

1           **A RESOLUTION CONSENTING TO AND RATIFYING THE USE OF**  
2           **FULTON COUNTY AD VALOREM PROPERTY TAX INCREMENT FOR A**  
3           **PROJECT LOCATED IN WESTSIDE TAX ALLOCATION BOND DISTRICT**  
4           **NUMBER 1 - ATLANTA/WESTSIDE.**

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6           **WHEREAS**, pursuant to the Redevelopment Powers Law (O.C.G.A. § 36-44-1, *et seq.*, as  
7 amended), the City of Atlanta (the “City”), pursuant to Resolution No. 92-R-1575 adopted by the  
8 Atlanta City Council (the “City Council”) on December 7, 1992 and approved by the Mayor of the  
9 City (the “Mayor”) on December 15, 1992, (i) created the Techwood Park Urban Redevelopment Area  
10 and Tax Allocation District Number One - Atlanta/Techwood Park (the “Techwood Redevelopment  
11 Area”), (ii) adopted the Techwood Park Urban Redevelopment Plan (the “Techwood Redevelopment  
12 Plan”), and (iii) created Tax Allocation District Number One - Atlanta/Techwood Park (the “Techwood  
13 TAD”); and

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15           **WHEREAS**, pursuant to Resolution No. 98-R-0777, adopted by the City Council on July 6,  
16 1998 and approved by the Mayor on July 13, 1998, as amended (the “Westside Resolution”), the City,  
17 among other matters, (i) renamed the Techwood Redevelopment Area as *The Westside Redevelopment*  
18 *Area* and Tax Allocation Bond District (Tax Allocation District Number 1, as Amended -  
19 Atlanta/Westside) (the “Westside Redevelopment Area”), (ii) renamed the Techwood Redevelopment  
20 Plan as *The Westside Redevelopment Plan* and Tax Allocation Bond District (Tax Allocation District  
21 Number 1, as Amended - Atlanta/Westside) (the “Westside Redevelopment Plan”), (iii) amended the  
22 Techwood TAD and established *The Westside Tax Allocation Bond District Number 1, As Amended*  
23 *- Atlanta/Westside* (the “Westside TAD”), and (iv) expanded the boundaries of the Westside TAD so  
24 as to include certain distressed and vacant properties; and

25  
26           **WHEREAS**, the City appointed The Atlanta Development Authority d/b/a Invest Atlanta as  
27 its redevelopment agent (the “Redevelopment Agent”) pursuant to the Redevelopment Powers Law for  
28 the purpose of implementing the redevelopment initiatives set forth in the Westside Redevelopment  
29 Plan; and

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31           **WHEREAS**, pursuant to Resolution No. 98-1452, adopted on November 18, 1998, as amended  
32 by Resolution No. 05-0851 adopted on July 20, 2005 and Resolution No. 08-1010 adopted on  
33 December 17, 2008 (collectively, the “County Resolution”), the Board of Commissioners of Fulton  
34 County consented to the inclusion of its ad valorem property taxes in the computation of the tax  
35 allocation increment for the Westside TAD, with certain conditions, through December 31, 2038; and

36           **WHEREAS**, pursuant to the County Resolution, projects financed after December 31, 2018  
37 with Fulton County *ad valorem* property tax increment generated within the Westside TAD shall be  
38 subject to review by the County regarding the terms of its participation in the redevelopment efforts of  
39 the Westside TAD; and

40           **WHEREAS**, the Redevelopment Agent has requested that the Board of Commissioners  
41 consent to and ratify the use of Fulton County *ad valorem* property tax increment to fund one project  
42 in the Westside TAD: a \$200,000 grant to the Theatrical Outfit, Inc., from the Downtown Façade  
43 Improvement Grant program to renovate and improve the exterior of the Balzer Theater at Herren’s on  
44 84 Luckie Street, NW, Atlanta Georgia, (the “Balzer Theater at Herren Grant”), as further described  
45 in the resolutions of the Redevelopment Agent attached hereto as Exhibit A and incorporated herein  
46 for reference; and

