

**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

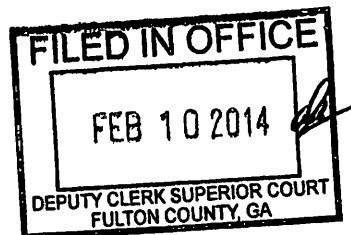
v.

THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
AND THE GEO. L. SMITH II GEORGIA
WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035

BOND VALIDATION



**RULE 6.7 MOTION TO INTERVENE OF REV. WILLIAM L. COTTRELL, SR.,
MAMIE LEE MOORE, TRACY Y. BATES AND JOHN H. LEWIS III
AND MEMORANDUM IN SUPPORT THEREOF**

Rev. William L. Cottrell, Sr., Mamie Lee Moore, Tracy Y. Bates and John H. Lewis III (collectively, "Intervenors"), by and through undersigned counsel, respectfully move this Court pursuant to U.S.C.R. 6.7, O.C.G.A. § 9-11-24 (a) and (b) and O.C.G.A. § 36-82-77(a), for an order permitting Intervenors to intervene as parties in this proceeding. Intervenors are each citizens of the State of Georgia and residents of the City of Atlanta, Fulton County, Georgia. Therefore, Intervenors each have the unfettered, statutory right to be permitted to be made a party to the subject proceeding, pursuant to O.C.G.A. § 36-82-77(a) ("Within the time prescribed in the order or such further time as he may fix, the judge of the superior court shall proceed to hear and determine all questions of law and of fact in the case and shall render judgment thereof. *Any citizen of this state who is a resident*

of the governmental body which desires to issue such bonds may become a party to the proceedings at or before the time set for the hearing”). (emphasis supplied.)

“Here, DAFC's motion to strike Sherman's pleadings put him on notice of the possibility that he might not properly be a party to the proceedings below. At that point, *had Sherman simply appeared and moved to intervene, the trial court would have been constrained to grant that motion*. See OCGA § 36-82-77 (a) (granting citizens a statutory right to intervene anytime ‘*at or before the time set for the [bond validation] hearing*’; OCGA § 9-11-24 (a) (1) (*a trial court must grant a timely motion to intervene based upon a statutory right of intervention*)).” *Sherman v. Development Authority of Fulton County et al*, Case No. A12A2112, Decided March 7, 2013, note 8. (emphasis supplied.)

The noticed bond validation hearing in this matter is scheduled for February 17, 2014 at 8:30 a.m., with this proceeding having been filed as recently as February 4, 2014. Intervenors therefore, respectfully, request that this Court immediately enter an Order on a Rule 6.7 expedited basis, permitting Intervenors to become parties to this proceeding as a statutory matter of right, as expressly contemplated and required pursuant to O.C.G.A. § 36-82-77(a). *Sherman, supra*.

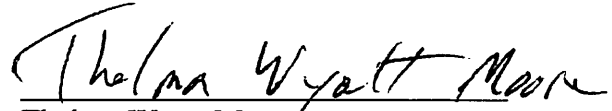
Attached as **Exhibit “A”** is a copy of the Intervenors' proposed bond validation Objections, which Intervenors expressly reserve the right to amend pursuant to O.C.G.A. §9-11-15(a).

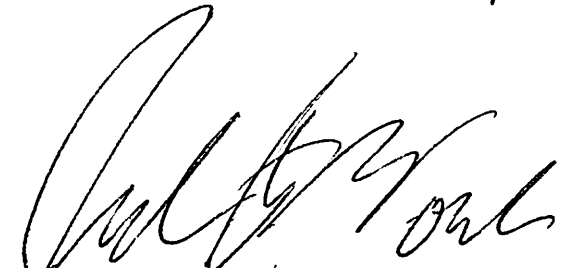
WHEREFORE, Intervenor respectfully request that this Motion be inquired into and **GRANTED** forthwith.

Respectfully submitted, this the 10th day of February, 2014.

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Thelma Wyatt Moore
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by JFW
w/ express
permission


John F. Woodham
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Counsel for the Intervenor

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the known counsel for the opposing parties with a copy of the within and foregoing Motion by **United States Mail** in an envelope properly addressed to the following, with adequate postage thereon to ensure proper delivery:

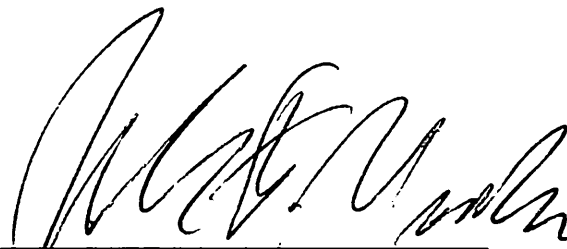
The Honorable Paul L. Howard, Jr.
Fulton County District Attorney
Fulton County Courthouse, 3rd Floor
136 Pryor Street, S.W.
Atlanta, GA 30303

Douglass P. Selby
Hunton & Williams LLP
600 Peachtree Street, NE, Suite 4100
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Cathy Hampton, City Attorney
City of Atlanta Law Department.
68 Mitchell Street, Suite 4100
Atlanta, GA 30303

Frank Poe, Executive Director
Geo. L. Smith II Georgia World Congress Center Authority
285 Andrew Young International Blvd., NW
Atlanta, GA 30313-1591

This 10th day of February, 2014.



John F. Woodham
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Co-Counsel for Intervenors

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EXHIBIT “A”

**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

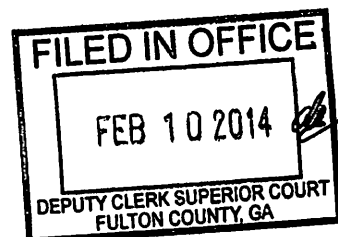
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THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
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WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035

BOND VALIDATION



**OBJECTIONS TO BOND VALIDATION PETITION
AND DENIAL OF BOND VALIDATION PETITION ALLEGATIONS**

Intervenor Parties Rev. William L. Cottrell, Sr., Mamie Lee Moore, Tracy Y. Bates and John H. Lewis III, each a citizen of the State of Georgia and a resident of the City of Atlanta, Fulton County, Georgia (collectively, "Intervenors"), by and through undersigned counsel, hereby file this verified Objections to Bond Validation and Denial of Bond Validation Petition Allegations pursuant to O.C.G.A. § 36-82-77(a), and show the Court as follows:

FIRST DEFENSE

The Bond Validation Petition (as defined below) fails to state a claim upon which relief may be granted.

SECOND DEFENSE

No incidental admission is made to the Bond Validation Petition. Any allegation which is not specifically admitted is hereby denied.

Statement of Facts

1.

On February 4, 2014, the State of Georgia, by and through the District Attorney of the Atlanta Judicial Circuit, filed in this proceeding a Petition and Complaint for Bond Validation (the “Bond Validation Petition”) seeking to confirm and validate the issuance of “The Atlanta Development Authority Revenue Bonds (New Downtown Atlanta Stadium Project), Series 2014” (the “2014 NSP Revenue Bonds”), in one or more series or subseries in a combined aggregate principal amount not to exceed \$278,346,000, to finance a portion of the cost of the development, construction and equipping of the “New Stadium Project”, as more particularly set forth in Paragraph 17 of the Bond Validation Petition.

2.

Notice of this proceeding was published for the first time in the Fulton County Daily Report on February 7, 2014 (the “FCDR Notice”), as required pursuant to O.C.G.A. § 36-82-76. A copy of the FCDR Notice is attached hereto as **Exhibit “A”**. According to the FCDR Notice, the proceeding will initially be heard on February 17, 2014 at 8:30 a.m. before the Honorable Ural Glanville, though the Court is statutorily authorized to continue the matter to a later date. *See* O.C.G.A. § 36-82-77(a) (“Within the time prescribed in the order *or such further time as he may fix*, the judge of the superior court shall proceed to hear and determine all questions of law and of fact in the case and shall render judgment thereof.”). (emphasis supplied.)

3.

The “New Stadium Project” is intended to be the “successor facility” to the existing Georgia Dome located in the City of Atlanta, Fulton County, Georgia, as contemplated in O.C.G.A. § 48-13-51(a)(5)(B), and is intended to be the future facility used by the Atlanta Falcons sports team of the

National Football League (the “Atlanta Falcons”) to host “home” football games of the Atlanta Falcons. O.C.G.A. § 48-13-51(a)(5)(B) is itself unconstitutional as explained in Count I and Objection 1, below.

4.

Intervenor Rev. William L. Cottrell, Sr. is a citizen of the State of Georgia and a resident of the City of Atlanta, Fulton County, Georgia, residing at 890 Venetta Place, NW, Atlanta, Georgia 30318.

5.

Intervenor Mamie Lee Moore is a citizen of the State of Georgia and a resident of the City of Atlanta, Fulton County, Georgia, residing at 552 Oliver Street, NW, Atlanta, Georgia 30314.

6.

Intervenor Tracy Y. Bates is a citizen of the State of Georgia and a resident of the City of Atlanta, Fulton County, Georgia, residing at 510 Lindsay Street, NW, Atlanta, Georgia 30314.

7.

Intervenor John H. Lewis III is a citizen of the State of Georgia and a resident of the City of Atlanta, Fulton County, Georgia, residing at 240 Sunset Avenue, NW, Atlanta, Georgia 30314.

8.

Attached as Exhibit “A” to the Bond Validation Petition is the statutory Notice to the District Attorney, required pursuant to O.C.G.A. § 36-82-74 (the “Notice”). Attached to the Notice are various other exhibits, as more particularly described hereinbelow.

9.

Exhibit 1 to the Notice is a certified copy of a Bond Resolution purportedly adopted by Defendant The Atlanta Development Authority (d/b/a Invest Atlanta) (the “ADA”) on November 21, 2013 (the “Bond Resolution”). The Bond Resolution purports, among other things, to authorize the ADA to issue the 2014 NSP Revenue Bonds.

10.

In addition to the 2014 NSP Revenue Bonds, the Bond Validation Petition also seeks, among other things, to adjudicate the legal validity of various documents and agreements, including, without limitation, (i) the Bond Resolution, (ii) the Trust Indenture, (iii) the Invest Atlanta Rights and Funding Agreement, (iv) the Hotel Motel Tax Funding Agreement, (v) the Bond Proceeds Funding and Development Agreement, and (vi) the Hotel Motel Tax Operation and Maintenance Agreement.

11.

The form of the Trust Indenture is attached to the Bond Resolution as Exhibit “1”. The form of the Invest Atlanta Rights and Funding Agreement is attached to the Bond Resolution as Exhibit “2”. The form of the Hotel Motel Tax Funding Agreement is attached to the Bond Resolution as Exhibit “3”. The form of the Bond Proceeds Funding and Development Agreement is attached to the Bond Resolution as Exhibit “4”.

12.

On April 14, 2010, the Georgia General Assembly purportedly adopted House Bill 903, Act 606, Ga. L. 2010, p. 809, which was purportedly signed into law by the Governor on June 3, 2010 (“HB 903”). A “redlined” copy of HB 903 is attached hereto as Exhibit “B”. Section 1 of HB 903 (i) re-designated the existing O.C.G.A. § 48-13-51(a)(5) as O.C.G.A. § 48-13-51(a)(5)(A) and made

certain revisions thereto, and (ii) added a new subparagraph (B) to O.C.G.A. § 48-13-51(a)(5) – to wit: O.C.G.A. § 48-13-51(a)(5)(B).

13.

On March 18, 2013, the Atlanta City Council purportedly adopted Resolution 13-R-0165, a certified copy of which is attached as Exhibit “2” to the Notice (“City Resolution 13-R-0165”). City Resolution 13-R-0165 was signed by the Mayor of the City of Atlanta (and thus purportedly enacted) on March 21, 2013.

14.

City Resolution 13-R-0165 purports, among other things, to extend the City's existing Hotel/Motel tax currently being levied under O.C.G.A. § 48-13-51(a)(5)(A), pursuant to the tax levy extension provisions set forth in O.C.G.A. § 48-13-51(a)(5)(B).

15.

However, the City of Atlanta improperly and illegally adopted City Resolution 13-R-0165 in March 2013 before the City had ever received the “GWCCA Tax Certification” (as defined below) from Defendant the Geo. L. Smith II Georgia World Congress Center Authority (the “GWCCA”).

16.

A copy of the proposed Hotel Motel Tax Operation and Maintenance Agreement is attached as Exhibit “B” to City Resolution 13-R-0165.

17.

