

00- P -0816

(Do Not Write Above This Line)

MUNICIPAL CLERK
ATLANTA, GEORGIA

00-O-

RESOLUTION BY
COMMUNITY DEVELOPMENT AND HUMAN RESOURCE
COMMITTEE

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO ENTER INTO A PROGRAM FUNDING AGREEMENT WITH THE PEOPLETOWN REVITALIZATION CORPORATION FOR IMPLEMENTATION UNDER THE PEOPLETOWN SUPERBLOCK DEVELOPMENT PROJECT; THE COMMISSIONER OF THE DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION IS AUTHORIZED TO SIGN THE ADMINISTRATIVE DOCUMENTS NECESSARY TO CLOSE AND FUND THE PROGRAM FUNDING AGREEMENT; THE PROGRAM FUNDING AGREEMENT IS FOR AN AMOUNT NOT TO EXCEED, (\$348,199.18) FROM THE CDBG 1995 PROJECT ACCOUNT, AND FOR OTHER PURPOSES.

10/16/00 - Amber Starnes' Substitute
Motion to Refer Back to
Committee CARRIED Without Objection

ADOPTED BY

NOV 20 2000

SUBSTITUTE

- CONSENT REFER
- REGULAR REPORT REFER COUNCIL
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 10/16/00

Referred To: CD/HAR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee CD/HAR
Date 8/14/00
Chair _____
Action: Hold (see rev. side)
Other: _____
Members C/28/00 9/27/00
7/12/00
8/2/00
8/16/00
9/13/00
Refer To _____

Committee CD/HAR
Date 11/15/02
Chair _____
Action: Hold (see rev. side)
Other: _____
Members _____
Refer To _____

Committee CD/HAR
Date 10/11/00
Chair _____
Action: File Other:
Fav, Adv, Hold (see rev. side)
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
NOV 20 2000

Den M. Starnes
MUNICIPAL CLERK

CERTIFIED
NOV 20 2000

Rachel Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 18 2000

AM Johnson
MAYOR

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE PEOPLESTOWN REVITALIZATION CORPORATION (PRC) TO IMPLEMENT ACQUISITION AND PRE-DEVELOPMENT ACTIVITIES FOR THE PEOPLESTOWN SUPERBLOCK DEVELOPMENT PROJECT, CD-95-501, TO PROVIDE FOR THE USE OF EMINENT DOMAIN AS NECESSARY IN ACQUIRING PROPERTY LOCATED WITHIN THE SUPERBLOCK PROJECT AREA, AND FOR OTHER PURPOSES.

WHEREAS, the Peoplestown Superblock Development Project was approved in the 1995 Annual Action Plan to provide for a mixed-use development consisting of thirty-four townhomes and 10,000 square feet of commercial development along Hank Aaron Drive located in Council District 2 and NPU-V.

WHEREAS, on August 28th, 1997 the City entered in to a contract for the implementation of the Peoplestown Superblock Development Project and acquisition activities were slowed due to the inability to reach voluntary purchase agreements with the property owners and this contract expired on December 31, 1998, and

WHEREAS, the original CDBG allocation to the Peoplestown Superblock Development Project was \$406,000 and \$348,199.18 remains to be utilized in this project, and

WHEREAS, the site of the Peoplestown Superblock Development Project is located within the area covered by the Peoplestown Redevelopment Plan, which provides for the right to acquire, by exercise of the power of eminent domain, real property deemed necessary to implement the plan; and

WHEREAS, the Peoplestown Revitalization Corporation is ready to complete the implementation the Peoplestown Superblock Development Project.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. The Mayor is authorized to execute a Contract Agreement with the Peoplestown Revitalization Corporation in the amount of \$348,199.18 to implement acquisition and pre-development activities for the Peoplestown Superblock Development Project. The contract amount shall be charged to and paid from Account 1B01 529002 Y53P0159A51A.

Section 2. The Council of the City of Atlanta approves the use of the power of eminent domain by the City, as necessary, to acquire any interest that may exist in the real property comprising the site of the Peoplestown Superblock Development Project as identified in the Peoplestown Revitalization Plan.

Section 3. That the City Attorney is hereby directed to prepare an appropriate contract agreement of execution to be approved by the City Attorney as to form.