47           **WHEREAS**, the Board of Commissioners finds that it is in the public interest to consent to  
48 and ratify the use of Fulton County *ad valorem* property tax increment to fund such projects;  
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50           **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of Fulton  
51 County, Georgia, that the Grant approved by the Redevelopment Agent on September 15, 2022, (a  
52 Grant not to exceed \$200,000 to renovate and improve the exterior of a historic commercial building  
53 in downtown Atlanta located at 84 Luckie Street, NW, Atlanta Georgia Blvd., known as The Balzer  
54 Theater at Herren's, is hereby ratified, approved, and consented to pursuant to and in accordance with  
55 the County Resolution.  
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57           **BE IT FURTHER RESOLVED**, that all provisions of the County Resolution shall remain in  
58 full force and effect.  
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60           **BE IT FURTHER RESOLVED**, that any act consistent with the authority of this Resolution  
61 and taken prior to the effective date of this Resolution is hereby ratified and confirmed.  
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63           **BE IT FURTHER RESOLVED**, that any and all resolutions or parts of resolutions in conflict  
64 with this Resolution shall be and the same hereby are rescinded.  
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66           **BE IT FINALLY RESOLVED**, that this Resolution shall be in full force and effect  
67 immediately upon its adoption.

68 PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia,  
69 this 16<sup>th</sup> day of November, 2022.

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FULTON COUNTY BOARD OF  
COMMISSIONERS

SPONSORED BY:

*Lee Morris*

Lee Morris, Commissioner  
(District 3)



ATTEST:

*Tonya R. Grier*

Tonya R. Grier  
Clerk to the Commission

APPROVED AS TO FORM:

*Y. Soo Jo*

Y. Soo Jo, County Attorney

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ITEM # 22-0884 RCS 12/21/22  
RECESS MEETING

**Summary** To approve an amount up to \$200,000 from the Westside TAD Downtown Façade Improvement Grant fund to finance improvements of The Balzer Theater at Herren’s

**Funding Source** Westside TAD

**Location** 84 Luckie St. NW, Atlanta, GA 30303  
**Council District:** 2 **NPU:** M **APS District:** 1

**Type** Commercial/Theater

**Property Owner** The Theatrical Outfit

**Description** The Theatrical Outfit has been operating in Atlanta for 45 years, making it the second oldest professional theater in the city. In 2005, Theatrical Outfit purchased and renovated the historic Herren’s Restaurant building at 84 Luckie Street, making it their permanent home. Herren’s Restaurant was a prominent business in downtown Atlanta from 1934 until 1987, after which the building remained boarded up until purchased by Bill Balzer, a UPS executive, and donated to Theatrical Outfit in 2005.

The Theatrical Outfit is undertaking a \$2M renovation of the Balzer Theater, to include expansion of the lobby space, updates to the interior, and renovation and restoration of the Façade. Theatrical Outfit seeks

**Renovation Budget**

<b>Sources</b>	
Capital Campaign	
Board and Staff	\$331,150
Individual Gifts	\$397,671
Foundations	\$762,500
Funds to be raised	\$332,679
DFIG	\$200,000
<b>Total Sources</b>	<b>\$2,024,000</b>

<b>Uses</b>	
Interior Construction	\$1,042,981
Façade Renovation	\$410,000
Contingency	\$394,519
Architecture/Engineering	\$176,500
<b>Total Uses</b>	<b>\$2,024,000</b>

**Timeline**      Begin Construction      Oct 2022  
    End Construction      March 2023

**Benefits**

1. Restores the façade of a historic building and enhances the streetscape in a pedestrian center on streetcar route in downtown;
2. Helps an established theater in the Arts and Entertainment District improve operations and visibility; and
3. Leverages private investment.

