

A RESOLUTION

BY: COUNCIL MEMBERS MARY NORWOOD AND MICHAEL JULIAN BOND

A RESOLUTION TO AUTHORIZE A SUPPLEMENTAL COOPERATION AGREEMENT WITH THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT AND TO PRESERVE THE POWERS GRANTED BY THE RESOLUTION CREATING AND ACTIVATING THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT, AS AMENDED; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Community Improvement District Act, 1991 Ga. L 3653, as amended, (the "Atlanta CID Act") provides for the creation of community improvement districts in the City of Atlanta to provide, accelerate, supplement, or enhance certain governmental services and facilities as may be provided in the resolution activating each district, or any supplemental resolution amending same; and

WHEREAS, by resolution designated "95-R-1374" which was duly adopted by the City Council on September 18, 1995, and approved by the Mayor on September 24, 1995, the City activated and consented to the creation of the Downtown Atlanta Community Improvement District (the "District") for the provision and/or enhancement of certain governmental services and facilities; and

WHEREAS, as authorized by 95-R-1374, the Mayor of the City of Atlanta entered into a cooperation agreement with the District and with Atlanta Downtown Improvement District, Inc. (the "Corporation") to allow for the provision and/or enhancement of certain governmental services and facilities, as more particularly described therein, within the geographic boundaries of the District; and

WHEREAS, by a resolution designated "02-R-2041" which was duly adopted by the City Council on February 18, 2002, and approved by the Mayor on March 2, 2002, the Mayor was authorized to enter into an amended cooperation agreement with the District's Governing Board and with the Corporation to provide for the provision, acceleration, supplementation, or enhancement of all such governmental services and facilities in the geographic area served by the District as authorized by 95-R-1374 activating and creating the District and as amended by 02-R-2041 for the provision and/or enhancement of certain governmental services and facilities; and

WHEREAS, by an amendment to the City Code, there has been created the Downtown Arts and Entertainment District, which is within the geographic boundaries of the District, and which has been found to be necessary and useful for the public purpose of expanding the economic base of the City, by providing additional employment opportunities and additional revenues to the City and the region by making the area of the Downtown Arts and Entertainment District more attractive in ways that can increase tourism and conventions and assist in the development of specific plans that will allow for large scale sporting events, major conventions, and qualifying activities at major entertainment venues to consider the City when choosing their sites; and

WHEREAS, if the power to create and manage initiatives in the Downtown Arts and Entertainment District will cause Atlanta to be considered as a destination for large scale sporting events, major conventions, and activities at major entertainment venues, is granted by resolution of the City Council to the Board and the Corporation as set forth in the Atlanta CID Act, such activities will be to best advantage of the City, the District and public purposes thereof; and

WHEREAS, if the power to create and manage initiatives in the Downtown Arts and Entertainment District will attract workers, residents and visitors to active public spaces and gathering places and create a pedestrian friendly environment, is granted by resolution of the City Council to the Board and the Corporation as set forth in the Atlanta CID Act, such activities will be to best advantage of the City, the District and public purposes thereof; and

WHEREAS, if the power to create and manage initiatives in the Downtown Arts and Entertainment District will enhance the pedestrian environment through the establishment of unique streetscape design guidelines providing additional signage opportunities, is granted by resolution of the City Council to the Board and the Corporation as set forth in the Atlanta CID Act, such activities will be to best advantage of the City, the District and public purposes thereof; and

WHEREAS, if the power to create and manage initiatives in the Downtown Arts and Entertainment District will provide a framework area for regulatory controls and incentives that may be adopted to particular events which relate to this geographic area and to provide for public needs, convenience and general welfare as the impact of the event on such area necessitates, is granted by resolution of the City Council to the Board and the Corporation as set forth in the Atlanta CID Act, such activities will be to best advantage of the City, the District and public purposes thereof; and

WHEREAS, by this supplemental resolution, the Mayor of the City of Atlanta will be authorized to enter into a Supplemental Cooperation Agreement concerning the Downtown Arts and Entertainment District with the District and with the Corporation to encourage and promote the development of the Arts and Entertainment District as well as the District as a whole in accord with certain plans and proposals for the District, as more particularly described therein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atlanta, Georgia that the resolution activating and creating the Downtown Atlanta Community Improvement District (95-R-1374) as amended by 02-R-2041 or any other resolution, to provide for the provision, acceleration, supplementation, or enhancement of any additional governmental services and facilities in the geographic area served by the District as are now permitted under the Atlanta CID Act or as may be permitted by future amendments to the Atlanta CID Act, more particularly described therein, are intended to be preserved to their fullest extent.

BE IT FURTHER RESOLVED THAT the powers of the Board of the Downtown Atlanta Community Improvement District which are granted by and drawn from the Atlanta CID Act, are deemed necessary and convenient to carry out and effectuate the purposes and provisions of the Atlanta CID Act and may be exercised in connection with the Downtown Arts and Entertainment District as provided in the Supplemental Cooperation Agreement attached hereto in substantial form as Exhibit "A".

