT POWERS LAW AND THE URBAN REDEVELOPMENT LAW; AND FOR OTHER PURPOSES.

WHEREAS, the Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, the purpose of the Redevelopment Powers Law is to improve economic and social conditions within substantially underutilized and economically and socially depressed urban areas that contribute to or cause unemployment, limit the tax resources of counties and municipalities while creating a greater demand for governmental services, have a deleterious effect upon the public health, safety, morals and welfare, and impair or arrest the sound growth of the community as a whole; and

WHEREAS, it is in the public interest of the City of Atlanta that the Redevelopment Powers Law be exercised to improve economic and social conditions of the BeltLine Redevelopment Area, as such area is described in Exhibit "A" and Exhibit "B" to the document entitled "Atlanta BeltLine Redevelopment Plan," which is incorporated herein by reference, in order to abate or eliminate deleterious effects of its current depressed and underutilized state; and

WHEREAS, the Council finds that the BeltLine Redevelopment Area as a whole has been subject to some development but has inadequate public transportation and transit facilities when assessed in light of proposed redevelopment; and

WHEREAS, the Council finds that the BeltLine Redevelopment Area on the whole suffers from underdeveloped land characteristics that contribute to or cause unemployment, limit the tax resources of the City and County while creating a greater demand for government services, and in general have a deleterious effect on the public health, safety, and welfare; and

WHEREAS, the Council finds that the BeltLine Redevelopment Area on the whole is substantially underutilized by containing a substantial number of open or vacant parcels and structures and buildings of relatively low value compared to the value of other structures and buildings in the vicinity and that the current condition of the area on the whole is less desirable than the redevelopment of the area for new commercial, residential, office, and other uses, including the provision of additional parkland as well as pedestrian and transportation improvements; and

WHEREAS, adoption of the BeltLine Redevelopment Plan and creation of the BeltLine Tax Allocation District (the "BeltLine TAD") is necessary to assure that the City of Atlanta maintains its historical position as the commercial center of the region and provides an alternative to the continued sprawling patterns of development in the region; and

WHEREAS, the City recognizes that new streetscapes, sidewalks, parks, street-level retail, alternative transportation facilities, and new housing are needed to create an attractive and prosperous community; and

WHEREAS, the BeltLine TAD can provide incentives and initial funding to catalyze the rehabilitation and redevelopment of areas within the BeltLine TAD redevelopment area; and

WHEREAS, the City of Atlanta has designated the Atlanta Development Authority (the "ADA") as its Redevelopment Agency pursuant to O.C.G.A. § 36-44-1 et seq.; and

WHEREAS, it is in the public interest of the City that the Redevelopment Powers Law be exercised to improve the economic and social conditions of the BeltLine Redevelopment Area on the whole in order to remedy the detrimental effects of its current depressed and underutilized state; and

WHEREAS, the ADA has prepared a Redevelopment Plan for the BeltLine Redevelopment Area pursuant to O.C.G.A. § 36-44-3(9) to be used as the framework for the implementation of the beltline project; and

WHEREAS, the City recognizes that the Redevelopment Plan is a tool by which to implement the beltline project and the adoption of the Redevelopment Plan does not supersede or modify the current zoning regulations on those properties referenced in the Plan; and

WHEREAS, the City recognizes the importance of community involvement in the BeltLine implementation process, as well as the importance of balanced and equitable development of the city in a manner that preserves the dignity of existing residents and ensures equal participation by all residents in the many benefits, direct and indirect, as defined herein or later elaborated upon by City Council or the approved framework for citizen input, of the BeltLine project; and

WHEREAS, the Council of the City of Atlanta desires to adopt the BeltLine Redevelopment Plan and create Tax Allocation District Number Six – BeltLine; and

WHEREAS, the Council of the City of Atlanta desires that in the event that prior to June 30, 2006, either the Fulton County Board of Commissioners or the Atlanta Board of Education does not consent to the inclusion of its respective shares of ad valorem taxes in the computation of the BeltLine tax allocation increment, it is the intent of City Council that the BeltLine Tax Allocation District be dissolved and this Ordinance be rescinded.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

Section 1. The City of Atlanta finds and declares that the BeltLine Redevelopment Area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of the Atlanta BeltLine Redevelopment Plan (hereinafter "Redevelopment Plan").

Section 2. The City of Atlanta finds and declares that improvement of the BeltLine Redevelopment Area on the whole is likely to enhance the value of a substantial portion of other real property in the district.

Section 3. The City of Atlanta approves the attached Redevelopment Plan prepared by the ADA as the Redevelopment Plan for the aforesaid area pursuant to the Redevelopment Powers Law, and incorporates such Redevelopment Plan, including all Exhibits thereto, by reference as if fully set forth hereinafter.