On December 2, 2013, the Atlanta City Council purportedly adopted City Ordinance 13-O-1333, which was purportedly enacted by operation of law on December 11, 2013 (“City Ordinance 13-O-1333”). City Ordinance 13-O-1333 purportedly authorizes the abandonment and subsequent conveyance by the City of Atlanta of 2.4 acres of Martin Luther King, Jr., S.W., located between

Northside Drive, N.W. and Mangum Street, N.W., as more particularly shown on Exhibit “A” to City Ordinance 13-O-1333; such 2.4 acres to be conveyed to the GWCCA (acting by and through the Georgia State Properties Commission) to provide additional land on which to construct the New Stadium Project by the GWCCA for use by the Atlanta Falcons. A true and correct copy of copy of City Ordinance 13-O-1333 is attached hereto as Exhibit “C”.

18.

The City has already, or is on the verge of, conveying said 2.4 acres to the GWCCA for zero consideration. However, such conveyance by the City of Atlanta to the GWCCA will not result in a “substantial benefit” to the citizens and residents of the City of Atlanta.

19.

City Ordinance 13-O-1333 is unconstitutional, *ultra vires*, illegal null and void, in violation of (i) the gratuities clause of the 1983 Constitution of the State of Georgia, and (ii) and the requirement that the City first obtain a Development of Regional Impact (“DRI”) review from the Atlanta Regional Commission (“ARC”) prior to abandoning the subject 2.4 acres and conveying same to the GWCCA.

20.

On December 2, 2013, the Atlanta City Council purportedly adopted City Ordinance 13-O-1334, which was purportedly enacted by operation of law on December 11, 2013 (“City Ordinance 13-O-1334”). City Ordinance 13-O-1334 purportedly authorizes the abandonment and subsequent and conveyance by the City of Atlanta of .45 acres of Haynes Street, N.W. located between Martin Luther King, Jr., S.W. and Georgia Dome Drive, N.W., as more particularly shown on Exhibit “A” to City Ordinance 13-O-1334; such .45 acres to be conveyed to the GWCCA (acting by and through the Georgia State Properties Commission) to provide additional land on which to construct the New

Stadium Project by the GWCCA for use by the Atlanta Falcons. A true and correct copy of copy of City Ordinance 13-O-1334 is attached hereto as **Exhibit “D”**.

21.

The City has already, or is on the verge of, conveying said .45 acres to the GWCCA for zero consideration. However, such conveyance by the City of Atlanta to the GWCCA will not result in a “substantial benefit” to the citizens and residents of the City of Atlanta.

22.

City Ordinance 13-O-1334 is unconstitutional, *ultra vires*, illegal null and void, in violation of (i) the gratuities clause of the 1983 Constitution of the State of Georgia, and (ii) and the requirement that the City first obtain a DRI review from the ARC prior to abandoning the subject .45 acres and conveying same to the GWCCA.

23.

On February 5, 2014, construction of the site for the New Stadium Project commenced with the partial demolition of the bridge located on the 2.4 acre portion of Martin Luther King, Jr Drive, S.W. abandoned by the City in connection with City Ordinance 13-O-1333.

24.

Construction of the New Stadium Project has therefore already commenced, either by or on behalf of the GWCCA, even though the GWCCA has not complied with the procedural requirements of the Georgia Environmental Policy Act, O.C.G.A. § 12-16-1, *et seq.*

Denial of Bond Validation Petition Allegations

Intervenors further state that neither the Plaintiff State of Georgia nor any of the named Defendants to this bond validation proceeding is entitled to any of the relief sought in the prayer for relief contained in the Bond Validation Petition. Intervenors further hereby expressly deny the averments set forth in Paragraph Nos. 5, 14, 16, 19, 26, 27, 30, 31, 32 and 33 of the Bond Validation Petition. Without limitation of the foregoing, Intervenors hereby present and makes the following objections to the relief sought in the Bond Validation Petition:

COUNT I and OBJECTION I

O.C.G.A. § 48-13-51(a)(5)(B) Enacted As Part of Section 1 of HB 903 Is Unconstitutional, In Violation of Art. III, Sec. VI, Par. IV(a) of the Georgia Constitution

25.

Intervenors reallege and incorporate Paragraphs 1 through 24 as if set forth fully herein.

26.

Art. III, Sec. VI, Par. IV(a) of the 1983 Georgia Constitution provides: “Laws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any case for which provision has been made by an existing general law, except that the General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws.”

27.

As stated above, on April 14, 2010, the Georgia General Assembly purportedly adopted HB 903, Act 606, Ga. L. 2010, p. 809, which was purportedly signed into law by the Governor on June 3, 2010 (“HB 903”). Section 1 of HB 903 (i) re-designated the existing O.C.G.A. § 48-13-51(a)(5) as O.C.G.A. § 48-13-51(a)(5)(A) and made certain revisions thereto, and (ii) added a new subparagraph

(B) to O.C.G.A. § 48-13-51(a)(5) – to wit: O.C.G.A. § 48-13-51(a)(5)(B). See **Exhibit “B”** attached hereto and incorporated herein by reference.

28.

Section 1 of HB 903 purports to allow a municipality theretofore levying a Hotel/Motel excise tax under O.C.G.A. § 48-13-51(a)(5)(A), which tax levy would otherwise “sunset” on December 31, 2020, to extend such tax levy until December 31, 2050, subject to the terms and conditions of O.C.G.A. § 48-13-51(a)(5)(B).

29.

It is the Hotel/Motel tax levy extension provisions set forth in O.C.G.A. § 48-13-51(a)(5)(B) which caused the City of Atlanta to enact City Resolution 13-R-0615 in March 2013. However, O.C.G.A. § 48-13-51(a)(5)(B), purportedly enacted into law on June 3, 2010 as an amendment to the existing Hotel/Motel tax statute, O.C.G.A. § 48-13-50, *et seq.*, is an unconstitutional “special law”, in violation of Art. III, Sec. VI, Par. IV(a) of the 1983 Georgia Constitution.

30.

The next attack on the Coal Conversion Statute is an argument that the statute is special legislation. Art. I, Sec. II, Par. VII of the 1976 Georgia Constitution provides that laws of a general nature shall have uniform operation throughout the state and, further, that no special law may be enacted in any case for which provision has been made by general law. To violate the constitutional provision, the statute in question must either be a general law which lacks uniform operation throughout the state or a special law for which provision has been made by existing general law. Whether the accelerated write-off statute fits either of these descriptions depends first upon the distinction between general and special laws. ***A general law has been held to be one which operates uniformly throughout the state upon the subject or class of subjects with which it proposes to deal.*** *Lorentz & Rittler v. Alexander*, 87 Ga. 444, 13 S.E. 632 (1891); *Union Savings Bank & Trust Co. v. Dottenheim*, 107 Ga. 606, 34 S.E. 217 (1899). ***When a statute purports to do this, but in application lacks uniform operation, it runs afoul of the constitution. A special statute is one which affects a limited area or class. The statute before us deals with a limited activity in a specific industry during a limited time frame. The parties admit it affects only one plant. To designate this as a general law would amount to the acceptance of a***

fiction which would strain the credibility of the court. It is a special law and must stand or fall as viewed in that posture. In so viewing the statute, we first note that the constitution does not prohibit special laws per se. The legislature may enact special laws affecting special classes, but it cannot do so if it has previously legislated in that area by general law nor may it do so if the classification of those affected is unreasonable. *Lasseter v. Georgia Public Service Com'n*, 253 Ga. 227, 229-230(2) (1984). (emphasis supplied.)

31.

“We find that OCGA § 9-3-30.1 constitutes a special law within the meaning of Art. 3, Sec. 6, Para. 4(a) of the Constitution of Georgia of 1983, which provides: "Laws of a general nature shall have uniform operation throughout the state and no local or special law shall be enacted in any case for which provision has been made by an existing general law...." OCGA § 9-3-30.1, like the statute at issue in *Lasseter v. Ga. Public Service Commission*, 253 Ga. 227, 319 S.E.2d 824 (1984), deals with a limited activity in a specific industry during a limited time frame.... To designate this as a general law would amount to the acceptance of a fiction which would strain the credibility of the court. It is a special law and must stand or fall as viewed in that posture. *Id.*, at p. 229, 319 S.E.2d 824. . . . This act singles out for special treatment property claims against manufacturers and suppliers of asbestos and differentiates them from all other claims that might be based upon other hazardous or toxic substances. Because we do not find this separate classification to be reasonable, the statute does not meet constitutional standards. *Celotex Corp. v. St. Joseph Hosp.*, 259 Ga. 108, 110 (1989).

32.

A law once territorially general must remain so until it is wholly repealed, however its provisions may be otherwise varied by subsequent legislation. One and the same law for the whole state must be a general law; and a general law must, while it exists, have a general nature, . . . ***But no general law, whatever be its nature, can, under that constitution, be put aside by a subsequent special law.*** . . . The scheme of our present constitution is not only to have general statutes uniform in their operation throughout the state when they are enacted, but to have them remain so as long as

they remain in force. *They cannot be deprived of their force in one part of the state without simultaneously depriving them of force in every other part. They can be killed, but not mutilated.* The smallest of their territorial members cannot be cutoff. There is no way to convert a statute territorially general into one territorially special. *It may be altered at will, save that, while it has life, it must live all over the state with equal vigor, and can be excluded from no nook or corner in which there is a subject-matter for its operation.* Any of its attributes may be changed or destroyed except its territorial generality and uniformity. These must be as enduring as its life. *Mathis v. Jones*, 84 Ga. 804(1) (1890). (emphasis supplied.)

33.

“In *Stewart v. Anderson*, supra, in an opinion by Mr. Justice Atkinson the rule is very clearly stated as follows: ‘A general law may be repealed or modified by another general law, *but it cannot be repealed or modified by a special or local law.* If the act under consideration is a general law, it is valid as against the contention that it violates the section of the Constitution above quoted. If it is a special or local law dealing with a subject as to which provision has already been made by an existing general law, then it is in conflict with that section and invalid.’” *Hood v. Burson*, 194 Ga. 30(1) (1942). (emphasis supplied.) *Accord Barge v. Camp*, 209 Ga. 38, 44 (1952) (“Nor is the act void because in conflict with the general law providing for county police, Code, Chapter 23-14, for it is an amendment of this general law, and a *general law may be repealed or modified by another general law.*”) (emphasis supplied.)

34.

O.C.G.A. § 48-13-51(a)(5)(B) provides as follows:

Notwithstanding the termination date stated in division (ii) of subparagraph (A) of this paragraph, notwithstanding paragraph (6) of this subsection, and notwithstanding subsection (b) of this Code section, *a tax levied under this paragraph may be extended by resolution of the levying county or municipality and continue to be collected through December 31, 2050, if a state authority certifies: (i) that the same portion of the proceeds will be used to fund a successor facility to the multipurpose domed facility as is currently required to fund the multipurpose domed facility under division (ii) of subparagraph (A) of this paragraph; (ii) that such successor facility will be located on property owned by the state authority; and (iii) that the*

state authority has entered into a contract with a national football league team for use of the successor facility by the national football league team through the end of the new extended period of the tax collection. During the extended period of collection provided for in this subparagraph, the county or municipality levying the tax shall continue to comply with the expenditure requirements of division (i) of subparagraph (A) of this paragraph. During the extended period of collection, the county or municipality shall further expend (in each fiscal year during which the tax is collected during the extended period of collection) an amount equal to 39.3 percent of the total taxes collected at the rate of 7 percent toward funding the successor facility certified by the state authority. ***Amounts so expended shall be expended only through a contract with the certifying state authority.*** Any tax levied pursuant to this paragraph shall terminate not later than December 31, 2050, provided that during any period during which there remains outstanding any obligation which is incurred to fund the successor facility certified by the state authority, and secured in whole or in part by a pledge of a tax authorized under this Code section, or any such obligation which is incurred to refund such an obligation, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph shall not be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by an authority of the state, shall constitute a contract with the holder of such obligations. (emphasis supplied.)

35.

By its terms, O.C.G.A. § 48-13-51(a)(5)(B) (as originally set forth in Section 1 of HB 903) addresses itself exclusively to the City of Atlanta and/or Fulton County, Georgia extending the existing Hotel/Motel tax levy, to fund a “successor facility” to the existing Georgia Dome, provided the GWCCA is able to enter into a long-term agreement with the Atlanta Falcons.

36.

As in *Lasseter, supra*, in light of the extremely narrow subject matter, temporal and territorial applicability of O.C.G.A. § 48-13-51(a)(5)(B), by its own terms O.C.G.A. § 48-13-51(a)(5)(B) **can relate to only a single project in the State of Georgia** – a “successor facility” to the existing Georgia Dome for long-term use by the Atlanta Falcons.