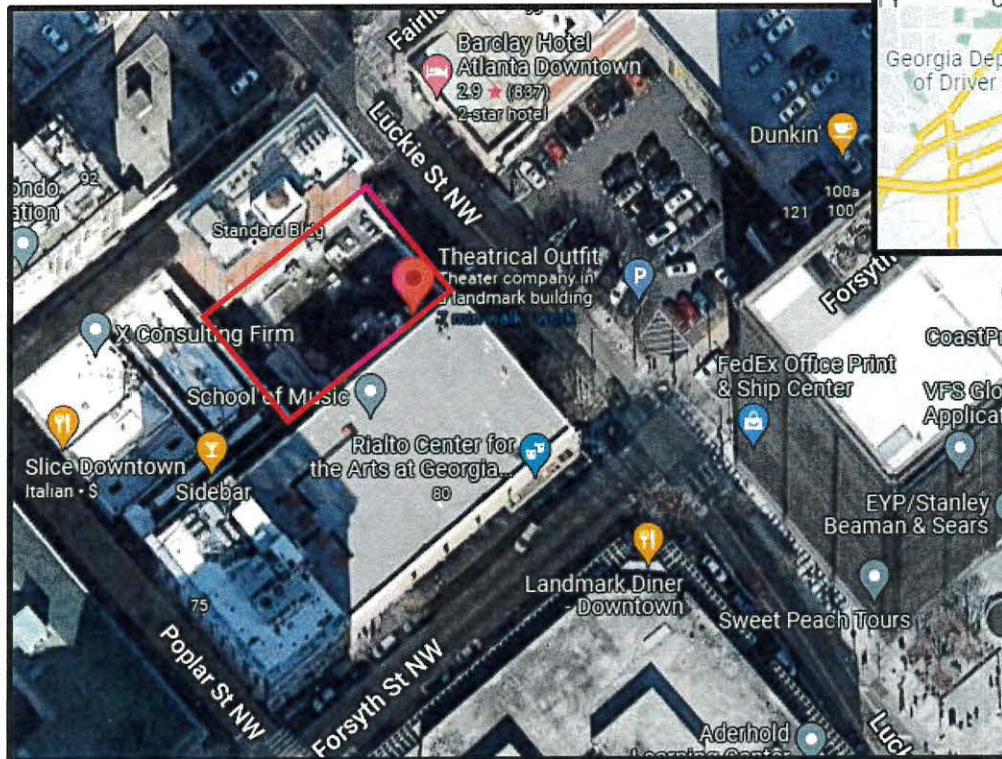
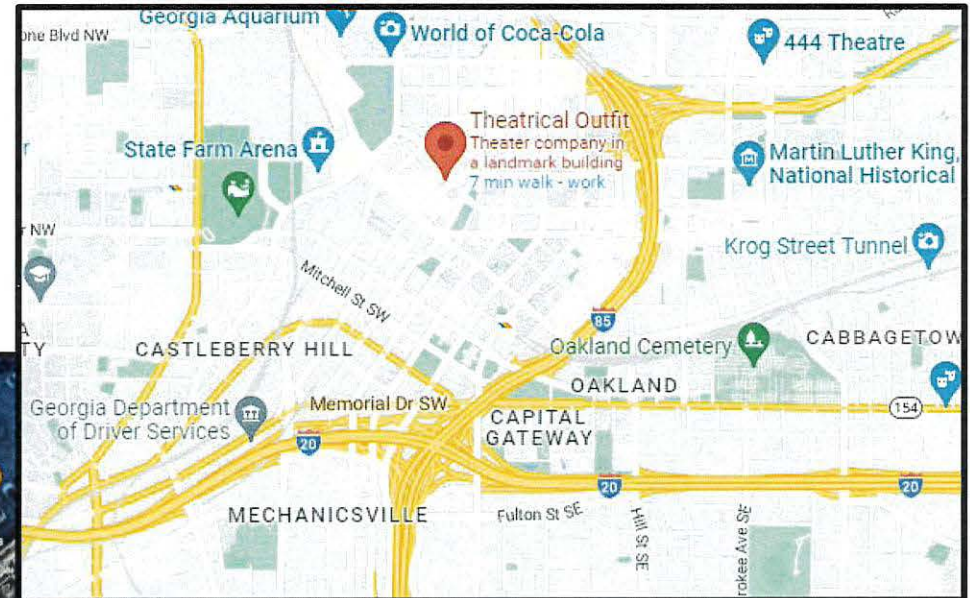
**ATLANTA DEVELOPMENT AUTHORITY**  
**84 Luckie Street NW**  
**Approval of Westside TAD Downtown Facade Improvement Grant**



**Description Continued**

WTAD support for the façade improvement portion of their project. This will create a storefront that is more open and visible to the street and aligned with the original historical exterior design. The marquee signage on the existing entry canopy will be replaced with an energy-efficient LED display, and all windows will be replaced and enlarged. The original Herren's sign, currently mounted on an interior stairwell, will be relocated to the lobby with lighting on it to ensure visibility from the street.

