

A RESOLUTION OF THE MAYOR AND COUNCIL FOR THE CITY OF MARIETTA; TO MODIFY AN URBAN REDEVELOPMENT PLAN FOR ONE OR MORE SLUM, BLIGHTED OR UNDERDEVELOPED AREAS WITHIN THE CITY OF MARIETTA, GEORGIA, PURSUANT TO THE PROVISIONS OF THE URBAN REDEVELOPMENT LAW, O.C.G.A. SECTION 36-61-8; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council for the City of Marietta, Georgia (the "City") is the duly elected governing authority for the City; and

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated provides for the creation of an Urban Redevelopment Plan for an Urban Redevelopment Project as those terms are defined in O.C.G.A. § 36-61-2; and

WHEREAS, Section 2.16 of the City Charter grants the Mayor and Council of the City, as the governing body of the City, the power to organize and operate an urban redevelopment program; and

WHEREAS, in 2009, the Mayor and Council of the City recognized that there is a need for the revitalization and redevelopment of areas of the City to develop and promote for the public good and general welfare housing, trade, commerce, and employment opportunities within the City;

WHEREAS, in 2009, the Mayor and Council of the City recognized that within such areas there exist certain "slum areas" within the City limits, as that term defined in O.C.G.A. § 36-61-2, in that there presently exist conditions such as: a predominance of buildings or improvements, both residential and nonresidential, which by reason of dilapidation, deterioration, age, vacancy, or obsolescence are conducive to crime and are detrimental to the public health, safety, morals, or welfare; the presence of a substantial number of vacant, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness for present or future development; development impaired by transportation noise or by other environmental hazards; or a combination of such conditions that substantially impairs or arrests the sound growth of the City, retards the provisions of adequate housing accommodations, and constitutes an economic or social liability and

is a menace to the public health, safety, morals, or welfare in its present condition and use; and

WHEREAS, it has been determined by the Mayor and Council of the City that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and

WHEREAS, in 2009, the Mayor and Council of the City determined that such areas should be designated as Urban Redevelopment Areas as defined by O.C.G.A. § 36-61-2; and

WHEREAS, the Mayor and Council of the City prepared and adopted a workable program to eliminate and prevent the development or spread of "slum areas," as that term defined in O.C.G.A. § 36-61-2, to encourage needed urban rehabilitation, to provide for the redevelopment of such "slum areas," and to undertake such activities as may be suitably employed to achieve these objectives known as the 2009 Urban Redevelopment Plan of the City of Marietta; and

WHEREAS, the Mayor and Council of the City have caused a public hearing to be held and adopted the 2009 Urban Redevelopment Plan of the City of Marietta on July 8, 2009 pursuant to the provisions of O.C.G.A. § 36-61-7; and

WHEREAS, the Mayor and Council of the City desires to make a minor amendment to the adopted 2009 Urban Redevelopment Plan of the City of Marietta which shall not substantially change the plan pursuant to the provisions of O.C.G.A. § 36-61-7 (e); and

WHEREAS, the Mayor and Council of the City amends the Urban Redevelopment Plan by adding parcels 16 12300 1000, 16 12300 0900, and 16 12310 0240 (also known as 55 Henderson St., 220 Crescent Circle, 216 Crescent Circle) into the plan and includes the addition of said parcels into the Urban Redevelopment Plan Boundaries Zone 3 map; and

WHEREAS, the structures on such parcels, Henderson Arms, requires substantial renovation at a cost estimated by the Marietta Housing Authority as exceeding \$19,000,000; and

BE IT FURTHER RESOLVED by the Mayor and Council of the City of Marietta that the June 2009 Urban Redevelopment Plan of the City of Marietta, a copy of which is attached hereto as Exhibit "A," is hereby amended and adopted; and

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this resolution are hereby repealed.

APPROVED AND ADOPTED THE 13 day of April, 2011.