37.

Because in 2010 when O.C.G.A. § 48-13-51(a)(5)(B) was enacted there was only one multipurpose domed facility owned by a State authority in the State of Georgia (i.e., the Georgia Dome), there can only be one "successor facility" which falls under this new language. This new language thus authorizes, by necessity, exclusively the extension of the existing City of Atlanta Hotel/Motel tax to fund a "successor facility" to the Georgia Dome, solely in the event a national football team (i.e., the Atlanta Falcons) signs a contract with the GWCCA for use of the "successor facility". The Atlanta Falcons is the only national football team in the State of Georgia, and they just happen to currently play home games in the Georgia Dome, the only multipurpose domed stadium in the State of Georgia owned by a State authority.

38.

O.C.G.A. § 48-13-51(a)(5)(B) (as enacted in 2010 pursuant to Section 1 of HB 903) therefore by its own terms does not have statewide applicability.

39.

O.C.G.A. § 48-13-51(a)(5)(B) (as enacted in 2010 pursuant to Section 1 of HB 903) is therefore what is referred to in Georgia as a "special law". By its plain language, it cannot have uniform operation around the State, because of the specific temporal, territorial and subject matter limitations embedded into the new subparagraph (B) of O.C.G.A. § 48-13-51(a)(5). It can only have operation in the City of Atlanta with respect to a "successor facility" to the Georgia Dome for purposes of housing the Atlanta Falcons.

40.

When adopted in 2010 as part of Section 1 of HB 903, this new subparagraph (B) by its own terms could not apply to any other local jurisdiction in the State of Georgia, and thus it does not have

uniform operation and therefore cannot qualify as a "general law". This by definition is a "special law". "To designate this [O.C.G.A. § 48-13-51(a)(5)(B)] as a general law *would amount to the acceptance of a fiction which would strain the credibility* of [the judicial system]". *Lasseter, supra.* (emphasis supplied.)

41.

This "special law" violates the State Constitutional provision prohibiting "special laws" (Art. III, Sec. VI, Par. IV(a) of the 1983 Georgia Constitution), because (i) a "special law" cannot amend or modify an existing "general law", and (ii) a "special law" cannot cover a subject matter already addressed by "general law".

42.

The preexisting (i.e., pre-2010) version of O.C.G.A. 48-13-51(a)(5) was a "general law" having potential Statewide application when originally enacted. Moreover, 48-13-51(a)(5) was a "general law" which already addressed the subject matter of "funding a multipurpose domed stadium facility" to be owned by a State authority through use of 39.3% of the 7% Hotel/Motel taxes levied and collected by a county and/or municipality under O.C.G.A. 48-13-51(a)(5).

43.

O.C.G.A. § 48-13-51(a)(5)(B) is a "special law" enacted in 2010 which addresses the same general subject matter already addressed in the "general law" provisions of the preexisting (i.e., pre-2010) version of O.C.G.A. 48-13-51(a)(5), that same general subject matter being the "funding a multipurpose domed stadium facility" to be owned by a State authority through use of 39.3% of the total Hotel/Motel taxes levied and collected by a county and/or municipality under O.C.G.A. 48-13-51(a)(5). Therefore, O.C.G.A. § 48-13-51(a)(5)(B) (as enacted in 2010 as part of Section 1 of HB

903) violates Art. III, Sec. VI, Par. IV(a) of the 1983 Constitution of the State of Georgia, inasmuch as it purports to cover the same general subject matter.

44.

O.C.G.A. § 48-13-51(a)(5)(B) is a “special law” enacted in 2010 which also purports to amend the “general law” provisions of the preexisting (i.e., pre-2010) version of O.C.G.A. 48-13-51(a)(5). A “special law” cannot amend a “general law”. *Hood v. Burson, supra*. Therefore, O.C.G.A. § 48-13-51(a)(5)(B) (as enacted in 2010 as part of Section 1 of HB 903) violates Art. III, Sec. VI, Par. IV(a) of the 1983 Constitution of the State of Georgia.

45.

“Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them.” *Art. I, Sec. II, Par. V of the 1983 Constitution of the State of Georgia*. (emphasis supplied.)

46.

Based on the foregoing reasons, this Court should find, declare and determine that O.C.G.A. § 48-13-51(a)(5)(B) is unconstitutional, in violation of the Art. III, Sec. VI, Par. IV(a) of the 1983 Constitution of the State of Georgia.

COUNT II and OBJECTION II

City Resolution 13-R-0615 Is Ultra Vires, Null and Void Because O.C.G.A. § 48-13-51(a)(5)(B) Is Unconstitutional

47.

Intervenors reallege and incorporate Paragraphs 1 through 46 as if set forth fully herein.

48.

The City of Atlanta's purported extension of its Hotel/Motel tax levy as set forth in City Resolution 13-R-0615 is predicated on the purported power and authority to extend the tax as purportedly set forth O.C.G.A. § 48-13-51(a)(5)(B).

49.

However, because O.C.G.A. § 48-13-51(a)(5)(B) is unconstitutional and void, in violation of Art. III, Sec. VI, Par. IV(a) of the 1983 Constitution of the State of Georgia for the reasons stated in Count I and Objection 1 above, the City of Atlanta is without any power or authority whatsoever to extend the existing Hotel/Motel tax currently being levied pursuant to O.C.G.A. § 48-13-51(a)(5)(A).

50.

City Resolution 13-R-0615 is therefore *ultra vires*, null and void, and the City's existing Hotel/Motel tax currently being levied pursuant to O.C.G.A. § 48-13-51(a)(5)(A) will therefore necessarily “sunset” as a matter of law on December 31, 2020, according to the plain terms of O.C.G.A. § 48-13-51(a)(5)(A).

51.

Therefore, there will be no City of Atlanta Hotel/Motel tax revenues available under O.C.G.A. § 48-13-51(a)(5)(A) to be pledged as security for the 2014 NSP Revenue Bonds.

52.

And to be clear, under well-settled Georgia legal principles, O.C.G.A. § 48-13-51(a)(5)(B) was unconstitutional and “void from the inception”:

It is well settled law in this State that “[t]he time with reference to which the constitutionality of an act of the General Assembly is to be determined is the date of its passage, and if it is unconstitutional then, it is forever void.” Jones v.

McCaskill, 112 Ga. 453, 456, 37 S.E. 724 (1900). " 'An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.' " Herrington v. State, 103 Ga. 318, 320, 29 S.E. 931 (1898), quoting Norton v. Shelby County, 118 U.S. 425, 442, 6 S.Ct. 1121, 1125, 30 L.Ed. 178 (1886). It follows that once a statute is declared unconstitutional and void, it cannot be saved by a subsequent statutory amendment, as there is, in legal contemplation, nothing to amend. City of Atlanta v. Gower, 216 Ga. 368, 116 S.E.2d 738 (1960). ***Nor can a void statute be revived by a subsequent constitutional amendment.*** Jamison v. City of Atlanta, 225 Ga. 51, 165 S.E.2d 647 (1969). Similarly, where a statute is held to be unconstitutional and void in part, a subsequent constitutional amendment cannot revive the void portion. Comm'rs. of Rds. & Revenues v. Davis, 213 Ga. 792, 102 S.E.2d 180 (1958). For an illuminating treatment of this area of our law see Sentell, *Unconstitutionality in Georgia: Problems of Nothing*, 8 Ga.L.Rev. 101 (1973). *In the Interest of R.A.S.*, 249 Ga. 236, 237 (1982). (emphasis supplied.)

53.

As such, because O.C.G.A. § 48-13-51(a)(5)(B) was unconstitutional and “void from the inception”, O.C.G.A. § 48-13-51(a)(5)(B) was “as inoperative as though it had never been passed”; and therefore there was no statutory legal basis in existence in March 2013 which would have authorized the City of Atlanta to extend its Hotel/Motel tax by enacting City Resolution 13-R-0615.

54.

Based on the foregoing reasons, this Court should find, declare and determine that City Resolution 13-R-0615 is *ultra vires*, null and void.

COUNT III and OBJECTION III

City Resolution 13-R-0615 Is Ultra Vires, Null and Void Because The Condition Precedent of The GWCCA Tax Certification Had Not Been Satisfied As of March 18, 2013 or March 21, 2013

55.

Intervenors reallege and incorporate Paragraphs 1 through 54 as if set forth fully herein.

56.

Premitting that City Resolution 13-R-0615 is *ultra vires*, null and void for the reasons stated in Count II and Objection II above, City Resolution 13-R-0615 is also *ultra vires*, null, and void in that the condition precedent of the City's receipt of the "GWCCA Tax Certification" (as defined below) had not been satisfied as of March 18, 2013 (the date that City Resolution 13-R-0615 was purportedly adopted by the Atlanta City Council) or on March 21, 2013 (the date City Resolution 13-R-0615 was signed by the Mayor).

57.

O.C.G.A. § 48-13-51(a)(5)(B) provides in pertinent part as follows: "Notwithstanding the termination date stated in division (ii) of subparagraph (A) of this paragraph, notwithstanding paragraph (6) of this subsection, and notwithstanding subsection (b) of this Code section, a tax levied under this paragraph may be extended by resolution of the levying county or municipality and continue to be collected through December 31, 2050, ***if a state authority certifies: (i) that the same portion of the proceeds will be used to fund a successor facility to the multipurpose domed facility as is currently required to fund the multipurpose domed facility under division (ii) of subparagraph (A) of this paragraph; (ii) that such successor facility will be located on property owned by the state authority; and (iii) that the state authority has entered into a contract with a national football league team for use of the successor facility by the national football league team through the end of the new extended period of the tax collection. . . .***" (emphasis supplied.)

58.

The requisite certification from the "state authority" referenced in O.C.G.A. § 48-13-51(a)(5)(B), which purportedly triggers the ability of the City to adopt a resolution extending the Hotel/Motel tax already being levied by the City pursuant to O.C.G.A. § 48-13-51(a)(5)(A), is

referred to herein as the “GWCCA Tax Certification”. Receipt of the GWCCA Tax Certification is thus a condition precedent in terms of the ability of the City to exercise the purported power and authority to extend the tax by enacting City Resolution 13-R-0615. The City could enact City Resolution 13-R-0615 in March 2013 only “if” it has already received the GWCCA Tax Certification from the GWCCA. “In all interpretations of statutes, the ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter, which shall have the signification attached to them by experts in such trade or with reference to such subject matter.” *O.C.G.A. § 1-3-1(b)*. In its ordinary significance, the word “if” is a condition precedent. Moreover, “[a] grant of power to a municipal corporation *must be strictly construed*, and *any reasonable doubt concerning the existence of a power is resolved by the courts against the municipal corporation*. *Kirkland v. Johnson*, 209 Ga. 824, 825-826(3) (1953). (emphasis supplied.)

59.

Because the City of Atlanta had not received the GWCCA Tax Certification on or before the purported enactment of City Resolution 13-R-0615 in March 2013, the City of Atlanta was not authorized under O.C.G.A. § 48-13-51(a)(5)(B) to extend the tax levy by enacting City Resolution 13-R-0615.

60.

City Resolution 13-R-0615 is therefore *ultra vires*, null and void, and this Court should declare City Resolution 13-R-0615 as such.

COUNT IV and OBJECTION IV

Even If Receipt of GWCCA Tax Certification Was a Condition Subsequent (Which It Was Not), City Resolution 13-R-0615 Would Still be *Ultra Vires*, Null and Void In Violation of O.C.G.A. § 36-30-3(a)

61.

Intervenors reallege and incorporate Paragraphs 1 through 60 as if set forth fully herein.

62.

O.C.G.A. § 36-30-3(a) provides: “One council may not, by an ordinance, bind itself or its successors so as to prevent free legislation in matters of municipal government.”

63.

Though receipt of the GWCCA Tax Certification is clearly a condition precedent to the City's ability to extend its Hotel/Motel tax levy by enacting City Resolution 13-R-0615, even if the City argues in this proceeding that City Resolution 13-R-0615 is legally valid, existing legislation, simply awaiting the issuance of the GWCCA Tax Certificate to trigger the Hotel/Motel tax levy extension, this argument would necessarily fail as violative of O.C.G.A. § 36-30-3(a).

64.

City Resolution 13-R-0615 was adopted in March 2013 by a prior Atlanta City Council. A new Atlanta City Council was sworn in on Monday, January 6, 2014.

65.

