



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID: 2021-2523

Substitute

4/27/2021

Public Hearing: YES NO

Department: Chief Executive Office

SUBJECT:

Commission District(s): All Commission Districts

To Adopt a Resolution Approving an Amendment to the Agreement of Sale dated as of December 1, 2010 between the Urban Redevelopment Agency for DeKalb County, Georgia and DeKalb County, Georgia (the "2010 Agreement of Sale")

Information Contact: Zachary L. Williams, Chief Operating Officer and Executive Assistant

Phone Number: 404-371-2881

PURPOSE:

To Adopt a Resolution Approving an Amendment to the Agreement of Sale dated as of December 1, 2010 between the Urban Redevelopment Agency for DeKalb County, Georgia and DeKalb County, Georgia (the "2010 Agreement of Sale").

NEED/IMPACT:

Pursuant to the Urban Redevelopment Law (OCGA Section 36-61-1 *et seq.*) the Governing Authority approved the execution and delivery of the 2010 Agreement of Sale. The County staff recommends that the Governing Authority approve an amendment to the 2010 Agreement of Sale for purpose of modifying the definitions of "Project" and "Premises" therein by removing the current reference to a proposed police precinct in an area that is now located with the boundaries of the City of Chamblee and adding in its place the following urban redevelopment project: the acquisition, construction, installation, development and equipping of certain park and recreation facilities, including, but not limited to, a water splash pad, a playground, an outdoor classroom, a pavilion and a restroom facility, and the restoration of certain forested and ecological areas in the urban redevelopment area located on Bouldercrest Road in DeKalb County.

FISCAL IMPACT:

The cost of the new urban redevelopment project for the urban redevelopment area is expected to be paid for with the unspent proceeds of the Urban Redevelopment Agency of DeKalb County, Georgia Revenue Bonds (DeKalb County, Georgia Project) Series 2010 (Federally Taxable Recovery Zone Economic Development Bond).

RECOMMENDATION:

To approve the resolution and authorize the chief executive officer to execute all necessary documents.....

**RESOLUTION APPROVING EXECUTION AND DELIVERY OF AMENDMENT TO
AGREEMENT OF SALE**

WHEREAS, the Board of Commissioners of DeKalb County, Georgia (the “County”), in order to exercise the powers conferred upon the County by Chapter 61 of Title 36 of the Official Code of Georgia Annotated, entitled the “Urban Redevelopment Law,” as amended (the “Urban Redevelopment Law”), adopted a resolution on September 28, 2010 which resolution was approved by the Chief Executive Officer of the County, finding that one or more areas that fit the definition described in Section 36-61-2(18), Official Code of Georgia Annotated, exist in the County and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the County; and

WHEREAS, the Board of Commissioners of the County and the Chief Executive Officer of the County (collectively, the “Governing Authority”), by resolutions adopted on October 26, 2010 and April 27, 2021, respectively, designated the areas covered by the hereinafter defined Amended Urban Redevelopment Plan as “urban redevelopment areas,” which the Governing Authority designated as appropriate for urban redevelopment projects; and

WHEREAS, the Board of Commissioners of the County held a public hearing on October 26, 2010, on a proposed urban redevelopment plan entitled “DeKalb County Urban Redevelopment Plan” (the “2010 Urban Redevelopment Plan”), a copy of which is on file with the County; and

WHEREAS, public notice of such public hearing related to the 2010 Urban Redevelopment Plan was published in the Atlanta Journal-Constitution, a newspaper having a general circulation in the area of operation of the County, on October 21, 2010, and proof of such publication is on file with the County; and

WHEREAS, the Board of Commissioners of the County held a public hearing on April 27, 2021, on a proposed amendment to the 2010 Urban Redevelopment Plan entitled “First Amendment to 2010 Urban Redevelopment Plan” (the “First Amendment to 2010 Urban Redevelopment Plan” and together with the 2010 Urban Redevelopment Plan, the “Amended Urban Redevelopment Plan”), a copy of which is on file with the County, for the purpose of removing the acquisition and construction of a police precinct and adding the acquisition, construction, installation, development and equipping of certain park and recreation facilities; and

WHEREAS, public notice of such public hearing related to the First Amendment to 2010 Urban Redevelopment Plan was published in The Champion Newspaper, a newspaper having a general circulation in the area of operation of the County, on April 8, 2021 and April 15, 2021, and proof of such publication is on file with the County; and

WHEREAS, the Governing Authority, by resolution adopted on October 26, 2010, approved the 2010 Urban Redevelopment Plan and the urban redevelopment projects set forth therein, and the Governing Authority, by resolution adopted on April 27, 2021, approved the First Amendment to 2010 Urban Redevelopment Plan and the urban redevelopment project set forth therein; and

