

CITY OF ASHBURN



SOUTHWEST ASHBURN 2018

URBAN REDEVELOPMENT PLAN

Adopted February 1, 2018



Prepared by the Southern Georgia Regional Commission

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Introduction

In late 2017, a technical assistance request was submitted to the Southern Georgia Regional Commission by the City of Ashburn to prepare an Urban Redevelopment Plan (URP) for the Southwest Ashburn area in accordance with the Georgia Urban Redevelopment Act (O.C.G.A. 36-61-1 et. seq.).

An Urban Redevelopment Plan is the first step towards revitalizing certain areas in the designated Urban Redevelopment Area (URA) on the southwest side of the City of Ashburn. The URP contains elements vital to the effective redevelopment of the Urban Redevelopment Area (URA), as outlined by the Department of Community Affairs:

- Statement that the URP is consistent with the city's comprehensive plan.
- Clearly defined boundaries of the redevelopment area (need not be contiguous).
- Explanation of negative conditions in the area necessitating redevelopment.
- The city's land use objectives for the area (types of uses, building requirements, zoning changes, and development densities).
- Description of land parcels to be acquired and structures to be demolished or rehabilitated.
- A workable plan for leveraging private resources to redevelop the area.
- A strategy for relocating any displaced residents.
- Any covenants or restrictions to be placed on properties in the redevelopment area in order to implement the plan.
- Public infrastructure to be provided – transportation, water, sewer, sidewalks, lighting, streetscapes, public recreational space, parking, etc. to support redevelopment of the area.
- A workable financial strategy for implementing the plan.

Background

The Southwest Ashburn Urban Redevelopment Area is a 108-acre area on the south side of the City of Ashburn, bounded by Martin Luther King Jr. Drive to the north; South Main Street to the east; West Williams Avenue and Essa Street to the south; and Story Street, Akin Avenue, and Lee Street to the west. The vast majority (96.3 percent) of the structures in the neighborhood are residential. Much of the area was developed in the early 1980s, with single-family homes that are now showing their age due to lack of maintenance. Several older homes dating to the early 20th century also remain in the area. A large portion (37.7 percent) of the structures in the area are manufactured homes.

The URA contains some of the poorest areas in the City, with the overall poverty rate estimated at slightly above 46 percent. (Since poverty rates are reported by Census Block Group and the URA boundary does not correspond exactly to Block Group boundaries, it is not possible to determine exact poverty rate within the URA boundary.) The area is minority-majority, with the minority population being estimated at 100% for Census Tract 9702, Block Group 4, which contains most of the URA. Infrastructure throughout the area is in need of repair. Water mains, sewer mains, and storm sewers are all severely antiquated. Roads, sidewalks, and curbs are in disrepair in many locations. There is a large amount of substandard housing in the area, as well dilapidated buildings, overgrown vacant lots, trash piles, and abandoned properties.

In late 2017, a survey of all the houses and parcels within the Urban Redevelopment Area was performed, noting the land use and housing conditions. This survey was enhanced and validated by comparison of tax information and property ownership as derived from the Turner County Tax Assessor database, the Zoning database, and other GIS data layers available through the Southern Georgia Regional Commission's GIS Department. The overall goal of this survey was to identify blocks of land conducive to redevelopment and houses eligible for rehabilitation. The windshield survey provides a basis for understanding the overall property condition in the neighborhood, and consequently for identifying future development and redevelopment opportunities. In addition, it provides the legal framework for confirming the study area as containing "slum and blight" as defined by the official State of Georgia Urban Redevelopment Act.

SGRC staff evaluated dwellings in the target area using "windshield" survey techniques. This was done by traveling through the community and observing and documenting housing and lot conditions. First, the current use of the property was documented. The types of property use identified were: vacant lot, single family residential, multi-family residential, commercial, and industrial. The construction type (manufactured or site built) of each building on each property was also noted. Next, the overall condition of the property was noted, using the following definitions:

- (V) Vacant – no building or improvement upon property and/or undeveloped land
- (1) Standard – building is in good, stable condition
- (2) Deteriorated – building is in need of maintenance and/or minor repairs
- (3) Dilapidated – building is in need of major repairs and/or structurally unstable

Finally, any unusual elements or features were noted. This survey method is designed to quickly gather as much information as possible. It is by no means a thorough building condition report, but serves as a starting point to identify properties needing immediate attention, or those that offer opportunities for infill development. The properties inventoried are those identified by the City of Ashburn for inclusion in the first phase of the redevelopment initiative. Additional inventories may be conducted as the redevelopment program progresses and evolves.

Using appropriate private and public resources, the objectives of this Urban Redevelopment Plan are to:

- Revitalize blighted, deteriorating areas within the Urban Redevelopment Area
- Support nuisance ordinances in order to reduce litter and crime
- Support a Revitalization Area Strategy for the City of Ashburn
- Expand the City of Ashburn's access to CDBG funding
- Encourage appropriate infill development
- Facilitate affordable housing
- Allow for sidewalks, safer streets, and pedestrian and bicycle accessibility
- Allow for creative financing and grant opportunities for infrastructure
- Clean up environmental hazards and enable the reuse of brownfields
- Adaptively reuse vacant and disused facilities

In addition, the City's future land use goals were examined to ensure compliance of this Urban Redevelopment Plan with existing regulations and the joint Turner County and Cities of Ashburn, Rebecca, and Sycamore Comprehensive Plan. Public input on the Urban Redevelopment Plan was solicited in order that any comments and/or recommendations might be incorporated into it. Finally, once the City Council

completed a review of the Urban Redevelopment Plan, they formally adopted it and began implementation of the revitalization strategy.

I. The Urban Redevelopment Act

The Urban Redevelopment Act (O.C.G.A. 36-61-1 et. seq.) was adopted in 1955 by the Georgia General Assembly. The 1950s were a period when many Federal resources were focused on improving living conditions and addressing poverty and blight in American cities. Most states, including Georgia, created state enabling legislation to access Federal Housing and Urban Renewal funds. Much has changed since O.C.G.A. 36-61-1 was adopted. Less Federal funding is now available for community redevelopment, and over the last six decades many lessons have been learned about the economics of adaptive reuse and historic preservation, the creation of livable communities, and the positive and negative social impacts of physical design. Still, for Georgia cities and counties embarking on community revitalization projects, the Urban Redevelopment Act remains the most powerful, flexible, and easy to use legislative tool governing the use of eminent domain and bond financing to support successful public/private revitalization partnerships.

The Urban Redevelopment Act (the “Law”) gives cities and counties in Georgia specific powers to rehabilitate, conserve, or redevelop any defined geographical area that is designated as a “slum area.” As a prerequisite to exercising these powers, the County or City Council must adopt a resolution finding that the area constitutes a “slum area” as defined by the Law and that redevelopment of the area is “necessary in the interest of the public health, safety, morals, or welfare” of the residents of the jurisdiction. In addition to designating by resolution an “urban redevelopment area” appropriate for redevelopment projects, the Law requires adoption by the local government of an urban redevelopment plan for the target area.

The word “urban” in the title is actually misleading, since the Law is applicable to, and can be especially useful in, very small rural communities and even suburban settings. In fact, rural counties were among the first governments to use the Law for the purpose of rehabilitation of deteriorating neighborhoods or increasing their supply of affordable housing. Unfortunately, there is no comprehensive record of how many urban redevelopment plans have been implemented using this statute, since the law does not require local governments using the Urban Redevelopment Act to report to or seek approval from a state agency.

Another factor that has reduced the use of this Law is that it is easily confused with the similarly titled Urban Redevelopment Powers Act (O.C.G.A. 36-44-1), which authorizes tax allocation districts. Although both laws have community development as their goals, the Urban Redevelopment Powers Act is more procedurally complex, more difficult to implement, and has a much narrower focus and applicability.

Today, with suburban sprawl impinging on an ever-shrinking supply of undeveloped land, the pendulum of public policy and county planning theory have swung away from the separation of land uses that characterized the zoning ordinances of the 1970’s and 1980’s. Land use patterns based primarily on accommodating automobiles are now being retrofitted successfully with denser, more pedestrian-oriented and use-integrated development modeled on the layout and aesthetic components that make the historic cores of Georgia’s cities so livable. Neo-traditional development principles (often labeled “smart growth”) include: traditional gridded street patterns, smaller lots, narrower streets and setbacks, pedestrian circulation systems, and village-style neighborhood commercial nodes. The residential densities and lot sizes drawn from Georgia’s historic districts have also proved to be good patterns for building more livable

neighborhoods. These design elements, along with a synergistic mix of land uses, are proving very marketable. While suburbs still house a large percentage of America's population, there is growing evidence that many people are gravitating toward neighborhoods with more cultural diversity as well as a less stratified socioeconomic mix. By creating new housing within walking distance of downtowns and neighborhood commercial nodes, adaptively reusing vacant formerly non-residential buildings, and amending local fire and building codes to allow upstairs loft living in historic downtowns, many communities—urban, suburban, and rural—have been successfully revitalized.

The Urban Redevelopment Act can be used alone, or in combination with many of Georgia's other legislative redevelopment tools, to support local comprehensive planning, revitalize faltering commercial corridors, recruit and nurture small businesses, rehabilitate older homes and neighborhoods, ensure architecturally compatible infill development, and generate new adaptive uses for old industrial and agricultural facilities. O.C.G.A. 36-61-1 offers solid support for innovative and thoughtfully crafted development strategies needed to solve the problems of these designated target areas.

The Urban Redevelopment Act has become more relevant recently for a variety of reasons. First, some sectors of the population (especially aging baby boomers, younger singles, and couples) are becoming increasingly interested in moving from the suburbs, which require long commutes to work, back into a more urban environment closer to amenities and places of employment. Real estate prices are appreciating and housing demand is strong near reinvigorated town centers and "village" commercial nodes. Second, the supply of affordable housing is aging and shrinking while the population needing this housing is growing; consequently, many governments are looking to provide moderate-income residents with viable good-quality housing options. Third, at the state policy level, legislators and state agencies are encouraging cities and counties to be more strategic and creative in combining the state's wide array of legislative, programmatic, and funding tools for community revitalization. Accordingly, adopting an urban redevelopment plan pursuant to the Law has now been added as a threshold criterion for accessing some important development incentives. Communities are being encouraged to focus multiple resources and tools in target areas that are economically disadvantaged or held back by impediments that discourage private sector investment.

Changes to Georgia's brownfield regulations and new streamlined programs created by the Department of Natural Resources (DNR) now reduce the potential liability for investors (private or governmental) seeking to redevelop brownfield sites and offset site cleanup costs with tax incentives. These constructive changes should help Georgia attract private investors to sites that were not economically viable previously, many of which are in or near downtowns and older neighborhoods. The Law is a promising tool for brownfield redevelopment because it simplifies land acquisition and allows the public sector to help finance infrastructure or related improvements.

Additionally, several programs created or administered by the Georgia Department of Community Affairs (DCA) have been modified based on refinements to state planning statutes. Progressive communities that adopt urban redevelopment plans (especially in combination with other innovative redevelopment tools) may now be eligible for higher job tax credits and more competitive scoring on Community Development Block Grant (CDBG) applications. These program initiatives were designed to enable both urban and rural communities to create more effective strategies to address pockets of poverty.

Compared to some of Georgia's other planning and community development statutes, the Urban Redevelopment Act is straightforward, flexible, and free from unnecessary red tape. The Law also does a good job of balancing the community's need to remove barriers to its overall economic development created by slum and blight with protection of the rights of property owners (in particular, those of low-income residents).

II. Consistency with Comprehensive Plan

The Turner County and City of Ashburn Joint Comprehensive Plan was adopted in 2015. This plan calls for the future development of the City of Ashburn to occur within ten types of Future Land Use: Agriculture/Forestry, Commercial, Parks/Recreation/Conservation, Public/Institutional, Residential, and Transportation/Communication/Utilities. The future land use for the Southwest Ashburn Urban Redevelopment Area is mostly residential, with limited amounts of commercial, public/institutional, and transportation/communication/utilities.

A description for each of the future land use types within the Southwest Ashburn Urban Redevelopment Area, along with the predominant land uses and vision for the future for each, is provided below.

Residential

Development in this land use is predominantly residential, ranging from single-family to duplex and multi-family densities. Uses also allowed within this district include public and private schools, churches, and other uses as permitted within the zoning districts under this land use. Farmhouses and other singular dwelling units that are secondary to other land uses, and share the same parcel of land, are classified with the other land use. Allowable zoning districts in this category: Single-Family Residential, Multi-Family/Mixed Family.

Commercial

This land use is intended for non-industrial business uses, including retail sales, offices, services, and entertainment facilities. Commercial uses may be located as a single use in one building or grouped together in a shopping center or office building. Allowable zoning districts in this category: Commercial.