Pursuant to City of Atlanta Ordinance 11-O-1057, a copy of which is attached hereto as **Exhibit “E”** (“City Ordinance 11-O-1057”), the City of Atlanta elected to increase its Hotel/Motel tax levy from 7% to 8%, as permitted pursuant to the authority set forth in O.C.G.A. § 48-13-51(b)(7)(A) (“Any municipality which is levying an excise tax under paragraph (5) of subsection (a) of this Code section, so long as any obligation as described in division (a)(5)(A)(ii) or subparagraph

(a)(5)(B) of this Code section remains outstanding, shall leave such excise tax in effect at the rate of 7 percent and may levy up to an additional 1 percent excise tax under this paragraph so long as the combined rate does not exceed 8 percent.”).

66.

If City Resolution 13-R-0615 is an inchoate tax levy extension conditioned on the future action of a third party (i.e., GWCCA providing the the GWCCA Tax Certificate at some undetermined date in the future), then the 2013 Atlanta City Council (a prior Atlanta City Council) will have illegally bound a future Atlanta City Council to a 30-year extension of the 7% Hotel/Motel tax levy portion of the total 8% tax levy enacted by way of City Ordinance 11-O-1057. This binding of a future Atlanta City Council by a prior Atlanta City Council is directly prohibited by O.C.G.A. § 36-30-3(a) (“One council may not, by an ordinance, bind itself or its successors so as to prevent free legislation in matters of municipal government.”), and this Court should find and declare as such.

COUNT V and OBJECTION V

The 2014 NSP Revenue Bonds Violate Art. IX, Sec. VI Par. I of the 1983 Constitution of the State of Georgia

67.

Intervenors reallege and incorporate Paragraphs 1 through 66 as if set forth fully herein.

68.

Art. IX, Sec. VI, Par. I of the 1983 Constitution of the State of Georgia provides in pertinent part: “The obligation represented by revenue bonds *shall be repayable only out of the revenue derived from the project* and shall not be deemed to be a debt of the issuing political subdivision.” (emphasis supplied.)

69.

The 2014 NSP Revenue Bonds which the ADA are seeking to issue as part of this proceeding will not be repaid by any revenue from the New Stadium Project. Instead, according to Paragraphs 18, 23 and 28 of the Bond Validation Petition, the subject revenue bonds are intended to be exclusively repaid by 39.3% of the 7% Hotel/Motel tax levied and collected by the City pursuant to O.C.G.A. § 48-13-51(a)(5)(A).

70.

Such 39.3% of the 7% Hotel/Motel tax levied and collected by the City pursuant to O.C.G.A. § 48-13-51(a)(5)(A) is clearly not revenue to be derived from the New Stadium Project. Instead, it is revenue derived from paying customers of hotels and motels located in the City of Atlanta.

71.

Therefore, the so-called “revenue” bonds proposed to be issued by the ADA are unconstitutional, in violation of Art. IX, Sec. VI, Par. I of the 1983 Constitution of the State of Georgia, and the Court should find and declare as such.

COUNT VI and OBJECTION VI

The 2014 NSP Revenue Bonds Violates O.C.G.A. § 36-82-66 Of The Revenue Bond Law

72.

Intervenors reallege and incorporate Paragraphs 1 through 71 as if set forth fully herein.

73.

Paragraph 5 of the Bond Validation Petition avers that the New Stadium Project is an “undertaking” under the Revenue Bond Law, O.C.G.A. § 36-82-60, *et seq.*

74.

O.C.G.A. § 36-82-66 of the Revenue Bond Law provides in pertinent part as follows:
“Revenue bonds issued under this article shall not be payable from or charged upon any funds *other than the revenue pledged to the payment thereof*, nor shall the governmental body issuing the same be subject to any pecuniary liability thereon.” (emphasis supplied.)

75.

The term “revenue” is defined as “all revenues, income, and earnings *arising out of or in connection with the operation or ownership of the undertaking* and, if so stated in the resolution or resolutions authorizing the issuance of obligations under this article, also means moneys received as grants from the United States of America, from this state, or from any instrumentality or agency of the foregoing in aid of such undertaking.” See O.C.G.A. § 36-82-61(3). (emphasis supplied.)

76.

The 2014 NSP Revenue Bonds which the ADA are seeking to issue as part of this proceeding will not be repaid by any “revenue” “arising out of or in connection with the operation or ownership” of the New Stadium Project. Instead, according to Paragraphs 18, 23 and 28 of the Bond Validation Petition, the subject revenue bonds are intended to be exclusively repaid by 39.3% of the 7% Hotel/Motel tax levied and collected by the City pursuant to O.C.G.A. § 48-13-51(a)(5)(A).

77.

Such 39.3% of the 7% Hotel/Motel tax levied and collected by the City pursuant to O.C.G.A. § 48-13-51(a)(5)(A) is clearly not “revenue” within the meaning of O.C.G.A. § 36-82-61(3). Instead, it is revenue derived from paying customers of hotels and motels located in the City of Atlanta.

78.

Therefore, the so-called “revenue” bonds proposed to be issued by the ADA are illegal, in violation of O.C.G.A. § 36-82-66 of the Revenue Bond Law, and the Court should find and declare as such.

COUNT VII and OBJECTION VII

The Hotel Motel Tax Funding Agreement Violates The Intergovernmental Contracts Clause of The State Constitution

79.

Intervenors reallege and incorporate Paragraphs 1 through 78 as if set forth fully herein.

80.

Art. IX, Sec. III, Par. I (a) of the 1983 Constitution of the State of Georgia provides as follows: “The state, or any institution, department, or other agency thereof, and any county, municipality, school district, or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; *but such contracts must deal with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide.* By way of specific instance and not limitation, a mutual undertaking by a local government entity to borrow and an undertaking by the state or a state authority to lend funds from and to one another for water or sewerage facilities or systems or for regional or multijurisdictional solid waste recycling or solid waste facilities or systems pursuant to law shall be a provision for services and an activity within the meaning of this Paragraph.” (the “Intergovernmental Contracts Clause”).

81.

“While that clause authorizes governmental entities to contract among themselves for time periods not exceeding 50 years, it does not authorize every type contract, but only those regarding 'joint services, for the provision of services, or for the joint or separate use of facilities or equipment' ***and must deal with 'activities, services, or facilities which the contracting parties are authorized by law to undertake or provide.'***” *Nations v. Downtown Development Authority of City of Atlanta*, 255 Ga. 324 (1985). *Nations v. Downtown Development Authority of City of Atlanta*, 255 Ga. 324 (2)(a) (1985) (emphasis supplied.)

82.

In accordance with O.C.G.A. § 48-13-51(a)(5)(B), the City of Atlanta, the jurisdiction purportedly authorized to levy the 7% Hotel/Motel tax to fund expenditures for the “successor facility” to the Georgia Dome, is authorized to expend such funds “only through a contract with the certifying state authority”. The “certifying state authority” in this situation is the GWCCA.

83.

Therefore, the Hotel Motel Tax Funding Agreement, which is an expenditure funding agreement between the City of Atlanta and the ADA, violates the Intergovernmental Contracts Clause, because O.C.G.A. § 48-13-51(a)(5)(B), according to its plain language, restricts the funding agreement to an agreement between the the City of Atlanta and the GWCCA. The ADA is clearly not the “certifying state authority”, and therefore it is not authorized under O.C.G.A. § 48-13-51(a)(5)(B) to enter into the Hotel Motel Tax Funding Agreement with the City of Atlanta. The proposed Hotel Motel Tax Funding Agreement is therefore unconstitutional, in violation of the Intergovernmental Contracts Clause, and the Court should declare it as such.

COUNT VIII and OBJECTION VIII

The Bond Proceeds Funding and Development Agreement Violates The Intergovernmental Contracts Clause of The State Constitution

84.

Intervenors reallege and incorporate Paragraphs 1 through 83 as if set forth fully herein.

85.

In accordance with O.C.G.A. § 48-13-51(a)(5)(B), the City of Atlanta (not the ADA), is the jurisdiction purportedly authorized to levy the 7% Hotel/Motel tax to fund expenditures for the “successor facility” to the Georgia Dome “through a contract with the certifying state authority”. The “certifying state authority” in this situation is the GWCCA.

86.

Therefore, the Bond Proceeds Funding and Development Agreement, which is an expenditure funding agreement between the ADA and the GWCCA, violates the Intergovernmental Contracts Clause, because O.C.G.A. § 48-13-51(a)(5)(B), according to its plain language, restricts the funding agreement to an agreement between the the City of Atlanta and the GWCCA (not between the ADA and the GWCCA). The ADA is clearly not authorized under O.C.G.A. § 48-13-51(a)(5)(B) to enter into the Bond Proceeds Funding and Development Agreement with the GWCCA, and therefore the proposed Bond Proceeds Funding and Development Agreement is unconstitutional, in violation of the Intergovernmental Contracts Clause, and the Court should declare it as such.

COUNT IX and OBJECTION XI

**City Ordinance 13-O-1333 And City Ordinance 13-O-1334
Are Both Unconstitutional and Void, In Violation Of The
Gratuities Clause of The State Constitution**

87.

Intervenors reallege and incorporate Paragraphs 1 through 86 as if set forth fully herein.

88.

Both City Ordinance 13-O-1333 and City Ordinance 13-O-1334 involve the abandonment and conveyance of City right-of-way property for zero consideration.

89.

The citizens and residents of the City of Atlanta will not enjoy a “substantial benefit” as a result of these conveyances.

90.

Therefore, the conveyances purportedly authorized by these ordinances, albeit to or for the benefit of the GWCCA, are unconstitutional, in violation of the gratuities clause of the 1983 Constitution of the State of Georgia (Art. III, Sec. VI, Par. VI(a)), and the Court should declare these conveyances unconstitutional, null and void, and require that such conveyances be set aside.

COUNT X and OBJECTION X

**Declaratory Judgment Under The Georgia Administrative Procedure Act - The
GWCCA Has Failed to Comply With GEPA In Connection With The New Stadium Project**

91.

Intervenors reallege and incorporate Paragraphs 1 through 90 as if set forth fully herein.

92.

O.C.G.A. § 12-16-3(1) of the Georgia Environmental Policy Act, O.C.G.A. § 12-16-1, *et seq.* (“GEPA”), provides in pertinent part as follows: “A proposed governmental action which may significantly adversely affect the quality of the environment’ means a project proposed to be undertaken by a government agency or agencies, for which it is probable to expect a significant adverse impact on the natural environment, *including the state’s air, land, water, plants, animals, historical sites or buildings, or cultural resources.*” (emphasis supplied.)

93.

The GWCCA is a “government agency” for purposes of O.C.G.A. § 12-16-3(5).

94.

The New Stadium Project is a “proposed governmental action” for purposes of O.C.G.A. § 12-16-3(7).

95.

The New Stadium Project is a “a proposed governmental action which may significantly adversely affect the quality of the environment”. The foregoing is made especially by the January 24, 2014 correspondence of Dr. Beverly Daniel Tatum, a copy of which correspondence is attached hereto as **Exhibit “F”** and incorporated herein by reference. In addition, the proposed New Stadium Project requires the acquisition and destruction of two African-American churches, Friendship Baptist Church and Mount Vernon Baptist Church.

96.

The proposed destruction of Friendship Baptist Church by the GWCCA for purposes of building a new stadium for the Atlanta Falcons is particularly egregious, because Friendship Baptist Church was established in 1862 and independently organized in 1866, becoming Atlanta’s first

African-American Baptist autonomous congregation. Moreover, Friendship's role in African-American higher education has been unique in that Morehouse College, upon moving to Atlanta from Augusta, Georgia, in 1879, set up classes in Friendship Baptist Church, and Spelman College had its beginning in the basement of the present site in 1881. Close ties between these institutions continue to this day.

97.

Notwithstanding the foregoing, the “responsible official” of the GWCCA (presumably its Executive Director, Frank Poe), has apparently failed to make a determination whether the New Stadium Project is “a proposed governmental action which may significantly adversely affect the quality of the environment.” *See O.C.G.A. § 12-16-4(a)*.

98.

In light of the apparent failure of the “responsible official” of the GWCAA to comply in any fashion whatsoever with the procedural requirements of GEPA, Intervenorors hereby seek relief pursuant to the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1, *et seq.*

99.

Specifically, without limitation, Intervenorors seek a declaratory judgment pursuant to O.C.G.A. § 50-13-10, as to the GWCCA's apparent failure to comply in any fashion whatsoever with the procedural requirements of GEPA, because the GWCCA's apparent absolute failure to comply with the procedural requirements of GEPA impairs the legal rights of Intervenorors to see and mandate that public officials in this State comply with their official public duties. *See O.C.G.A. § 9-6-24* (“Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced.”).

