

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON  
4

RES2019-043

5  
6 **A RESOLUTION OF THE CITY OF SOUTH FULTON TO THE FULTON COUNTY**  
7 **DEVELOPMENT AUTHORITY REQUESTING RECOGNITION OF THE TERRITORIAL**  
8 **BOUNDARIES OF THE SOUTH FULTON DEVELOPMENT AUTHORITY AND FOR**  
9 **OTHER LAWFUL PURPOSES**  
10

11 **(Sponsored by Councilperson Gilyard)**  
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly  
14 organized and existing under the laws of the State of Georgia;  
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16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and City  
17 Council ("City Council");  
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19 **WHEREAS**, the Georgia Legislature enacted the Development Authorities Law  
20 (O.C.G.A. 36-62-1, et al.), to give local governments territorial authority to facilitate  
21 development related projects and related activities within their jurisdictional boundaries,  
22 such as incentive/bond deals and tax abatements;

23 **WHEREAS**, the City has activated the City of South Fulton Development  
24 Authority to facilitate development related projects and related activities within the City  
25 under the Development Authorities Law;

26 **WHEREAS**, in light of such activation, and in respect of the City's territorial  
27 boundaries, the City respectfully asks the Fulton County Development Authority through  
28 this Resolution to discontinue all development related activities under the Development  
29 Authorities Law within the City of South Fulton, Georgia, without the City of South Fulton  
30 Development Authority's consent; and

31 **WHEREAS**, this Resolution is in the best interests of the general welfare of the  
32 City, its residents and general public.

33 **NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL** as  
34 follows:  
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36 **Section 1.** In light of the City's activation of the South Fulton Development  
37 Authority, and in respect of the City's territorial boundaries, the City respectfully asks the  
38 Fulton County Development Authority to discontinue all development related activities  
39 under the Development Authorities Law within the City of South Fulton, Georgia, absent  
40 the City of South Fulton Development Authority's consent.

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**Section 2.** It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) 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 of this Resolution. 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.

(c) 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 City Council 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.

**Section 3.** All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

**Section 4.** The effective date of this Resolution shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

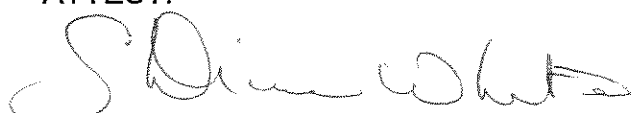
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THIS RESOLUTION so adopted this 10<sup>th</sup> day of September 2019.

**CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



S. DIANE WHITE, CITY CLERK



APPROVED AS TO FORM:



EMILIA C. WALKER, CITY ATTORNEY

128 The foregoing RESOLUTION No. 2019-043, adopted on September 10, 2019 was  
129 offered by Councilmember Gilyard, who moved its approval. The motion was  
130 seconded by Councilmember Jackson, and being put to a vote, the result was as  
131 follows:

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	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	<u>  x  </u>	_____
Catherine Foster Rowell	_____	<u>  x  </u>
Carmalitha Lizandra Gumbs	<u>  x  </u>	_____
Helen Zenobia Willis	_____	<u>  x  </u>
Gertrude Naeema Gilyard	<u>  x  </u>	_____
Rosie Jackson	<u>  x  </u>	_____
khalid kamau	<u>  x  </u>	_____



## MAYOR'S SIGNATURE PAGE

The mayor, within ten (10) business days following receipt of a Resolution, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If a Resolution has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return a Resolution to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt.

The mayor acknowledges receipt of the noted Item listed below:

**Date of Adoption:** 9/17/2019    **Item Number:** Res2019-043

**Subject:** Resolution to Fulton County Development Authority requesting Recognition of the Territorial Boundaries of SF Development Authority

**Date Received by Mayor:** 9/17/2019

APPROVED

DISAPPROVED

**Mayor's Signature:** \_\_\_\_\_  
**WILLIAM "BILL" EDWARDS**

**Date to City Clerk' Office:** 9/17/2019