Public/Institutional

Land under this category primarily includes certain institutional uses, or federal, state, or local government uses. Government uses include city halls and government building complexes, police and fire stations, libraries, prisons, post offices, schools, military installations, etc. Examples of institutional land uses include colleges, churches, cemeteries, hospitals, etc. Facilities which are publicly owned but would be more accurately classified in another land use category are not included in this category. For example, publicly owned parks and/or recreational facilities are placed in the PARK/RECREATION/ CONSERVATION category, public landfills are placed in the INDUSTRIAL category, and office buildings containing government offices are placed in the COMMERCIAL category. Allowable zoning districts in this category: Commercial, institutional.

Transportation/Communication/Utilities

This land is primarily used for street rights of way, railroads, public/private utilities, transmission towers, airports, or other similar uses. Allowable zoning districts in this category: Commercial, industrial, institutional.

The planning and implementation goals of this Urban Redevelopment Plan are consistent with overall goals, policies, and objectives of the 2015 Joint Comprehensive Plan Update for Turner County and the Cities of Ashburn, Rebecca, and Sycamore. Specifically, the following Comprehensive Plan goals and policies were used to guide the vision of this Urban Redevelopment Plan:

Goal 3: Ensure that all residents within Greater Turner County have access to quality and affordable housing in stable neighborhoods with sidewalk and street connections.

Policy 3.1: Encourage code compliance efforts in an effort to bring low- and moderate-cost housing up to livable standards.

Policy 3.3: Assist residents in obtaining low-interest loans in an effort to increase the homeownership rate in Ashburn.

Policy 3.5: Continue to utilize the Community Housing Investment Program (CHIP) to revitalize blighted areas, assist new homeowners with down payments, and rehabilitate existing homes.

Policy 3.6: Encourage local ownership/management of rental housing through property tax and permitting fee reductions.

Goal 5: Protect and enhance the value of existing development areas; promote development and redevelopment within urbanized areas; create and enhance stable neighborhoods; and maintain accessible open space for future land use opportunities.

Policy 5.2: Continue to monitor land uses and minimum lot sizes.

Goal 6: Develop and maintain public services and facilities to accommodate existing development and to encourage future sustainable growth in areas where community facilities and services are provided at adequate capacities.

Policy 6.5: Continue to pursue the revitalization of aging infrastructure and buildings with Community Development Block Grant (CDBG) funding.

Policy 6.6: Pursue funding for dilapidated buildings throughout the county that are in need of rehabilitation or demolition by the end of the planning period.

The overall initiatives of this Urban Redevelopment Plan are consistent with the aforementioned goals and policies of the Comprehensive Plan, and will complement the City's development strategies.

III. Boundaries of the Urban Redevelopment Area

The boundaries of the Urban Development Area are shown in Map C.1. The Southwest Ashburn Urban Redevelopment Area is a 108-acre area on the south side of the City of Ashburn, bounded by Martin Luther King Jr. Drive to the north; South Main Street to the east; West Williams Avenue and Essa Street to the south; and Story Street, Akin Avenue, and Lee Street to the west.

IV. Negative Conditions of the Urban Redevelopment Area

In 2017, a property conditions survey was conducted of the parcels within the Urban Redevelopment Area. Evidence from this survey indicated negative conditions exist within the Urban Redevelopment Area, as detailed below:

Slum and Blight, Including Deteriorated, Obsolete, and/or Unoccupied Building(s)

The results from this property conditions survey indicated that the Urban Redevelopment Area contains numerous dilapidated and deteriorated structures that qualify as slum and blight under the Urban Redevelopment Act. Specifically, 21 dilapidated structures were identified in the survey. 20 dilapidated structures were residential and 1 was non-residential. Dilapidated structures are those that are obsolete and/or visibly decayed due to age, wear, and neglect. Dilapidated buildings usually require major repair, or are structurally unsound to the point of being a threat to public safety.

The Urban Redevelopment Area also includes 166 substandard/deteriorated structures, of which 161 were residential and 5 had other uses. Substandard/deteriorated structures may also be considered obsolete if the structure is over 40 years old. These structures are those that require minor repairs and/or standard maintenance in order to restore them to standard condition.

At the time of the Urban Redevelopment Survey, many of the dilapidated structures appeared to be unoccupied. Vacant structures can present a threat to public health and safety.

Dilapidated and deteriorated structures are interspersed throughout the Urban Redevelopment Area

Constitutes an Economic or Social Liability

In general, the vacant and dilapidated properties within the Urban Redevelopment Area are an economic and social liability to the City, as the parcels within the area are either substantially underutilized, do not promote business growth and retention, or do not serve as community focal points. Also, the dilapidated and deteriorated properties contribute little to the tax income of the state and the City of Ashburn due to their low assessed tax value.

Detrimental to Public Health, Safety, Morals and/or Welfare

Overall, the blighted properties within the Urban Redevelopment Area are detrimental to public welfare, as they do not contribute to the well-being of the community. The presence of vacant properties in some areas may be conducive to illegal activities and may present various other hazards to the community.

Deteriorated or Inadequate Infrastructure

Several infrastructure deficiencies were noted while the property conditions survey was being undertaken. In general, the Urban Redevelopment Area is lacking in pedestrian and bicycle access. Sidewalks and bicycle lanes are needed on many streets, and many existing sidewalks are in need of repair. Additionally, many of the roads are in need of repair and/or paving due to wear. Curbs and gutters on many blocks are crumbling and need to be repaired. Some roads do not have curbs or gutters and need to have them added. A few short sections of roadway are still unpaved and need to be paved. Water mains, sewer mains, and storm sewer mains have deteriorated throughout the URA. Due to drainage issues, flooding sometimes

occurs in the streets. The URA would benefit from having all the aforementioned road and water infrastructure repaired.

V. Community’s Land Use Objectives

The City of Ashburn’s land use objectives are consistent with the Urban Redevelopment Plan contents. The four categories of land use noted while conducting the windshield survey for this Plan were: Commercial, Public/Institutional, Residential, and Transportation/Communication/Utilities. Map C.3 in Appendix C shows the Urban Redevelopment Area’s existing land uses.

Zoning is an integral part of redevelopment and should be consistent with all objectives in this plan. The official zoning ordinance of the City of Ashburn has been updated to modern standards set forth by the Georgia Department of Community Affairs. No changes to the City’s zoning map or zoning code are deemed necessary in conjunction with this Urban Redevelopment Plan.

The following City of Ashburn zoning districts are within the Urban Redevelopment Area: R8M (residential), R20 (residential), NC (Neighborhood Commercial), RP (Residential Professional), GC (General Commercial), and MHP (Manufactured Home Park). A zoning map of the Urban Redevelopment Area can be found in Appendix C.

VI. Description of Property to be Acquired

The parcels of property listed below are to be acquired by the City of Ashburn. Should circumstances change making property acquisition probable or necessary, this plan will be amended to reflect these changes.

Address	Parcel Number
n/a	A10 005
204 Hanner Avenue	A11 021
208 Hardin Avenue	A10 041
228 Kennedy Avenue	A10 105
521 Lawrence Street	A09 132
533 Lawrence Street	A09 133
550 South Lee Street	A09 042
748 South Lee street	A10 028
924 South Lee Street	A11 001
616 South Main Street	A10 043
638 South Main Street	A10 046
201 MLK Drive	A09 118
651 Story Street	A10 008

VII. Covenants and Restrictions to be Placed on Properties

No covenants or restrictions will be placed on properties at this time. Should property covenants and/or restrictions be adopted in the future, this plan will be amended to include such covenants and/or restrictions.

VIII. Structures to be Demolished, Relocated, or Rehabilitated

The properties listed below are to be demolished or renovated.

Address	Parcel Number
n/a	A10 005
204 Hanner Avenue	A11 021
208 Hardin Avenue	A10 041
228 Kennedy Avenue	A10 105
521 Lawrence Street	A09 132
533 Lawrence Street	A09 133
550 South Lee Street	A09 042
748 South Lee street	A10 028
924 South Lee Street	A11 001
616 South Main Street	A10 043
638 South Main Street	A10 046
201 MLK Drive	A09 118
651 Story Street	A10 008

Many concerns that citizens often have regarding redevelopment are addressed in the Frequently Asked Questions (FAQ) section of this plan. The Condemnation Checklist illustrates the process that the City will undertake, should the City proceed with acquiring property through eminent domain. General Redevelopment documents and agreements regarding dispensation of targeted properties as applicable to this Plan have been provided in Appendix G.

IX. Strategy for Relocating Displaced Residents

The City of Ashburn does not anticipate the need to displace or relocate residents since the majority of the structures to be acquired and demolished/renovated are vacant. When housing projects such as CDBG or CHIP or other projects that may cause a family to be displaced are utilized, the City has and will continue to comply with all applicable requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, as amended.

X. Strategy to Alleviate Barriers to Affordable Housing

Central to the goals of this Plan is the provision of more affordable, good-quality rental housing for the residents of the City of Ashburn, especially the workforce and those with low income. To this end, the City will endeavor to rehabilitate existing housing in a manner that improves housing quality while preserving

affordability, and will facilitate the construction of new and rehabilitated housing that can be rented at a cost that is affordable for low- to moderate-income residents (defined as those with an income at or below 60% of the Area Median Income). Below are the City’s strategies to alleviate possible barriers to affordable housing.

Local Barriers: The City will refine, change, and create programs that will enhance affordable housing efforts. Some of strategies, such as improved land use regulations, improved building code regulations, and the enforcement of those regulations, have already been implemented. Zoning regulations will be reviewed in order to encourage in-fill development in existing neighborhoods.

Private Sector Barriers: The City should push for sensible relaxation of underwriting criteria used by banks and other financial institutions that participate in the City’s housing partnership. Other barriers will be identified, analyzed, and changed where appropriate. The City will work with local financial institutions to encourage activities that contribute to Community Reinvestment Act (CRA) activities.

XI. Public Infrastructure Improvements

The City of Ashburn has identified the following areas where public infrastructure improvements would assist in supporting redevelopment.

Transportation Improvements

Road repair and paving is necessary in numerous areas throughout the Urban Redevelopment Area. Parts of the URA are lacking sidewalks. Sidewalks should be constructed in all areas for the safety and accessibility of pedestrians. Bicycle lanes should also be added, especially on collector and arterial roadways, to provide a safe alternative to vehicle usage. Curbs and gutters are needed in some blocks; on other blocks, existing curbs and gutters need to be repaired. A few unpaved road segments need to be paved.

Utilities Improvements

Overhead utilities should be buried underground where possible to make commercial and residential properties more aesthetically pleasing. Telecommunications and technology utilities need to be expanded within the Urban Redevelopment Area in order to recruit business and enhance the quality of life within the Urban Redevelopment Area.

XII. Strategy to Leverage Private Resources for Redevelopment

Businesses may have funding options through the Southern Georgia Regional Commission’s loan programs. The loan programs available through the SGRC work in conjunction with the banking industry to provide “gap” financing to viable businesses. Some of the programs available through the SGRC are the Small Business Administration 504 Loan, the Small Business Administration Guaranteed 7(A) Loan, the Economic Development Administration Revolving Loan Fund, and the Rural Development IRP Revolving Loan Fund. Like banks, the SGRC is highly regulated by federal agencies and must meet standards set by the government and the SGRC’s Board of Directors. Also similar to the banking industry, the SGRC uses the five “Cs” of creditworthiness (character, capacity, capital, conditions, and collateral) to determine whether a loan proposal is worth considering. While eligibility of the project, loan amount, collateral

requirements and other items vary from program to program, all loan programs sponsored by the SGRC require bank participation in the loan, a down payment by the borrower, and a business plan.

XIII. Strategy for Implementing the Urban Redevelopment Plan

Implementation of the Urban Redevelopment Plan is expected to occur over two or more phases, as deemed necessary by the City of Ashburn. Phases I and II are detailed below.

PHASE I – Formal adoption by resolution of the Urban Redevelopment Plan; coordination of the Urban Redevelopment Plan’s administration by the City of Ashburn.

The timeline for implementing the Urban Redevelopment Plan is as follows:

1. Public Hearing
2. Adopt Urban Redevelopment Plan
3. Create and Adopt Urban Redevelopment Authority
4. Adopt an Enterprise Zone
5. Evaluate local codes and code enforcement within the Urban Redevelopment Area

TIMEFRAME – This phase will be completed prior to June 30, 2018. The City of Ashburn City Council will function as the Urban Redevelopment Authority.

PHASE II – After completion of Phase I activities, the City of Ashburn will move toward implementation of the redevelopment of identified properties through code enforcement, infrastructure improvements, tax incentives, changes in local zoning laws, acquisition of blighted properties, and other methods as necessary.

TIMEFRAME – This phase is expected to be completed by Q4 2025.