WHEREAS, on December 10, 2010, the Urban Redevelopment Agency of DeKalb County (the “Issuer”) issued its Revenue Bond (DeKalb County, Georgia Project), Series 2010 (Federally Taxable Recovery Zone Economic Development Bond) in the aggregate principal amount of \$7,945,000 (the “Series 2010 Bond”), for the purpose of obtaining funds to finance the costs of acquiring, constructing, renovating and installing the urban redevelopment projects described in the 2010 Urban Redevelopment Plan (the “Project”), and to finance related costs; and

WHEREAS, the Issuer sold the Project to the County pursuant to an Agreement of Sale dated as of December 1, 2010 (the “Contract”) pursuant to which the County (1) agreed to make installment payments of purchase price to the Issuer in amounts sufficient to enable the Issuer to pay the principal of and interest on the Series 2010 Bond when due, and (2) agreed to levy an annual ad valorem tax on all taxable property located within the territorial limits of the County, at such rates, without limitation as to rate or amount, as may be necessary to produce in each year revenues that are sufficient to fulfill the County’s obligations under the Contract; and

WHEREAS, the Issuer sold the Series 2010 Bond to Bank of America, N.A. (the “Bond Buyer”); and

WHEREAS, the Issuer and the County desire to amend the Contract pursuant to the terms of a First Amendment to Agreement of Sale (the “First Amendment to Contract”) for the purpose of modifying the definition of “Project” to remove the acquisition and construction of a police precinct and add the acquisition, construction, installation, development and equipping of certain park and recreation facilities;

WHEREAS, after careful study and investigation, the County desires to enter into the First Amendment to Contract, provided that the First Amendment to Contract will not become effective unless and until the Issuer and the County receive a written consent to the execution and delivery of the First Amendment to Contract from the Bond Buyer;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of DeKalb County and the Chief Executive Officer of the County, that all statements, findings, and recitations set forth in the above and foregoing preambles are hereby determined and declared to be true and correct and as follows:

1. The form, terms, and conditions and the execution, delivery, and performance of the First Amendment to Contract, which has been filed with the County, are hereby approved and authorized. The First Amendment to Contract shall be in substantially the form submitted to the Governing Authority with such changes, corrections, deletions, insertions, variations, additions, or omissions as may be approved by the Presiding Officer of the Board of Commissioners of the County, the Chief Executive Officer of the County, the Director of Finance of the County and Bond Counsel.

2. The Chief Executive Officer of the County is hereby authorized and directed to execute on behalf of the County the First Amendment to Contract, and the Clerk to the Board of Commissioners and the Chief Executive Officer of the County is hereby authorized and directed to affix thereto and attest the seal of the County, upon proper execution and delivery of the other parties thereto, provided, that in no event shall any such attestation or affixation of the seal of the County be required as a prerequisite to the effectiveness thereof, and the Chief Executive Officer and Clerk to the Board of Commissioners and the Chief Executive Officer of the County are authorized and directed to deliver the First Amendment to Contract on behalf of the County to the other parties thereto, and to execute and deliver all such other contracts, agreements, instruments, documents, affidavits, or certificates and to do and perform all such things and acts as each shall deem necessary or appropriate in the carrying out of the transactions authorized by this Resolution or contemplated by the instruments and documents referred to in this Resolution.

3. This Resolution and the First Amendment to Contract, as approved by this Resolution, which is hereby incorporated in this Resolution by this reference thereto, shall be placed on file at the office of the County and made available for public inspection by any interested party immediately following the passage and approval of this Resolution.

ADOPTED by the Board of Commissioners of DeKalb County, Georgia , this 27th day of April 2021.

Stephen R. Bradshaw
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, Georgia, this 27th day of April, 2021.

Michael L. Thurmond
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

Barbara H. Sanders-Norwood, CCC, CMC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

Zachary L. Williams
Executive Assistant and Chief Operating Officer

APPROVED AS TO FORM:

Viviane H. Ernstes
County Attorney

CLERK'S CERTIFICATE

I, Barbara H. Sanders-Norwood, the duly appointed, qualified, and acting Clerk to the Board of Commissioners and the Chief Executive Officer of DeKalb County, Georgia (the "County"), DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted on April 27, 2021 by the Board of Commissioners of the County in a meeting duly called and assembled in accordance with applicable laws and with the procedures of the County, by a vote of ____ Yea and ____ Nay, which meeting was open to the public and at which a quorum was present and acting throughout, and that the original of the foregoing resolution appears of public record in the Minute Book of the County, which is in my custody and control.

GIVEN under my hand and the seal of the County, this ____ day of _____ 2021.

(SEAL)

Clerk, Board of Commissioners of DeKalb County