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Introduction

“This plan outlines best practices that will help Darien redevelop those areas of our community that have suffered from blight or are otherwise threatened. It underscores our commitment to protect and preserve those things which have always made Darien a unique place; to fulfill our special responsibilities to the environment; to create upward mobility for our citizens, enhance their quality of life, and protect them from gentrification; to encourage investment and to realistically plan for the inevitable growth we know is coming.

“The keys to making this work are partnerships and perseverance. We must move on a broad front; take everyone with us; and refuse to lose. Our tools include good codes, professional planning, quality enforcement, concerned leadership, and the active involvement of our citizens. Our focus must always be on making our community a place we are proud of.”

Kelly Spratt
Mayor of Darien

Executive Summary

Purpose:

The Darien Urban Redevelopment plan provides a general blueprint for redevelopment of blighted or threatened areas of the City of Darien.

Background:

The Darien Urban Redevelopment Plan was created in accordance with the Official Code of Georgia Annotated Section 36-61-7 (Georgia's Redevelopment Powers Act). This plan describes the City's broad powers derived from the Redevelopment Powers Act; which enables the City to redevelop blighted or threatened areas of the community. The plan articulates goals and objectives, describes strategies for accomplishing them, and identifies essential tools.

The Components of the Darien Urban Redevelopment Plan include:

1. Boundaries of the redevelopment area.
2. Evidence that the area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of this plan.
3. Explanation of proposed uses for urban redevelopment purposes and proposed method of financing any construction, reconstruction, expansion, renovation, rehabilitation, repair, demolition, alteration or remodeling of property for such uses and estimated cost thereof.
4. Description of proposed construction, reconstruction, expansion, renovation, rehabilitation, repair, demolition, alteration or remodeling of any public works, public housing, or other public facilities, estimates of cost thereof, and explanation of proposed method of financing same.
5. Description of proposed construction, reconstruction, expansion, renovation, rehabilitation, repair, demolition, alteration or remodeling of privately owned property, estimates of cost thereof, and explanation of proposed method of financing same.
6. Description of contracts, agreements and other instruments creating obligations of more than one year which are proposed to be entered into by the City of Darien to implement this plan.
7. Description of type of relocation payments proposed to be authorized by this plan and estimates of cost thereof.
8. Statement of conformity of plan to master plan, zoning ordinance and building codes and exceptions thereto.
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17. Estimated positive tax increments for period of proposed tax allocation bonds.
18. Map of existing uses and conditions.

The Darien Urban Redevelopment Plan is established by:

- City Council Resolution of Intent to create a draft Darien Urban Redevelopment Plan.
- Drafting a Darien Urban Redevelopment Plan.
- Holding a public hearing and soliciting comments on the draft plan.
- City Council Resolution appointing a redevelopment authority or organization to implement the plan; or designating the Mayor and Council as that Authority.
- City Council Resolution describing the boundaries of the urban redevelopment area(s) within the City.
- City Council Resolution approving the Darien Urban Redevelopment Plan.
- Implementation

Goals & Objectives:

- Implement a process that does not require a referendum
- Have a plan that is fairly easy and inexpensive to prepare and amend; and one that can be implemented by a City-appointed authority
- Use appropriate tools to buy and assemble property for revitalization and resale
- Encourage private enterprise/public-private partnerships to redevelop neglected areas of the community
- Use tax exempt bonds, secured by loans or grants, for redevelopment purposes
- Keep the public informed of what is being planned for the redevelopment area
- Guide City investments in infrastructure to support redevelopment
- Allow the City to negotiate variances and selectively waive portions of its existing zoning and development requirements in order to achieve the optimum economic and aesthetic results in the redevelopment area

Strategies:

- The City's redevelopment actions are based on Georgia Law and reflect the best practices of other municipalities.
- All code enforcement and redevelopment decisions are impartial and based on the state of the properties. Ownership is not a consideration.
- Public understanding and support for redevelopment will be accomplished through a continuing public information and outreach effort involving elected officials, staff, the press, and other key communicators.