Future phases of redevelopment may be undertaken by the City of Ashburn as the City Council and Urban Redevelopment Authority see fit. Additionally, this Urban Redevelopment Plan may be amended or modified at any time by the City of Ashburn through the use of the Amendment Worksheet provided in Appendix G, and adopted by a formal resolution of the City Council.

Resources to be used for the implementation of this Plan include, but are not limited to:

- Revitalization Area Strategy (RAS) – application to be submitted in 2018
- CDBG funding – Funding was approved in 2017
- CHIP funding – Funding to renovate 6 homes was approved in 2017
- Enterprise Zone – to be adopted Q1 2018

XIV. Frequently Asked Questions about Redevelopment

1. What is redevelopment all about?

21 dilapidated structures, 166 substandard/deteriorated structures, and 35 vacant, sometimes unkempt lots have been identified within the Urban Redevelopment Area. These properties are a

primary factor in the decline of our community, creating unsafe environments for children, depressed property values, and visual blight. The goal of redevelopment is to rehabilitate or replace these structures and unkempt lots with aesthetically compatible, practical housing and commercial/industrial structures, therein restoring the integrity of the neighborhood as place where families are proud to live and raise their children.

2. If a structure is posted unsafe, does that mean that it is condemned and must come down?

No. While posting is a preliminary step to condemnation, it only means the structure cannot be inhabited in its present condition.

3. Can a structure be rehabilitated for use once it has been posted as being unsafe?

Yes, if the property owner is willing to invest the money to bring the property up to minimum building standards. In residential cases, there is an added incentive if the property exists within a designated Enterprise Zone. If the property owner is willing to invest in improvements to his/her property that are valued at 500% or greater than the current assessed land value, then the City Council has authority to grant specific ad valorem property tax abatements for up to ten years.

4. Can I remove the posted sign once I have completed work on the structure?

No. Only an official can remove the sign, after they have determined that the structure meets minimum building standards. A property owner removing the sign on his or her own may be subject to a per day fine until the sign is reinstated or the structure has been determined by an official to meet minimum building standards.

5. If I clear the lot, is that sufficient to meet the requirements?

No. After _____, all posted properties within the Urban Redevelopment Area must be rehabilitated to provide minimum standard housing or commercial/industrial use as applicable per zoning standards.

6. If I don't rehabilitate the structure or rebuild, can the City take my property?

No. Your property will be condemned and the City will pay fair market value as established by independent appraisal.

7. Can family buy the property back?

Yes. Anyone may purchase the property if they are the high bidder, but they will be required to establish a usable structure on the property within a designated time.

8. What if no one bids on a property?

The property will be sold to the Housing Authority or other such entity that agrees to redevelop the property within a designated time.

9. Will I receive notification other than posting that my property is subject to redevelopment?

Yes. All property owners of record will be notified by certified mail of their rights and responsibilities and applicable time-frames under Redevelopment law.

10. Whose property is condemned first?

All property owners of record subject to redevelopment will be notified simultaneously after _____ . Obviously, all cannot move forward through processing at once, though the time-frame for response will begin on notification. Properties will be acted on across the board as expeditiously as possible.

11. Are any unposted properties subject to redevelopment?

Yes. Any vacant, substandard structure or unkempt, vacant lot within the designated area may become subject to inspection by the City.

***Appendix A:
The Urban Redevelopment Law***

GEORGIA CODE
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TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS
CHAPTER 61. URBAN REDEVELOPMENT

O.C.G.A. § 36-61-1 (2007)

§ 36-61-1. Short title

This chapter shall be known and may be cited as the "Urban Redevelopment Law."

§ 36-61-2. Definitions

As used in this chapter, the term:

- (1) "Agency" or "urban redevelopment agency" means a public agency created by Code Section 36-61-18.
- (2) "Area of operation" means the area within the corporate limits of the municipality or county and the area within five miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated municipality or another county unless a resolution is adopted by the governing body of such other municipality or county declaring a need therefore.
- (3) "Board" or "commission" means a board, commission, department, division, office, body, or other unit of the municipality or county.
- (4) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.
- (5) "Clerk" means the clerk or other official of the municipality or county who is the custodian of the official records of such municipality or county.
- (6) "County" means any county in this state.
- (7) "Downtown development authority" means an authority created pursuant to Chapter 42 of this title.
- (8) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (9) "Housing authority" means a housing authority created by and established pursuant to Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."
- (10) "Local governing body" means the council or other legislative body charged with governing the municipality and the board of commissioners or governing authority of the county.

(11) "Mayor" means the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(12) "Municipality" means any incorporated County or town in the state.

(13) "Obligee" includes any bondholder, agents, or trustees for any bondholders, or any lessor demising to the municipality or county property used in connection with an urban redevelopment project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality or county.

(14) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(15) "Public body" means the state or any municipality, county, board, commission, authority, district, housing authority, urban redevelopment agency, or other subdivision or public body of the state.

(16) "Real property" includes all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.

(17) "Rehabilitation" or "conservation" may include the restoration and redevelopment of a slum area or portion thereof, in accordance with an urban redevelopment plan, by:

(A) Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;

(B) Acquisition of real property and rehabilitation or demolition and removal of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of slums or deterioration, or to provide land for needed public facilities;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter; and

(D) The disposition of any property acquired in such urban redevelopment area, including sale, initial leasing or retention by the municipality or county itself, at its fair value for uses in accordance with the urban redevelopment plan.

(18) "Slum area" means an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or

welfare. "Slum area" also means an area which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; by having development impaired by airport or transportation noise or by other environmental hazards; or any combination of such factors substantially impairs or arrests the sound growth of a municipality or county, retards the provisions of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.

(19) "Slum clearance and redevelopment" may include:

(A) Acquisition of a slum area or portion thereof;

(B) Rehabilitation or demolition and removal of buildings and improvements;

(C) Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban redevelopment provisions of this chapter in accordance with the urban redevelopment plan; and

(D) Making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality or county itself) at its fair value for uses in accordance with the urban redevelopment plan.

(20) "Urban redevelopment area" means a slum area which the local governing body designates as appropriate for an urban redevelopment project.

(21) "Urban redevelopment plan" means a plan, as it exists from time to time, for an urban redevelopment project, which plan shall:

(A) Conform to the general plan for the municipality or county as a whole; and

(B) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban redevelopment area; zoning and planning changes, if any; land uses; maximum densities; building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(22) "Urban redevelopment project" may include undertakings or activities of a municipality or county in an urban redevelopment area for the elimination and for the prevention of the development or spread of slums and may involve slum clearance and redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban redevelopment area, or any combination or part thereof, in accordance with an urban redevelopment plan. Although the power of eminent domain may not be exercised for such purposes, such undertakings or activities may include:

(A) Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting of lands and highways, railway or subway tracks, bridge or tunnel

entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income; and

(B) Construction of foundations and platforms necessary for the provision of air rights sites of housing and related facilities and uses designed for, and limited primarily to, families and individuals of low or moderate income or construction of foundations necessary for the provision of air rights sites for development of nonresidential facilities.

§ 36-61-3. Legislative findings and declaration of necessity

(a) It is found and declared that there exist in municipalities and counties of this state slum areas, as defined in paragraph (18) of Code Section 36-61-2, which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of this state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities and counties, retards the provision of housing accommodations, aggravates traffic problems, and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums is a matter of state policy and state concern, in order that the state and its municipalities and counties shall not continue to be endangered by areas which are local centers of disease, promote juvenile delinquency, and, while contributing little to the tax income of the state and its municipalities and counties, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(b) It is further found and declared that certain slum areas or portions thereof may require acquisition, clearance, and disposition, subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that the other areas or portions thereof, through the means provided in this chapter, may be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated in subsection (a) of this Code section may be eliminated, remedied, or prevented and that, to the extent that is feasible, salvable slum areas should be conserved and rehabilitated through voluntary action and the regulatory process.

(c) It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain may be exercised. The necessity, in the public interest, for the provisions enacted in this chapter is declared as a matter of legislative determination.

§ 36-61-3.1. "Public use" defined; eminent domain to be exercised solely for public use

(a) As used in this Code section, the term "public use" shall have the meaning specified in Code Section 22-1-1.

(b) Any exercise of the power of eminent domain under this chapter must:
(1) Be for a public use; and

(2) Be approved by resolution of the governing body of the municipality or county in conformity with the procedures specified in Code Section 22-1-10.

§ 36-61-4. Encouragement of private enterprise

A municipality or county, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, to the rehabilitation or redevelopment of the urban redevelopment area by private enterprise. A municipality or county shall give consideration to this objective in exercising its powers under this chapter, including: the formulation of a workable program; the approval of urban redevelopment plans consistent with the general plan for the municipality or county; the adoption and enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the disposition of any property acquired; and the provision of necessary public improvements.

§ 36-61-5. Resolution of necessity prerequisite to exercise of powers

No municipality or county shall exercise any of the powers conferred upon municipalities and counties by this chapter until after its local governing body has adopted a resolution finding that:

- (1) One or more slum areas exist in such municipality or county; and
- (2) 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 municipality or county.

§ 36-61-6. Formulation of workable program

For the purposes of this chapter, a municipality or county may formulate a workable program for utilizing appropriate private and public resources including those specified in Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or to undertake such of the aforesaid activities or such other feasible municipal or county activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of slums into areas of the municipality or county which are free from slums, through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum areas or portions thereof by re-planning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum areas or portions thereof.

§ 36-61-7. Preparation of redevelopment plan; approval; modification; effect of approval

(a) A municipality or county shall not approve an urban redevelopment plan for an urban redevelopment area unless the governing body, by resolution, has determined such area to be a slum area and designated such area as appropriate for an urban redevelopment project. Authority is vested in every municipality and county to prepare, to adopt, and to revise, from time to time, a general plan for

the physical development of the municipality or county as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal and county planning activities, and to make available and to appropriate the necessary funds therefor. A municipality or county shall not acquire real property for an urban redevelopment project unless the local governing body has approved the urban redevelopment plan in accordance with subsection (d) of this Code section.

(b) The municipality or county may itself prepare or cause to be prepared an urban redevelopment plan; alternatively, any person or agency, public or private, may submit a plan to a municipality or county.

(c) The local governing body of the municipality or county shall hold or shall cause some agency of the municipality or county to hold a public hearing on an urban redevelopment plan or a substantial modification of an approved urban redevelopment plan, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality or county. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban redevelopment area covered by the plan, and shall outline the general scope of the urban redevelopment project under consideration.

(d) Following such hearing, the local governing body may approve an urban redevelopment plan if it finds that:

(1) A feasible method exists for the relocation of families who will be displaced from the urban redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(2) The urban redevelopment plan conforms to the general plan of the municipality or county as a whole; and

(3) The urban redevelopment plan will afford maximum opportunity, consistent with the sound needs of the municipality or county as a whole, for the rehabilitation or redevelopment of the urban redevelopment area by private enterprise.

(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.

(f) Upon the approval of an urban redevelopment plan by a municipality or county, the provisions of the plan with respect to the future use and building requirements applicable to the property covered by the plan shall be controlling with respect thereto.

§ 36-61-8. Powers of municipalities and counties generally

Every municipality and every county shall have all the powers necessary or convenient to carry out and

effectuate the purposes and provisions of this chapter, including the following powers in addition to others granted in this chapter:

(1) To undertake and carry out urban redevelopment projects within its area of operation; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter; and to disseminate slum clearance and urban redevelopment information;

(2) To provide, to arrange, or to contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with an urban redevelopment project and to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements, provided that neither the municipality or county itself nor an urban redevelopment agency or housing authority or downtown development authority acting pursuant to an election under Code Section 36-61-17 shall provide, install, or construct any public utility of the same kind or character as an existing utility operating in the municipality or county if such existing utility is providing reasonably adequate and proper service, as determined by the Public Service Commission; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or to compliance with labor standards in the undertaking or carrying out of an urban redevelopment project, and to include, in any contract let in connection with such a project, provisions to fulfill such conditions as it may deem reasonable and appropriate;

(3) Within its area of operation, to enter upon any building or property in any urban redevelopment area in order to make surveys, appraisals, soundings, or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire, by purchase, lease, option, gift, grant, bequest, devise, or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality or county against any risks or hazards, and to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this chapter; provided, however, that no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality or county or other public body exercising powers under this chapter in the exercise of such functions with respect to an urban redevelopment project, unless the General Assembly shall specifically so state;

(4) To invest any urban redevelopment project funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control; and to redeem such bonds as have been issued pursuant to Code Section 36-61-12 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(5) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to give such security as may be required and to enter into and carry out contracts in connection therewith. A municipality or county may include in any contract for financial assistance with the federal government for an urban redevelopment project such conditions imposed pursuant to federal law as the municipality or county may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter;

(6) Within their area of operation, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation:

(A) A general plan for the locality as a whole;

(B) Urban redevelopment plans;

(C) Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, to include but not to be limited to making loans and grants from funds received from the federal government, as well as from funds received from the repayment of such loans and interest thereon, to persons, public or private, owning private housing for the purpose of financing the rehabilitation of such housing;

(D) Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and

(E) Appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban redevelopment projects.