R. Steve Tumlin, R. Steve Tumlin, Mayor

Attest: Stephanie Guy
Stephanie Guy, City Clerk



MARIETTA HOUSING AUTHORITY

95 Cole Street
Marietta, Georgia 30060
(770) 419-3208 fax: (770) 218-0871
www.mariettabhousingauthority.org



Commissioners
Ed Hammock, Chair
Fran Sutton, Vice Chair
J. Larry Stevens
Ruben Sands
Mitch Hunter

Raymond C. Buday, Jr.
Executive Director
and Secretary

March 16, 2011

William F. Bruton, Jr.
City Manager
City of Marietta
205 Lawrence Street
Marietta, GA 30060

Re: Request for inclusion of Henderson Arms property in Opportunity Zone Urban
Redevelopment Area

Dear Mr. Bruton:

As authorized by resolution adopted on March 9 by the MHA Board of Commissioners, this is to request that the necessary actions be taken to include the Henderson Arms property, located at 55 Henderson Street, in the Opportunity Zone Urban Redevelopment Area (OZURA). We ask that this proposed modification to the urban redevelopment area and plan be on the agenda for the next Council meeting.

It is our understanding that the OZURA is a qualified urban redevelopment area adopted by the City Council under title 36, chapter 61 of the Georgia code, following public hearing and other prerequisite findings. The proposal is for a modification authorized by OCGA § 36-61-7(e). Since the proposal is not a modification that "will substantially change the urban redevelopment plan as previously approved by the [City]," no additional public hearings or findings are necessary under that statute. It is sufficient that the Council approve the change.

The property includes parcels 16123001000, 16123000900, and 16123100240, as more particularly described in the attached legal descriptions (recorded at Book 5243, Page 171; Book 9345, Page 0539; and Book 9345, Page 0539, respectively) and shown on the attached GIS map. Inclusion of the property is highly appropriate. While no additional findings of blight or deterioration are necessary for a "modification," it is abundantly clear that this is redevelopment property under OCGA 36-61-7(a) and includable for sound redevelopment plan purposes. As stated in the MHA resolution: ". . . the Board of Commissioners of the Marietta Housing Authority has authorized an effort to finance substantial renovation of Henderson Arms, including installation of a fire sprinkler system, remediation of chronic moisture intrusion problems, and other important improvements . . ." The Board further found that ". . . without

such renovation, there is a danger that the property will suffer continued deterioration, with resultant harm to the residents, the neighbors, and the City of Marietta as a whole.”

Indeed, it is estimated that the renovation cost will top \$19 million. It is anticipated that the funding will be through Low Income Housing Tax Credits worth about \$9.9 million, an FHA loan of \$8.3 million, and a HOME loan from CDBG of about \$1 million. The result will be 164 high quality senior apartments, with 150 reserved for low-income seniors.

The property is legitimately includable in the OZURA. Such a determination would also be positively recognized in the scoring in the competitive process of obtaining the Low Income Housing Tax Credits from DCA. Accordingly, we ask your help in asking the Council to include this on the agenda as soon as possible and support the modification. As always, we stand ready to provide any needed additional information.

Thank you in advance for your assistance on this.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray B', with a long horizontal line extending to the right.

Raymond C. Buday
Executive Director

Enclosures

Cc: Mayor Thunder Tumlin
Brian Binzer
Doug Haynie
Pete Waldrep

HOUSING AUTHORITY OF THE CITY OF MARIETTA

RESOLUTION NO. 1312

**INCLUSION OF HENDERSON ARMS PARCELS
IN REDEVELOPMENT AREA**

WHEREAS, the Board of Commissioners of the Marietta Housing Authority has authorized an effort to finance substantial renovation of Henderson Arms, including installation of a fire sprinkler system, remediation of chronic moisture intrusion problems, and other important improvements; and

WHEREAS, without such renovation, there is a danger that the property will suffer continued deterioration, with resultant harm to the residents, the neighbors, and the City of Marietta as a whole; and