COUNT XI and OBJECTION XI

The City of Atlanta Has Failed to Obtain a Development of Regional Impact Review From The Atlanta Regional Commission

100.

Intervenors reallege and incorporate Paragraphs 1 through 99 as if set forth fully herein.

101.

Before entering into any agreements regarding the proposed New Stadium Project, including, without limitation, the Hotel Motel Tax Funding Agreement, the City of Atlanta is required by State law to obtain a Development of Regional Impact (“DRI”) review concerning the proposed New Stadium Project from the Atlanta Regional Commission (“ARC”), because the New Stadium Project exceeds the applicable development thresholds triggering the DRI review process.

102.

A DRI review is also required before the City of Atlanta can lawfully abandon the additional parcels of City owned right-of-way to the GWCCA for additional land on which to construct the New Stadium Project, which abandonment legislation is currently pending in the City Utilities Committee of the Atlanta City Council.

103.

The City of Atlanta has not yet requested a DRI review from the ARC regarding the New Stadium.

104.

This Court should compel the City of Atlanta to request a DRI review from the ARC before the City is authorized to take any further action regarding the New Stadium project, including abandoning additional City property needed by the GWCCA for the New Stadium

Property, or entering into the Hotel Motel Tax Funding Agreement or any other agreement related to the New Stadium Project.

WHEREFORE, Intervenor prays that this Court enter judgment in favor of Intervenor and against the Plaintiff and Defendants as to the issues presented herein. Intervenor further prays that this Court enter an Order providing the following relief:

- (a) An Order finding in favor of Intervenor's Objections, both those stated herein in writing, and those state orally at any noticed hearing held in this proceeding;
- (b) An Order denying the requested relief by the Plaintiff and the Defendants in the Bond Validation Petition;
- (c) An Order declaring O.C.G.A. § 48-13-51(a)(5)(B) to be an unconstitutional "special law", in violation of the Art. III, Sec. VI, Par. IV(a) of the 1983 Constitution of the State of Georgia;
- (d) An Order declaring City Resolution 13-R-0615 to be illegal, *ultra vires*, null and void, for the reasons set forth in Count II and Objection II, above;
- (e) An Order declaring City Resolution 13-R-0615 to be illegal, *ultra vires*, null and void, for the reasons set forth in Count III and Objection III, above;
- (f) An Order declaring City Resolution 13-R-0615 to be illegal, *ultra vires*, null and void, in violation of O.C.G.A. § 36-30-3(a), for the reasons set forth in Count IV and Objection IV, above;
- (g) An Order declaring the 2014 NSP Revenue Bonds to be unconstitutional, in violation of Art. IX, Sec. VI, Par. I of the 1983 Constitution of the State of Georgia, for the reasons set forth in Count V and Objection V, above;

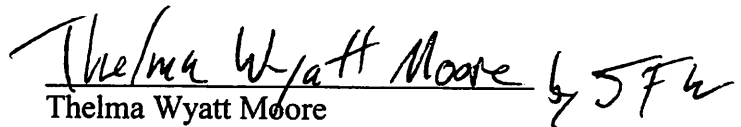
- (h) An Order declaring the 2014 NSP Revenue Bonds to be in violation of O.C.G.A. § 36-82-66 of the Revenue Bond Law, for the reasons set forth in Count VI and Objection VI, above;
- (i) An Order declaring the Hotel Motel Tax Funding Agreement to be unconstitutional, in violation of the “Intergovernmental Contracts Clause”, Art. IX, Sec. III, Par. I (a) of the 1983 Constitution of the State of Georgia, for the reasons set forth in Count VII and Objection VII, above;
- (j) An Order declaring the Bond Proceeds Funding and Development Agreement to be unconstitutional, in violation of the “Intergovernmental Contracts Clause, Art. IX, Sec. III, Par. I (a) of the 1983 Constitution of the State of Georgia, for the reasons set forth in Count VIII and Objection VIII, above;
- (k) An Order declaring that City Ordinance 13-O-1333 and City Ordinance 13-O-1334 are each unconstitutional, in violation of the gratuities clause, Art. III, Sec. VI, Par. VI(a) of the 1983 Constitution of the State of Georgia, for the reasons set forth in Count IX and Objection IX, above;
- (l) An Order under O.C.G.A. § 50-13-10 of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1, *et seq.*, declaring that the “responsible official” of the GWCCA has failed to comply with the procedural requirements of GEPA in connection with the New Stadium Project, and further mandating such procedural compliance with GEPA, for the reasons set forth in Count X and Objection X, above;


- (m) An Order declaring the City of Atlanta has illegally failed to request and obtain a DRI review of the New Stadium Project from the ARC, for the reasons set forth in Count XI and Objection XI, above;
- (n) An Order denying the validation and confirmation of the 2014 NSP Revenue Bonds;
- (o) A detailed Order (findings of fact and conclusions of law) as mandated by O.C.G.A. § 9-11-52(a); and
- (p) For such other and further relief as this Court deems just and proper.

Respectfully submitted, this the 10th day of February, 2014.

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**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

v.

THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
AND THE GEO. L. SMITH II GEORGIA
WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035

BOND VALIDATION

VERIFICATION

STATE OF GEORGIA

COUNTY OF FULTON

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Rev. William L. Cottrell, Sr., who after first being duly sworn, states that the facts contained in the within and foregoing Objections to Bond Validation and Denial of Bond Validation Petition Allegations are true and correct.


Rev. William L. Cottrell, Sr.

Sworn to and subscribed before
me this 10th day of February, 2014.


Notary Public

**Dianne Shepherd Pope
Notary Public
Fulton County, Georgia
My Commission Expires on
the 10th day of March 2015**

**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

v.

THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
AND THE GEO. L. SMITH II GEORGIA
WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035


BOND VALIDATION

VERIFICATION

STATE OF GEORGIA

COUNTY OF FULTON

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Mamie Lee Moore, who after first being duly sworn, states that the facts contained in the within and foregoing Objections to Bond Validation and Denial of Bond Validation Petition Allegations are true and correct.


Mamie Lee Moore

Sworn to and subscribed before
me this 10th day of February, 2014.


Notary Public

Dianne Shepherd Pope
Notary Public
Fulton County, Georgia
My Commission Expires on
the 10th day of March, 2015

**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

v.

THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
AND THE GEO. L. SMITH II GEORGIA
WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035

BOND VALIDATION

VERIFICATION

STATE OF GEORGIA

COUNTY OF FULTON

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, Tracy Y. Bates, who after first being duly sworn, states that the facts contained in the within and foregoing Objections to Bond Validation and Denial of Bond Validation Petition Allegations are true and correct.



Tracy Y. Bates

Sworn to and subscribed before
me this 10th day of February, 2014.



Notary Public

**Diana Shepherd Pope
Notary Public
Fulton County, Georgia
My Commission Expires on
the 10th day of March, 2015**

**IN THE SUPERIOR COURT OF FULTON COUNTY
THE STATE OF GEORGIA**

STATE OF GEORGIA,

Plaintiff,

v.

THE ATLANTA DEVELOPMENT
AUTHORITY (D/B/A INVEST
ATLANTA), THE CITY OF ATLANTA,
AND THE GEO. L. SMITH II GEORGIA
WORLD CONGRESS CENTER
AUTHORITY,

Defendants.

Civil Action File No.
2014-CV-242035

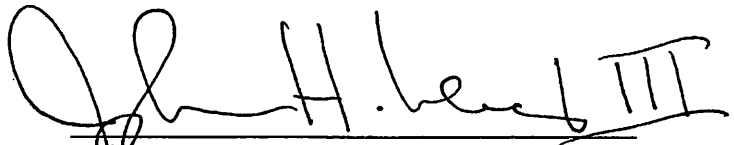
BOND VALIDATION

VERIFICATION

STATE OF GEORGIA

COUNTY OF FULTON

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, John H. Lewis III, who after first being duly sworn, states that the facts contained in the within and foregoing Objections to Bond Validation and Denial of Bond Validation Petition Allegations are true and correct.



John H. Lewis III

Sworn to and subscribed before
me this 10th day of February, 2014.



Notary Public

**Dianne Shepherd Pope
Notary Public
Fulton County, Georgia
My Commission Expires on
the 10th day of March, 2015**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the opposing parties with a copy of the within and foregoing Objections by **United States Mail** in an envelope properly addressed to the following, with adequate postage thereon to ensure proper delivery:

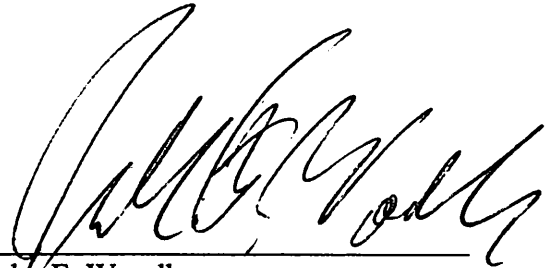
The Honorable Paul L. Howard, Jr.
Fulton County District Attorney
Fulton County Courthouse, 3rd Floor
136 Pryor Street, S.W.
Atlanta, GA 30303

Douglass P. Selby
Hunton & Williams LLP
600 Peachtree Street, NE, Suite 4100
Atlanta, GA 30309

Cathy Hampton, City Attorney
City of Atlanta Law Department.
68 Mitchell Street, Suite 4100
Atlanta, GA 30303

Frank Poe, Executive Director
Geo. L. Smith II Georgia World Congress Center Authority
285 Andrew Young International Blvd., NW
Atlanta, GA 30313-1591

This 10th day of February, 2014.



John F. Woodham
Georgia Bar. No 775066
Co-Counsel for Intervenors

Woodham Law, LLC
2625 Piedmont Road, Suite 56-295
Atlanta, Georgia 30324
(404) 382-0343 (o)
(404) 478-6510 (f)

EXHIBIT "A"

Public Notices

Bond Validation, #2231082

02/07/2014, 02/14/2014, HUNTON & WILLIAMS

NOTICE TO THE PUBLIC YOU ARE HEREBY NOTIFIED that on the 17th day of February, 2014 at 8:30 a.m., at the Superior Court of Fulton County in Atlanta, Georgia, the Honorable Ural Glanville of the Superior Court of Fulton County will hear the case of the STATE OF GEORGIA, Plaintiff, v. THE ATLANTA DEVELOPMENT AUTHORITY (D/B/A INVEST ATLANTA), CITY OF ATLANTA AND THE GEO. L. SMITH II GEORGIA WORLD CONGRESS CENTER AUTHORITY, Civil Action File No. 2014-CV-242035, in the Superior Court of Fulton County, the same being a proceeding to confirm and validate an issue of "The Atlanta Development Authority Revenue Bonds (New Downtown Atlanta Stadium Project), Series 2014", in one or more series and subseries in an aggregate principal amount not to exceed \$278,346,000. The Series 2014 Bonds are to be issued by The Atlanta Development Authority (d/b/a Invest Atlanta) (the "Authority") for the purpose of providing funds to (i) finance a portion of the cost of the development, construction, equipping and funding of the a new operable roof, state-of-the-art multipurpose stadium as a successor facility to the Georgia Dome (the "New Stadium Project"), (ii) to establish a reserve fund(s) for the Series 2014 Bonds, (iii) to pay certain capitalized interest on the Series 2014 Bonds and (iv) to pay costs of issuance of the Series 2014 Bonds. In said proceeding the Court will to pass upon the validity of the Development Authorities Law (O.C.G.A. § 36-62-1, et seq.) and the Hotel Motel Tax Statute (O.C.G.A. § 48-13-50, et seq., as amended), certain proceedings of the City Council of the city of Atlanta and the Board of Governors of the Geo. L. Smith II Georgia World Congress Center Authority and the imposition of an Extended Hotel Motel Tax by such bodies. In said proceeding, the Court will also pass upon the validity of a Bond Resolution, a Trust Indenture, the Invest Atlanta Rights and Funding Agreement, the Hotel Motel Tax Funding Agreement, and the Bond Proceeds Funding and Development Agreement and the Hotel Motel Tax Operation and Maintenance Agreement in connection therewith. Said Series 2014 Bonds will mature in the amounts, on the dates and bear interest at the rates set forth in the Indenture.

THE AUTHORITY HAS WAIVED THE PERFORMANCE AUDIT AND PERFORMANCE REVIEW REQUIREMENTS PROVIDED IN O.C.G.A. § 36-82-100 AND WILL CONDUCT NO "PERFORMANCE AUDIT" OR "PERFORMANCE REVIEW" WITH RESPECT TO THE SERIES 2014 BONDS, AS SUCH TERMS ARE DESCRIBED IN O.C.G.A. § 36-82-100.