The municipality or county is authorized to develop, test, and report methods and techniques and to carry out demonstrations and other activities for the prevention and elimination of slums and to apply for, accept, and utilize grants of funds from the federal government for such purposes;

(7) To prepare plans and provide reasonable assistance for the relocation of families displaced from an urban redevelopment area, to the extent essential for acquiring possession of and clearing such area or parts thereof to permit the carrying out of the urban redevelopment project;

(8) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter and to levy taxes and assessments for such purposes; to close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; to plan or replan, zone, or rezone any part of the municipality or county or make exceptions from building regulations; and to enter into agreements, under Code Section 36-61-17, with a housing authority, a downtown development authority, or an urban redevelopment agency vested with urban redevelopment project powers, which agreements may extend for up to 50 years respecting action to be taken by such municipality or county pursuant to any of the powers granted by this chapter. The reasonable costs of removing, relocating, and rearranging public utility facilities within urban renewal areas may constitute a cost of carrying out the purposes of this chapter, and every municipality and county may, in their discretion, pay such reasonable costs or any portion thereof;

(9) Within their areas of operation, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality or county, in order that the objective of remedying slums and preventing the causes thereof within the municipality or county may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or county or to reorganize existing offices in order to carry out such purpose most effectively.

(10) To exercise all or any part or combination of powers granted in this Code section.

§ 36-61-9. Power of eminent domain; conditions; title acquired

(a) Except as otherwise provided in subsection (c) of this Code section, a municipality or county shall have the right to acquire, by exercise of the power of eminent domain, any real property which it may deem necessary for its purposes under this chapter, after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. A municipality or county may exercise the power of eminent domain in the manner provided in Title 22; or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired, provided that no real property belonging to the municipality, the county, the state, or any political subdivision thereof may be acquired without its consent.

(b) Whenever condemnation proceedings are instituted and carried on by a municipality or county in accordance with subsection (a) of this Code section or through any other method of condemnation provided by law, upon the payment by the municipality or county seeking condemnation of the amount of the award and final judgment on appeal the municipality or county shall become vested with a fee simple indefeasible title to the property to which the condemnation proceedings relate. Such payment may be offset in whole or in part by the amount of any municipal or county tax liens on the condemned property and by any existing special assessments tax liens on the condemned property, including without limitation education or special district taxes collected by the municipality or county; provided, however, that any such setoff shall be subject to any existing tax liens having higher priority pursuant to Code Section 48-2-56 and to the interest in the condemned property of any known beneficiary of a year's support pursuant to Code Section 53-5-2 of the "Pre-1998 Probate Code," if applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the "Revised Probate Code of 1998"; provided, further, that where the condemned property is subject to a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings.

(c) Unless the property is to be acquired for the purpose of devoting it to a public use, a municipality or county may not acquire real property through the exercise of the power of eminent domain pursuant to subsection (a) of this Code section until the following conditions and requirements have been met:

- (1) The municipality or county which adopted the urban redevelopment plan has approved a resolution authorizing the exercise of the power of eminent domain by the agency to acquire the property;
- (2) The municipality or county shall, in writing, notify the owner of the real property proposed to be acquired of the planned rehabilitation of the property as set forth in the urban redevelopment plan for the urban redevelopment area wherein the property is located;
- (3) Within 30 days after being so notified, the owner of the property shall have the option of notifying the municipality or county, in writing, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan. In the event of

multiple ownership of the property, unanimous agreement by the owners shall be required; and the failure of any one owner to notify the municipality or county, within the time limitation specified in this paragraph, of his willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan shall be deemed to be a failure to exercise the option provided in this paragraph; and

(4) The owner of the property may execute an agreement with the municipality or county to rehabilitate the property in accordance with the urban redevelopment plan. Any such agreement shall be as the municipality or county deems necessary and appropriate as to form and content; in connection therewith, the municipality or county shall have the right to require sufficient performance, payment, and completion bonds. In the event that any such owner, at any time, fails to comply with or defaults in the performance of the provisions of the agreement, such property shall no longer be subject to the agreement, the option provided by paragraph (3) of this subsection shall no longer apply, and the property may be acquired by the municipality or county by purchase or through the exercise of the power of eminent domain. In the alternative, the municipality or county may either specifically enforce the agreement, exercise any rights under any bonds which may have been required, and obtain any other legal or equitable relief as may be available to the municipality or county or, if the owner fails to exercise the option to rehabilitate the property or defaults on the agreement to rehabilitate the property, the municipality or county may implement those portions of the urban development plan with respect to such property to the extent the municipality or county deems necessary and the costs of implementing such plan shall be a lien against the property enforceable in the same manner as tax liens.

§ 36-61-10. Disposal of property in redevelopment area generally; notice and bidding procedures; exchange with veterans' organization; temporary operation of property

(a) A municipality or county may sell, lease, or otherwise transfer real property in an urban redevelopment area or any interest therein acquired by it and may enter into contracts with respect thereto, for residential, recreational, commercial, industrial, or other uses or for public use; or the municipality or county may retain such property or interest for public use, in accordance with the urban redevelopment plan, subject to such covenants, conditions, and restrictions, including covenants running with the land and including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, as it may deem to be in the public interest or necessary or desirable to assist in preventing the development or spread of future slums or to otherwise carry out the purposes of this chapter. Such sale, lease, other transfer, or retention and any agreement relating thereto may be made only after the approval of the urban redevelopment plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban redevelopment plan and may be obligated to comply with such other requirements as the municipality or county may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on the real property required by the urban redevelopment plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban redevelopment plan. In determining the fair value of real property for uses in accordance with the urban redevelopment plan, a municipality or county shall take into account and give consideration to the uses provided in such plan; the restrictions upon and the covenants, conditions, and obligations assumed by the purchaser or lessee or by the municipality or county retaining the property; and the objectives of such plan for the prevention of the recurrence of slum areas. The municipality or county in any

instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property without the prior written consent of the municipality or county until he has completed the construction of any and all improvements which he has obligated himself to construct thereon. Real property acquired by a municipality or county which, in accordance with the provisions of the urban redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban redevelopment plan. The inclusion in any such contract or conveyance to a purchaser or lessee of any such covenants, restrictions, or conditions, including the incorporation by reference therein of the provisions of an urban redevelopment plan or any part thereof, shall not prevent the filing of the contract or conveyance in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) (1) A municipality or county may dispose of real property in an urban redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as are provided in this subsection. A municipality or county, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under this Code section, may invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban redevelopment area or any part thereof. The notice shall identify the area or portion thereof and shall state that such further information as is available may be obtained at such office as shall be designated in the notice. The municipality or county shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the municipality or county in the urban redevelopment area. The municipality or county may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this chapter. The municipality or county may execute contracts in accordance with subsection (a) of this Code section and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts.

(2) Notwithstanding the provisions or requirements of this Code section, any municipality or county may exchange real property or land, whether vacant or improved, in any urban redevelopment area for real property or land, whether vacant or improved, owned by any post, barracks, encampment, chapter, subsidiary, or any other division or unit of any veterans' organization chartered by the United States Congress, provided such real property or land was owned by the veterans' organization on March 6, 1962, and, provided, further, that the municipality or county owning such urban redevelopment area desires to obtain the real property or land owned by the veterans' organization for civic improvements, including, but not limited to, the building of art theaters, stadiums, parks, playgrounds, auditoriums, civic theaters, and performing arts theaters.

(c) A municipality or county may temporarily operate and maintain real property acquired in an urban redevelopment area, pending the disposition of the property for redevelopment, without regard to subsection (a) of this Code section, for such uses and purposes as may be deemed desirable, even if such uses and purposes are not in conformity with the urban redevelopment plan.

§ 36-61-11. Repair, closing, and demolition of dwellings unfit for human habitation

Any municipality or county may, by ordinance, require the repair, closing, or demolition of dwellings or other structures intended for human habitation which are, as defined in the ordinance, unfit for human habitation or which may imperil the health, safety, or morals of the occupants thereof or of surrounding areas. Such ordinances may include the following:

- (1) Definition of the construction, condition, facilities, ventilation, and other conditions which shall render such structures unfit for human habitation or a nuisance;
- (2) Designation of a public official or officials with authority to enforce such ordinances and establishment of procedures therefor;
- (3) Provision for the enforcement of such ordinances by the municipal court of the municipality, as defined in Code Section 41-2-5, which may include provision for the abatement thereof as nuisances, as provided in such Code section; and
- (4) Provision for the posting of notices on dwellings and other structures intended for human habitation, indicating the actions taken by enforcement officials or the court with respect thereto, and the fixing of penalties for the defacing, destruction, or removal of such notices; provided, however, that no such notice shall be posted on any property then designated by proper governmental authority for acquisition by eminent domain.

§ 36-61-12. Issuance of bonds; payment; tax exemption; form; terms; sale; signatures; negotiability; effect of recitation on bonds

(a) A municipality or county shall have power to issue bonds, in its discretion, from time to time, to finance the undertaking of any urban redevelopment project under this chapter, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans for urban redevelopment projects and shall also have power to issue refunding bonds for the payment of retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality or county derived from or held in connection with its undertaking and carrying out of urban redevelopment projects under this chapter; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the federal government or other source, in aid of any urban redevelopment projects of the municipality or county under this chapter, and by a mortgage of any such urban redevelopment projects or any part thereof, title to which is in the municipality or county.

(b) Bonds issued under this Code section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this Code section shall be authorized by resolution or ordinance of the local governing body. They may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such

denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by the resolution of the local governing body or by the trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sales in a newspaper having a general circulation in the area of operation and in such other medium of publication as the municipality or county may determine or may be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal government or to an institution insured by an agency of the federal government at private sale at not less than par and, in the event that less than all of the authorized principal amount of such bonds is sold to the federal government or to an institution insured by an agency of the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality or county, such cost not to exceed the interest cost to the municipality or county of the portion of the bonds sold to the federal government or to an institution insured by an agency of the federal government.

(e) If any of the public officials of the municipality or county whose signatures appear on any bonds or coupons issued under this chapter cease to be such officials before the delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this chapter shall be fully negotiable.

(f) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality or county in connection with an urban redevelopment project, as defined in paragraph (22) of Code Section 36-61-2, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with this chapter.

(g) Any urban redevelopment agency or housing authority which a municipality or county has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as provided in this Code section, in the same manner as a municipality or county, except that such bonds shall be authorized and the terms and conditions thereof shall be prescribed by the commissioners of such urban redevelopment agency or housing authority in lieu of the local governing body.

§ 36-61-13. Bonds declared legal investments

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality or county pursuant to this chapter or by any urban redevelopment agency or housing authority vested with urban redevelopment project powers under Code Section 36-61-17, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government, in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of

the bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on the bonds or other obligations) will suffice to pay the principal of the bonds or other obligations with interest to maturity thereon, which moneys under the terms of the agreement are required to be used for the purpose of paying the principal of and the interest on the bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this Code section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this Code section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

§ 36-61-14. Exemption of property from execution, levy, and sale; tax exemption

(a) All property of a municipality or county, including funds owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same, nor shall judgment against a municipality or county be a charge or lien upon such property; provided, however, that this Code section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality or county on its rents, fees, grants, or revenues from urban redevelopment projects.

(b) The property of a municipality or county, acquired or held for the purpose of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof. Such tax exemption shall terminate when the municipality or county sells, leases, or otherwise disposes of property in an urban redevelopment area to a purchaser or lessee who or which is not a public body.

§ 36-61-15. Presumption as to title of purchaser of property from municipality or county

Any instrument executed by a municipality or county and purporting to convey any right, title, or interest in any property under this chapter shall be conclusively presumed to have been executed in compliance with this chapter insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

§ 36-61-16. Assistance by public bodies generally; powers of public bodies; powers of municipalities and counties

(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project located within the area in which it is authorized to act, any public body, upon such terms, with or without consideration, as it may determine, may:

(1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a municipality or county;

(2) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this Code section;

(3) Do any and all things necessary to aid or cooperate in the planning or carrying out of an

urban redevelopment plan;

(4) Lend, grant, or contribute funds to a municipality or county;

(5) Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or county or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with an urban redevelopment project; and

(6) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, education, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality or county.

If at any time title to or possession of any urban redevelopment project is held by any public body or governmental agency, other than the municipality or county, which is authorized by law to engage in the undertaking, carrying out, or administration of urban redevelopment projects, including any agency or instrumentality of the United States of America, the provisions of the agreements referred to in this subsection shall inure to the benefit of and may be enforced by such public body or governmental agency. As used in this subsection, the terms "municipality" and "county" shall also include an urban redevelopment agency or a housing authority vested with all of the urban redevelopment project powers pursuant to Code Section 36-61-17.