Section 4. The City of Atlanta creates **Tax Allocation District Number Six -- BeltLine** (the "BeltLine TAD") pursuant to the Redevelopment Plan and the Redevelopment Powers Law. The boundaries of the BeltLine Redevelopment Area and BeltLine TAD shall be as indicated on the map included as Exhibit A to the Redevelopment Plan and shall consist of those tax parcels identified on the list attached as Exhibit B to the Redevelopment Plan, both such Exhibits being incorporated herein by reference.

Section 5. Tax Allocation District Number Six -- BeltLine is hereby created as of December 31, 2005, and shall continue in existence for twenty-five (25) years. All redevelopment costs, including financing costs and debt service on tax allocation bonds, shall be paid in full by December 31, 2030.

Section 6. The City of Atlanta hereby establishes the estimated tax allocation increment base of $546,630,280 the BeltLine Redevelopment Area, subject to certification by the state revenue commissioner as provided in O.C.G.A. § 36-44-10. The ad valorem property taxes to be used for computing tax allocation increments are specified in the attached Redevelopment Plan and are incorporated herein by reference. Inclusion of ad valorem taxes levied by Fulton County and the Atlanta Board of Education in the computation of the tax allocation increment is contingent upon the consent of such bodies for the inclusion of their respective shares of ad valorem taxes in such computation.

Section 7. The City of Atlanta designates the ADA to serve as its Redevelopment Agent to implement the provisions of the Redevelopment Plan and to effectuate the redevelopment of the BeltLine Redevelopment Area pursuant to the framework set forth in Redevelopment Plan and under the Redevelopment Powers Law.

Section 8. The City of Atlanta intends to authorize the issuance of tax allocation bonds and such other redevelopment bonds as may be necessary to implement provisions of the Redevelopment Plan.

a) Prior to issuance of tax allocation bonds, ADA shall establish an Advisory Committee to make recommendations to ADA and the City on projects to be funded from tax allocation bond proceeds.

b) The structure of said Advisory Committee, and the method of appointment of its members, shall be approved by resolution of the City Council. The members of the Advisory Committee shall include representatives from the Neighborhood Planning Units from each of the four quadrants, as well as other city residents who have experience in the areas of parks and trails planning and development; transit planning and development; finance and business; complex project management; affordable housing; urban planning; arts and culture; historic preservation; or other subjects relevant to the BeltLine project.

c) The role of the Advisory Committee shall include, but not be limited to, making recommendations to ADA and the City on the allocation and distribution of tax allocation bond proceeds within the BeltLine Redevelopment Area and the effective and equitable implementation of the BeltLine Redevelopment Plan.

d) The Advisory Committee shall be responsible for developing and implementing a "decision making support tool" designed to measure the impact of the BeltLine project and ensure accountability for effective and equitable implementation of the project. By way of description only, the "decision making support tool" should address such factors as balanced development, poverty reduction, income, educational achievement, land use, historic preservation, density, growth, park usage, trail usage, water quality, traffic, sewer capacity, community involvement/civic engagement, retail growth, health measures, cultural considerations, and environmental impacts.

e) The City recognizes that additional community input (beyond that provided through the Advisory Committee) will be important to the successful implementation of the BeltLine project. Accordingly, prior to the first issuance of bonds, ADA shall propose and City Council shall review and adopt an appropriate framework for citizen participation related to the BeltLine TAD.

Section 9. The Council authorizes the use of the proceeds of such bonds by the ADA and the City of Atlanta for any and all eligible uses including, without limitation, costs of issuance of the tax allocation bonds; capital costs of public and private improvements, including but not limited to streets, bridges, utilities, storm and sanitary sewers; capital improvements related to transit; parks, trails, parking facilities, sidewalks and streetscapes, and arts and cultural facilities and installations; professional services costs, including fees for architectural, engineering, legal and environmental services, and peer review; and such other uses deemed necessary pursuant to provisions of the Redevelopment Plan and the Redevelopment Powers Law.

Section 10. The property proposed to be pledged for payment or as security for payment of tax allocation bonds will include the positive ad valorem tax allocation increments derived from Tax Allocation District Number Six -- BeltLine.