BE IT FURTHER RESOLVED THAT the powers of the Board of the Downtown Atlanta Community Improvement District to use any real property, personal property, or fixtures or any interest therein, or to rent or lease such property to or from others or make contracts with the respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property, to operate or contract for operation of facilities and other improvements in any manner as it deems to be to the best advantage of the District and public purposes thereof, which are granted by and drawn from the Atlanta CID Act, are deemed necessary and convenient to carry out and effectuate the purposes and provisions of the Atlanta CID Act, without limitation of any general grant of power thereunder, and may be exercised in connection with the Downtown Arts and Entertainment District as provided in the Supplemental Cooperation Agreement attached hereto in substantial form as Exhibit "A" and shall include the power to seek permits from the City of Atlanta in any manner provided by the City Code with respect to such property.

BE IT FURTHER RESOLVED THAT the powers of the Board of the Downtown Atlanta Community Improvement District to encourage and promote the improvement and development of the Downtown Improvement District and to make contract for, or otherwise cause to be made long range plans or proposals for the District in cooperation with the City of Atlanta, which are granted by and drawn from the Atlanta CID Act, are deemed necessary and convenient to carry out and effectuate the purposes and provisions of the Atlanta CID Act without limitation of any general grant of power thereunder and may be exercised in connection with the Downtown Arts and Entertainment District as provided in the Supplemental Cooperation Agreement attached hereto as Exhibit "A"

BE IT FURTHER RESOLVED THAT the Mayor be and is hereby authorized to enter into the Supplemental Cooperation Agreement attached hereto in substantial form as Exhibit "A" (provided however, that such changes as approved by the City Attorney as consistent with the intent of this resolution shall be allowed) with the District's Governing Board and with the Corporation without changing or limiting any other cooperation agreement to provide for the provision, acceleration, supplementation, or enhancement of any type governmental services and facilities in the geographic area served by the District as authorized by 95-R-1374 activating and creating the District as amended by 02-R-2041 or any other resolution.

BE IT FURTHER RESOLVED THAT the Supplemental Cooperation Agreement shall expire upon the dissolution of the District as provided by law.

Exhibit "A"

SUPPLEMENTAL COOPERATION AGREEMENT

This Supplement Cooperation Agreement (the "Agreement") is made and entered into this _____ of _____, 2016 by and between the CITY OF ATLANTA, a municipal corporation of the State of Georgia (the "City"), the governing board (the "Board") of the DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT, a public body corporate and politic created under the laws of the State of Georgia ("District"), and the ATLANTA DOWNTOWN IMPROVEMENT DISTRICT, INC. (the "Corporation").

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

WHEREAS, a community improvement district provides a means to supplement and enhance governmental services and facilities in certain areas within the City, and

WHEREAS, a majority of the owners of real property, used for nonresidential purposes within a specified geographic area in downtown Atlanta, have consented in writing to the creation of a community improvement district known as the Downtown Atlanta Community Improvement District (the "District") with boundaries as shown on the map attached to the resolution activating and creating the same as it may have been from time to time amended which is hereto incorporated by reference and agreed to by the parties as sufficiently definite that such incorporation by reference shall not affect the enforceability of this Agreement; and

WHEREAS, the owners of real property within the District, which constitutes at least seventy-five percent (75%) by value of all real property within said District, which will be subject to taxes, fees, and assessments levied by the Board, according to the most recent approved County ad valorem tax digest (the "Owners"), have consented in writing to the creation of a District; and

WHEREAS, the Owners have formed a non-profit corporation known as the Atlanta Downtown Improvement District, Inc. (the "Corporation") to implement and discharge the purposes of the District; and

WHEREAS, the Local Act requires that the services and facilities to be furnished within the District shall be provided for in a Cooperation Agreement executed jointly by the Board and the City; and

WHEREAS, in addition that Cooperation Agreement which effectuated the organization and operation of the District in accordance with the Local Act, the City and the Board desire to enter into a supplemental cooperation agreement for a specific purpose as approved by a resolution of the governing authority and which will be adopted by the Board and submitted to the Mayor before becoming effective.

NOW, THEREFORE, in consideration of the mutual covenants and benefits flowing to the parties, the City, the Board, and the Corporation 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 the provision of governmental services and over any of its facilities located within the District.

2. All parties acknowledge that under a prior Cooperation Agreement which is still in effect and which shall not be affected by the this Agreement that the District is authorized to exercise its powers to enhance the maintenance and use of streets, sidewalks, parks, plazas, recreational areas and facilities, public transportation facilities, parking facilities, and similar areas within the Downtown Atlanta Community Improvement District by providing, fostering, and promoting the perception and reality of a safe and clean environment through program activities intended to increase the safety and cleanliness thereof.

3. All parties acknowledge and agree that by an amendment to the City Code, there has been created the Downtown Arts and Entertainment District (the "Ordinance"), which is within the geographic boundaries of the District, and which has been found to be necessary and useful for the public purpose of expanding the economic base of the City, by providing additional employment opportunities and additional revenues to the City and the region by making the area of the Downtown Arts and Entertainment District more attractive in ways that can increase tourism and conventions and assist in the development of specific plans that will allow for large scale sporting events, major conventions, and activities at major entertainment venues to consider the City when choosing their sites.