(b) Any sale, conveyance, lease, or agreement provided for in this Code section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(c) For the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of an urban redevelopment agency or a housing authority under this chapter, a municipality or county may, in addition to their other powers and upon such terms, with or without consideration, as they may determine, do and perform any or all of the actions or things which, by subsection (a) of this Code section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this Code section or for the purpose of aiding in the planning, undertaking, or carrying out of an urban redevelopment project of a municipality or county, such municipality or county may, in addition to any authority to issue bonds pursuant to Code Section 36-61-12, issue and sell its general obligation bonds. Any bonds issued by a municipality or county pursuant to this Code section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality and county for public purposes generally.

§ 36-61-17. Exercise of redevelopment powers by municipalities and counties; delegation to redevelopment agency or housing authority

(a) A municipality or county may itself exercise its "urban redevelopment project powers," as defined in subsection (b) of this Code section, or may, if the local governing body by resolution determines such

action to be in the public interest, elect to have such powers exercised by the urban redevelopment agency created by Code Section 36-61-18 or by a housing authority, if one exists or is subsequently established in the community, or by an existing or subsequently established downtown development authority. In the event that the local governing body makes such determination, the urban redevelopment agency or the housing authority or downtown development authority, as the case may be, shall be vested with all of the "urban redevelopment project powers" of the municipality or county conferred in this chapter, in the same manner as though all such powers were conferred on the agency or authority instead of the municipality or county; and any public body may cooperate with the urban redevelopment agency or housing authority or the downtown development authority to the same extent that it could cooperate with the municipality or county itself if the municipality or county were exercising its urban redevelopment project powers. If the local governing body does not elect to make such determination, the municipality or county in its discretion may exercise its urban redevelopment project powers through a board or commissioner or through such officers of the municipality or county as the local governing body may by resolution determine.

(b) As used in this Code section, the term "urban redevelopment project powers" shall include all of the rights, powers, functions, duties, privileges, immunities, and exemptions granted to a municipality or county under this chapter, except the following:

- (1) The power to determine an area to be a slum area and to designate such area as appropriate for an urban redevelopment project;
- (2) The power to approve and amend urban redevelopment plans;
- (3) The power to establish a general plan for the locality as a whole;
- (4) The power to formulate a workable program under Code Section 36-61-6;
- (5) The powers, duties, and functions referred to in Code Section 36-61-11;
- (6) The power to make the determinations and findings provided for in Code Section 36-61-4, Code Section 36-61-5, and subsection (d) of Code Section 36-61-7;
- (7) The power to issue general obligation bonds; and
- (8) The power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in paragraph (8) of Code Section 36-61-8.

§ 36-61-18. Creation of agency; appointment of board of commissioners; compensation, term, and certificate; annual report; removal of commissioners

(a) There is created in each municipality and in each county a public body corporate and politic to be known as the "urban redevelopment agency" of the municipality or county. Such agency shall not transact any business or exercise its powers under this Code section until or unless the local governing body has made the finding prescribed in Code Section 36-61-5 and has elected to have the urban redevelopment project powers exercised by an urban redevelopment agency as provided in Code Section 36-61-17.

(b) If the urban redevelopment agency is authorized to transact business and exercise powers under this Code section, the mayor, by and with the advice and consent of the local governing body, or the board of commissioners or other governing body of the county shall appoint a board of commissioners of the urban redevelopment agency, which shall consist of such number of commissioners, with such terms of office, as shall be determined by the local governing body. If the governing body of a municipality designates members of a downtown development authority as an urban redevelopment agency, the method of appointment, number of commissioners, and terms of office shall be in conformity with the requirements of Code Section 36-42-4.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality or county and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

(d) The powers of an urban redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he resides within the area of operation of the agency, which shall be coterminous with the area of operation of the municipality or county, and is otherwise eligible for such appointments under this chapter.

(e) The mayor or the board of commissioners or other governing body of the county shall designate a chairman and vice-chairman from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it may require and may determine their qualifications, duties, and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this chapter shall file with the local governing body, on or before March 31 of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality or county and that the report is available for inspection during business hours in the office of the County or county clerk and in the office of the agency.

(f) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed, but only after a hearing. He shall be given a copy of the charges at least ten days prior to such hearing and shall have an opportunity to be heard in person or by counsel.

§ 36-61-19. Interest by public official or employee or employee of redevelopment agency in redevelopment project or property; disclosure; eligibility of commissioners and officers of housing authorities for other office

(a) No public official or employee of a municipality or county or of a board or commission thereof and no commissioner or employee of a housing authority or urban redevelopment agency which has been vested by a municipality or county with urban redevelopment project powers under Code Section 36-61-

17 shall voluntarily acquire any interest, direct or indirect, in any urban redevelopment project of such municipality or county or in any property included or planned to be included in any such urban redevelopment project or in any contract or proposed contract in connection with such urban redevelopment project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding two years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban redevelopment project, he shall immediately disclose this in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; any such official, commissioner, or employee shall not participate in any action by the municipality or county or a board or commission thereof, the housing authority, or the urban redevelopment agency affecting such property. Any disclosure required to be made by this Code section to the local governing body shall concurrently be made to a housing authority or urban redevelopment agency which has been vested with urban redevelopment project powers by the municipality or county pursuant to Code Section 36-61-17.

(b) Except for directors of a downtown development authority designated as an urban redevelopment agency pursuant to this chapter, no commissioner or other officer of any housing authority, urban redevelopment agency, board, or commission exercising powers pursuant to this chapter shall hold any other public office under the municipality or county other than his commissionership or office with respect to such housing authority, urban redevelopment agency, board, or commission.

(c) Any violation of this Code section shall constitute misconduct in office.

***Appendix B:
Urban Redevelopment Plan Resolutions***

I. Finding of Necessity (FON) Resolution

RESOLUTION NO. 18-01

A RESOLUTION TO DESCRIBE THE BOUNDARIES OF REDEVELOPMENT AREAS WITHIN THE CITY OF ASHBURN; TO CAUSE A REDEVELOPMENT PLAN TO BE PREPARED FOR SAID AREAS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Ashburn, Georgia, find that there exists within the corporate limits of said City one or more urbanized or developed areas in which the structures, buildings, and improvements, by reasons of dilapidation, deterioration, age, or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, and the existence of conditions which endanger life and property by fire and other causes, is conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency, and crime; and is detrimental to the public health, safety, morals, and welfare; and

WHEREAS, the City Council of the City of Ashburn, Georgia, find that there exists within the corporate limits of said City one or more urbanized or developed areas which by reason of the presence of a predominant number of substandard, slum, deteriorated, or deteriorating structures, inadequate parking, faulty lot layout in relation to size, adequacy, accessibility, and usefulness, unsanitary and unsafe conditions, deterioration of site and other improvements, tax delinquency exceeding the fair value of the land, diversity of ownership on defective or unusual conditions of title which prevent or encumber the free alienability of land, and the existence of conditions which endanger life and property by fire and other causes, substantially impair and arrest the sound growth of the community, retard the provision of housing accommodations and employment opportunities, and constitute an economic and social liability, and is a menace to the public health, safety, morals, and welfare in their present condition and use; and

WHEREAS, the City Council of the City of Ashburn, Georgia, find that there exists within the corporate limits of said City one or more open areas located within urbanized or developed areas which, because of the presence of factors enumerated in the first two paragraphs hereof, substantially impair and arrest the sound growth of the community; and

WHEREAS, the City Council of the City of Ashburn, Georgia, find that there exists within the corporate limits of said County one or more urbanized or developed areas which are substantially underutilized by containing open lots and parcels of land or by containing a substantial number of buildings or structures which are 40 years old or older, or by containing structures or buildings of relatively low value as compared to the value of structures or buildings in the vicinity of the area, or in which there is a shortage of housing that is affordable for persons of low and moderate income which the Council designate as appropriate for community development;


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ashburn, Georgia, in a meeting duly assembled, pursuant to the authority granted by Official Code of Georgia Annotated Section 36-61-5, that the following described areas are hereby found and declared to be Urban Redevelopment Areas as defined by Official Code of Georgia Annotated Section 36-61-5:

That certain area lying within the corporate limits of the City of Ashburn and being enclosed by the boundary identified in Exhibit "A": City of Ashburn 2018 URP/RAS Windshield Survey.

BE IT FURTHER RESOLVED, by the City Council of the City of Ashburn, Georgia, that the designation of the above description as an Urban Redevelopment Area allows the Council to request the preparation of a workable Urban Redevelopment Plan in accordance with Official Code of Georgia Annotated Section 36-61-6 to address the presence of factors within the area and enumerated in the first four paragraphs hereof.

SO RESOLVED THIS 18 th day of January, **2018**.

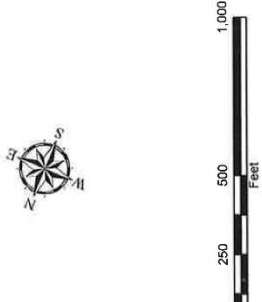
City of Ashburn


Signature

Sandra J. Lumpkin, Mayor
Typed Name and Title

Attest:


City Clerk



0 250 500 1,000
Feet

Map Legend

- Single Family-Substandard
- Single Family-Subsided
- Manufactured Home-Substandard
- Multi Family-Deteriorating
- Non-Residential
- Local Road
- URP / RAS Area
- Parcel

City of Ashburn 2018 URP/RAS Windshield Survey



Map created December 2017 for general planning purposes only. Refer all questions on data accuracy and/or map content to the Southern Georgia Regional Commission.

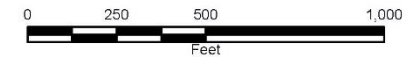
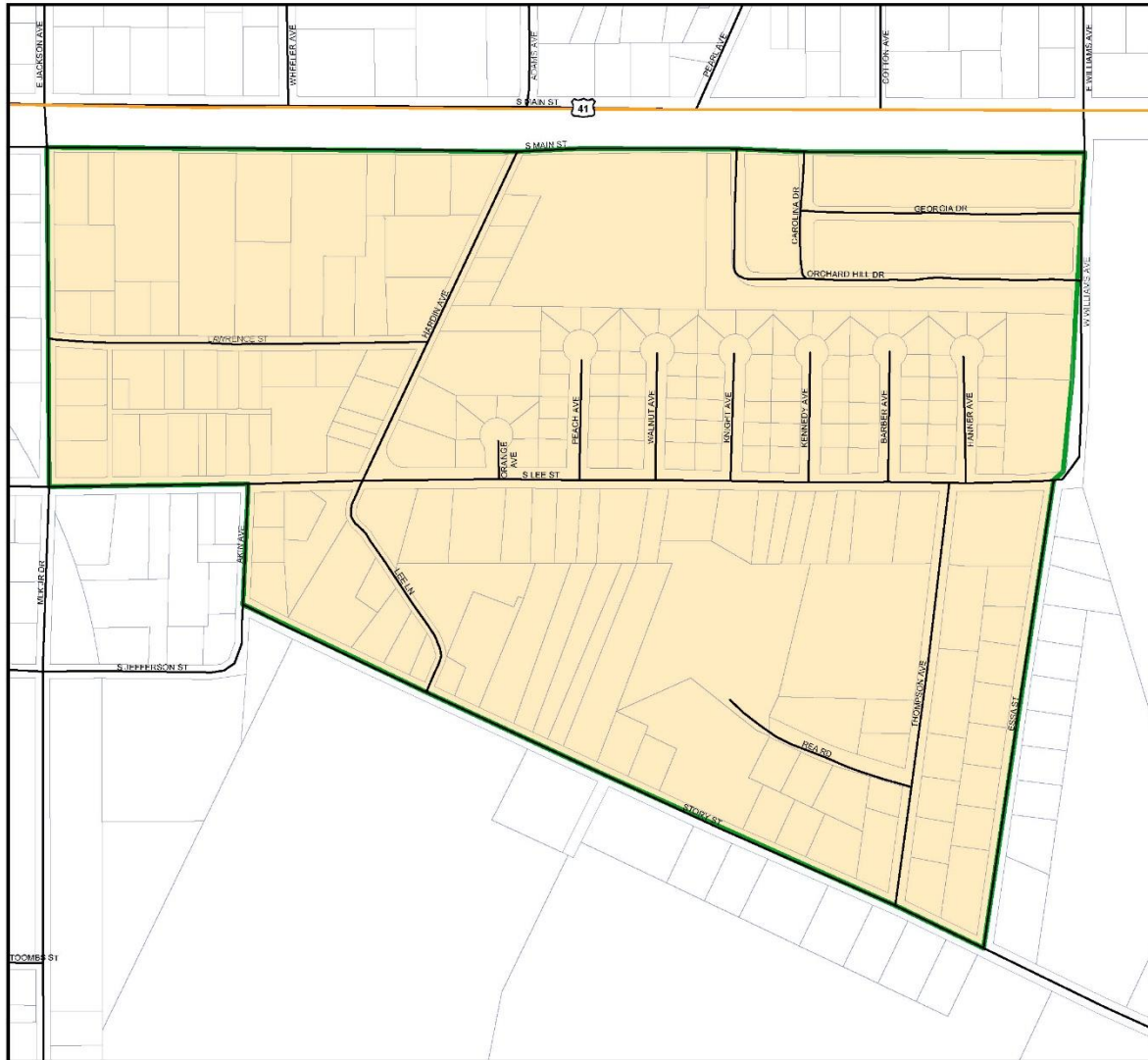


II. 2018 Southwest Ashburn URP Adoption Resolution

[pending adoption]

*Appendix C:
Urban Redevelopment Plan Maps*

- C.1 Urban Redevelopment Area Map**
- C.2 Building Conditions Map**
- C.3 Existing Land Use Map**
- C.4 Current Zoning Map**
- C.5 Future Land Use Map**
- C.6 Enterprise Zone Map**



Map Legend

- US Highways
- Local Road
- Parcels
- Urban Redevelopment Area


City of Ashburn Urban Redevelopment Area Boundary Map

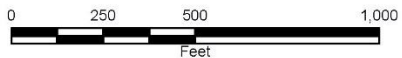
Map created January 2018 for general planning purposes only. Refer all questions on data accuracy and availability to the Southern Georgia Regional Commission.



