

AN ORDINANCE BY THE CEDARTOWN CITY COMMISSION

*Designation of Enterprise and Opportunity Zones
within Urban Redevelopment Area*

WHEREAS, the City of Cedartown has previously approved an Urban Redevelopment Plan (the "Plan"), which was adopted on September 14, 2009;

WHEREAS, the Plan designates a Cedartown Urban Redevelopment Area based upon findings of the existence Blight and depressed economic conditions. The plan anticipates future designation of individual Enterprise and/or Opportunity Zones within the Plan Area as the Commission may determine that applicable criteria for such designations have been met and are in the best interests of the City.

WHEREAS, the Commission and City Attorney's office has reviewed the Georgia Enterprise Zone Employment Act, O.C.G.A. §36-88-1 et seq., the applicable statutory provisions regulating Opportunity Zones, §O.C.G.A. §48-7-40.1, the Rules of the Georgia Department of Community Affairs or the Regulations of the Georgia Department of Revenue and made the determination to designate certain Enterprise and Opportunity Zones.

WHEREAS, such designations would benefit the citizenry by providing incentives designed to promote investment, job growth, redevelopment, revitalization and rehabilitation of blighted and economically depressed areas;

WHEREAS, after further review, the designations of Enterprise and Opportunity Zones, specifically which properties are included in each respective zone, may have been modified slightly from the original plan proposal. As such, the City advertised and held a public meeting regarding this matter prior to passage of this ordinance;

WHEREAS, the City has carefully reviewed the criteria and procedure for establishing Enterprise and Opportunity zones and has identified multiple designable areas with the Plan Area which meet the qualification standards imposed by law and has further met all procedural requirements for designation;

WHEREAS, the City finds that the establishment of Enterprise and Opportunity zones will assist in creating a proper environment to encourage the investment of private resources in productive business and service enterprises for benefit of the Citizenry and the Community;

WHEREAS, the City's consideration of such measures is clearly within its delegated constitutional and legislative authority [Article IX, Section II, Paragraph III of the Georgia Constitution & Section 36-35-3 of the Georgia Code] and fully purports with the City Charter, all of which allow for the City to adopt resolutions and ordinances to protect, promote and preserve the public health, safety and general welfare of its citizenry;

WHEREAS, the City has advertised and held a public hearing to receive public commentary and to explain the benefits of proceeding with these designations. No objections have been raised.

NOW, THEREFORE, be it resolved and it is hereby resolved by the City Commission of the City of Cedartown as follows

Section One:

The placement, numbering, and location of the Ordinance provisions described herein are left to the discretion of the Municipal Code Service as the codifier of the Cedartown Code of Ordinances.

Section Two:

The Code of the City of Cedartown shall be amended as follows:

I. ENTERPRISE & OPPORTUNITY ZONES

In accordance with the Urban Redevelopment Plan, the Georgia Enterprise Zone Employment Act, O.C.G.A. §36-88-1, et seq.(hereinafter "The Act"), the applicable regulations regarding Opportunity Zones imposed by O.C.G.A. §48-7-40 et seq., the Georgia Department of Community Affairs or the Georgia Department of Revenue, the City of Cedartown hereby designates certain Enterprise and Opportunity Zones within the Cedartown Urban Redevelopment Area including as follows:

A. The West Avenue Opportunity Zones.

1. **West Avenue Opportunity Zone.** The City hereby designates the West Avenue Opportunity Zone so to encourage subject property owners to additional state incentives and tax credits. This designation is subject approval by the Georgia Department of Community Affairs and Georgia Department of Revenue.
2. This zone meets the qualifications and criteria set forth in applicable law including:
 - a. *Pervasive Poverty.* The West Avenue Corridor suffers from pervasive poverty that is widespread throughout the nominated enterprise zone area and is evidenced and established by the fact that the Census Tracts and Block Groups within the West Avenue Opportunity Zone, as identified by the U.S. Bureau of Census (2000), demonstrate a high level of persons with an income to poverty ratio less than 1.0. All of the individual block groups within the Census Tracts within this corridor suffer from poverty levels above 15%.
 - b. *Unemployment.* Further, the general economic conditions within the West Avenue Opportunity Zone Area have deteriorated due to adverse economic conditions. The area has experienced significant job loss due to the recent closings or relocations of vital manufacturing plants including Zartic Foods, Rome Plow and Varitech. Additionally, one of the largest remaining manufacturers, the HON Company, reduced it's work force by as many as 100 employees in the last year.
 - c. *General Blight.* The existence of general blight within this area is evidenced by the area being located within the Cedartown Urban Redevelopment plan as defined by O.C.G.A. §36-61-2 which plan has been adopted by the City of Cedartown in accordance with the requirements of O.C.G.A. §36-61-1, et seq.
 - d. *Legal Description.* The following area is best referenced by tax map and parcel number in accordance with the parcel designations of the Polk County Tax Assessors' records. The West Avenue Opportunity Zone shall include:

Tax Map and Parcel #'s: 24-010, 24-011, 24-012, 24-013, 24-014, 24-015, 24-16, 24-017, 24-019, and 24-019B.

B. The Downtown Enterprise and Opportunity Zones.

1. **Downtown Enterprise Zone.** The City hereby designates the Downtown

Enterprise Zone. This zone meets the qualifications and criteria of the Act due to the existence of the following:

- a. *Pervasive Poverty.* Within the Downtown Enterprise Zone area, including all Census Tracts and Block Groups as identified by the U.S. Bureau of Census (2000), there are high levels of persons with an income to poverty ratio less than 1.0. All of the individual block groups within the Census Tracts within this corridor suffer from poverty levels above 15% thus qualifying the area as a pervasive poverty area under O.C.G.A. §36-88-6(b)(2).
- b. *Underdevelopment.* The area within the Downtown Enterprise Zone is severely underdeveloped as compared with other areas of the City. There are current twenty-two unoccupied commercial buildings or spaces within the proposed Downtown Enterprise Zone, resulting in a reduced collection of business license fees. Such underdevelopment satisfies the criteria of O.C.G.A. §36-88-6(e).
- c. *General Blight.* The proposed Enterprise Zone is within an approved Urban Redevelopment Area thus meeting the criteria of O.C.G.A. §36-88-6(f) demonstrating blight.
- d. *Legal Description.* The Downtown Enterprise Zone is specifically described as follows:

Beginning at the intersection of the centerline of Main Street and the centerline of East Avenue, the boundary runs east along the centerline of East Avenue to the centerline of South Philpot Street; then south along the centerline of South Philpot Street to the centerline of East Ware Street; then east along the centerline of East Ware Street to the centerline of the Norfolk-Southern Railroad; then south and west along that centerline to the centerline of the Seaboard Railroad; then south and east along the centerline of the Seaboard Railroad to the centerline of East Gibson Street; then west along the centerline of East Gibson Street to the centerline of Rock Street; then south along the centerline of Rock Street to the centerline of Marietta Street; then west along the centerline of Marietta Street to the centerline of Main Street; then south along the centerline of Main Street to the centerline of Canal Street; then west along the centerline of Canal Street to the centerline of College Street; then north along the centerline of College Street to the centerline of Prior Street; then east along the centerline of Prior Street to the centerline of Main Street; and, then north along the centerline of Main Street to the beginning at the intersection with the centerline of East Avenue.

2. **The Main Street Opportunity Zone.** The City has determined that a certain area within the Downtown Enterprise Zone further qualifies as an Opportunity Zone. To further encourage economic revitalization and investment and to qualify this area for additional state incentives or available tax credits, the City hereby designates the following area within the Downtown Enterprise Zone as the Main Street Opportunity Zone subject to approval by the Georgia Department of Community Affairs and Georgia Department of Revenue:

- a. *Legal Description.* The following area is best referenced by tax map and parcel number in accordance with the designations of the Polk County Tax Assessors' records. The Main Street Opportunity Zone shall include:

Tax Map and parcel #s: C19-122, C19-123, C19-124, C19-125, C19-126, C19-127, C19-127A, C19-128, C19-128A, C19-129,

