

**§10-4 URBAN REDEVELOPMENT/ DOWNTOWN DEVELOPMENT**

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***[See Commentary]***

§10-4-1 AUTHORITY

Cities and counties in Georgia are authorized under the Urban Redevelopment Law (O.C.G.A. § 36-61-1 and § 36-61-8) to establish urban redevelopment agencies and undertake urban redevelopment projects, subject to the various requirements of said statute, so long as the Mayor and City Council [Board of Commissioners] has adopted a resolution declaring that one or more slum conditions exist and that rehabilitation or redevelopment is necessary to protect the public health, safety and welfare of the county or city (O.C.G.A. § 36-61-5).

***[See Commentary]***

§10-4-2 CREATION OF AGENCY (AUTHORITY)

An urban redevelopment agency has been created by prior resolution of the governing body.

[or]

A downtown development authority has been created by prior resolution of the Governing Body which declares the need for such an authority and establishes its jurisdiction as the central business district of the city, said resolution having been filed with the Georgia Secretary of State and the Georgia Department of Community Affairs (O.C.G.A. § 36-42-5). The downtown development authority shall have those powers pursuant to O.C.G.A. § 36-42-8 and in addition may exercise those powers given to urban redevelopment agencies under O.C.G.A. § 36-61 and O.C.G.A. § 36-44.

It is hereby declared that there is a need for urban redevelopment and an agency to administer and implement urban redevelopment activities. The Mayor and City Council [Board of Commissioners], consistent with prior resolution, designates the Mayor and City Council [Board of Commissioners] [or the \_\_\_\_\_ urban redevelopment agency] [or the \_\_\_\_\_ Housing Authority] [or, if a municipality, the Downtown Development Authority] as the urban redevelopment agency.

***[See Commentary]***

§10-4-3 JURISDICTION

The jurisdiction of the urban redevelopment agency with regard to urban redevelopment shall be the city [county] limits. [or]

The jurisdiction within which the city's downtown development authority shall exercise its authority with regard to urban redevelopment shall be the downtown development area as defined by this ordinance and as adopted by previous resolution of the governing body.

***[See Commentary]***

§10-4-4 PURPOSES

This ordinance is adopted for the purpose of eliminating, restoring or redeveloping slum areas or portions thereof, first through private actions if they can be encouraged and undertaken, or if necessary through public actions pursuant to this ordinance.

Revitalization and redevelopment of central business districts by financing projects under this ordinance (adopted pursuant to O.C.G.A. § 36-42) will develop and promote the public good and general welfare, trade, commerce, industry and employment opportunities. It is, therefore, in the public interest and is vital to the public welfare of the people of the city, and it is declared to be the public purpose of this ordinance, to revitalize and redevelop the central business district of the city (O.C.G.A. § 36-42-2).

It is found and declared that economically and socially depressed areas exist within the city [county] and that these areas contribute to or cause unemployment, limit the tax resources of the local government while creating a greater demand for governmental services and, in general, have a deleterious effect upon the public health, safety, morals and welfare. It is, therefore, in the public interest that such areas be redeveloped to the maximum extent practicable to improve economic and social conditions therein in order to abate or eliminate such deleterious effects (O.C.G.A. § 36-44-2).

***[See Commentary]***

§10-4-5 DEFINITIONS

Downtown development area: A geographical area within the city corresponding to the central business district of the city, and which is designated as such by resolution of the governing body, and which may be modified by any subsequent resolution of the governing body (O.C.G.A. § 36-42-3).

***[See Commentary]***

Slum: An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and is detrimental to the public health, safety, morals or welfare (O.C.G.A. § 36-61-2).

***[See Commentary]***

Urban redevelopment area: A slum area that has been designated by the governing body as appropriate for a redevelopment project (O.C.G.A. § 36-61-2) in accordance with an urban redevelopment plan.

Urban redevelopment plan: A plan adopted by the governing body that includes local objectives related to redevelopment, which conforms to the general (comprehensive) plan of the local government, and which may include a workable program. The urban redevelopment plan also must provide details on redevelopment proposals and specify zoning changes or building rules that will be required to implement the plan. (O.C.G.A. § 36-61-2).

**[See Commentary]**

§10-4-6      COMPOSITION OF DOWNTOWN DEVELOPMENT AUTHORITY

The downtown development authority of the city shall consist of a board of seven (7) directors. The governing body of the municipal corporation shall appoint two (2) members of the first board of directors for a term of two (2) years each, two (2) for a term of four (4) years each, and three (3) for a term of six (6) years each. The governing body of the municipal corporation may appoint one (1) of its elected members as a member of the downtown development authority. After expiration of the initial terms, except for the director who is also a member of the governing body of the municipal corporation, the terms of all directors shall be four (4) years for those directors appointed or reappointed on or after July 1, 1994. The term of a director who is also a member of the governing body of a municipal corporation shall end when such director is no longer a member of the governing body of the municipal corporation. If at the end of any term of office of any director a successor to such director has not been elected, the director whose term of office has expired shall continue to hold office until a successor is elected. A majority of the board of directors shall constitute a quorum (O.C.G.A. § 36-42-4).