C.1 Urban Redevelopment Area Map







0 250 500 1,000
Feet

Map Legend

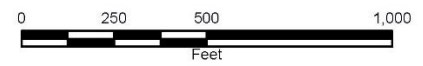
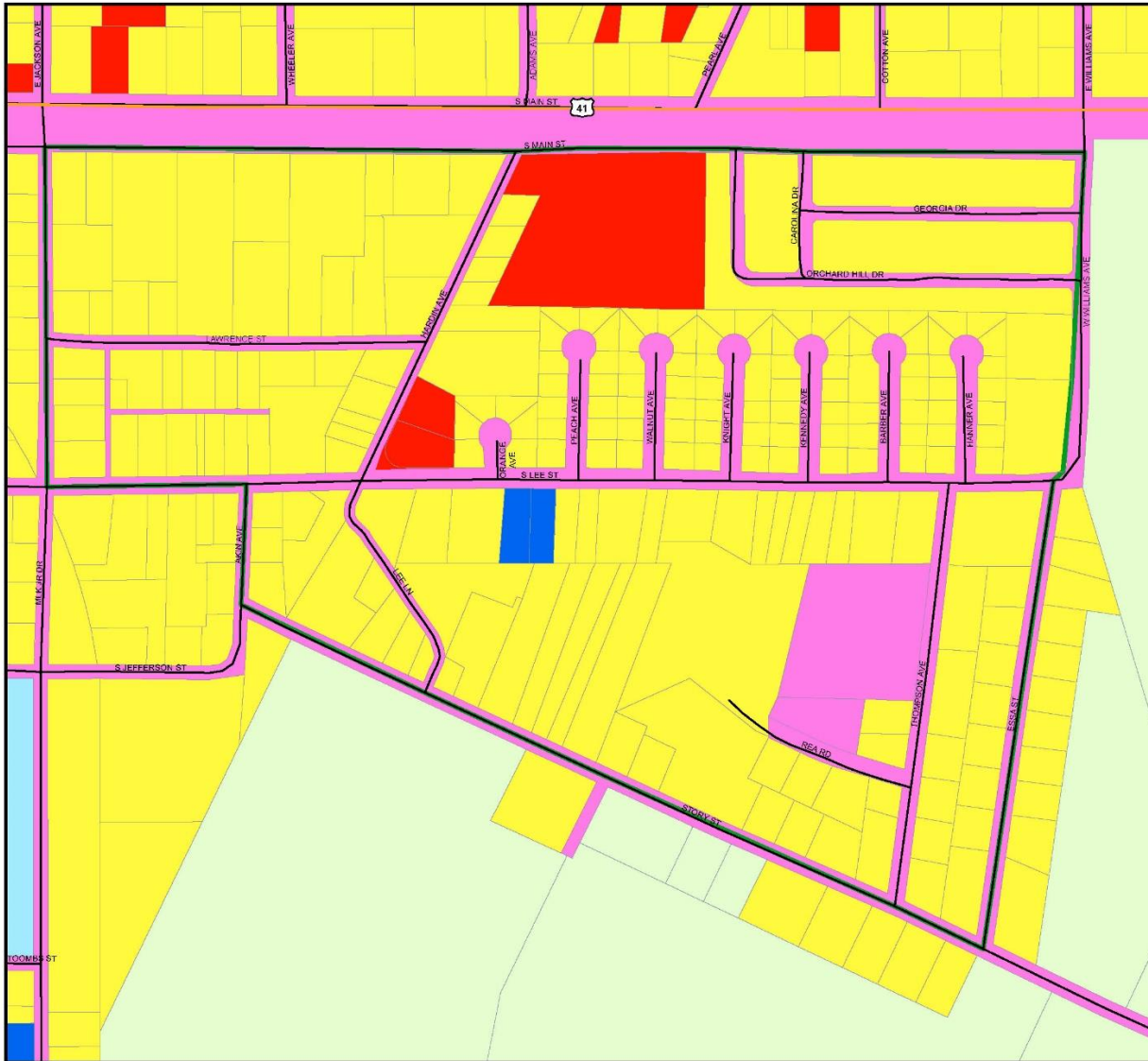
- ▲ Non-Residential-Standard
- ▲ Non-Residential-Substandard
- ▲ Non-Residential-Dilapidated
- Single Family-Standard
- Single Family-Substandard
- Single Family-Dilapidated
- Manufactured Home-Standard
- Manufactured Home-Substandard
- Manufactured Home-Dilapidated
- ⬠ Multi Family-Substandard
- US Highways
- Local Road
- URP / RAS Area
- Parcels

**City of Ashburn
2018 URP/RAS
Windshield Survey**

Map created January 2018 for general planning purposes only. Refer all questions on data accuracy and availability to the Southern Georgia Regional Commission.



C.2 Building Conditions Map



Map Legend

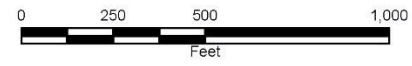
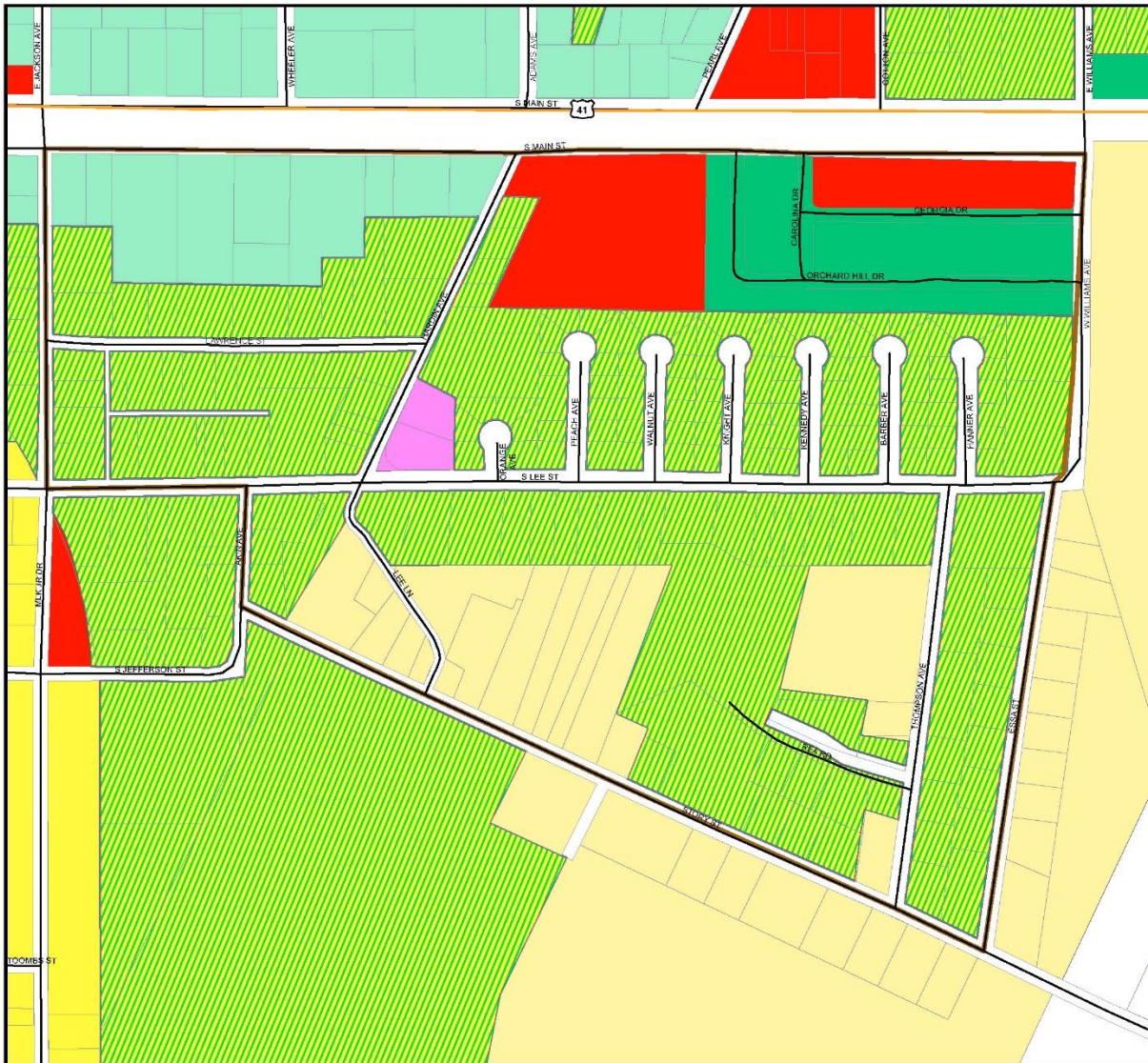
- US Highways
- Local Road
- Parcels
- Urban Redevelopment Area
- AGRICULTURE/FORESTRY
- COMMERCIAL
- PARKS/RECREATION/CONSERVATION
- PUBLIC/INSTITUTIONAL
- RESIDENTIAL
- TRANSPORTATION/COMMUNICATION/UTILITIES

**City of Ashburn
Land Use Map**

Map created January 2018 for general planning purposes only. Refer all questions on data accuracy and availability to the Southern Georgia Regional Commission.



