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1819

13-R-0614

(Do Not Write Above This Line)

A RESOLUTION

BY COUNCIL MEMBER KEISHA LANCE
BOTTOMS

A RESOLUTION AUTHORIZING THE
CREATION OF THE AIRPORT WEST
COMMUNITY IMPROVEMENT DISTRICT
(CID) AS AUTHORIZED BY THE GENERAL
ASSEMBLY OF THE STATE OF GEORGIA IN
THE ATLANTA COMMUNITY
IMPROVEMENT DISTRICT ACT; AND FOR
OTHER PURPOSES.

AUTOMATICALLY TERMINATED
AND
FILED BY CLERK
PER CHARTER SECTION 2-40

DEC 02 2013

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

Date Referred 3/18/13

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee CD/HR	Committee
Date 3/26/13	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action Fav, Adv, Hold (see rev. side) Other	Action Fav, Adv, Hold (see rev. side) Other
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED
DEC 02 2013
ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
DEC 02 2013
Renee Dandrea Johnson
MUNICIPAL CLERK

MAYOR'S ACTION



A RESOLUTION

BY COUNCIL MEMBER KEISHA LANCE BOTTOMS

A RESOLUTION AUTHORIZING THE CREATION OF THE AIRPORT WEST COMMUNITY IMPROVEMENT DISTRICT (CID) AS AUTHORIZED BY THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA IN THE ATLANTA COMMUNITY IMPROVEMENT DISTRICT ACT; AND FOR OTHER PURPOSES.

WHEREAS, by Local Act, 1991 Ga. L. 3653, the General Assembly provided for the creation of community improvement districts in the City of Atlanta; and

WHEREAS, a community improvement district is intended to provide a means to supplement and enhance governmental services and facilities in certain areas within the City of Atlanta; and

WHEREAS, it is anticipated that a majority of the owners of real property within the proposed district in southwest Atlanta, as shown on the map attached hereto as Exhibit "A" and legal description attached hereto as Exhibit "B" and incorporated by reference hereof, which will be subject to taxes, fees, and assessments levied by the governing Board of the Community Improvement District ("CID") will consent in writing to the creation of a CID with boundaries as shown on said map and legal description; and

WHEREAS, it is anticipated that the owners of real property within the proposed CID which constitutes at least seventy-five percent (75%) by value of all real property within said CID which will be subject to taxes, fees, and assessments levied by the Board, according to the most recent approved Fulton County ad valorem tax digest, will consent in writing to the creation of a CID with boundaries as shown on said map and legal description; and

WHEREAS, the Atlanta City Council has determined that the activation of such CID would be in the best interest of the citizens of the City of Atlanta.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Atlanta that the Atlanta City Council consents to the creation of a CID to be comprised of the geographical area as shown on the map and legal description attached hereto as Exhibit "A" and Exhibit "B" for the provision and/or enhancement of certain governmental services and facilities, more particularly described as follows:

To enhance the appearance, maintenance and use of certain public roadways and similar facilities within the Airport West Community Improvement District. Work with the Georgia Department of Transportation in making improvements to and along roadways under state or federal jurisdiction.

BE IT FURTHER RESOLVED THAT the written consents of a majority of the property owners within the CID and the owners of real property which constitute at least seventy-five percent (75%) by value of all real property within the CID shall be submitted to the Fulton County Tax Commissioner who shall certify said consents in accordance with the Local Act.

BE IT FURTHER RESOLVED THAT a caucus of electors, as defined in the Local Act, shall be held at the offices of [INSERT HOST ENTITY] for the purpose of electing six (6) initial Board Members. For election purposes, a quorum at such caucus shall consist of those electors present, and a majority of those present and voting is necessary to elect Board Members. No proxy votes may be cast. Registration shall begin at 8:00 o'clock a.m. to 10:00 o'clock a.m. No person arriving to the registration table after 10:00 o'clock a.m. shall be permitted to vote. Let notice of said caucus be given to electors by publishing notice thereof in the Atlanta Journal-Constitution, legal organ of the City of Atlanta, on four (4) dates, at least forty-five (45) days, thirty-one (31) days, seventeen (17) days, and ten (10) days, respectively, prior to such election. Elected Board Members shall serve pursuant to the terms of the Act which provides that one-half of the initial Board Members, or one less than one-half if an odd number, shall serve for two years, and the remaining Board Members shall serve for four years. The initial terms of office shall be determined by vote of the electors at the initial caucus of electors. Thereafter, all terms of office shall be for four years.

BE IT FURTHER RESOLVED THAT the CID shall become effective January 1, 2014.

BE IT FURTHER RESOLVED THAT the Mayor be and is hereby authorized to enter into a cooperative agreement with the CID Board to allow for the provision of services and facilities as provided for under the Local Act substantially in the form attached hereto as Exhibit "C", with such other further changes as the City Attorney shall deem appropriate.

BE IT FURTHER RESOLVED THAT this cooperation agreement shall not become binding on the City and the City shall incur no liability upon same until said agreement has been executed by the Mayor and delivered to the CID Board.

AND FINALLY BE IT RESOLVED THAT the consent of the Atlanta City Council, as reflected herein, be contingent on the receipt of such consents from property owners as may be required by law.

EXHIBIT A

Map of Airport West Community Improvement District

EXHIBIT B

Legal Description of
Airport West Community Improvement District

EXHIBIT C

Certification of Tax Commissioner's Consent

DRAFT

STATE OF GEORGIA

COUNTY OF FULTON

COOPERATION AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 1999, by and between THE CITY OF ATLANTA, a municipal corporation of the State of Georgia (hereinafter called the "City"), and the AIRPORT WEST COMMUNITY IMPROVEMENT DISTRICT BOARD (hereinafter called the "CID Board").

WHEREAS, by Resolution of the Atlanta City Council, the Airport West Community Improvement District was created pursuant to 1991 Ga. L. 3653, as amended, all of which lies wholly within the City of Atlanta (the "District"); and

WHEREAS, this Community Improvement District is intended to provide a means to supplement and enhance, but not replace, government services and facilities in the District; and

WHEREAS, the Local Act requires that the services and facilities furnished within the CID pursuant to said Act shall be provided for in a cooperation agreement executed jointly by the CID Board and the City.

NOW, THEREFORE, in consideration of the mutual covenants and benefits flowing to the parties, the City and the CID Board do agree as follows;

1.

This Agreement shall in no way limit the authority of the City to provide services or facilities within the District. The City shall retain full and complete authority and control over any of its facilities located within the District.

2.