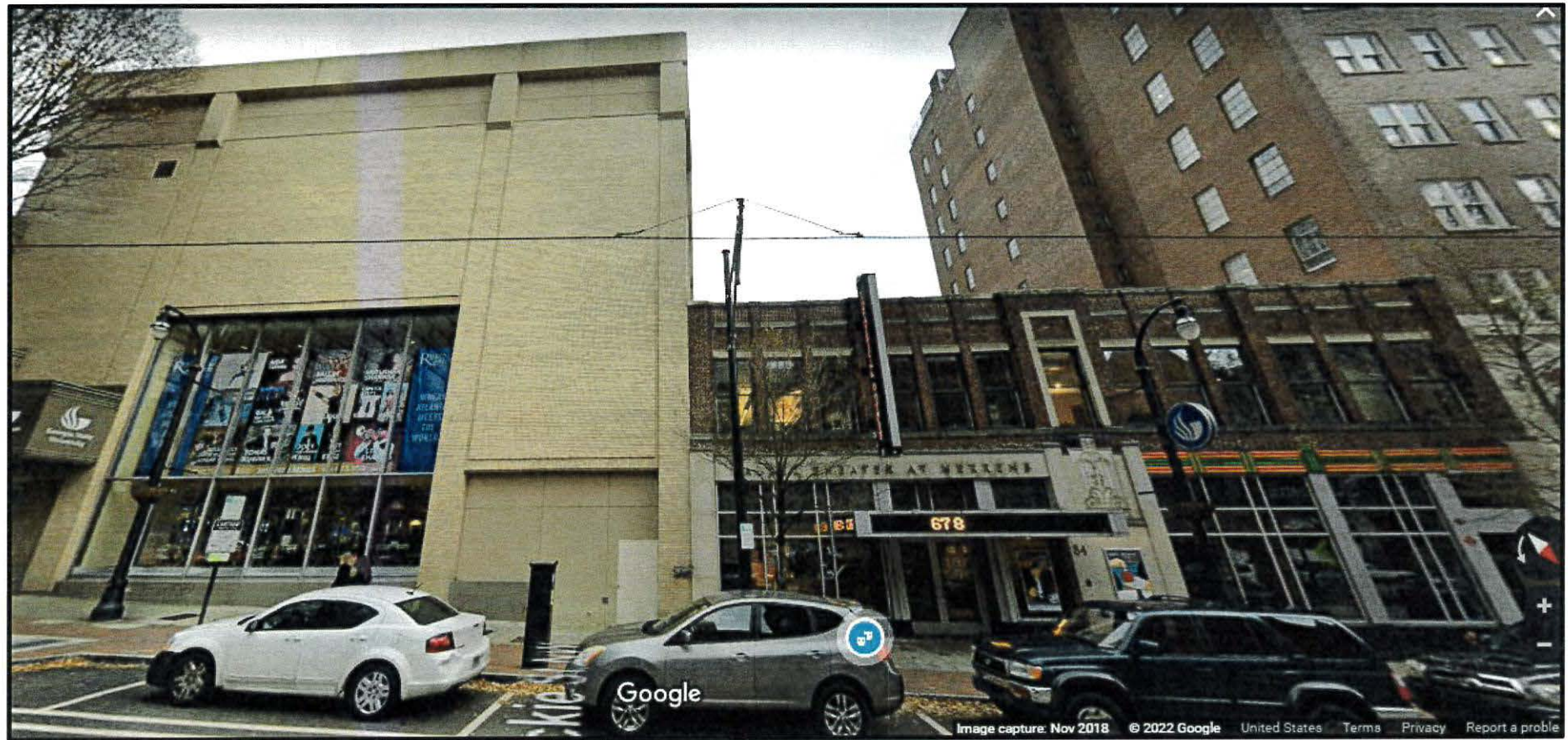
**PROJECT LOCATION MAP**



ATLANTA DEVELOPMENT AUTHORITY  
84 Luckie Street NW  
Approval of Westside TAD Downtown Facade Improvement Grant