**[See Commentary]**

§10-4-7      AUTHORITY MEMBER REQUIREMENTS; OFFICERS

Directors shall be: (1) Taxpayers residing in the city; (2) Owners or operators of businesses located within the downtown development area and taxpayers residing in the county in which the city is located; or (3) Persons having a combination of the qualifications specified in (1) and (2) of this paragraph; provided, however, that one of such directors may be a member of the governing body of the city.

Not less than four (4) of the directors having the qualifications specified in the preceding paragraph of this subsection shall be persons who, in the judgment of the governing body of the city, either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area. Successors to the directors shall be appointed by the governing body of the city.

The directors shall elect one (1) of their members as chairman and another as vice chairman and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may, but need not, be a director. The directors shall receive no compensation for their services but shall be reimbursed for actual expenses incurred by them in the performance of their duties. Each authority shall have perpetual existence. Except for a director who is also a member of the governing body of the city, each director shall attend and complete at least eight (8) hours of

training on downtown development and redevelopment programs within the first 12 months of a director's appointment to the downtown development authority.

***[See Commentary]***

§10-4-8      URBAN REDEVELOPMENT PLAN

The urban redevelopment plan, prepared by \_\_\_\_\_, for the area of the city [county] known as \_\_\_\_\_, is hereby adopted. The provisions of the plan describing the future use and building requirements applicable to the property covered by the plan shall be controlling with respect thereto.

***[See Commentary]***

§10-4-9      POWERS OF URBAN REDEVELOPMENT AGENCY LIMITED

The exercise of eminent domain, approval of the urban redevelopment plan and issuance of general obligation bonds shall not be delegated by the local Governing Body to a separate redevelopment agency.

***[See Commentary]***

§10-4-10(a)    AGENCY EXERCISE OF EMINENT DOMAIN

Except as otherwise limited by the Urban Redevelopment Law (O.C.G.A. § 36-61), a municipality or county [or, except as otherwise limited by the Downtown Development Authorities Law (O.C.G.A. § 36-42), a city downtown development authority] shall have the right to acquire, by exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under the terms of said law, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; or, it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

If the property to be acquired is not for a public use, then the local government shall adopt a resolution authorizing the exercise of the power of eminent domain. The owner of the real property proposed to be acquired via eminent domain shall be notified of the intent to acquire the property through eminent domain. The property owner shall be given the option (through an agreement with the Governing Body) of rehabilitating and maintaining the property in accordance with the adopted urban redevelopment plan. If the property owner fails to exercise that option, then the Governing Body may acquire the property through purchase or the exercise of the power of eminent domain (O.C.G.A. § 36-61-9).

***[See Commentary]***

§10-4-10(b)    EXERCISE OF EMINENT DOMAIN BY AN AUTHORITY

Except as otherwise limited by the Downtown Development Authorities Law (O.C.G.A. § 36-42), a city downtown development authority shall have the right to acquire, by exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under the

terms of said law, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. It may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain.

The Downtown Development Authority shall not exercise the power of eminent domain until or unless:

- (a) The proposed rehabilitation of the property has been set forth in a downtown development plan adopted by the city and incorporated in the comprehensive plan of the city submitted to the Georgia Department of Community Affairs, pursuant to O.C.G.A. § 36-70.
- (b) The governing body of the city has adopted a resolution approving the proposed use of eminent domain power by the downtown development authority.
- (c) The downtown development authority has, in writing, notified the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the downtown development plan for the downtown development area wherein the property is located.
- (d) Within 30 days after being so notified, the owner of the property has been given the option of notifying the downtown development authority, in writing, of his willingness and intention to rehabilitate and maintain the property in accordance with the downtown development plan. In the event of multiple ownership of the property, unanimous agreement by the owners shall be required, and the failure of any one owner to notify the downtown development authority within the time limitations specified in this paragraph of his willingness and intention to rehabilitate and maintain the property in accordance with the downtown development plan shall be deemed to be a failure to exercise the option provided in this subsection; and
- (e) The owner of such property may execute an agreement with the downtown development authority to rehabilitate the property in accordance with the downtown development plan. Any such agreement shall be as the downtown development authority deems necessary and appropriate as to form and content. In connection therewith, the downtown development authority shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (d) of this subsection shall no longer apply, and the property may be acquired by the downtown development authority by purchase or through the exercise of the power of eminent domain. In the alternative, the downtown development authority may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the downtown development authority or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the downtown development authority may implement those portions of the downtown development plan with respect to such property to the extent the authority deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as a lien for taxes (O.C.G.A. § 36-42-8.1).

***[See Commentary]***

§10-4-11      LEVYING OF TAXES, FEES OR ASSESSMENTS

Pursuant to Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia, municipalities may create one or more special districts within the area of operation of a downtown development authority for the purpose of levying and collecting taxes, fees or assessments to pay the cost of any project or to support the exercise of any other powers which the authority may possess (O.C.G.A. § 36-42-16).

***[See Commentary]***