- Code Enforcement is used to identify occupied houses that should be brought into the redevelopment process. These properties are targeted for redevelopment ONLY when they become vacant. This avoids future implications of the Uniform Relocation Act.
- Rental property owners are required to bring their properties up to standards if they want to continue to rent. With a redevelopment plan in place, substandard rental properties are posted as soon as they are vacant; followed-up with redevelopment or nuisance remedies.
- A uniformed Darien Police Officer will be involved in all code enforcement issues.
- Junk cars are remediated by enforcing existing codes.
- Eminent Domain will remain at the bottom of the toolbox because of its provocative reputation.
- Condemnation will be avoided if possible; except in title-clearing cases (friendly condemnation). This process ties up scarce resources and creates public dissension.
- Selected City staff members will be trained and certified as asbestos inspectors; with one certified as an asbestos inspector-supervisor. These inspectors will be permitted to perform inspections of targeted properties as contractors in their off-duty time.
- All demolition will be performed or supervised by the City Public Works Department to reduce costs. Certified asbestos inspectors will determine the demolition method to be used for each property; to include which could be used for fire department training. In those cases where a property has salvage value, demolition may be performed by someone willing to take it down for the bricks and lumber. If contracting is needed for disposal, it should include trying to recycle tin, wood and brick; sort inert debris; and using a loader that allows shaking the dirt out before loading.
- All participants in the redevelopment process must be willing to go the extra mile to help people who want to help themselves; but are unable to. Examples might include finding volunteers to help clean an elderly widow's yard, working out payment plans for people without the financial means to contract the work, etc.

Essential Tools:

The Nuisance Abatement Process is the primary tool for redevelopment. Based on the City Codes, it uses the processes and forms found in the plan's attachments. A lien can be attached equal to a tax lien for clean-up costs; and the property can be foreclosed-on should the need arise. Nuisance Abatement also allows the City to include demolition removal costs in the lien.

Although the lien may exceed the value of the property, the City is investing in the community and not trying to generate short-term profits.

Professionally qualified staff must implement the program. This includes the Building Inspection, Code Enforcement, Asbestos Inspection, Police, Fire Inspection, Public Works, and Municipal Court functions. All must be thoroughly familiar with the City codes pertaining to public nuisances and the nuisance abatement processes; then rigorously follow them. The Municipal Court must also have an understanding of O.C.G.A. Section 36-61.

The City Council must understand and support the legitimacy and impartiality of the nuisance abatement process. This must be clearly communicated to the public.

The Blighted Buildings Act (HR 391) may be used as a tool for redevelopment. This is a constitutional amendment (Ga. L. 2002, p.1497, Par. 1), which revised Article IX, Section II, paragraph VII (Community Redevelopment) to provide that counties and municipalities may establish community redevelopment tax incentive programs under which increased taxation shall apply to properties maintained in a blighted condition and decreased taxation shall apply for a time to formerly blighted property which has been rehabilitated. It was approved by a majority of the voters voting in the general election held November 5, 2002. The Office of Downtown Development, Georgia Department of Community Affairs, is currently conducting research to determine what communities have successfully utilized this act and how it was implemented. Amendment of Chapter 62 (Taxation) of the Code of the City of Darien Georgia is proposed with the addition of Section 62-1.1 which describes a Community Redevelopment Tax Incentive Program. A proposed City Ordinance has been drafted for First Reading at the May 20, 2008 meeting of the Darien City Council; and Attachment 16 has been reserved for this ordinance if it is subsequently approved.

Accessible sources of funding are vital to support rehabilitation of housing and commercial properties, and redevelopment of targeted areas in concert with private investment and Habitat for Humanity. This includes such things as revolving loan funds, Community Development Block Grants (CDBG), Community Home Investment Program (CHIP) Grants, Revitalization Area Strategy (RAS/CHIP) grants, Georgia Department of Community Affairs home ownership programs, US Department of Agriculture programs, and other public and private financial resources.