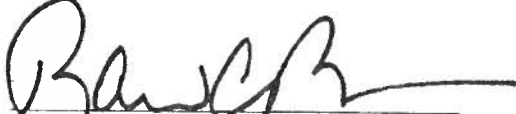
WHEREAS, substantial renovation of Henderson Arms is consistent with duly-adopted redevelopment plans of the City, including the City Center South Renaissance, City Center Perimeter, and the Opportunity Zones redevelopment areas, all of which abut or nearly abut the Henderson Arms parcels;

NOW THEREFORE, BE IT RESOLVED that the Executive Director is authorized to request that the City Council include, by amendment to the applicable redevelopment plan, the Henderson Arms parcels within the City Center South Renaissance, City Center Perimeter, or the Opportunity Zones redevelopment areas as deemed appropriate by the Executive Director and the City Council.

ADOPTED this 9th day of March, 2011.


Chairman

Attest:


Raymond C. Buday, Jr.



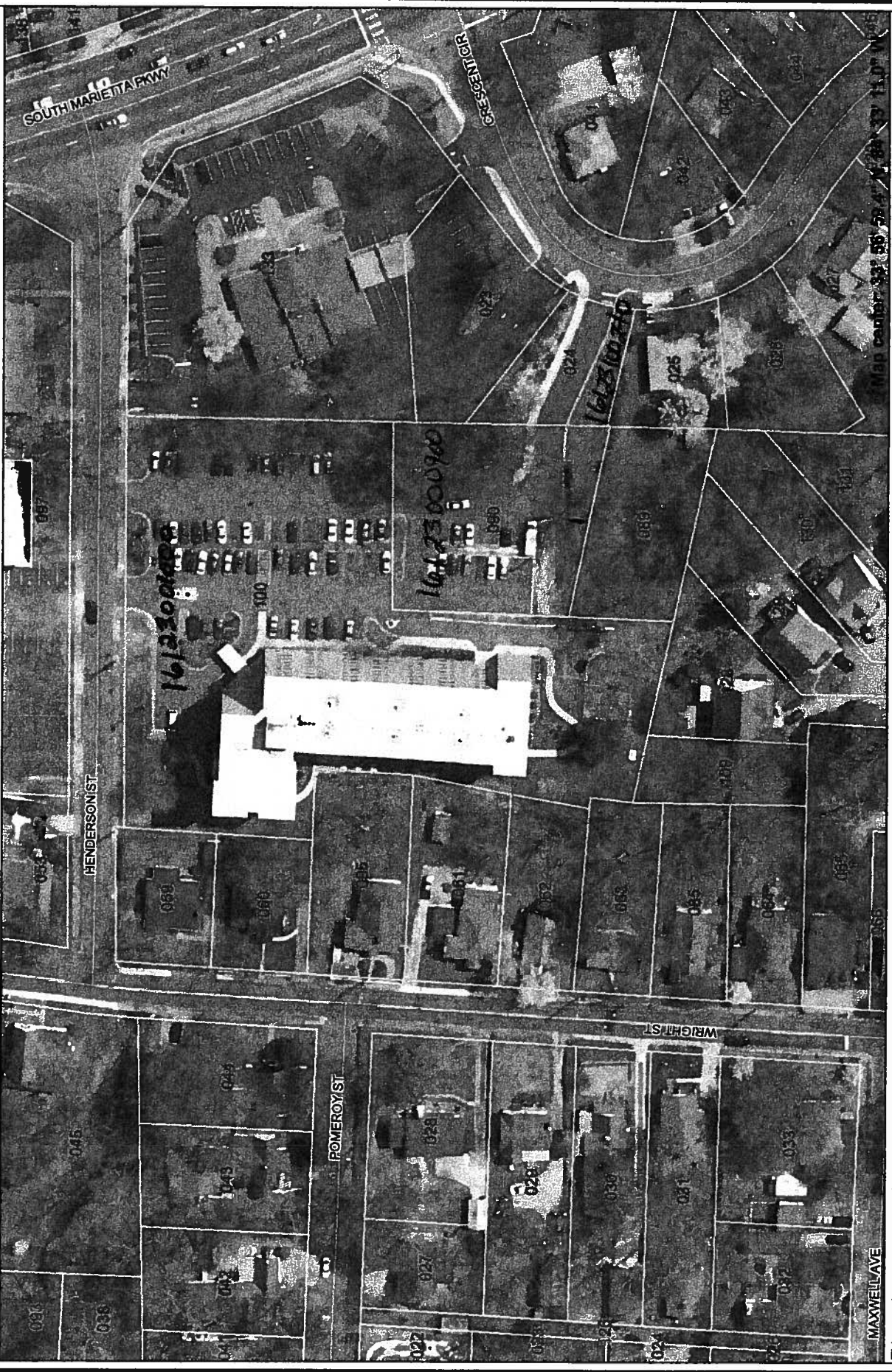
Official Opportunity
Zones for Marietta
and Urban Redevelopment
Plan Boundaries Zone 3





