

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2017 – 71

A RESOLUTION ADOPTING A MORATORIUM ON THE ACCEPTANCE OF ALL APPLICATIONS FOR DEVELOPMENT OR BUILDING PERMITS FOR REVIEW AND CONSIDERATION BY THE CLAYTON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT AS THEY RELATE TO EXISTING OR PROPOSED PROPERTIES WITHIN TAX ALLOCATION DISTRICT NUMBER FIVE – MOUNTAIN VIEW IN CLAYTON COUNTY TO BE IN EFFECT FROM ENACTMENT THROUGH AND INCLUDING MARCH 31, 2018; TO ADOPT AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Clayton County Board of Commissioners, created Tax Allocation District Number Five – Mountain View (“Mountain View”) in December 2011 as a part of a plan to stimulate growth and development in the Northwest Clayton Development Area through private enterprise; and

WHEREAS, Mountain View has been submitted as a potential location for Amazon to construct and staff the Amazon HQ2 project; and

WHEREAS, the Board of Commissioners believes it is important that they take a fresh look at Mountain View to ensure that the County has identified the highest and best potential uses for those properties within the district; and

WHEREAS the goal is that all properties within Mountain View can be used in the best interests of the property owners and the County; and

WHEREAS, the County deems it necessary to adopt a Moratorium on the acceptance of applications for building or development permits for the development, including, but not limited to, the rehabilitation, renovation, and/or demolition, of properties within the boundaries of Mountain View within the County by the Clayton County Department of

Community Development for the purposes of allowing time to complete the assessment of the highest and best uses within this area; and

WHEREAS, the Board has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining the health, morals, safety, security, peace and the general welfare of the unincorporated portions of the County; and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose a temporary moratorium as necessary; and

WHEREAS, the Board of Commissioners has found that the interests of the public necessitate the enactment of a temporary moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Moratorium for the acceptance of applications for building and development permits shall include, but not be limited to all permit applications, zoning related permit applications, sign applications, and variance applications; and

WHEREAS, the Board deems it in the County's best interest and the objectives provided herein can be best served by adopting this Resolution to provide that the above referenced Moratorium should remain in effect through and including March 31, 2018.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF

CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

SECTION 1. Findings of Fact

The Board of Commissioners hereby makes the following findings of fact:

(a) The Board of Commissioners finds that the improvement of the Mountain View portion of the Northwest Redevelopment Area is likely to enhance the value of a substantial portion of real property in the Tax Allocation District Number Five – Mountain View.

(b) The Board of Commissioners finds that the location of the Amazon HQ2 or other similar developments in the Mountain View area will have a major impact on the development of this area and the properties therein.

(c) The Board of Commissioners finds that it is in the best interests of the public to ensure that the highest and best uses of the property in the Mountain View area are evaluated during the consideration period by Amazon.

(d) The Board of Commissioners finds that the above factors require a limited cessation of the acceptance of all applications for permits for development, including, but not limited to, the rehabilitation, renovation, and/or demolition, of property within the boundaries of Tax Allocation District Number Five – Mountain View.

(c) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any applications for such period of time, to ensure that the same are consistent with the long-term planning objectives of the County.

SECTION 2. Imposition of Moratorium

(1) There is hereby imposed a Moratorium on the acceptance by the County of all building and development related applications for the development, including, but not limited to, the rehabilitation, renovation, and/or demolition, of properties within the boundaries of Tax Allocation District Number Five – Mountain View;

(2) The duration of this Moratorium shall be until March 31, 2018;

(3) This Moratorium shall be effective as of the date of adoption of this Resolution;

(4) This Moratorium shall have no effect upon applications submitted to the County prior to the adoption of this Resolution. The provisions of this Resolution shall not affect any approvals or permits previously issued, permits for repairs or renovations, or as to development plans previously submitted and approved by the County. The provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have been

approved by the County on or before the effective date of this Resolution or prior to the adoption of this Resolution;

(5) As of the effective date of this Resolution, no applications for development or building, permits or licenses for the above described uses will be accepted by any agent, employee or officer of the County with respect to any property in Tax Allocation District Number Five – Mountain View, with the exception of those permits for the restoration of properties destroyed by fire or other acts of nature, or for accessory buildings and accessory uses and any application of such license or permit so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such license or permit shall be unreasonable;

SECTION 3. Severability

It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law,

not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 5. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO RESOLVED, this 3rd day of October, 2017.

CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



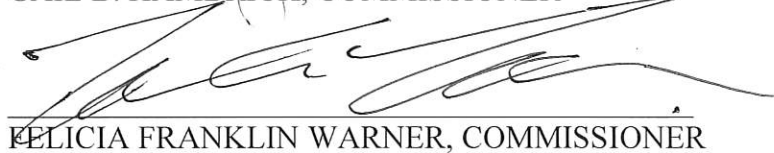
MICHAEL EDMONDSON, VICE CHAIRMAN



SONNA GREGORY, COMMISSIONER



GAIL B. HAMBRICK, COMMISSIONER



FELICIA FRANKLIN WARNER, COMMISSIONER

ATTEST:



SANDRA DAVIS, CLERK