City of Darien Redevelopment Plan For Community Redevelopment Area

This plan shall constitute a written redevelopment plan adopted and approved under the provisions of Official Code of Georgia Annotated Section 36-61-7 for the urban redevelopment areas identified and described herein.

Section 1. Boundaries. The boundaries of the area proposed for redevelopment are as follows:

2.3 square miles, more or less, in multiple tracts, as shown in the office of the Clerk of the Superior Court of McIntosh County, Georgia. Said 2.3 square mile area is more particularly described as follows:

That certain area lying within the corporate limits of the City of Darien and being enclosed by the following boundary: Extending for one (1) mile in every direction from the Courthouse door, except in those directions where navigable streams would intervene, and in these directions the said limits shall extend to the low-water mark of the off shores and across said navigable streams, thereby giving as a boundary line across the navigable streams the West bank of Pico Island, commencing at a point opposite the mainland at the foot of First Street on the East, thence running with the shore line of Pico Island to Pico Cut, thence Westward to the North bank or shore line of Rhett's Island, across Pico Cut, thence along the North shore line of Rhett's Island Westward to General's Cut, thence across General's Cut to North shore line of General's Island, and along said shore line Westward to a point opposite the month of Cat Head Creek, thence across the Altamaha River to the East bank or shore line of Potosi Island, and thence Northward along the shore line of Potosi Island to a point opposite the mainland, where the (1) mile limit extends to the low-water mark on the East bank of Cat Head Creek, thence across Cat Head Creek to said point.

Section 2. Evidence that area on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the approval of this plan.

PHASE I. --- Some eighty-eight (88) residential and sixteen (16) commercial properties within this area have been identified as uninhabitable, unsafe and unworthy of rehabilitation.

PHASE II. --- Numerous unkempt vacant lots adversely affect tax base and slow development of neighborhoods. All determinations made by on-site inspections.

Section 3. Explanation of proposed uses for urban redevelopment purposes and proposed method of financing any construction, reconstruction, expansion, renovation,

rehabilitation, repair, demolition, alteration or remodeling of property for such uses and estimated cost thereof.

Propose to reestablish housing and commercial use per pre-existing zoning wherever practical in concert with private investment and Habitat for Humanity. Anticipated demolition costs will be deducted from condemnation award. CHIP, CDBG, DCA, USDA, and local funding will be used for down-payment and incentives per available programs. Working with Department of Community Affairs on other options to finance home ownership; thereby making development more enticing to private sector.

Section 4. Description of proposed construction, reconstruction, expansion, renovation, rehabilitation, repair, demolition, alteration or remodeling of any public works, public housing, or other public facilities, estimates of cost thereof, and explanation of proposed method of financing same.

Not Applicable.

Section 5. Description of proposed construction, reconstruction, expansion, renovation, rehabilitation, repair, demolition, alteration or remodeling of privately owned property, estimates of cost thereof, and explanation of proposed method of financing same.

Proposed residential and commercial reconstruction to be funded by private enterprise and/or Housing Authority if applicable. All available state and federal home buyer assistance will be utilized to enable loan qualification. Demolition cost supplied by deduction from condemnation award and/or in-kind work by the City. However, the City may dispose of real property in an urban redevelopment area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as are provided in O.C.G.A. Section 36-61-10(b)(1). In the latter event, the City, by public notice by publication once each week for two consecutive weeks in a newspaper having a general circulation in the City, prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under this plan, may invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban redevelopment area or any part thereof. The notice shall identify the area or portion thereof and shall state that such further information as is available may be obtained at the City's Office of Community Development or such other location as shall be designated in the notice. The City shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out and may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by the City in the urban redevelopment area. The City may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this plan. The City may execute contracts in accordance with this plan and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contracts.

Section 6. Description of contracts, agreements and other instruments creating obligations of more than one year which are proposed to be entered into by the City of Darien to implement this plan.

Not Applicable.

