

RESOLUTION AUTHORIZING DEVELOPMENT AGREEMENT FOR THE COTTAGE COURT PROJECT

THE DEVELOPMENT AUTHORITY OF THE CITY OF DECATUR, a public body corporate and politic, (the “Authority”) hereby, after consideration and affirmative vote, adopts this RESOLUTION as of the 12th of November, 2021 (this “Resolution”):

W I T N E S S E T H:

WHEREAS, the Authority was duly created and is validly existing pursuant to the Development Authorities Law of the State of Georgia (O.C.G.A. Section 36-62-1 *et seq.*, as amended) (the “Act”);

WHEREAS, under the Act, the Authority has, among others, the power to acquire, construct, install, modify, renovate, or rehab land, interests in land, buildings, structures, facilities, or other improvements and the power to acquire, construct, install, modify, renovate, or rehab, furnish fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, all for the essential purpose of development of trade, commerce, industry, and employment opportunities in the City of Decatur, Georgia, as part of any “project” and to borrow money and use the proceeds thereof for paying the costs of “projects” (as defined in the Act);

WHEREAS, the City of Decatur, Georgia, a municipal corporation of the State of Georgia, by and through its duly elected City Commissioners, (the “City”) adopted Ordinance No. O-14-Z-26 amending and re-codifying the Zoning Ordinance and adopting certain non-zoning ordinances collectively known as “The Unified Development Ordinance of the City of Decatur” (the “UDO”);

WHEREAS, the UDO, among other things, created a new building type known as a “Cottage Court” designed to accommodate five (5) to nine (9) detached dwelling units organized around a shared internal courtyard as more specifically set forth in Section 2.2.3.C of the UDO;

WHEREAS, there has been no development of trade, commerce, industry, or employment opportunities related to the “Cottage Court” building type since the adoption of the UDO and the creation of this new building type;

WHEREAS, the Authority and the City entered into an *Intergovernmental Agreement* on December 14, 2015, whereby it was agreed that the Authority would purchase that certain unimproved real property located at and known as 230 Commerce Drive, Decatur, DeKalb County, Georgia 30030 (Tax Parcel Id No. 15 247 07 081), and as more specifically set forth in the legal description attached hereto and incorporated herein as Exhibit A (the “Property”), to develop a “Cottage Court” project on the Property to expand options to address the housing needs within the City with an opportunity to include workforce housing for the purposes of benefiting the development of trade, commerce, industry, or employment opportunities related to the “Cottage Court” building type in the City consistent with the purposes and provisions of the Act;

WHEREAS, the Authority purchased the Property on December 18, 2015, and is the legal owner of and holds title in fee simple in and to the Property;

WHEREAS, the Authority developed architectural and building plans to construct a “Cottage Court” project on the Property consisting of six (6) detached dwelling units (collectively the “Cottages” and individually a “Cottage”) organized around a shared internal courtyard with certain shared parking, driveways, utilities, and other infrastructure and amenities as set forth in the building plans attached hereto and incorporated herein as Exhibit B (the “Building Plans”) (the “Project”);

WHEREAS, the Authority desires to partner with ATLANTA NEIGHBORHOOD DEVELOPMENT PARTNERSHIP, INC., a domestic nonprofit corporation (“Developer”) whose address is 229 Peachtree Street NE, Suite 705, Atlanta, Fulton County, Georgia 30303, and Developer desires to partner with the Authority, to implement the Project and construct the Cottages as detailed in the presentation to the Authority on September 10, 2021, attached hereto and incorporated herein as Exhibit C; and,

WHEREAS, the Authority desires to negotiate and enter into an agreement with Developer to implement the Project and for construction of the Cottages as outlined in the proposed *Development Agreement for the Cottage* attached hereto and incorporated herein as Exhibit D (the “Development Agreement”);

WHEREAS, this Resolution having come before the Authority for a public hearing pursuant to its rules and governing procedures and in accordance with all applicable laws, including all requisite public notice requirements; and,

NOW, THEREFORE BE IT RESOLVED, the Authority does hereby resolve and authorize, as follows:

1.

The Authority determines and finds that negotiating and entering into a development agreement with Developer as outlined in the Development Agreement to implement the Project and for the construction of the Cottages will further trade, commerce, industry, or employment opportunities in the City as required by and consistent with the purposes and provisions of the Act.

2.

The Authority authorizes and directs its Chair, or Vice Chair or Executive Director in the Chair’s absence, to continue negotiation of the Development Agreement consistent with this Resolution and upon their satisfaction to execute, on behalf of the Authority, the Development Agreement, and any and all other documents and instruments as may be deemed necessary or appropriate in connection with the Development Agreement and this Resolution. The signature of its Chair, or Vice Chair or Executive Director in the Chair’s absence, shall be fully binding on the Authority, and no additional signatures of other managers or members shall be required in order to complete the transaction contemplated herein.

ADOPTED AND APPROVED this 12th day of November, 2021.

DEVELOPMENT AUTHORITY OF THE CITY OF
DECATUR

(SEAL)

Conor McNally, Chair

Attest:

Angela Threadgill, Executive Director