C.3 Existing Land Use Map



Map Legend

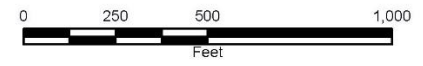
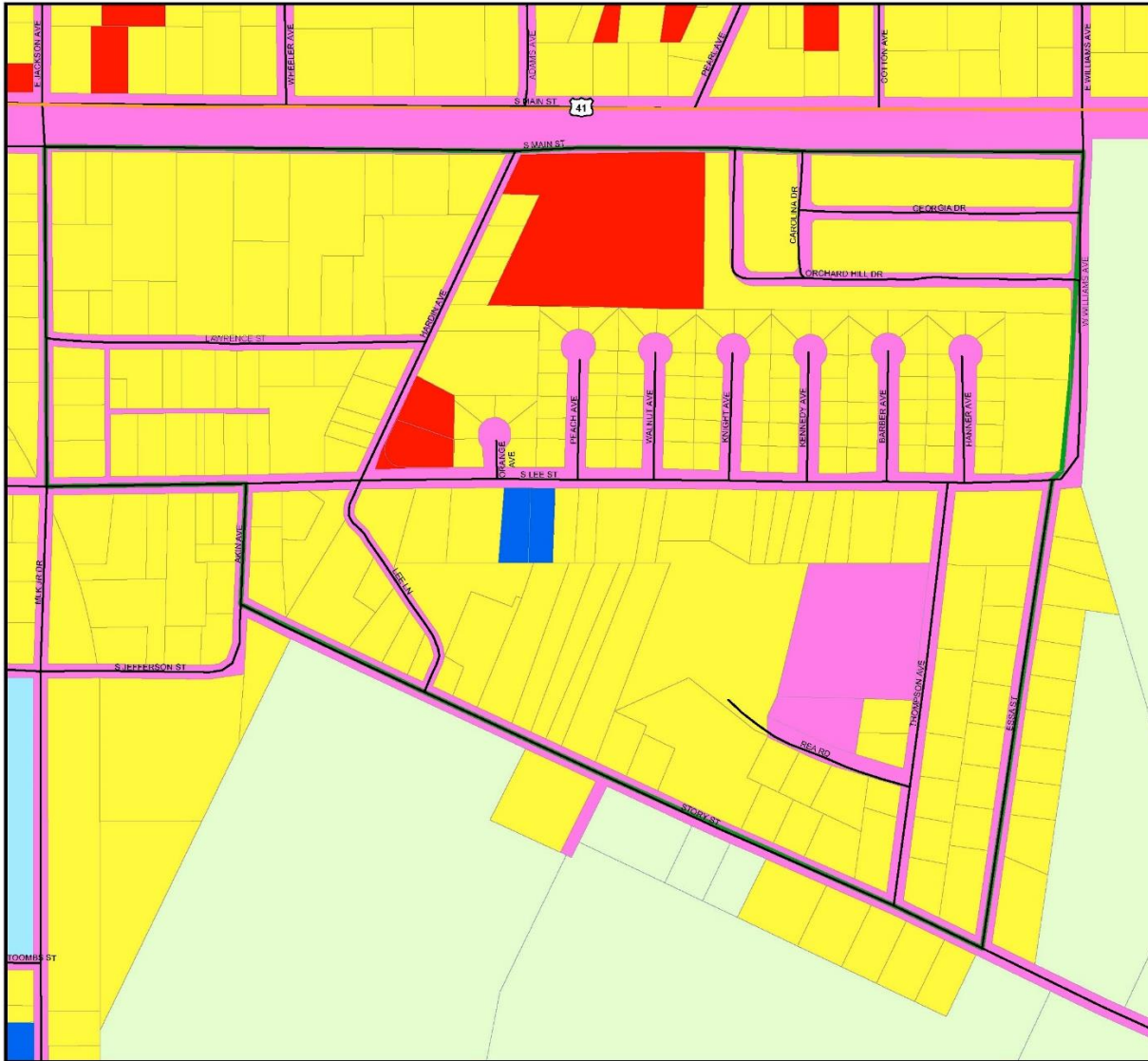
- US Highways
- Local Road
- URP / RAS Area
- Parcels
- AU
- GC
- NC
- R8
- RBM
- R20
- RP
- MHP

**City of Ashburn
Zoning Map**

Map created January 2018 for general planning purposes only. Refer all questions on data accuracy and availability to the Southern Georgia Regional Commission.



C.4 Current Zoning



Map Legend

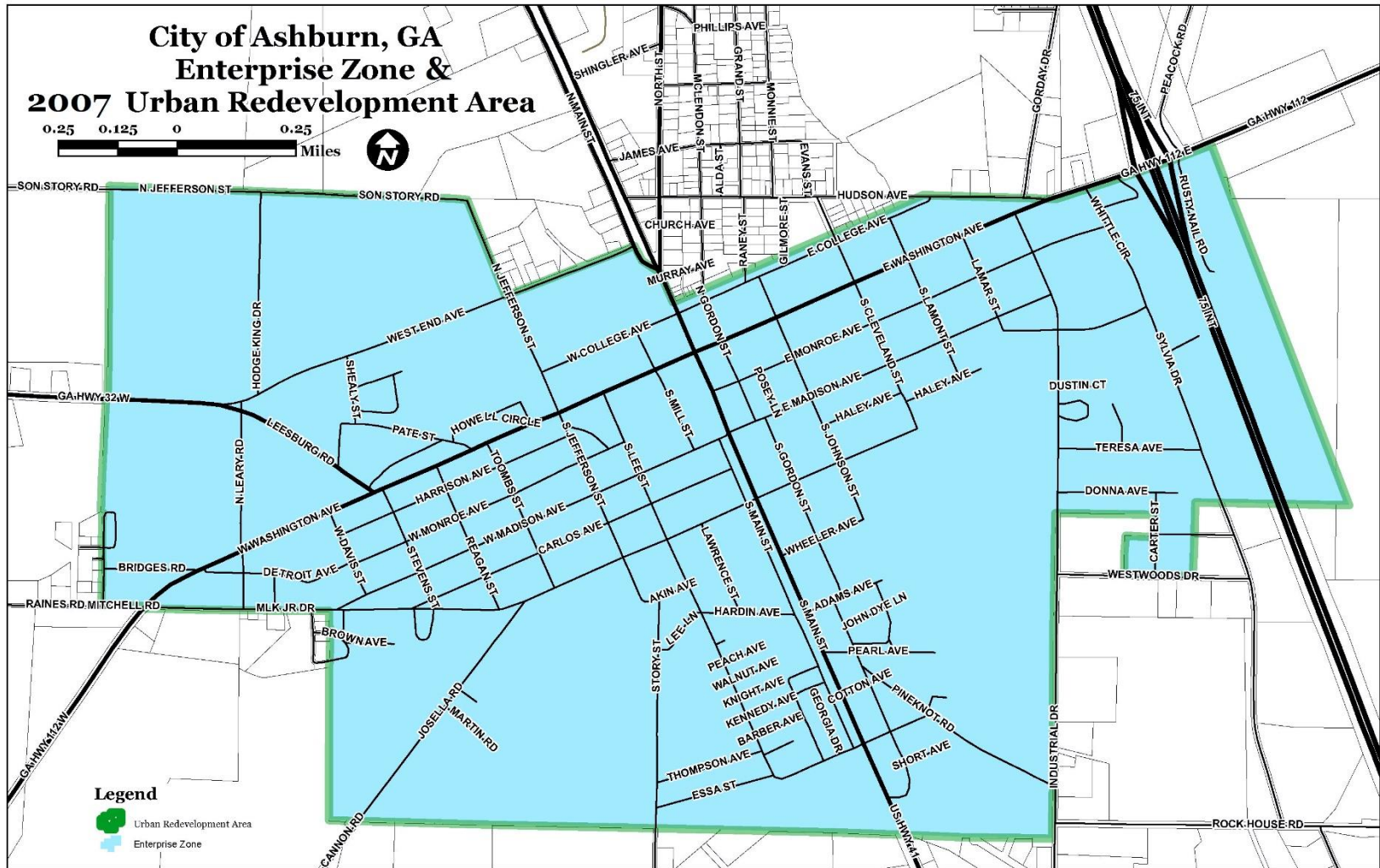
- US Highways
- Local Road
- Parcels
- Urban Redevelopment Area
- AGRICULTURE/FORESTRY
- COMMERCIAL
- PARKS/RECREATION/CONSERVATION
- PUBLIC/INSTITUTIONAL
- RESIDENTIAL
- TRANSPORTATION/COMMUNICATION/UTILITIES

**City of Ashburn
Future Land Use Map**

Map created January 2018 for general planning purposes only. Refer all questions on data accuracy and availability to the Southern Georgia Regional Commission.



C.5 Future Land Use Map



C.6 Enterprise Zone Map

***Appendix D:
Urban Redevelopment Area Photographs***











***Appendix E:
Documentation of Opportunities for Public Input***

I. Southwest Ashburn 2018 Urban Redevelopment Plan – Public Hearing Notice

PUBLIC NOTICE

City of Ashburn Urban Redevelopment Plan Amendments

A public hearing to review amendments to the Urban Redevelopment Plan for the City of Ashburn Urban Redevelopment Area will be held on February 01, 2018 at 05:45 PM at 259 East Washington Ave. Ashburn Georgia 31714 (City Hall). The purpose of this hearing is to brief the community on the proposed amendments to the Urban Redevelopment Plan, provide an opportunity for public participation and input, and answer any questions or concerns.

Persons with special needs relating to disability access or foreign language should contact the City of Ashburn at (229) 567-3431. Persons with hearing disabilities may consider using the Georgia Relay Service, at 1-800-255-0135.

All persons are invited to attend the public hearing. If you would like more information, please contact the City of Ashburn at (229) 567-3431 or contact Ariel Godwin at the Southern Georgia Regional Commission, 229-333-5277.

II. Southwest Ashburn 2018 Urban Redevelopment Plan – Public Hearing Agenda

CITY OF ASHBURN

2018 SOUTHWEST ASHBURN URBAN REDEVELOPMENT PLAN PUBLIC HEARING

City Hall
259 East Washington Avenue
Ashburn, Georgia
Thursday, February 1st, 2018
5:45 p.m.

AGENDA

I. CALL TO ORDER

II. URBAN REDEVELOPMENT PLAN (URP)

- The City of Ashburn is has drafted an Urban Redevelopment Plan for an area known as the “Southwest Ashburn Urban Redevelopment Area” (URA).
- Benefits of URP:
 - Expands opportunities for state/federal grant funding to repair and upgrade infrastructure, including but not limited to streets, sidewalks, drainage, water lines, and sewer lines
 - Expands opportunities for neighborhood revitalization through elimination of blight

V. PURPOSE OF PUBLIC HEARING: *To Obtain Citizens Views*

- Obtain citizen participation in the development and implementation of the Urban Redevelopment Plan.

VI. Fair Housing Laws and the City of Ashburn’s plan to affirmatively further Fair Housing.

VIII. QUESTION/COMMENTS

IX. ADJOURN



III. Southwest Ashburn 2018 Urban Redevelopment Plan – Public Hearing Minutes

[pending]

IV. Southwest Ashburn 2018 Urban Redevelopment Plan – Public Hearing Sign-In Sheet

**CITY OF ASHBURN
SIGN-IN SHEET**

**2018 SOUTHWEST ASHBURN URBAN REDEVELOPMENT PLAN
PUBLIC HEARING**

**City Hall
259 East Washington Avenue
Ashburn, Georgia
Thursday, February 1st, 2018
5:45 p.m.**

NAME	ADDRESS	PHONE NUMBER
Ariel Godwin	327 W Savannah Ave Valdosta	333-5277
James A. Burke	City Council Member	
Sedric Carithers	City Manager	
James Turner	Fire Chief	
Sandra Lumpkin	Mayor	
Andrea (Vann)	City Council	229-567-3022
Paul Shikma	City Clerk	229-567-3431

I. Southwest Ashburn 2018 Urban Redevelopment Plan – Public Hearing Notice

SGRC website, screenshot captured 1/19/2018

NEW! City of Ashburn Urban Redevelopment Plan

A public hearing to review the Urban Redevelopment Plan for the Southwest Ashburn Urban Redevelopment Area will be held on Thursday, Feb. 1, 2018 at 5:45 p.m. at Ashburn City Hall, 259 East Washington Street, Ashburn, Georgia. The purpose of this hearing is to brief the community on the proposed Urban Redevelopment Plan, provide an opportunity for public participation and input, and answer any questions or concerns. Persons with special needs relating to disability access or foreign language should contact the City of Ashburn at (229) 567-3431. Persons with hearing disabilities may consider using the Georgia Relay Service, at 1-800-255-0135. All persons are invited to attend the public hearing. If you would like more information, please contact the City of Ashburn at (229) 567-3431 or contact Ariel Godwin at the Southern Georgia Regional Commission, 229-333-5277.

SGRC Facebook page, screenshot captured 1/19/2018

Posts

Southern Georgia Regional Commission Information Sharing Center ...
Published by Ariel Godwin [?] · 1 hr · 🌐

City of Ashburn Urban Redevelopment Plan

A public hearing to review the Urban Redevelopment Plan for the Southwest Ashburn Urban Redevelopment Area will be held on Thursday, Feb. 1, 2018 at 5:45 p.m. at Ashburn City Hall, 259 East Washington Street, Ashburn, Georgia. The purpose of this hearing is to brief the community on the proposed Urban Redevelopment Plan, provide an opportunity for public participation and input, and answer any questions or concerns. Persons with special needs relating to disability access or foreign language should contact the City of Ashburn at (229) 567-3431. Persons with hearing disabilities may consider using the Georgia Relay Service, at 1-800-255-0135. All persons are invited to attend the public hearing. If you would like more information, please contact the City of Ashburn at (229) 567-3431 or contact Ariel Godwin at the Southern Georgia Regional Commission, 229-333-5277.

👤 11 people reached Boost Post

👍 Like 💬 Comment ➦ Share 🌐

***Appendix F:
Urban Redevelopment Plan
Amendment Worksheet***

Urban Redevelopment Plan

Amendment Worksheet

Date: _____

The following is a checklist of items to be considered by officials when amending the Urban Redevelopment Plan. These items represent required plan components as defined in the Official Code of Georgia Annotated Section 36-61-4 and 36-61-7.

Statement that the Urban Redevelopment Plan is consistent with the City's Comprehensive plan.

Clearly defined boundaries of the proposed Urban Redevelopment Area (need not be contiguous).

Explanation of negative conditions in the area necessitating redevelopment.

Description of the City's land use objectives for the area (types of uses, building requirements, zoning changes, development densities, etc).

Description of land parcels to be acquired and structures to be demolished or rehabilitated.

Strategy for leveraging private resources to aid in redevelopment of the area.

Strategy for relocating any displaced residents.