Section 7. Description of type of relocation payments proposed to be authorized by this plan and estimates of cost thereof.

All target properties at this juncture are vacant. Future inhabited properties, if applicable, will be handled in accordance with the Georgia Relocation Act and Federal Uniform Relocation Act.

Section 8. Statement of conformity of plan to master plan, zoning ordinance and building codes and exceptions thereto.

This plan is in complete conformity with and to the master plan, zoning ordinances, and building codes of the City of Darien, with the following exceptions:

No predetermined exceptions. Any case specific exceptions that develop will be subject to approval by the City Council.

Section 9. Summary of estimated expenditures from public and private financing sources for each of the first ten years following implementation of this plan.

\$800,000 in 2008 CDBG; \$300,000 in 2008 CHIP; and \$200,000 in 2008 RAS/CHIP Seed monies. Subsequent expenditures supplied by in-kind services of City and proceeds of lot sales to private developers.

Section 10. Other information required to be included in plan by City Council resolution. The following information is included in this plan pursuant to the requirements of the resolution adopted by the Mayor and Council of the City of Darien on May 20, 2008:

Not Applicable.

Section 11. Historic Property. Any property located within this redevelopment area which is either designated as a historic property under Article 2 of Chapter 10 of Title 44, the "Georgia Historic Preservation Act", or is listed on or has been determined by any federal agency to be eligible for listing on the National register of Historic Places, will not be:

- (a) Substantially altered in any way inconsistent with technical standards for rehabilitation;
- or
- (b) Demolished unless feasibility for reuse has been evaluated based on technical standards for the review of historic preservation projects; which technical standards for

rehabilitation and review shall be those used by the state historic preservation officer, although nothing in this subparagraph shall be construed to require approval of a redevelopment plan or any part thereof by the state historic preservation officer.

Section 12. Effective and termination dates for tax allocation district. The effective date for the creation of the tax allocation district under the plan is:

Not Applicable.

The proposed termination date for the tax allocation district under the plan is:

Not Applicable.

Section 13. Assessed valuations of redevelopment area. The last known assessed valuation of the redevelopment area is \$108,947,832.

The estimated assessed valuation of the redevelopment area after redevelopment is \$135,947,832.

Section 14. Tax allocation increment base. The tax allocation increment base of the proposed tax allocation district obtained pursuant to Official Code of Georgia Annotated Section 36-44-10 and supported by the certification of the state revenue commissioner as provided in said code is:

Not Applicable.

Section 15. Specification of property taxes for computation of tax allocation increments. The following is a specification of the property taxes for computing tax allocation increments determined in accordance with Official Code of Georgia Annotated Section 36-44-9 and supported by resolution of the Mayor and Council of the City of Darien as required under paragraph (2) of Official Code of Georgia Annotated Section 36-44-8:

Not Applicable.

Section 16. Proposed tax allocation bond issue(s). The amount of the proposed tax allocation bond or issues, the term and assumed rate of interest applicable thereto, are as follows:

Not Applicable.

Section 17. Estimated positive tax increments for period of proposed tax allocation bonds. The positive tax increments for the period covered by the term of the proposed tax allocation bonds are estimated to be as follows:

Not Applicable.

Section 18. Map of existing uses and conditions. Attached hereto is a map showing the existing uses and conditions of the real property in the proposed tax allocation district.

Not Applicable.

Redevelopment Plan approved in Resolution No. 2008-10, approved May 20, 2008.