Section 4. This contract agreement shall not become binding on the City and the City shall incur no liability upon same until such time as the contract has been signed by the Mayor and delivered to the contracting parties.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

November 20, 2000
November 28, 2000



CITY OF ATLANTA
DEPARTMENT OF PLANNING DEVELOPMENT
AND NEIGHBORHOOD CONSERVATION
SUITE 1200 68 MITCHELL ST.SW
ATLANTA GEORGIA 30335

PROGRAM FUNDING AGREEMENT

BUREAU OF HOUSING FINANCE AND
ECONOMIC DEVELOPMENT

Peoplestown Revitalization Corporation
Super Block Development Project

AGREEMENT

Part 1

THIS AGREEMENT made and entered into this April 25, 2000 by and between the City of Atlanta, a municipal corporation of the State of Georgia, hereinafter referred to as the "City" and Peopletown Revitalization Corporation hereinafter referred to as the "Project Sponsor".

WITNESSETH

Whereas the City is the recipient of a grants from the U.S. Department of Housing and Urban Development HUD) under the Housing and Community Development Act of 1974 as amended and the Stewart B. McKinney Homeless Assistance Act of 1987, as amended; and

Whereas the city desires to provide funds to the Project Sponsor to carry out the project activity known as the Super Block Development Project; and

Whereas, this agreement is authorized by the legislation of the Atlanta City Council and approved by the Mayor, and made a part hereof by reference; and

Whereas, this agreement authorizes the Commissioner, the Deputy Commissioner, or the Director of the Bureau of Housing Finance and Economic Development to sign all necessary administrative documents to fund the project activity authorized by Council and approved the Mayor

Whereas the Project Sponsor has indicated, its ability and desire to perform said activities for a sum not to exceed \$348,199.18.

Now, Therefore, for and in consideration of mutual covenants and undertakings hereinafter, set forth, the receipt and sufficiency of which are hereby acknowledged, the City and the Project Sponsor agree as follows:

THE PROJECT SPONSOR AGREES:

- a. The Project Sponsor shall carry out all project activities in accordance with all applicable laws ordinances codes, regulations, and requirements of the federal state, county and city governments,
- b. The Project Sponsor shall in a satisfactory and proper manner as determined by the Bureau of Housing Finance and Economic Development perform the activities detailed in the administrative documents required to close the Program Funding Agreement contemplated here.
- c. The work to be performed by the Project Sponsor will begin upon issuance of the Notice to Proceed by the Bureau of Housing Finance and Economic Development.
- d. The Project Sponsor shall make request for payment in an amount no greater than the principal amount of the Program Funding Agreement contemplated here.

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- e. The Project Sponsor further agrees to perform the activities detailed in the Required Documents Checklist and the Program Due Diligence Checklist.

THE CITY AGREES:

- a. The City agrees to fund the Program to the Project Sponsor equal to the stated amount of the principal of the Program.
- b. The City agrees to abide by and be subject to all the terms, conditions, clauses, and stipulations contained within the Required Documents and the Program Due Diligence Checklist.

THE PROJECT SPONSOR AND THE CITY AGREE

- a. This agreement shall be construed and enforceable in accordance with the laws of the State of Georgia.
- b. This agreement supercedes all previous agreements and contracts.
- c. Time is of the essence in this agreement and each and every obligation and undertaking set forth herein.
- d. The total value of this Program Funding Agreement is \$348,199.18. The Fund Account and Center number for this activity is CD-95-501, 1B01 529002 Y53P0159A51A. The project activity was originally funded as CD-95-501 for \$406,000 using Fund Account and Center number 1B01 529002 U31P0159A51A.
- e. This Agreement and the documents listed in the Required Documents and Program Due Diligence Checklist contain the entire agreement of the parties, and no representations or agreements oral or otherwise, among the parties not embodied herein shall be of any force or effect.
- f. The preceding terms and conditions are not exhaustive, and this agreement is subject to other terms and conditions that are deemed appropriate by the City of Atlanta under the circumstances.
- g. The Project Sponsor represents and agrees that all financial statements and other information delivered to the City of Atlanta are correct and complete.
- h. No material adverse change may occur in, any circumstances discovered about, the business or financial condition of the Project Sponsor before closing.
- i. City of Atlanta's obligation under this commitment is conditioned on the fulfillment, to City of Atlanta's sole satisfaction, of each term and condition referenced by this agreement.

- j. This agreement is not assignable, and no party other than the Project Sponsor shall be entitled to rely on this agreement.