Any covenants or restrictions to be placed on properties in the redevelopment area in order to implement the plan.

Public infrastructure to be provided (i.e. transportation, water, sewer, sidewalks, lighting, streetscapes, public recreational space, parking, etc.) to support redevelopment of the area.

Financial Strategy for implementing the plan.

*Appendix G:
General Redevelopment Documents*

- G.1 Condemnation Checklist**
- G.2 Abatement/Redevelopment Worksheet for Targeted Properties**
- G.3 Target Property Notification Letter**
- G.4 Contract to Redevelop**
- G.5 Contract for Payment Bond**
- G.6 Contract for Performance Bond**

G.1 CONDEMNATION CHECKLIST

1. File petition in the Superior Court for the condemnation of the property under O.C.G.A. 22-2-100.
2. At the time of filing the petition, obtain from Court the appointment of a local attorney to serve as Special Master not less than 10 nor more than 15 days after the date of service of the petition and order for hearing upon the property owner(s), and direct all those having any interest therein to appear and present any lawful objections they may have. (O.C.G.A. 22-2-105)
3. Have the Court schedule a hearing to be conducted by the Special Master not less than 10 nor more than 15 days after the date of service of the petition and order for hearing upon the property owner(s), and direct all those having any interest therein to appear and present any lawful objections they may have.
4. Have all persons who may have any interest in the property, including any person in possession thereof, to be served with a copy of the petition and order for hearing.
 - a. Residents of Georgia must be served personally.
 - b. Non-residents must be served by (1) posting a copy of the petition and order on the bulletin board at the courthouse door, at least five days before the date of the hearing; (2) Publication of a notice in the newspaper not less than four nor more than seven days prior to the date of the hearing, and (3) where the address of such nonresident is known, mailing be registered or certified mail a copy of the petition and order to the nonresident at such address.
 - c. If any owner is a minor, or insane, or otherwise laboring under any disability, the guardian, if any, of such person shall be personally served (if within the State of Georgia) with a copy of the petition and order.
 - d. If a nonresident, the guardian is to be served by posting, publication, and if possible, by mailing as nonresidents are served.
 - e. If the minor, insane person or person laboring under other disability has no guardian or personal representative, the such party is to be served as competent parties are served, and by serving the Judge of the Probate Court who shall stand in the place and protect the rights of such person or appoint a guardian ad litem for such person.
 - f. In the event there are unknown persons or unborn remainder men who are likely to have rights in the property or the proceeds thereof, the Judge of the Probate Court shall be served with a copy of the petition and order and shall stand in the place and protect the rights of such unknown persons and unborn remainder men.
5. The Special Master must make an award and file the same with the Clerk of Court within three days after the date of the hearing. (O.C.G.A. 22-2-110(a))
6. The Judge of the Superior Court thereafter enters a judgment incorporating the award of the special master and condemns the property in remainder to the use of the City, upon the City's paying into the registry of the Court the amount of the award. (O.C.G.A. 22-2-110(b))
7. Title to the property vests in the City immediately upon the City's deposit with the Clerk of Court of the amount of the award, regardless of whether the property owner thereafter appeals the amount of the award to a jury trial in the Superior Court. (O.C.G.A. 22-2-110(b))

**G.2 ABATEMENT/REDEVELOPMENT WORKSHEET
FOR TARGETED PROPERTY**

Urban Redevelopment Area

(Attach Photo)

Address: _____

Location: _____

Action required: _____

Owner: _____

Address: _____

Description: _____

Chronology: Date Action

G.3 TARGET PROPERTY NOTIFICATION LETTER

[To be typed on official City of Ashburn letterhead]

[DATE]

[NAME]

[ADDRESS]

Re: [TARGET PROPERTY ADDRESS]

Dear [NAME]:

The above referenced property is a target property under the City of Ashburn's Urban Redevelopment Plan (adopted by resolution on _____). The purpose of this plan is to reestablish our City's neighborhoods as viable housing communities once again. Your property has been targeted due to lack of minimum standard housing and/or other detrimental aspects of the property due to its current blighted condition. Under the terms of the Georgia State enabling law (36-44; 22-2), the City is empowered to condemn your property, pay you as determined equitable by the court-appointed special master, and then take title to the property in order to clear it and make it available for the reestablishment of housing.

If you wish to maintain ownership of the property, you must do the following within thirty (30) days beginning with the date of receipt of this letter (and in the case of multiple ownership of the property, all of the owners must comply with the following):

1. Indicate your willingness and intention to rehabilitate and maintain the property in accordance with the urban redevelopment plan; and
2. Execute a written agreement obligating you to take such action and requiring you to furnish adequate payment, performance and completion bonds.

If you wish to sell the property to the City as is, we will contract an independent appraisal of the property and pay you the appraised value.

If we do not hear from you in 30 days and condemnation becomes our last option, you will be notified of the proceedings and all of your rights relative to the process under Georgia State Law. In this event, the City will seek to:

1. Acquire title to this property through condemnation; and
2. Rehabilitate this property by:
 - (a) demolishing all existing structures thereon;
 - (b) clearing all building rubble, junk and debris from property; and
 - (c) reselling the property to a purchaser who will agree to develop and maintain the property in accordance with the urban redevelopment plan.

If you have any questions, please contact us at (912) 384-4799.

Sincerely,

Chairman, Urban Redevelopment Authority

G.4 AGREEMENT IN LIEU OF CITY'S REHABILITATION OF PROPERTY

WHEREAS, _____ (“Owner”) is the owner of certain real property having the street address of _____ and being more particularly described as _____

_____ (“Property”); and

WHEREAS, the City of Ashburn, Georgia (“City”), has in its designation of an Urban Redevelopment Area under OCGA 36-61-5, included the Property as a parcel to be acquired, rehabilitated and disposed of; and

WHEREAS, the City has notified the Owner of the planned rehabilitation of the Property in accordance with the City’s Urban Redevelopment Plan and has further notified the Owner of his right, under certain conditions, to rehabilitate and maintain the Property in accordance with the Urban Redevelopment Plan, and the Owner has in a timely manner indicated his willingness to do so;

NOW, THEREFORE, the parties hereto, for and in consideration of the mutual promises and recitals herein contained, do hereby agree as follows:

1. The City agrees that it presently forebear from instituting condemnation proceedings with respect to the property.
2. The Owner agrees to promptly undertake and pursue to its completion the following described work on, upon and to the Property:
 - (a) _____

 - (b) _____

 - (c) _____

 - (d) _____

3. The Owner shall complete all of the above described work on the Property on or before the ____ day of _____, 20____, time being of the essence of this agreement.
4. The Owner shall/shall not [circle one] be required to furnish a performance bond in the amount of \$_____, and a payment bond in the amount of \$_____, in connection with this agreement, using the forms for such bonds attached hereto.
5. In the event the Owner fails to perform the Owner’s obligations as set forth above in a timely manner, then, in addition to any other legal or equitable remedy that may be available, the City shall be entitled to proceed with the acquisition of the Property through the power of eminent domain, or

specifically enforce this agreement and the rights of the City under the bonds, if any, and/or proceed with the implementation of the redevelopment plan with respect to the Property and enforce the collection of the costs thereof as a lien against the Property in the same manner as tax liens are enforced.

- 6. The contract documents consist of this agreement, drawings, specifications and addenda issued subsequent to this Agreement. The contract documents are as fully a part of this agreement as if attached hereto or repeated herein. This contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral.
- 7. The agreement may be amended or modified only by a modification in writing signed by all the parties.
- 8. The Owner shall secure and pay for the building permit and for all other permits and governmental fees, licenses and inspections necessary for the proper execution and completion of the work which are legally required at the time of the performance of the work involved (unless waived through request of the City within the designated Enterprise Zone).
- 9. The Owner shall give all notices and comply with all laws, ordinances, rules, regulations, and lawful orders of any public authority bearing on the performance of the work.
- 10. To the fullest extent permitted by law, the Owner shall indemnify and hold harmless the City and its agents from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the performance of the work, caused in whole or in part by any negligent act or omission of the Owner, any contractor or subcontractor of the Owner, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.
- 11. If there is more than one Owner named in this instrument, the obligations of the Owners shall be joint and several, and all references to Owner in the singular person in this instrument shall be understood to include all the heirs, administrators, executors, successors and assigns of Owner.
- 12. Whenever required by the context of this instrument the singular number shall include the plural and the masculine gender shall include the feminine and the neuter.

IN WITNESS WHEREOF, the parties have hereunto caused this agreement to be signed and sealed, this ____ day of _____, 20____.

_____ [SEAL]

_____ [SEAL]

Owner(s)

[SEAL OF CITY]

City of Ashburn, Georgia

By: _____

Title: _____

Attest: _____

Clerk of the City of Ashburn

G.5 CONTRACT FOR PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That we, _____, as Principal (hereinafter referred to as the "Owner," and _____, as Surety, are hereby held and firmly bound unto the City of Ashburn, Georgia (hereinafter referred to as the "City") in the sum of _____ Dollars (\$_____), for the payment of which sum well and truly to be made, we bind ourselves and our successors, assigns, heirs, and personal representatives, jointly and severally, by these presents.

WHEREAS, the Owner has entered into a certain agreement dated the _____ day of _____, _____ (hereinafter referred to as the "Agreement"), for _____, which Agreement and all specifications contained or referred to therein are by reference made a part hereof,

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Owner and all subcontractors to whom any portion of the work provided for in the Agreement is sublet and all assignees of the Owner and of such subcontractors shall promptly make payment to all persons supplying the Owner or any such subcontractor with labor, products, services or supplies for or in the prosecution of the work provided for in the Agreement or in any amendment or extension of or addition to the Agreement, and for the payment of reasonable costs and attorneys fees, incurred by the claimants in suits on this bond, the above obligation shall be null and void; otherwise it shall remain in full force and effect.

HOWEVER, THIS BOND IS SUBJECT TO THE FOLLOWING CONDITIONS AND LIMITATIONS:

- (a) Any person, firm, or corporation that has furnished labor, products, or supplies for or in the prosecution of the work provided for in the Agreement shall have a direct right of action against the Owner and Surety on this bond, which right of action provided for in the Agreement is to be performed or in any country in which the Owner or Surety does business. Such right of action shall be asserted in proceedings instituted in the name of the claimant or claimants for his or their use and benefit against the Owner and Surety or either of them (but not later than one year after the final settlement of the Agreement) in such action such claim or claims shall be adjudicated and judgment rendered thereon.
- (b) The Owner and Surety hereby designate and appoint _____ as the agent of either of them to receive and accept service of process or other pleading issued or filed in any proceeding instituted on this bond and hereby consent that such service shall be the same as personal service on the Owner and/or Surety, as the case may be.
- (c) In no event shall the Surety be liable for a greater sum than the penalty of this bond, or subject to any suit, action or proceeding thereon that is instituted alter than one year after the final settlement of the Agreement.

IN WITNESS WHEREOF, the Owner and Surety have each caused this agreement to be signed and sealed by (where applicable) their duly authorized officers or agents, on this the _____ day of _____, _____.

_____ [SEAL]

_____ [SEAL]

Owner(s)

_____ [SEAL]

Surety

G.6 CONTRACT FOR PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we, _____, as Principal (hereinafter referred to as the "Owner," are firmly bound and held unto the City of Ashburn, Georgia (hereinafter referred to as the "City"), for the benefit of those entitled thereto, in the sum of _____ Dollars (\$ _____), for the payment of which sum well and truly to be made, in lawful money of the United States, we do hereby bind ourselves and our successors, assigns, heirs, and personal representatives.

BUT THE CONDITION OF THE FOREGOING OBLIGATION IS THIS:

WHEREAS, the City has entered into a contract with the Owner for the rehabilitation of certain property more particularly described as follows:

_____, as more fully appears in a written agreement bearing the date of _____ (hereinafter referred to as the "Agreement"), a copy of which is by reference made a part hereof.

NOW, THEREFORE, if the Owner shall fully and faithfully perform all the undertakings and obligations under the Agreement and shall fully indemnify and save harmless the City from all costs and damage whatsoever that the City may suffer by reason of any failure on the part of the Owner to do so, and shall fully reimburse and repay the City any and all outlay, cost and expense which the City may incur in making good any such default, then this obligation of bond shall be null and void; otherwise, it shall remain in full force and effect.

And for value received it is hereby stipulated and agreed that no charge, extension of time, alteration or addition to the terms of the Agreement or in the work to be performed thereunder, or the specifications accompanying the same shall in any wise affect the obligations under this the terms of the Agreement or to the work to be done thereunder or the specifications incorporated therein.

IN WITNESS WHEREOF, the Owner and Surety have each caused this instrument to be signed and sealed by (where applicable) their duly authorized officers or agents, on this the _____ day of _____, _____.

_____ [SEAL]

_____ [SEAL]

Owner(s)

_____ [SEAL]

Surety