Section 11. The Redevelopment Agent shall ensure that TAD bond proceeds are used, in part, to fund affordable housing within the BeltLine Redevelopment Area. To achieve this goal, the Redevelopment Agent shall set aside 15% of the net proceeds of each TAD bond issuance in a separate fund to be entitled "the BeltLine Affordable Housing Trust Fund" that shall be solely used for the purpose of creating affordable housing within the BeltLine Redevelopment Area. It is the expectation and goal of the City that the BeltLine Affordable Housing Trust Fund shall be used to develop at least 5,600 units of affordable housing within the BeltLine Redevelopment Area. Prior to the first issuance of tax allocation bonds, the City shall establish policies and goals related to the use of the BeltLine Affordable Housing Trust Fund proceeds. Such goals and policies shall include the formation of a BeltLine Affordable Housing Advisory Board, which shall include, among others, representatives of established Atlanta Affordable housing organizations, including community development organizations. The complete goals and policies related to affordable housing and the BeltLine Affordable Housing Trust Fund shall be approved by resolution of the City Council.

Section 12. The Redevelopment Agent shall ensure that a portion of the TAD bond proceeds, as more particularly described in the BeltLine Redevelopment Plan, are used to encourage private development in those sections of the BeltLine Redevelopment Area that historically have experienced unemployment, poverty or little or no commercial, retail or residential growth or investment. To accomplish this objective, the Redevelopment Agent shall establish an "Economic Incentives Fund" from a portion of each TAD bond issuance. The Economic Incentives Fund shall be used to incentivize private development solely in those portions of the BeltLine Redevelopment Area that qualify as Community Development Investment Areas as defined by the City of Atlanta..

Section 13. The City hereby recognizes that the BeltLine project, as described more fully in the Redevelopment Plan, is a complex, long-term project that involves, among other things, the development of parks, trails, and transit along a 22-mile corridor. The City hereby establishes as a goal that, to the greatest extent possible, TAD bond proceeds be used in such a way as to encourage equitable implementation of the BeltLine project components (including, but not limited to, parks, trails, transit, affordable housing, and transportation and pedestrian improvements) within the four geographic quadrants of the BeltLine Redevelopment Area.

Section 14. The Redevelopment Agent shall develop a work plan for implementing the BeltLine project with proposed budgets for the initial one, three and five year time periods of the TAD. Among other things, the work plan shall explain how the components of the BeltLine project work together and reinforce each other in an optimal manner. At least 60 days prior to the first bond issuance, the work plan shall be presented to City Council for review and adoption. The Redevelopment Agent shall provide updates to City Council at least twice per year on the status of the implementation of the work plan. At year end of each year that the BeltLine TAD is in existence, the Redevelopment Agent shall provide a report on the financial status of the TAD, including a detail of any tax increments collected but not used as payment for or pledge against any existing TAD bond issuances. The Redevelopment Agent shall fund an independent review of the work plan.

Section 15. To the extent permitted by law, the City's MBE/FBE program shall apply to contracts for capital projects that receive funding from TAD bond proceeds.

Section 16. The City hereby recognizes the importance of a Transportation Master Plan for the BeltLine Redevelopment Area and establishes as a goal the completion of such plan at the earliest possible opportunity. Even before the completion of such master plan, the City intends that all new development that occurs within the BeltLine Redevelopment Area shall include an emphasis on connectivity among new developments, existing neighborhoods and activity centers, and the BeltLine capital projects, such connectivity to include, but not be limited to bike and pedestrian trails and sidewalks in conformance with the standards described in the Redevelopment Plan and its exhibits.

Section 17. The City hereby establishes a goal to make funds available for historic survey work, archaeological survey and other mitigation efforts in the TAD. To the extent permitted by law, the City shall evaluate historic context when considering building and demolition permits and in the implementation of the BeltLine Redevelopment Plan. The City hereby recognizes any existing historic overlays and zoning categories within the BeltLine Redevelopment Area and expresses its intent to comply with Section 106 of the National Historic Preservation Act as it applies to the BeltLine Redevelopment Area. Nothing in this section is intended to amend or supersede any existing city ordinance or resolution as it relates to the issuance of building permits.

Section 18. The City hereby affirms its intent that BeltLine TAD funds shall be used solely for the purposes of implementing the BeltLine project and shall be dedicated solely to the capital improvements outlined in this ordinance and Redevelopment Plan and to other eligible activities as defined by State law.

Section 19. The capital projects that receive funding from TAD bond proceeds shall reflect, through the development agreements or funding agreements that accompany such projects, certain community benefit principles, including but not limited to goals for hiring neighborhood and City residents. A more complete list of such principles shall be included within the agreements to be approved by City Council.

Section 20. The City hereby recognizes that the Fulton County Board of Commissioners has authorized an audit of the Fulton County Tax Assessor's Office procedures and practices and that said audit may result in the reassessment of certain properties that have an impact on the estimated tax allocation increment base for the BeltLine TAD. Accordingly, the Redevelopment Agent shall provide City Council with periodic reports on the status of such audit and its impact on the BeltLine TAD. The first such report shall occur no later than 60 days prior to the first bond issuance.

Section 21. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.