Cobb County Georgia
Online Mapping

Cobb County Online Mapping



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

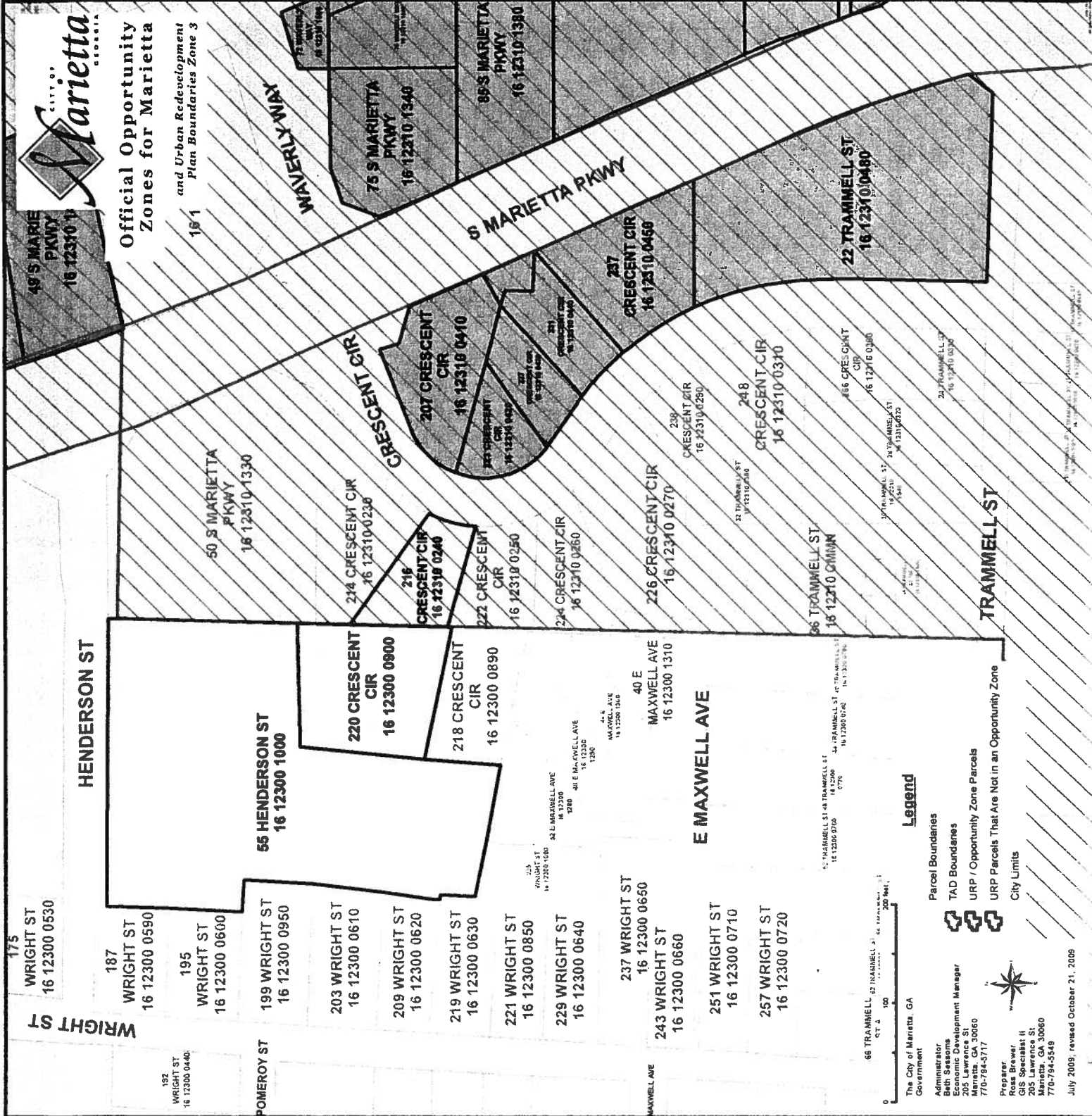


Scale: 1:1,198



Official Opportunity Zones for Marietta

and Urban Redevelopment Plan Boundaries Zone 3



Legend

- Parcel Boundaries
- TAD Boundaries
- URP / Opportunity Zone Parcels
- URP Parcels That Are Not in an Opportunity Zone
- City Limits



The City of Marietta, GA
Government

Administrator
Beth Sessions
Economic Development Manager
205 Lawrence St
Marietta, GA 30060
770-784-5717

Preparer
Rose Brewer
GIS Specialist II
205 Lawrence St
Marietta, GA 30060
770-784-5548

July 2009, revised October 21, 2009



TO: Mayor and Council

THROUGH: William F. Bruton, Jr., City Manager

FROM: Brian Binzer, Director, Development Services

A handwritten signature in black ink, appearing to read 'BDB', is written to the right of the 'FROM' line.

DATE: March 23, 2011

SUBJECT: Consideration of Modifying the Urban Redevelopment Plan to include Henderson Arms property

ISSUE: The City received a request from the Marietta Housing Authority (MHA) to modify the adopted Urban Redevelopment Plan to include the Henderson Arms property located off Crescent Circle, near South Marietta Parkway.

BACKGROUND: In July 2009, the Mayor and Council adopted an Urban Redevelopment Plan pursuant to the provision of the Urban Redevelopment Law O.C.G.A. Section 36-61-8. The plan was submitted to allow the City to apply for Opportunity Zone designation for the three identified areas listed in the Urban Redevelopment Plan. Opportunity Zones allow local governments which are undertaking redevelopment and revitalization efforts in older commercial and industrial areas to qualify for the State's maximum state job tax credit of \$3,500 per job. Qualified businesses that locate two or more jobs in these zones are able to take advantage of these tax credits.