Current Street View



Existing Site Photos



Renderings of Improvements



**RESOLUTION OF THE BOARD OF DIRECTORS OF THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA AUTHORIZING A GRANT TO THE THEATRICAL OUTFIT, INC. FROM THE DOWNTOWN FAÇADE IMPROVEMENT GRANT (“DFIG”) PROGRAM OF THE WESTSIDE TAX ALLOCATION DISTRICT (“WTAD”) SPECIAL FUND IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) TO FUND EXTERIOR IMPROVEMENTS OF THE BALZER THEATER AT HERREN’S AT 84 LUCKIE STREET IN DOWNTOWN (THE “PROJECT”); AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A DEVELOPMENT AGREEMENT AND ANCILLARY DOCUMENTS IN CONNECTION THEREWITH; AND FOR OTHER PURPOSES.**

**WHEREAS**, The Atlanta Development Authority d/b/a Invest Atlanta (“Invest Atlanta”) has been duly created and is existing under and by virtue of the Constitution and the laws of the State of Georgia, in particular, the Development Authorities Law of the State (O.C.G.A. §36-62-1 *et seq.*, as amended) and an activating resolution of the City Council of the City of Atlanta, Georgia, duly adopted on February 17, 1997, and approved by the Mayor on February 20, 1997, and is now existing and operating as a public body corporate and politic of the State; and

**WHEREAS**, to encourage the redevelopment of the western downtown area of the City, the City Council, by City Resolution 98-R-0777 (amending Resolution 92-R-1575), adopted on July 6, 1998 and approved by the Mayor on July 15, 1998, as amended (the “Westside TAD Resolution”), among other things, (i) created “The Westside Redevelopment Area and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)” (the “Westside TAD”), (ii) adopted “The Westside Redevelopment Plan and Tax Allocation Bond District (Tax Allocation District Number 1, As Amended – Atlanta/Westside)” (the “Westside TAD Redevelopment Plan”) and (iii) designated Invest Atlanta as the City’s Redevelopment Agency, all as provided for under Redevelopment Powers Law, O.C.G.A. § 36-44-1, *et seq.*, as amended (the “Act”); and

**WHEREAS**, Invest Atlanta wishes to incentivize improve the quality of life in downtown Atlanta and adjacent westside communities through the rehabilitation of commercial building façades; and

**WHEREAS**, to promote the revitalization and appearance of downtown commercial buildings, on November 21, 2013, the Board of Directors of Invest Atlanta approved and funded a Downtown Façade Improvement Grant Program (the “DFIG Program”); and



**WHEREAS**, Invest Atlanta has accepted applications for the DFIG Program to identify projects with the greatest potential to improve the economic vitality and competitiveness of downtown; and

**WHEREAS**, property and business owners located within the Westside TAD may apply for a grant from the DFIG Program to contribute to the visual enhancement of properties as viewed from the public right-of-way; and

**WHEREAS**, The Theatrical Outfit, Inc. ("Project Owner") has proposed making façade improvements in connection with an interior renovation of the Balzer Theater at Herren's, located at 84 Luckie Street, NW, Atlanta, Georgia, which will include renovating and improving the exterior of a historic commercial building in downtown Atlanta (the "Project"); and

**WHEREAS**, plans for the façade improvement include restoration and creation of a storefront that is open and visible to Luckie Street and aligned with the original historical design, installation of an energy-efficient marquee, and replacement and installation of energy-efficient windows, to be partially funded by a grant from the WTAD DFIG Program in an amount not to exceed Two Hundred Thousand Dollars (\$200,000) (the "Project Allocation"); and

**WHEREAS**, Invest Atlanta staff has reviewed the application from The Theatrical Outfit, Inc. and found the Project consistent with the objectives of the Westside TAD Redevelopment Plan, and to be impactful and worthy of a grant from the WTAD DFIG Program; and

**WHEREAS**, the Board of Directors of Invest Atlanta, after full review and consideration of the recommendations of the Invest Atlanta staff, has determined that it is in the best interest of Invest Atlanta to approve funding for the Project to The Theatrical Outfit, Inc., from the WTAD DFIG Program Fund in an amount not to exceed Two Hundred Thousand Dollars (\$200,000).

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Directors of Invest Atlanta, and it is hereby resolved by the authority of the same as follows:

Section 1. **Authority.** This Resolution is adopted pursuant to the Development Authorities Law of Georgia (O.C.G.A. §36-62-1, *et seq.*, as amended), and other applicable provisions of law.