4. All parties acknowledge and agree that if the District will create and manage initiatives in the Downtown Arts and Entertainment District as allowed by the Ordinance and other parts of the City Code that will cause Atlanta to be considered as a destination for large scale sporting events, major conventions, and activities at major entertainment venues, as granted by resolution of the City Council to the Board and the Corporation as set forth in the Atlanta CID Act, such activities will be to best advantage of the City, the District and public purposes thereof.

5. All parties acknowledge and agree that those acts permitted by the Ordinance and other parts of the City Code relating to activities within the geographic boundaries of the Downtown Arts and Entertainment District which can be managed by the District and the Corporation should be governed by this Supplemental Cooperation Agreement in order to specify for the governing authority the extent of the initiatives in the Downtown Arts and Entertainment District that will be undertaken.

6. All parties acknowledge and agree that initiatives in the Downtown Arts and Entertainment District that will enhance the pedestrian environment through the establishment of unique streetscape design and additional signage opportunities such activities will be to best advantage of the City, the District and public purposes thereof.

7. The City wishes to allow the District and the Corporation to create and manage initiatives in the Downtown Arts and Entertainment District through the powers granted to the Board of the District and the Corporation to use any real property, personal property, or fixtures or any interest therein, or to rent or lease such property to or from others or make contracts with the respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant

options for any such property, to operate or contract for operation of facilities and other improvements in any manner as it deems to be to the best advantage of the District and public purposes thereof, which are granted by and drawn from the Atlanta CID Act, are deemed necessary and convenient to carry out and effectuate the purposes and provisions of the Atlanta CID Act, without limitation of any general grant of power thereunder.

8. The District and the Corporation agree to create and manage initiatives in the Downtown Arts and Entertainment District specifically related to the erection and display of supplemental signage allowed by 16-28A.010 (53) Downtown Arts and Entertainment District Sign Overlay Regulations ("Supplemental Signage") which shall include, without limitation, the following task:

- (a) negotiate with property owners or their agents as to whether Supplemental Signage proposed to be erected in the Downtown Arts and Entertainment District meets the criteria of the Sign Plan and furthers the purposes for which the District was created;
- (b) enter into agreements with property owners or their agents with regard to such Supplemental Signage specifically regarding the availability of the signage for exclusive use by the sponsors of large scale sporting events, major conventions, and activities at major entertainment venues;
- (c) enter into agreements with property owners or their agents for the use of a portion of the revenues earned from Supplemental Signage to support arts and cultural activities in the Arts and Entertainment District;
- (d) submit permit applications for Supplemental Signage to the City after entering into agreements which contain terms that will cause such signage to be operated in a manner that is in the best interests of the District and the City and meets the criteria of the Sign Plan and furthers the purposes for which the District was created;
- (e) enforce the agreements reached with property owners or their agents as to Supplemental Signage erected in the Downtown Arts and Entertainment District under permits held by the District.

9. The District and the Corporation agree to create and manage initiatives in the Downtown Arts and Entertainment District specifically related to cultural programming and display of art in a manner which will be to best advantage of the City, the District and public purposes thereof.

10. This Agreement shall expire upon the dissolution of the District as provided by law. This Agreement shall not be modified except by formal written action of all parties, provided however that no term set forth herein shall prevent the City from modifying the Ordinances under which the Supplemental Cooperation Agreement was created.

**THE BOARD OF DIRECTORS OF THE
ATLANTA DOWNTOWN COMMUNITY
IMPROVEMENT DISTRICT**

CITY OF ATLANTA

BY: _____
Chairman of the Board

By: _____
Mayor of the City of Atlanta

**ATLANTA DOWNTOWN
IMPROVEMENT DISTRICT, INC.**

(OFFICIAL SEAL)

By: _____
President

By: _____
City Clerk

Approved as to Form

By: _____
City Attorney

(Do Not Write Above This Line)

A RESOLUTION

**BY COUNCIL MEMBERS
MARY NORWOOD AND
MICHAEL JULIAN BOND**

**A RESOLUTION TO AUTHORIZE A
SUPPLEMENTAL COOPERATION
AGREEMENT WITH THE DOWNTOWN
ATLANTA COMMUNITY IMPROVEMENT
DISTRICT AND TO PRESERVE THE
POWERS GRANTED BY THE RESOLUTION
CREATING AND ACTIVATING THE
DOWNTOWN ATLANTA COMMUNITY
IMPROVEMENT DISTRICT; AND FOR
OTHER PURPOSES.**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1ST ADOPT 2ND READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____

Chair _____
Referred To _____

Committee

Date _____

Chair _____

Action
Fav. Adv. Hold (See rev side)
Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Action
Fav. Adv. Hold (See rev side)
Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Action
Fav. Adv. Hold (See rev side)
Other _____

Members _____

Refer To _____

Committee

Date _____

Chair _____

Action
Fav. Adv. Hold (See rev side)
Other _____

Members _____

Refer To _____

- 2ND **FINAL COUNCIL ACTION** 3RD
- 1ST & 2ND Readings

- Consent
- V Vote
- RC Vote

CERTIFIED

MAYOR'S ACTION