Any citizen of the State of Georgia residing in the City of Atlanta, Georgia, or any other person wherever residing who has a right to object, may intervene and become a party to this proceeding.

This 4th day of February, 2014.

CATHELENE "TINA" ROBINSON, Clerk, Superior Court Fulton County, Georgia
#2231082:2/7-2pdg

EXHIBIT “B”

House Bill 903 (AS PASSED HOUSE AND SENATE)

By: Representatives Burkhalter of the 50th and Stephens of the 164th

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to
2 county and municipal tax levies on hotels and motels and other public accommodations, so
3 as to revise provisions relating to a levy at the rate of 7 percent by certain counties and
4 municipalities; to provide that, where such tax was levied for the purpose of funding a
5 multipurpose domed stadium facility and is subject to a stated expiration date, the expiration
6 date may be extended under certain circumstances; to provide for extension for purposes of
7 funding a successor facility upon certification of certain conditions by a state authority; to
8 provide for expenditure through a contract with the state authority; to provide for a new
9 extended expiration date; to provide for the protection of bondholders; to authorize certain
10 counties and municipalities to levy such taxes at the rate of 7 percent; to provide for
11 procedures, conditions, and limitations; to provide for other related matters; to provide an
12 effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and
16 municipal tax levies on hotels and motels and other public accommodations, is amended by
17 revising paragraph (5) of subsection (a) as follows:

18 "~~(5)(A)(i)~~ Notwithstanding any other provision of this subsection, a county (within
19 the territorial limits of the special district located within the county) or municipality
20 is authorized to levy a tax under this Code section at a rate of 7 percent. A county or
21 municipality levying a tax pursuant to this paragraph shall expend an amount equal
22 to at least 51.4 percent of the total taxes collected prior to July 1, 1990, at the rate of
23 7 percent and an amount equal to at least 32.14 percent of the total taxes collected on
24 or after July 1, 1990, at the rate of 7 percent for the purpose of: ~~(A)~~ (I) promoting
25 tourism, conventions, and trade shows; ~~(B)~~ (II) supporting a facility owned or
26 operated by a state authority for convention and trade show purposes or any other

27 similar or related purposes; ~~(C)~~ ~~(III)~~ supporting a facility owned or operated by a local
28 authority or local government for convention and trade show purposes or any other
29 similar or related purposes, if a written agreement to provide such support was in
30 effect on January 1, 1987, and if such facility is substantially completed and in
31 operation prior to July 1, 1987; ~~(D)~~ ~~(IV)~~ supporting a facility owned or operated by
32 a local government or local authority for convention and trade show purposes or any
33 other similar or related purposes if construction of such facility is funded or was
34 funded in whole or in part by a grant of state funds; or ~~(E)~~ ~~(V)~~ for some combination
35 of such purposes. Amounts so expended shall be expended only through a contract
36 or contracts with the state, a department of state government, a state authority, or a
37 private sector nonprofit organization or through a contract or contracts with some
38 combination of such entities, except that amounts expended for those purposes
39 specified in subparagraphs subdivisions ~~(C)~~ ~~(III)~~ and ~~(D)~~ ~~(IV)~~ of this paragraph
40 division may be so expended in any otherwise lawful manner.

41 (ii) In addition to the amounts required to be expended above under division (i) of
42 this subparagraph, a county or municipality levying a tax pursuant to this paragraph
43 (5) shall further expend (in each fiscal year during which the tax is collected under
44 this paragraph (5)) an amount equal to 14.3 percent of the total taxes collected prior
45 to July 1, 1990, at the rate of 7 percent and an amount equal to 39.3 percent of the
46 total taxes collected on or after July 1, 1990, at the rate of 7 percent toward funding
47 a multipurpose domed stadium facility. Amounts so expended shall be expended only
48 through a contract originally with the state, a department or agency of the state, or a
49 state authority or through a contract or contracts with some combination of the above.
50 Any tax levied pursuant to this paragraph shall terminate not later than December 31,
51 2020, unless extended as provided in subparagraph (B) of this paragraph, provided
52 that during any period during which there remains outstanding any obligation which
53 is incurred prior to January 1, 1991, issued to fund a multipurpose domed stadium as
54 contemplated by this paragraph (5), and secured in whole or in part by a pledge of a
55 tax authorized under this Code section, or any such obligation which is incurred to
56 refund such an obligation incurred before January 1, 1991, the powers of the counties
57 and municipalities to impose and distribute the tax imposed by this paragraph (5) shall
58 not be diminished or impaired by the state and no county or municipality levying the
59 tax imposed by this paragraph shall cease to levy the tax in any manner that will
60 impair the interest and rights of the holders of any such obligation. This proviso shall
61 be for the benefit of the holder of any such obligation and, upon the issuance of any
62 such obligation by an authority of the state, shall constitute a contract with the holder
63 of such obligations.

64 (B) Notwithstanding the termination date stated in division (ii) of subparagraph (A) of
65 this paragraph (5), notwithstanding paragraph (6) of this subsection (a), and
66 notwithstanding subsection (b) of this Code section, a tax levied under this paragraph
67 may be extended by resolution of the levying county or municipality and continue to
68 be collected through December 31, 2050, if a state authority certifies: (i) that the same
69 portion of the proceeds will be used to fund a successor facility to the multipurpose
70 domed facility as is currently required to fund the multipurpose domed facility under
71 division (ii) of subparagraph (A) of this paragraph; (ii) that such successor facility will
72 be located on property owned by the state authority; and (iii) that the state authority has
73 entered into a contract with a national football league team for use of the successor
74 facility by the national football league team through the end of the new extended period
75 of the tax collection. During the extended period of collection provided for in this
76 subparagraph, the county or municipality levying the tax shall continue to comply with
77 the expenditure requirements of division (i) of subparagraph (A) of this paragraph.
78 During the extended period of collection, the county or municipality shall further
79 expend (in each fiscal year during which the tax is collected during the extended period
80 of collection) an amount equal to 39.3 percent of the total taxes collected at the rate of
81 7 percent toward funding the successor facility certified by the state authority.
82 Amounts so expended shall be expended only through a contract with the certifying
83 state authority. Any tax levied pursuant to this paragraph shall terminate not later than
84 December 31, 2050, provided that during any period during which there remains
85 outstanding any obligation which is incurred to fund the successor facility certified by
86 the state authority, and secured in whole or in part by a pledge of a tax authorized under
87 this Code section, or any such obligation which is incurred to refund such an obligation,
88 the powers of the counties and municipalities to impose and distribute the tax imposed
89 by this paragraph (5) shall not be diminished or impaired by the state and no county or
90 municipality levying the tax imposed by this paragraph shall cease to levy the tax in any
91 manner that will impair the interest and rights of the holders of any such obligation.
92 This proviso shall be for the benefit of the holder of any such obligation and, upon the
93 issuance of any such obligation by an authority of the state, shall constitute a contract
94 with the holder of such obligations."

95 **SECTION 2.**

96 Said Code section is further amended by revising paragraph (7) of subsection (a) as follows:

97 "(7) As used in this subsection, the term:

98 (A) 'Fund' and 'funding' means mean the cost and expense of all things deemed
99 necessary by a state authority for the construction and operation of a multipurpose

100 domed stadium and a successor facility to such multipurpose domed stadium including
101 but not limited to the study, operation, marketing, acquisition, construction, finance,
102 development, extension, enlargement, or improvement of land, waters, property, streets,
103 highways, buildings, structures, equipment, or facilities, and the repayment of any
104 obligation incurred by an authority in connection therewith.

105 (B) 'Obligation' means bonds, notes, or any instrument creating an obligation to pay
106 or reserve moneys incurred prior to January 1, 1991, and having an initial term of not
107 more than 30 years.

108 (C) 'Multipurpose domed stadium facility' means a multipurpose domed stadium
109 facility and any associated parking areas or improvements originally owned or operated
110 incident to the ownership or operation of a facility used for convention and trade show
111 purposes by the state, a department or agency of the state, a state authority, or a
112 combination thereof."

113 **SECTION 3.**

114 Said Code section is further amended by adding a new subsection to read as follows:

115 "(b.1) As an alternative to the provisions of subsection (b) of this Code section, any county
116 (within the territorial limits of the special district located within the county) and any
117 municipality which is levying a tax under this Code section at the rate of 6 percent under
118 paragraph (3.4) or (4) of subsection (a) of this Code section shall be authorized to levy a
119 tax under this Code section at the rate of 7 percent in the manner provided in this
120 subsection. Both the county and municipality shall adopt a resolution which shall specify
121 that an amount equal to the total amount of taxes collected under such levy at a rate of 6
122 percent shall continue to be expended as it was expended pursuant to either paragraph (3.4)
123 or (4) of subsection (a) of this Code section, as applicable, and such resolution shall specify
124 the manner of expenditure of funds for an amount equal to the total amount of taxes
125 collected under such levy that exceeds the amount that would be collected at the rate of 6
126 percent for any tourism, convention, or trade show purposes, tourism product development
127 purposes, or any combination thereof. Each resolution shall be required to be ratified by
128 a local Act of the General Assembly. Only when both such local Acts have become law,
129 the governing authority of the county and municipality shall be authorized to levy an excise
130 tax pursuant to this subsection at the rate of 7 percent of the charge for the furnishing for
131 value to the public of any room or rooms, lodgings, or accommodations furnished by any
132 person or legal entity licensed by, or required to pay business or occupation taxes to, the
133 municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin,
134 campground, or any other place in which rooms, lodgings, or accommodations are
135 regularly or periodically furnished for value."

136

SECTION 4.

137 This Act shall become effective upon its approval by the Governor or upon its becoming law
138 without such approval.

139

SECTION 5.

140 All laws and parts of laws in conflict with this Act are repealed.

EXHIBIT “C”

13-0-1333

(Do Not Write Above This Line) 1301333

AN ORDINANCE BY *E. T. Mink*

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF MARTIN LUTHER KING, JR. DRIVE, S.W., BETWEEN NORTHSIDE DRIVE, N.W., AND MANGUM STREET, N.W., CONSISTING OF APPROXIMATELY 2.4 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9(a)(5) AND 138-9(c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Peter Andrews, Deputy City Attorney

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

Date Referred

10/21/13

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

ADOPTED BY

DEC 02 2013

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

☐ 2ND

☐ 1ST & 2ND

☐ 3RD

Readings

3113

☒ Consent

☐ V-Vote

☐ RC Vote

CERTIFIED

DEC 8 2013

ANATOLY G. JOHNSON, PRESIDENT

CERTIFIED

DEC 02 2013

Renee Christine Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 3179
12/02/13
3:27 PM

Atlanta City Council

MULTIPLE

13-O-1333 AND 13-O-1334

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	A Moore	NV Bond
B Hall	NV Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE

AN ORDINANCE BY

C. Timmons

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF MARTIN LUTHER KING, JR. DRIVE, S.W., BETWEEN NORTHSIDE DRIVE, N.W., AND MANGUM STREET, N.W., CONSISTING OF APPROXIMATELY 2.4 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9 (a)(5) and 138-9 (c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the Georgia World Congress Center Authority ("Applicant"), by and through the Georgia State Properties Commission, the owner of abutting property, to abandon a portion of Martin Luther King, Jr. Drive S.W. beginning on the west at Northside Drive, N.W. and ending on the east approximately fifty six (56) feet east of Mangum Street, N.W. consisting of approximately 2.4 acres and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lots 83 and 84 of the 14th District of Fulton County, Georgia, and

WHEREAS, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Georgia State Properties Commission has requested that the City waive the appraisal and the payment of fair market value requirements of the abandoned property contained in Sections 138-9 (a)(5) and 138-9 (c) of the Code of Ordinances because, among other things, the proposed abandonment will directly benefit the City by rerouting the current Martin Luther King Jr., Drive, by constructing a new Martin Luther King Jr., Drive and by providing property for the construction of the New Stadium Project, a downtown employer expected to create over 1,400 jobs and major tourist attraction expected to bring \$155 million in annual revenue to the City of Atlanta; and

WHEREAS, the Applicant's request to waive payment of fair market value is authorized pursuant to O.C.G.A. 36-37-6(e)(2)(D) which permits the sale or transfer of municipal property to another governing authority or government agency for public purposes; and

WHEREAS, the portion of Martin Luther King, Jr. Drive to be abandoned will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities associated with the abandoned property; and

WHEREAS, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portion of the right-of-way as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way.



NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That any and all portions of Martin Luther King, Jr. Drive beginning on the west at Northside Drive, N.W. and ending on the east approximately fifty six (56) feet east of Mangum Street, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 83 and 84 of the 14th District of Fulton County, Georgia is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon the segment of Martin Luther King, Jr. Drive as hereinabove defined and as depicted in the attached Exhibit "A".

Section 3: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

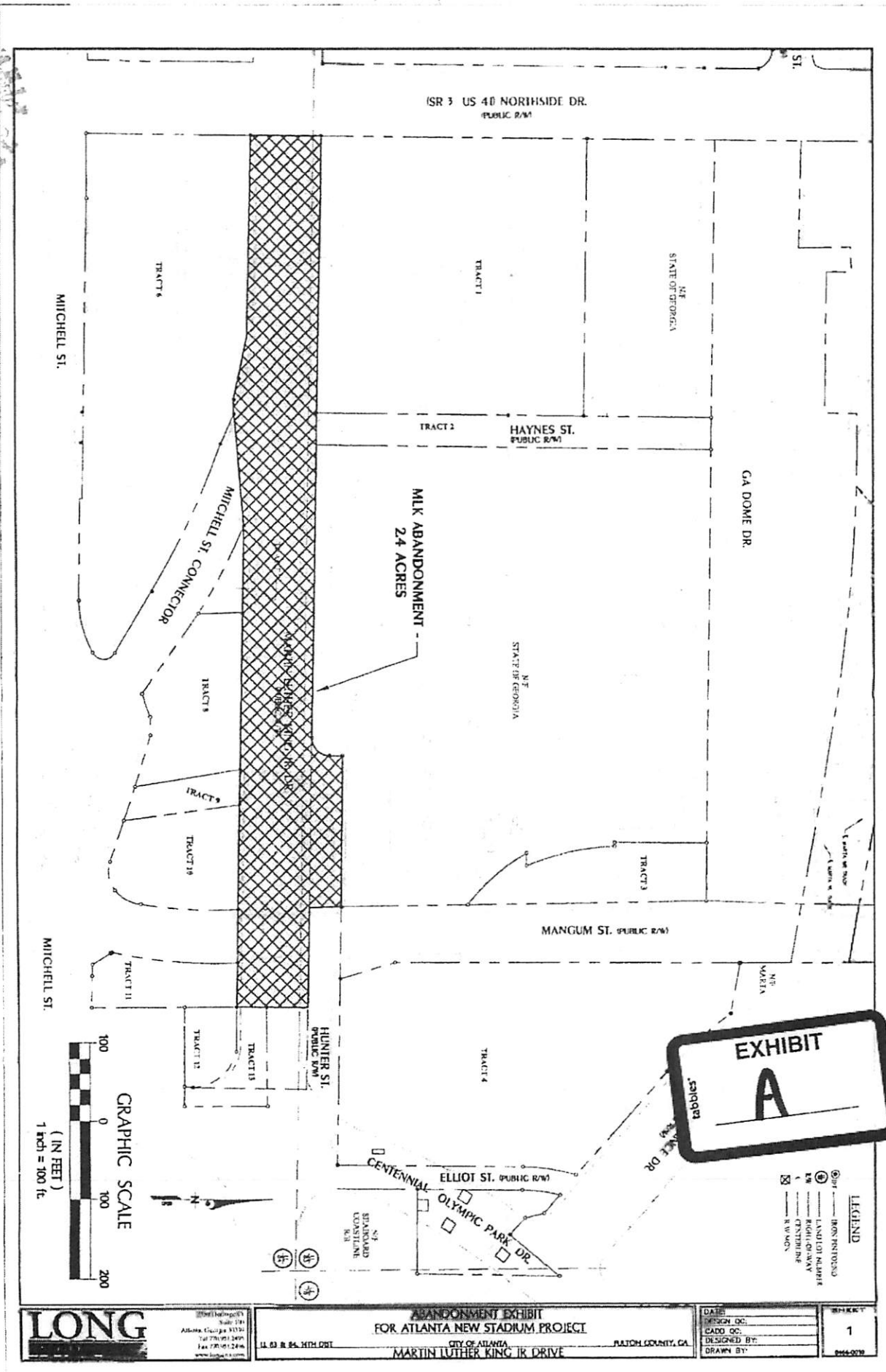
Section 4: That the provisions of Section 2-1578 and 138-9(c) of the Code of Ordinances are hereby waived, solely as they relate to the requirement that the City receive an appraisal and be paid the fair market value of the abandoned property as the property is subject to transfer pursuant to O.C.G.A. 36-37-6(e)(2)(D) which authorizes the sale or transfer of municipal property to another governing authority or government agency for public purposes.

Section 5: That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 7: That the Mayor, or his designee, be and is hereby authorized to execute a Quitclaim Deed to convey any interest that the City may have in the above-referenced portion of Martin Luther King, Jr. Drive. (herein described in Exhibit "A").

Section 8: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.



LONG

2000 Longwood Dr.
Atlanta, Georgia 30329
Tel: 770.991.2400
Fax: 770.991.2400
www.longwood.com

ABANDONMENT EXHIBIT
FOR ATLANTA NEW STADIUM PROJECT
CITY OF ATLANTA
MARTIN LUTHER KING JR DRIVE
PATCH COUNTY, GA

DATE: _____
DESIGN QC: _____
CADD QC: _____
DESIGNED BY: _____
DRAWN BY: _____

EXHIBIT
1
044-079

EXHIBIT “D”

#7

13-0-1334

(Do Not Write Above This Line)

AN ORDINANCE BY

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF HAYNES STREET, N.W., BETWEEN MARTIN LUTHER KING JR. DRIVE, S.W., AND GOERGIA DOME DRIVE, N.W., CONSISTING OF APPROXIMATELY 0.45 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9(a)(5) AND 138-9(c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Peter Andrews, Deputy City Attorney

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

Date Referred

10/21/13

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

City Utilities

Date

Oct. 29 2013

Chair

H. S. J.

Action

Fav, Adv, Hold (See rev. side)

Other

For Public Hearing

Members

Refer To

City Utilities

Date

Nov. 12, 2013

Chair

P. H. Held

Action

Fav, Adv, Hold (See rev. side)

Other

P. H. Held

Members

ADOPTED BY

DEC 02 2013

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (See rev. side)

Other

Members

Refer To

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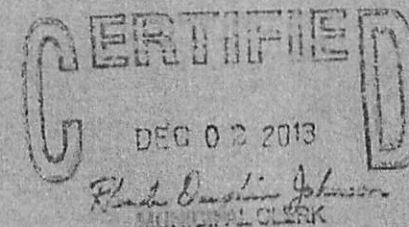
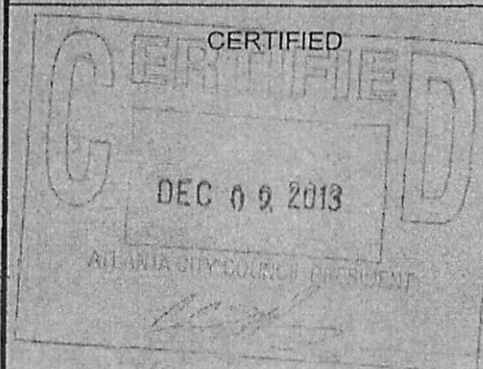
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- FINAL COUNCIL ACTION
☐ 2ND ☐ 1ST & 2ND ☐ 3RD
 Readings
☒ Consent ☐ V Vote ☒ RC Vote



MAYOR'S ACTION

APPROVED

DEC 1 2013

WITHOUT SIGNATURE
BY OPERATION OF LAW

AN ORDINANCE BY

C. T. Marko

AN ORDINANCE AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ABANDON TO THE GEORGIA STATE PROPERTIES COMMISSION, BY AND THROUGH THE GEORGIA WORLD CONGRESS CENTER AUTHORITY, A PORTION OF HAYNES STREET, N.W., BETWEEN MARTIN LUTHER KING JR. DRIVE, S.W., AND GEORGIA DOME DRIVE, N.W., CONSISTING OF APPROXIMATELY 0.45 ACRES OF LAND AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A", LYING AND BEING IN LAND LOTS 83 AND 84 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA; TO WAIVE CERTAIN PROVISIONS OF SECTIONS 138-9 (a)(5) and 138-9 (c) OF THE CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the Georgia State Properties Commission, by and through the Georgia World Congress Center Authority ("Applicant") the owner of abutting property, to abandon a portion of Haynes Street, N.W. beginning on the south at Martin Luther King Jr. Drive, S.W. and ending on the north at its northern terminus approximately seventy (70) feet south of Georgia Dome Drive, N.W. consisting of approximately 0.45 acres and being more specifically described in the attached Exhibit "A", said property lying and being in Land Lots 83 and 84 of the 14th District of Fulton County, Georgia, and

WHEREAS, the Applicant has paid a fee of \$2,500 for the costs of advertisement of the abandonment as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Georgia State Properties Commission has requested that the City waive the appraisal and the payment of fair market value requirements of the abandoned property contained in Sections 138-9 (a)(5) and 138-9 (c) of the Code of Ordinances because, among other things, the proposed abandonment will directly benefit the City by allowing the rerouting of the current Martin Luther King Jr., Drive, by constructing a new Martin Luther King Jr., Drive and by providing property for the construction of the New Stadium Project, a downtown employer expected to create over 1,400 jobs and major tourist attraction expected to bring \$155 million in annual revenue to the City of Atlanta; and

WHEREAS, the Applicant's request to waive payment of fair market value is authorized pursuant to O.C.G.A. 36-37-6(e)(2)(D) which permits the sale or transfer of municipal property to another governing authority or government agency for public purposes; and

WHEREAS, the portion of Haynes Street to be abandoned will become part of the abutting property owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities associated with the abandoned property; and

WHEREAS, the Department of Public Works has reviewed the request from the Applicant and has concluded that the abandonment of the portion of the right-of-way as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way.



NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: That any and all portions of Haynes Street, N.W. beginning on the south at Martin Luther King Jr. Drive, S.W. and ending at its northern terminus approximately seventy (70) feet south of Georgia Dome Drive, N.W., being more specifically described in the attached Exhibit "A", said property lying and being in Land Lot 83 and 84 of the 14th District of Fulton County, Georgia is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon the segment of Haynes Street, N.W., as hereinabove defined and as depicted in the attached Exhibit "A".

Section 3: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 4: That the provisions of Section 2-1578 and 138-9(c) of the Code of Ordinances are hereby waived, solely as they relate to the requirement that the City receive an appraisal and be paid the fair market value of the abandoned property as the property is subject to transfer pursuant to O.C.G.A. 36-37-6(e)(2)(D) which authorizes the sale or transfer of municipal property to another governing authority or government agency for public purposes.

Section 5: That the Chief Procurement Officer shall perform all other responsibilities concerning the proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 6: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 7: That the Mayor, or his designee, be and is hereby authorized to execute a Quitclaim Deed to convey any interest that the City may have in the above-referenced portion of Haynes Street, N.W. (herein described in Exhibit "A").