C19-130, C19-131, C19-132, C20-040, C20-043, C20-043A, C20-043B, C20-043C, C20-044, C20-046, C20-047, C20-048, C20-049, C20-050, C20-051, C20-052, C20-053, C20-054, C20-055, C20-056, C20-057, C20-058, C20-059, C20-060, C20-061, C20-062, C20-075, C20-076, C20-077, C20-078, C20-078A, C20-080, C20-081, C20-082, C20-083, C20-084, C20-085, C20-086, C20-086A, C20-087, C20-088, C20-091, C20-093, C20-094, C20-107, C20-108, C20-109, C20-110, C20-111, C20-114, C20-115, C20-115A, C20-115B, C20-115C, C20-115D, C20-116, C20-117, C20-118, C20-119, C20-120, C20-121, C20-151, C20-152, C20-153, C20-154, C20-155, C20-156, C20-157, C20-158, C20-159, C20-160, C20-161, C20-162, C20-163, C20-163A, C20-164, C20-165, C20-168, C20-169, C20-170, C20-172, C20-193, C20-194, C20-195, C20-196, C20-196A, C20-198, C20-200, C20-226, C20-227, C20-228, C20-229, C20-230, C20-231, C20-232, C20-233, and C20-234.

D. The Gibson Street Enterprise and Opportunity Zones.

1. **Gibson Street Enterprise Zone.** The City hereby designates the Gibson Street Enterprise Zone. This zone meets the qualifications and criteria of the Act due to the existence of the following:

- b. *Pervasive Poverty.* Within the Gibson Enterprise Zone area, including all Census Tracts and Block Groups as identified by the U.S. Bureau of Census (2000), there are high levels of persons with an income to poverty ratio less than 1.0. All of the individual block groups within the Census Tracts within this corridor suffer from poverty levels above 15% thus qualifying the area as a pervasive poverty area under O.C.G.A. §36-88-6(b)(2).
- c. *Underdevelopment.* The area within the Gibson Enterprise Zone is severely underdeveloped as compared with other areas of the City. Most of the structures within this area are dilapidated and idle. Such disrepair and inactivity satisfies the criteria of O.C.G.A. §36-88-6(e).
- d. *General Blight.* The proposed Enterprise Zone is within an approved Urban Redevelopment Area thus meeting the criteria of O.C.G.A. §36-88-6(f) demonstrating blight.
- e. *Legal Description.* The area to be included in the Gibson Street Enterprise Zone is specifically described as follows:

Beginning at the intersection of the centerline of the Seaboard Railroad and the centerline of Jones Avenue, the boundary runs north along the east right-of-way of Jones Avenue to the rear property line of commercial properties facing Gibson Street; then east along that rear property line to the centerline of Park Street; then south along the centerline of Park Street to the centerline of Gibson Street; then east along the centerline of Gibson Street to centerline of the Norfolk-Southern Railroad; then south and east along that centerline of that railroad to the centerline of the Seaboard Railroad; and, then north and west along the centerline of the Seaboard Railroad to the beginning at the centerline right-of way of Jones Avenue.

2. **The Gibson Street Opportunity Zone.** The City has determined that a certain area within the Gibson Street Enterprise Zone further qualifies as an Opportunity Zone. To further encourage economic revitalization and investment and to qualify this area for additional incentives and tax credits, the City hereby designates the following area within the Gibson Street Enterprise Zone as the Gibson Street Opportunity Zone subject to approval by the

Georgia Department of Community Affairs and Georgia Department of Revenue:

- f. *Legal Description.* The following area is best referenced by tax map and parcel number in accordance with the designations of the Polk County Tax Assessors' records. The Gibson Street Opportunity Zone shall include:

Tax Map and Parcel #'s: C28-041, C28-042, C28-043, C28-044, C28-045, C28-046, C29-001, and C29-002.

Section Three:

All laws and parts of law in conflict herewith are hereby repealed

Section Four:

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and section of this enactment, since the same would have been enacted by the City Commission without the incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section Five:


This Ordinance shall become effective immediately upon adoption, the public welfare demanding the same.

ADOPTED AND APPROVED by the Commission of the City of Cedartown at a regularly scheduled meeting, duly called and held this the **16th day of November, 2009**. All Commissioners voting "Aye" and none voting "No".

THE CITY OF CEDARTOWN

BY: 
LARRY ODOM, CHAIRMAN
CEDARTOWN CITY COMMISSION

ATTEST:


CAROL CRAWFORD
CITY CLERK, CITY OF CEDARTOWN

(seal)