

**Action Requested/Required:**

- ☒ Vote/Action Requested
☐ Discussion or Presentation Only
☐ Public Hearing
Report Date: _____
Hearing Date: _____
Voting Date: _____

Department: Administration **Presenter(s) & Title:** Billy Peppers
City Manager

Agenda Item Title:

Discussion and Possible Action on an Intergovernmental Agreement with the Downtown Development Authority for the Purchase & Redevelopment of Property at 687 Marietta Highway

Summary:

The City Council wishes to enter into an IGA with the Downtown Development Authority to assist with the purchase of property located at 687 Marietta Highway. The property will allow for the water and sewer fund to purchase a slope necessary for stabilization to finalize the construction of the Old Ball Ground Sewer Expansion and Heritage Park to Boling Park trail expansion along the Etowah River. A final survey of this slope will be completed after the property purchase with the water and sewer fund refunding a portion of the property purchase back to the City's general fund.

Budget Implications:

Budgeted? ☐ Yes ☒ No ☐ N/A

Total Cost of Project: \$ 1,500,000.00 Check if Estimated ☐

Fund Source: General Fund ☒ Water & Sewer ☐ Sales Tax ☐ Other: _____

Staff Recommendations:

Staff recommends approval of the IGA.

Reviews:

Has this been reviewed by Management and Legal Counsel, if required? ☒ Yes ☐ No

Attachments:

IGA for Property Redevelopment with Downtown Development Authority.

INTERGOVERNMENTAL AGREEMENT FOR REDEVELOPMENT OF PROPERTY

This Agreement entered into this ____ day of September, 2023 by and between the City of Canton, Georgia ("City") and the Downtown Development Authority of the City of Canton, Georgia ("DDA").

WHEREAS, the DDA has entered into a contract to purchase certain real property identified as

That certain tract or parcel of land lying and being in Land Lots 158 and 159, 14th District, 2nd Section, Cherokee County, Georgia being 10.961 acres more particularly described in deed recorded in Deed Book 11858, Page 113, less and except 1.06 acres as identified on a plat of survey prepared for Edgewater Hall Enterprises by Wikle Land Surveying P.C., dated June 2, 2023, said property being identified as 687 Marietta Hwy., Canton, GA 30114 ("DDA Purchase Property"); and

WHEREAS, the City desires to purchase a portion of the DDA Purchase Property, being the slope behind the building to the Etowah River, with the boundary to be determined ("City Purchase Property");

WHEREAS, this agreement is permitted as an intergovernmental agreement under Article IX, § III, Para. I of the Constitution of the State of Georgia to provide for the joint purpose of providing for redevelopment and revitalization of the downtown Canton area;

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. The City agrees to loan \$1,000,000 to the DDA to purchase the DDA Purchase Property.
2. The DDA agrees to sell the City Purchase Property to the City for a price to be agreed upon, but not to exceed the amount loaned to the DDA to purchase the DDA Purchase Property.
3. The City and the DDA agree that the DDA Purchase Property, less the City Purchase Property, should be sold to a private developer and that the DDA will seek a private developer to purchase the Property. If such a Purchaser is found, the DDA shall present to the City, for approval, a written letter of intent, offer, or contract from a buyer indicating a willingness to purchase the DDA Purchase Property from the DDA.
4. The DDA shall enter into a development agreement with the private developer which sets forth the development plans for the DDA Purchase Property, and the development agreement shall provide that the City's approval of the development agreement shall be required before it becomes effective, and that the DDA may assign its rights under the development agreement to the City.

5. The parties agree to cooperate in good faith with each other and with the private developer to meet the goal of the redevelopment and revitalization of the DDA Purchase Property.

8. This Agreement has been approved by the City Council and the Board of Directors of the DDA, and the parties signing below have full legal authority to sign this Agreement.

IN WITNESS OF THIS AGREEMENT, the parties have signed below.

“DDA”

“CITY”

Chairman

Bill Grant, Mayor

Secretary

Attest: Annie Fortner, City Clerk

Approved as to form:

Robert M. Dyer, City Attorney