

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA ("INVEST ATLANTA") AUTHORIZING A GRANT FROM THE WESTSIDE TAX ALLOCATION DISTRICT RESURGENS FUND TO SAC WELCH HOLDINGS, LLC, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SIXTY THOUSAND DOLLARS (\$660,000.00) TO ASSIST IN FUNDING THE CONSTRUCTION AND REDEVELOPMENT OF COMMERCIAL OFFICE SPACE LOCATED AT 201 JOSEPH E. LOWERY BOULEVARD; AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF A DEVELOPMENT AGREEMENT AND ANCILLARY DOCUMENTS IN CONNECTION WITH THE AWARD OF SUCH GRANT 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 (the "State"), 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 (the "City"), duly adopted on February 17, 1997, and approved by the Mayor of the City 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**, the City appointed Invest Atlanta as the City's redevelopment agency pursuant to the Act to implement the redevelopment initiatives set forth in the Westside TAD Redevelopment Plan, and for other purposes; and

**WHEREAS**, SAC Welch Holdings, LLC, (the "Owner/Developer") plans to redevelop and construct new commercial office space at 201 Joseph E. Lowery Boulevard consisting of up to 16 units which will be leased to small businesses with compatible services, a martial arts school, and nonprofit businesses (the "Project"); and

**WHEREAS**, the Owner/Developer has applied for a \$660,000.00 grant from the Westside TAD Resurgens Fund for the Project; and

**WHEREAS**, after thoroughly reviewing the application, Invest Atlanta staff recommended awarding a Westside TAD Resurgens Fund grant to the Owner/Developer; and

**WHEREAS**, the Board of Directors of Invest Atlanta now desires to approve a Westside TAD Resurgens Fund grant to the Owner/Developer for the Project in an aggregate amount not to exceed \$660,000.00.

**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 Funding of the Project**. Invest Atlanta hereby authorizes and approves the funding of a grant to the Owner/Developer from the Westside TAD Resurgens Fund in an amount not to exceed Six Hundred Sixty Thousand Dollars (\$660,000.00) (the "Project Allocation"), to assist in the construction of the Project, which Project Allocation and the conditions thereof shall be memorialized in a Development Agreement executed by Invest Atlanta and the Owner/Developer.

Section 3. **Approval to Negotiate, Execute and Deliver the Grant 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 a Development Agreement (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 Project Allocation to be used to support the Project and to execute and deliver all other necessary instruments, documents and certificates related thereto. If for any reason the Development Agreement is not executed by Invest Atlanta and the Owner/Developer within twelve (12) months of the date of this Resolution, the Grant 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 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.

Adopted and approved this 17<sup>th</sup> day of February 2022.

[SIGNATURES ON FOLLOWING PAGE]

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 ("Invest Atlanta"), does hereby certify that the foregoing pages of typewritten matter constitute a true and correct copy of a Resolution adopted on February 17, 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 17<sup>th</sup> day of February 2022.

  
Assistant Secretary

[SEAL]