The City received approval by the State Department of Community Affairs in November 2009 for three target areas as Opportunity Zones as shown in the Urban Redevelopment Plan map. Those areas are in effect for 10 years. One of the areas designated, Center City Zone 3, includes property adjacent to the Henderson Arms property. Under Georgia Code § 36-61-7 (e), the state allows for an update to the Urban Redevelopment Plan:

(e) An urban redevelopment plan may be modified at any time, provided that, if modified after the lease or sale by the municipality or county of real property in the urban redevelopment project area, such modification shall be subject to such rights at law or in equity as a lessee or purchaser or his successor or successors in interest

may be entitled to assert. Any proposed modification which will substantially change the urban redevelopment plan as previously approved by the local governing body shall be subject to the requirements of this Code section, including the requirement of a public hearing, before it may be approved.

The MHA is requesting the modification of the Urban Redevelopment Plan so as to be able to declare their property to be in an official redevelopment area (as recognized by the State). This declaration will assist in a tax credit application to help provide funds to rehabilitate the Henderson Arms property and bring it to modern standards. The request from the MHA is considered a minor change to the Urban Redevelopment Plan, and therefore would only require a resolution amending the map. The change would only amend the boundaries of the Urban Redevelopment Plan, but would not include the additional properties in the Opportunity Zone itself. This would not affect the Opportunity Zone program.

FUNDING: N/A

RECOMMENDATION: Adopt a resolution by Mayor and Council modifying the Urban Redevelopment Plan to include the Henderson Arms properties.