

House Bill 1077 (AS PASSED HOUSE AND SENATE)

By: Representatives Quick of the 117<sup>th</sup>, Williams of the 119<sup>th</sup>, and Frye of the 118<sup>th</sup>

**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;



66 SECTION 3.

72 SECTION 4.

79 SECTION 5.

91 SECTION 6.

93 (1) To buy, acquire, construct, develop, rehabilitate, improve, own, operate, maintain,  
94 sell, lease, and mortgage land, buildings, parking facilities, malls, arcades, roadways,  
95 street lights, sidewalks, and property of all kinds and character, including, but not limited

- 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.