Attachment 1 - Resolution of Intent to Create an Urban Redevelopment Plan for the City of Darien

Resolution Number: 2008-6

Reading and Adoption:

At the regular meeting of the Darien City Council, held in the David Bluestein Meeting Room in the Darien City Hall, Darien, Georgia:

Present:

Kelly Spratt, Mayor
Karen Clark, Councilwoman
Joe Malbasa, Councilman
Eunice M. Moore, Councilwoman
Joel Williams, Councilman

On the motion of Malbasa, which carried unanimously, the following Resolution was adopted:

A RESOLUTION OF INTENT TO CREATE AN URBAN REDEVELOPMENT PLAN FOR THE CITY OF DARIEN

Be it hereby resolved by the Darien City Council that:

WHEREAS, the Darien City Council believes that within the boundaries of the City of Darien, Georgia, there are areas in which there are a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare; or in which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound growth of the City of Darien, retards the provisions of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in their present condition and use; and therefore constitute slum areas as that term is defined in O.C.G.A Chapter 36-61-2(18), pursuant to O.C.G.A Chapter 36-61-7(a); and

WHEREAS, it is the duty of the City of Darien to remediate slum areas of the community and enhance the quality of life for all its Citizens; and

WHEREAS, the City of Darien is empowered to invoke urban redevelopment powers under O.C.G.A. Chapter 36-61.

NOW, THEREFORE BE IT RESOLVED that the Darien City Council cause an urban redevelopment plan to be prepared, and said plan, after public notice and hearing, may be approved and adopted by the Mayor and Council of said City pursuant to O.C.G.A Chapter 36-61-7.

This resolution shall be effective upon adoption.

This the 15th day of April, 2008.

DARIEN CITY COUNCIL

By: (Signature)

KELLY SPRATT, MAYOR

ATTEST:

(Signature)

COLLEEN JOLLEY, CITY CLERK
CITY OF DARIEN, GEORGIA

(City Seal)

Attachment 2 - Notice of Public Hearing on Proposed Darien Urban Redevelopment Plan

Published in The Darien News on April 24, 2008 (two weeks prior to the scheduled hearing)

Public Meeting Notice
Darien Urban Redevelopment Plan

Date & Time

David Bluestein Meeting Room

Darien City Hall

106 Washington Street

Darien, Georgia 31305

The City of Darien is preparing an Urban Redevelopment Plan for adoption and approval under the provisions of Official Code of Georgia Annotated Section 36-1-7.

The proposed Darien Urban Redevelopment Plan is available in draft for public viewing and downloading on the City website at www.cityofdarinega.com. A printed version is available for review at City Hall, 106 Washington Street, Darien, Georgia from 8:00 AM to 5:00 PM; Monday thru Friday.

A public meeting will be held in the David Bluestein Conference Room on the 2nd Floor of the Darien City Hall, 106 Washington Street, Darien GA 31305, on May 8, 2008 at 4:00 P.M. The purpose of this meeting is to obtain citizen input and comments on the proposed plan. Persons with special needs relating to handicapped accessibility or foreign language should contact Frank Feild at Darien City Hall (912) 437-6686 prior to May 6, 2008. Persons with hearing disabilities can contact the GA Relay Service at (TDD) 1-800-255-0056 or (VOICE) 1-800-255-0135.

Attachment 3 - Public Comments on the Proposed Darien Urban Redevelopment Plan

1. **Councilwoman Eunice M. Moore** – 5/8/08 – **Comment:** Owners of vacant and dilapidated properties should be informed of the possibility of the property being considered for burning by the fire department as a training exercise. This might be a significant cost savings for them. She related her recent experience of having paid \$3,000 for demolition and removal of a dilapidated structure; but was unaware of the fire department doing a controlled burn as a possible option.

Response: Community Development Director will prepare an information paper to distribute to property owners when they obtain a demolition permit to help them understand all their options.