Section 8: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

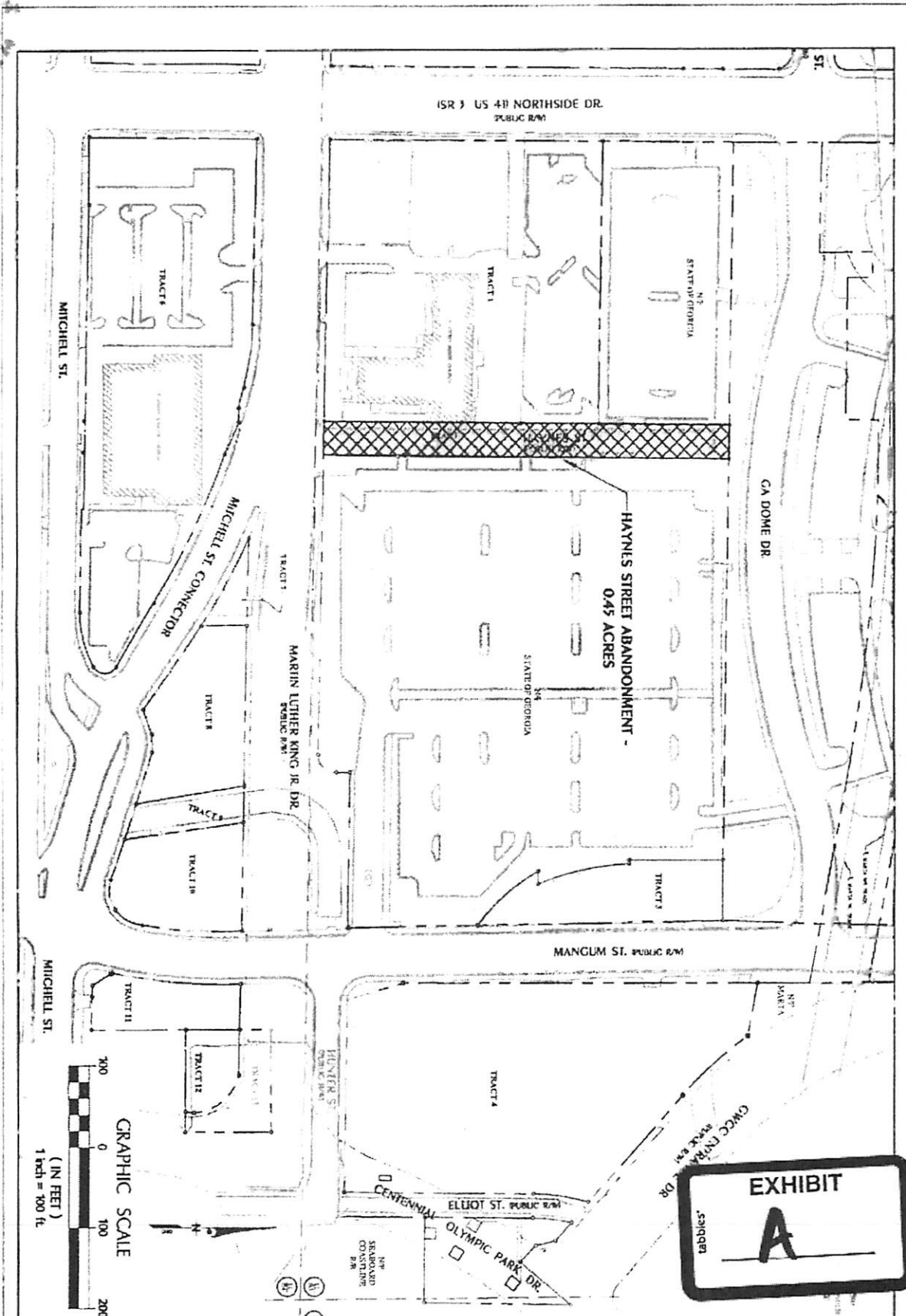


EXHIBIT
A

LONG

Surveying
Engineering
Planning
Architecture
Interior Design
Landscape Architecture
Civil Engineering
Mechanical Engineering
Electrical Engineering
Chemical Engineering
Industrial Engineering
Agricultural Engineering
Marine Engineering
Aerospace Engineering
Biomedical Engineering
Environmental Engineering
Food Engineering
Textile Engineering
Paper Engineering
Leather Engineering
Rubber Engineering
Plastic Engineering
Glass Engineering
Ceramic Engineering
Metals Engineering
Wood Engineering
Furniture Engineering
Fashion Engineering
Jewelry Engineering
Toy Engineering
Game Engineering
Software Engineering
Hardware Engineering
Systems Engineering
Network Engineering
Security Engineering
Information Engineering
Telecommunications Engineering
Transportation Engineering
Aeronautics Engineering
Astronautics Engineering
Naval Engineering
Marine Engineering
Agricultural Engineering
Food Engineering
Textile Engineering
Paper Engineering
Leather Engineering
Rubber Engineering
Plastic Engineering
Glass Engineering
Ceramic Engineering
Metals Engineering
Wood Engineering
Furniture Engineering
Fashion Engineering
Jewelry Engineering
Toy Engineering
Game Engineering
Software Engineering
Hardware Engineering
Systems Engineering
Network Engineering
Security Engineering
Information Engineering
Telecommunications Engineering
Transportation Engineering
Aeronautics Engineering
Astronautics Engineering
Naval Engineering

ALLI & BA. WITH OFF.

ABANDONMENT EXHIBIT
FOR ATLANTA NEW STADIUM PROJECT
CITY OF ATLANTA
HAYNES STREET

PLANNING COUNTY, GA.

DATE: 02/01/00
DESIGN: GC
CADD: CC
DESIGNED BY:
DRAWN BY:

1
094-000

RCS# 3179
12/02/13
3:27 PM

Atlanta City Council

MULTIPLE

13-O-1333 AND 13-O-1334

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	A Moore	NV Bond
B Hall	NV Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE

EXHIBIT “E”

#8

11-0-1057

(Do Not Write Above This Line)

AN ORDINANCE
BY: COUNCILMEMBER KWANZA HALL

AN ORDINANCE TO AMEND SECTION 146-79 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA FOR PURPOSES OF INCREASING THE HOTEL/MOTEL TAX LEVIED AND ASSESSED FROM 7% TO 8% PURSUANT TO O.C.G.A. 48-13-51(b)(7)(A); AND FOR OTHER PURPOSES.

ADOPTED BY
JUL 1 8 2011
COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred 7/5/11

Referred To: Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee
Finance/Exec
Date 7-13-11

Chair
J. Hall
Action
Fav, Adv, Hold (see rev. side)
Other

Members
R. S. W. Z.

Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other

Members

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Committee
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Other

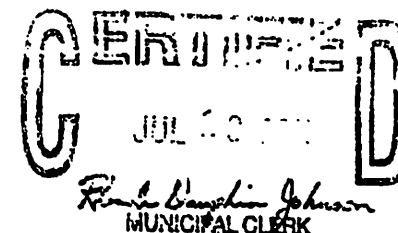
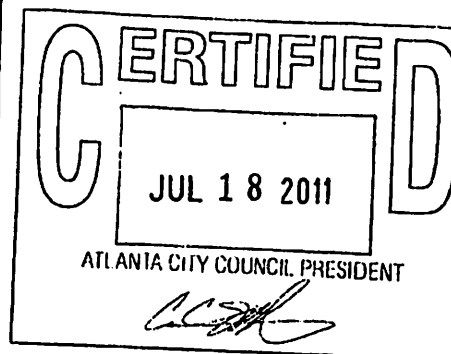
Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED



MAYOR'S ACTION

APPROVED

JUL 27 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



AN ORDINANCE

BY: COUNCILMEMBER KWANZA HALL

11-○-1057

**AN ORDINANCE TO AMEND SECTION 146-79 OF THE
CODE OF ORDINANCES OF THE CITY OF ATLANTA
FOR PURPOSES OF INCREASING THE HOTEL/MOTEL
TAX LEVIED AND ASSESSED FROM 7% TO 8%
PURSUANT TO O.C.G.A. 48-13-51(b)(7)(A); AND FOR
OTHER PURPOSES.**

WHEREAS, O.C.G.A. § 48-13-51 (a) (1) (A) authorizes that The governing authority of each municipality in this state may levy and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value....; and

WHEREAS, Section 146-79 of the Code of Ordinances of the City of Atlanta authorizes that: there is levied and assessed and there shall be paid a tax of seven percent of the rent for every occupancy of a guestroom in a hotel in the city; in accordance with O.C.G.A. § 48-13-51 (a) (1) (A); and

WHEREAS, In the 2001 General Assembly, the Legislature of the State of Georgia amended O.C.G.A. 48-13-51(b)(7)(A) enabling the City to increase its hotel/motel tax from 7% to 8%; and

WHEREAS, the Georgia Department of Community Affairs (DCA) requires local governments, imposing a hotel/motel tax, to file a copy of their most current resolution or ordinance providing for the tax with DCA.

NOW THEREFORE THE COUNCIL OF THE CITY OF ATLANTA HEREBY ORDAINS that:

Section 1. that O.C.G.A. 48-13-51 (a) authorizes that the City may levy and collect an excise tax upon the furnishing for value to the public of any room or rooms, lodgings, or accommodations furnished by any person or legal entity licensed by, or required to pay business or occupation taxes to, the municipality for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value.



Section 2. Section 146-79 of the Code of Ordinances of the City of Atlanta is which currently reads:

Sec.146-79. – Levied

There is levied and assessed and there shall be paid a tax of seven percent of the rent for every occupancy of a guestroom in a hotel in the city.

is hereby amended by increasing the amount of the Hotel/Motel Tax from seven (7) percent to eight (8) percent for the purposes and in the manner specified by the aforementioned amendment to O.C.G.A. 48-13-51(b)(7)(A); such that the amended Sec. 146-79 of the Code of Ordinances of the City of Atlanta reads:

Sec.146-79. – Levied

There is levied and assessed and there shall be paid a tax of **eight percent (8%)** of the rent for every occupancy of a guestroom in a hotel in the city.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

RCS# 1281
7/18/11
3:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 7

Y Smith	B Archibong	Y Moore	B Bond
Y Hall	B Wan	Y Martin	Y Watson
Y Young	B Shook	B Bottoms	B Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I

EXHIBIT “F”



ATLANTA UNIVERSITY CENTER CONSORTIUM

THE COUNCIL OF PRESIDENTS
BEVERLY DANIEL TATUM, PH.D., CHAIR

January 24, 2014

The Honorable Caesar Mitchell
President, Atlanta City Council
55 Trinity Avenue, SW
Atlanta, GA 30303-3584

Mr. Frank Poe
Executive Director
Georgia World Congress Center
285 Andrew Young International Blvd
Atlanta, GA 30313

Mr. Arthur Blank
Atlanta Falcons
3223 Howell Mill Road
Atlanta, GA 30327

Dear Gentlemen:

I am writing to you in my capacity as Chair of the Atlanta University Center Consortium (AUCC) Council of Presidents, an organization that includes Clark Atlanta University, Morehouse College, Morehouse School of Medicine, and Spelman College and the thousands of students we represent. As anchor institutions on the west side of Atlanta, we are highly invested in the future of the surrounding neighborhoods (specifically Vine City, English Avenue, and Castleberry Hill). We have designed several initiatives to foster economic development and create jobs throughout the community surrounding the campuses and we are eager to partner in constructive ways with those who share our goal of community revitalization. It is in that spirit of partnership that we want to express our deep concern about the direction that the plans for the new Falcons Stadium seem to be taking. In particular, we want to call your attention to site design issues that we believe are of immediate and pressing concern.

As you know, a combination of factors – among them the long history of residential segregation in Atlanta and the way in which Atlanta physically developed over the decades – resulted in the neighborhoods of which we are an integral part becoming increasingly isolated and cut-off from downtown, leading to the disinvestment and distress so evident in those neighborhoods today. We share the view of those community leaders such as Arthur Blank who have said that it does not have to be that way in the future, and we are heartened by Mr. Blank's commitment to see those neighborhoods revitalized in part through the efforts of his family foundation.

According to the map shown on the new stadium website, Martin Luther King Jr. Drive (MLK) would dead end at Northside Drive. We believe strongly that this current plan has the potential to further disconnect and separate our Westside communities from downtown both physically and symbolically. Not only would this plan be harmful to the communities, it also appears to contradict Mayor Reed's vision of a vibrant "grand boulevard," Arthur Blank's commitment to igniting positive change, and our own efforts to transform the area.

Recently, we met with Mr. Michael Dobbins, Professor of City and Regional Planning at Georgia Tech and former City of Atlanta Commissioner of Planning, who shared with us the attached alternate plan which we believe would better serve our mutual goals of fostering greater connectivity and community revitalization of Vine City, English Avenue and the Atlanta University Center communities. The revised plan would maintain the continuity of MLK, attract new businesses and make it a grand boulevard; extend Andrew Young International Boulevard into Vine City; and create a gateway to our campuses, community and historic sites. An added benefit of the revised design is that it would connect Westside neighborhoods to Centennial Olympic Park, a plan we enthusiastically endorse. We were pleased to learn that the Path Foundation has also proposed connecting the Atlanta Beltline on the west through to Centennial Park.

We would greatly appreciate an opportunity to meet with you to discuss alternative design possibilities. Time is obviously of the essence, and the future of our distressed neighborhoods may well hang in the balance. We have asked Dr. Sherry Turner, Executive Director of the AUC Consortium, to contact each of your offices to identify a convenient opportunity for us to converse with you. Dr. Turner can be reached at 404-523-5778 or electronically at sturner@aucenter.edu.

Sincerely,



Beverly Daniel Tatum, Ph.D.
Chair, Atlanta University Center Consortium Council of Presidents

cc: The Honorable Mayor Kasim Reed
Mr. Brian McGowan, InvestAtlanta
Mr. Doug Hooker, Atlanta Regional Commission