

RESOLUTION NO. BR2022-16

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BLUE RIDGE, STATE OF GEORGIA, TO AMEND RESOLUTION NO. BR 2018-12-11, BY WHICH THE CITY OF BLUE RIDGE CREATED THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE CITY OF BLUE RIDGE, GEORGIA (“DDA”), TO RESTATE AND CLARIFY THE POWERS AND DUTIES CONFERRED UPON THE DDA

WHEREAS, by virtue of Resolution No. BR 2018-12-11, the City Council of the City of Blue Ridge, Georgia, created the Downtown Development Authority of the City of Blue Ridge, Georgia (“DDA”) pursuant to O.C.G.A. § 36-42-1 *et seq.*; and

WHEREAS, Section 8 of Resolution No. BR 2018-12-11 confers certain powers and duties on the DDA; and

WHEREAS, the Mayor and City Council wish to amend Resolution No. BR 2018-12-11 to restate and clarify the powers and duties conferred upon the DDA.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Blue Ridge do hereby amend Resolution No. BR 2018-12-11 as follows:

...

Powers and Duties

8.

Subject to the terms and conditions set forth in this Resolution, the DDA shall have all of the powers necessary or convenient to carry out and effectuate the purposes of O.C.G.A. § 36-42-1 *et seq.* and without limiting the generality of the foregoing, the power: (1) To bring and defend actions; (2) To adopt and amend a corporate seal; (3) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, contracts with respect to the use of projects, and agreements to join or cooperate with an urban residential finance authority, created by the City of Blue Ridge within the DDA

Area is located pursuant to the provisions of applicable provisions of Georgia law, in the exercise, either jointly or otherwise, of any or all of its powers for the purpose of financing, including the issuance of revenue bonds, notes, or other obligations of the DDA, planning, undertaking, owning, constructing, operating, or contracting with respect to any projects located within the DDA Area, for projects under subparagraph (B) of paragraph (6) of Code Section 36-42-3, within the territorial boundaries of the City of Blue Ridge, Georgia; (4) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purpose of the DDA; (5) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds, notes, or other obligations of the authority or any other funds of the authority, or from any contributions or loans by persons, corporations, partnerships (whether limited or general), or other entities, all of which the DDA is authorized to receive, accept, and use; (6) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to borrow money to further or carry out its public purpose and to execute revenue bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its revenue bonds, notes, or other obligations, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the DDA, to evidence and to provide security for such borrowing; (7) With the advance approval of the City Council of the City of Blue Ridge,

Georgia, to issue revenue bonds, notes, or other obligations of the DDA and use the proceeds thereof for the purpose of paying, or loaning the proceeds thereof to pay, all or any part of the cost of any project and otherwise to further or carry out the public purpose of the DDA and to pay all costs of the DDA incidental to, or necessary and appropriate to, furthering or carrying out such purpose; (8) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the DDA's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source; (9) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the DDA; (10) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation or county of this state for the use by the authority of any facilities or services of the state or any such state institution, municipal corporation, or county, or for the use by any state institution or any municipal corporation or county of any facilities or services of the DDA, provided that such contracts shall deal with such activities and transactions as the DDA and any such political subdivision with which the DDA contracts are authorized by law to undertake; (11) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to extend credit or make loans to any person, corporation, partnership (whether limited or general), or other entity for the costs of any project or any part of the costs of any project, which credit or loans may be

evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or charges, upon such terms and conditions as the DDA shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds; and, in the exercise of powers granted by this chapter in connection with any project, the DDA shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument of such provisions or requirements for guaranty of any obligations, insurance, construction, use, operation, maintenance, and financing of a project, and such other terms and conditions, as the DDA may deem necessary or desirable; (12) As security for repayment of any revenue bonds, notes, or other obligations of the authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority (including, but not limited to, real property, fixtures, personal property, and revenues or other funds) and to execute any lease, trust indenture, trust agreement, agreement for the sale of the DDA's revenue bonds, notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the authority, to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the DDA, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument. The State of Georgia, on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein, waives any right it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the

forced sale or foreclosure of any property of the DDA upon such default and agrees that any agreement or instrument encumbering such property may be foreclosed in accordance with law and the terms thereof, (13) To receive and use the proceeds of any tax levied by a the City of Blue Ridge to pay the costs of any project or for any other purpose for which the DDA may use its own funds, provided, subject to the following limitations: a) expenditures less than \$500 or training costs shall be approved by the City Administrator b) any expenditure that exceeds \$500.00 shall require the advance approval of the City Council of the City of Blue Ridge, Georgia; (14) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts; (15) With the advance approval of the City Council of the City of Blue Ridge, Georgia, 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 respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to the best advantage of the DDA and the public purpose thereof; (16) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to acquire, accept, or retain equitable interests, security interests, or other interests in any real property, personal property, or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer in order to secure the repayment of any moneys loaned or credit extended by the DDA; (17) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses; (18) To encourage and promote the improvement and revitalization of the DDA Area and, with the advance approval of the City Council of the City of

Blue Ridge, Georgia, to make, contract for, or otherwise cause to be made long-range plans or proposals for the DDA Area in cooperation with the City of Blue Ridge, Georgia; (19) Except as otherwise limited herein, to exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purpose of the DDA; (20) Except as otherwise limited herein, to do all things necessary or convenient to carry out the powers conferred by O.C.G.A. § 36-42-1 et seq.; (21) To serve as an urban redevelopment agency pursuant to Georgia law; (22) With the advance approval of the City Council of the City of Blue Ridge, Georgia, to contract with a municipal corporation to carry out supplemental services in a city business improvement district established pursuant to O.C.G.A. § 36-43-1 et seq.; and (24) To serve as a redevelopment agency pursuant to O.C.G.A. § 36-44-1 et seq. See O.C.G.A. § 36-42-8.

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ADOPTED this 17th day of May, 2022.

MAYOR AND CITY COUNCIL OF BLUE RIDGE



Mayor, City of Blue Ridge



Clerk, City of Blue Ridge