The parties hereto hereby designate the following persons or their successors in title, as their representatives, to whom all notices documents, requests and inquiries shall be addressed:

City: City of Atlanta
Department of Planning Development and
Neighborhood Conservation
68 Mitchell St. SW Suite 1200
Atlanta, Georgia 30335
Attention: Alphonso Whitfield III

Project Sponsor: Peoplestown Revitalization Corporation
Suite A1
1044 Washington Street
Atlanta, Georgia 30315
Attn: William MacFarland

This agreement authorizes the Commissioner, the Deputy Commissioner, or the Director of the Bureau of Housing Finance and Economic Development to sign all necessary administrative documents authorized by Council and approved the Mayor.

[THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]



In witness whereof, the duly authorized officers of the city and the Project Sponsor have caused their hands and seals to be affixed this day and year first written above.

ATTEST:

CITY OF ATLANTA

Municipal Clerk

Mayor (Seal)

ATTEST:

PROJECT SPONSOR



Secretary/Assistant Secretary



Peoplestown Revitalization Corporation. (Seal)

APPROVED:

APPROVED AS TO FORM:

Commissioner, Department of
Planning Development and Neighborhood
Conservation

City Attorney

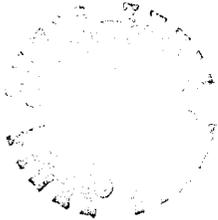


EXHIBIT A

CD-95-501
PEOPLESTOWN SUPERBLOCK

PROPERTIES TO BE ACQUIRED

	<u>Street Address</u>	<u>Parcel I.D. Number</u>
1.	34 Atlanta Avenue	14-0054 0007-103
2.	38 Atlanta Avenue	14-0054 0007-102
3.	42 Atlanta Avenue	14-0054 0007-101
4.	46 Atlanta Avenue	14-0054 0007-100
5.	882 Capitol Avenue	14-0054 0007-105
6.	878 Capitol Avenue	14-0054 0007-106
7.	874 Capitol Avenue	14-0054 0007-107
8.	870 Capitol Avenue	14-0054 0007-108
9.	854 Capitol Avenue	14-0054 0007-111
10.	850 Capitol Avenue	14-0054 0007-112
11.	846 Capitol Avenue	14-0054 0007-088
12.	857 Fraser Street	14-0054 0007-097
13.	861 Fraser Street	14-0054 0007-098
14.	865 Fraser Street	14-0054 0007-099
15.	21 Ormond Street	14-0054 0007-089
16.	29 Ormond Street	14-0054 0007-091
17.	35 Ormond Street	14-0054 0007-093
18.	39 Ormond Street	14-0054 0007-094
19.	41 Ormond Street	14-0054 0007-095
20.	45 Ormond Street	14-0054 0007-096

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA

00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690	30. 00-R-1815	55. 00-R-1816
2. 00-O-1691	31. 00-R-1849#	56. 00-R-1817
3. 00-O-1692	32. 00-R-1858	57. 00-R-1818
4. 00-O-1845	33. 00-R-1862	58. 00-R-1819
5. 00-O-1864	34. 00-R-1787*	59. 00-R-1820
6. 00-O-0728	35. 00-R-1790	60. 00-R-1821
7. 00-R-1702	36. 00-R-1791	61. 00-R-1822
8. 00-R-1703	37. 00-R-1794	62. 00-R-1823
9. 00-R-1705	38. 00-R-1798	63. 00-R-1824
10. 00-R-1707	39. 00-R-1861	64. 00-R-1825
11. 00-R-1850	40. 00-R-1686	65. 00-R-1826
12. 00-R-1865	41. 00-R-1843	66. 00-R-1827
13. 00-R-1851	42. 00-R-1869	67. 00-R-1828
14. 00-R-1873	43. 00-R-1870	68. 00-R-1829
15. 00-R-1622	44. 00-R-0973	69. 00-R-1830
16. 00-R-1623	45. 00-R-0816	70. 00-R-1831
17. 00-R-1699	46. 00-R-1803	71. 00-R-1832
18. 00-R-1775*	47. 00-R-1805	72. 00-R-1833
19. 00-R-1776*	48. 00-R-1806	73. 00-R-1834
20. 00-R-1777*	49. 00-R-1807	74. 00-R-1836
21. 00-R-1782	50. 00-R-1808	75. 00-R-1837
22. 00-R-1687	51. 00-R-1809	76. 00-R-1838
23. 00-R-1668	52. 00-R-1810	77. 00-R-1839
24. 00-R-1786	53. 00-R-1811	78. 00-R-1840
25. 00-R-1789	54. 00-R-1812	79. 00-R-1841
26. 00-R-1799		80. 00-R-1842
27. 00-R-1800		
28. 00-R-1813		
29. 00-R-1814		
		* President Pitts recused himself.
		# Lee Morris not voting.