Section 2. **Approval of WTAD DFIG Funding of the Project.** Invest Atlanta hereby authorizes and approves a DFIG Grant from the Westside Tax Allocation District Special Fund to The Theatrical Outfit in an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) for façade improvements at the Balzer Theater at Herren's, located at 84 Luckie Street (the "Project Allocation"). The Project Allocation is hereby approved, subject to certain conditions being met by the Developer, which shall be memorialized in a Development Agreement. If for any reason the Development Agreement is not executed by Invest Atlanta and the Developer within twenty-four (24) months of the date of this Resolution, the Project Allocation made herein shall expire, provided however, such allocation may be extended administratively by the President/CEO or the Executive Vice President/COO of Invest Atlanta upon good cause shown.

Section 3. **Approval to Negotiate Execute and Deliver the Development Agreement.** Invest Atlanta hereby authorizes the Chair, Vice Chair or President/CEO, Executive Vice President/COO or General Counsel of Invest Atlanta to negotiate, execute and deliver the Development Agreement, in a form deemed satisfactory to such officer and legal counsel to Invest Atlanta, setting forth the terms and conditions relating to the Eastside TAD funding support of the Project and all instruments, documents and certificates related thereto.

Section 4. **General Authority.** It is hereby ratified and approved that the President/CEO, Executive Vice President/COO, General Counsel and any other proper officers, members, agents and employees of Invest Atlanta are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of this Resolution and are further authorized to take any and all further actions and execute and deliver any and all other certificates, papers and documents as may be necessary or desirable to effect the actions contemplated by this Resolution. Such other certificates, papers and documents shall be in such form and contain such terms and conditions as may be approved by the Chair, Vice Chair, President/CEO, Executive Vice President/COO or General Counsel of Invest Atlanta, and the execution of such other certificates, papers and documents by the Chair, Vice Chair, President/CEO, Executive Vice President/COO or General Counsel of Invest Atlanta as herein authorized shall be conclusive evidence of any such approval. The Secretary or any Assistant Secretary of Invest Atlanta is hereby authorized to attest the signature of the Chair, Vice Chair, President/CEO, Executive Vice President/COO or General Counsel of Invest Atlanta and impress, imprint or otherwise affix the seal of Invest Atlanta on any of the certificates, papers and documents executed in connection with this Resolution, but shall not be obligated to do so, and the absence of the signature of the Secretary or Assistant Secretary or Invest Atlanta's seal on any such other certificates, papers and documents shall not affect

the validity or enforceability of Invest Atlanta's obligations thereunder. A facsimile or electronic signature will constitute an original signature for all purposes.

Section 5. **Actions Approved and Confirmed**. It is hereby ratified and approved that all acts and doings of the officers, employees or agents of Invest Atlanta whether done before, on or after the date of adoption of this Resolution which are in conformity with the purposes and intents of this Resolution shall be, and the same hereby are, in all respects approved, ratified and confirmed.

Section 6. **Partial Invalidity**. If any one or more of the provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining agreements and provisions and shall in no way effect the validity of any of the other agreements and provisions hereof.

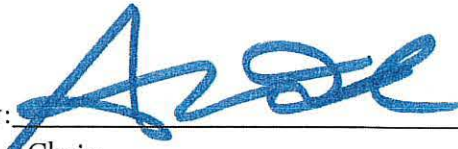
Section 7. **Conflicts**. All resolutions or parts thereof of Invest Atlanta in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. **Effective Date**. This Resolution shall take effect immediately upon its passage.

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Adopted and approved this 15<sup>th</sup> day of September, 2022.

**THE ATLANTA DEVELOPMENT  
AUTHORITY D/B/A INVEST  
ATLANTA**

By:   
Chair

Attest:



Assistant Secretary

[SEAL]



SECRETARY'S CERTIFICATE

The undersigned Assistant Secretary of the Atlanta Development Authority d/b/a Invest Atlanta does hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a Resolution adopted on September 15, 2022, by the members of the Board of Directors of Invest Atlanta in a meeting duly called and assembled, after due and reasonable notice was given in accordance with applicable laws and with the procedures of Invest Atlanta, by a vote of a majority of the directors present and voting, which meeting was open to the public and at which a quorum was present and acting throughout and that the original of the foregoing Resolution appears of public record in the Minute Book of Invest Atlanta, which is in my custody and control.

I further certify that such Resolution has not been rescinded, repealed or modified.

Given under my signature and seal of Invest Atlanta, this 15<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
Assistant Secretary