Notes: The Fire Department does not run an incinerator service. Fires set for training fire-fighting personnel are allowed when authorized by the appropriate governmental entity and the guidelines set forth by the Georgia Department of Natural Resources Environmental Protection Division (EPD) Director are strictly observed. Written authorization from EPD is required to conduct live fire training, and permits are not issued simply to facilitate demolition. Property can't be burned if using federal or state funds for demolition. Property must be certified by a trained asbestos inspector as being free of any asbestos-containing materials that would become friable when burned; and a "Project Notification for Asbestos Renovation, Encapsulation and Demolition" form submitted to the EPD 10 working days prior to the fire training exercise. A "Request to Burn Acquired Structure" form must be completed, signed, notarized, and returned to EPD. Exposed asphaltic materials (i.e., roofing shingles), exposed natural or synthetic rubber, exposed plastics, exposed electrical wiring, and exposed thermal insulation must be removed from the structure. Property adjacent to the training site that could be affected by fire (i.e., other buildings, trees, etc.) or smoke from the live fire training exercise (i.e., nursing homes, churches, hospitals, etc.) must be identified; the property residents notified; and the training must stop if there is a problem. Fire Chief must inspect and verify the property meets structural safety standards in order to permit fire rescue training inside building. Fire Chief will also confirm distance from fire hydrants, fire flow, training space, and adjacent hazards or concerns. Property owner is responsible for legally removing and disposing of remains.

Action Taken: Formal process for burning structures was included as part of Attachment 18 to the Urban Redevelopment Plan and will be provided property owners when they apply for demolition permits. The Darien Fire Chief will conduct a pre-inspection of all properties under review as vacant and dilapidated, and identify those whose structural integrity might make them candidates for a potential live fire training exercise.

References: NFPA 1403 Standard on Live Fire Training Evolutions; March 4, 2004 letter from Georgia Public Safety Training Center, Fire Academy Division, to Fire Chiefs with enclosures.

2. **Councilwoman Karen Clark** – 5/8/08 – **Comment:** City Council should be advised of specific properties being targeted BEFORE warning letters are sent to property owners. This forewarns the Council members that they might expect calls from these property owners. It also allows them to help the staff prepare for the actions that might follow.

Response: Community Development Director promised the Council members they will be informed prior to issuance of warning letters, as part of the process.

Action Taken: City Council members were provided a list of 120 properties currently identified by the City Building Inspector as being vacant and dilapidated. The list included identification of 40 property owners who were sent warning letters on May 13, 2008.

Comment: City Council promulgates policy and oversees its execution. Therefore, when constituents approach a Council member to “fix” a citation or “call off” an enforcement action, they should be referred to the City staff or Municipal Court.

Comment: A procedure should be developed to make salvageable materials from demolitions available to the public; particularly brick.

Response: City staff will develop recommended procedures for salvaging materials from demolitions and include them in Attachment 18 to the Urban Redevelopment Plan.

3. **City Manager Brett Cook** – 5/8/08 – **Comment:** The Urban Redevelopment Plan is not law. It is a logical process for accomplishing what the law requires.
4. **Mitch Varnadoe** – 5/9/08 – **Comment:** Code Enforcement officer should be lead-certified by EPD. In Fitzgerald, the Community Development Director and his Code Enforcement Officer are both lead-certified. This is a 3-4 day course in Atlanta. Asbestos-certification is a 1-day course that may be offered at the same time. These certifications are critical if the community is to do any demolition of vacant and dilapidated properties.

Comment: All warning letters to property owners should be sent by certified mail.

Attachment 4 - Resolution to constitute the Mayor and Council of the City of Darien as the Redevelopment Agency of and for the City of Darien, and for other purposes (Resolution of necessity invoking the urban redevelopment powers under OCGA Chapter 36-61)

Resolution Number: 2008-08

Reading and Adoption:

At the regular meeting of the Darien City Council, held in the David Bluestein Meeting Room in the Darien City Hall, Darien, Georgia:

Present:

Kelly Spratt, Mayor
Karen Clark, Councilwoman
Joe Malbasa, Councilman
Eunice M. Moore, Councilwoman
Joel Williams, Councilman

On the motion of Malbasa which carried unanimously, the following Resolution was adopted:

A RESOLUTION TO CONSTITUTE THE MAYOR AND COUNCIL OF THE CITY OF DARIEN AS THE REDEVELOPMENT AGENCY OF AND FOR THE CITY OF DARIEN, AND FOR OTHER PURPOSES

Be it hereby resolved by the Darien City Council that:

WHEREAS, the mayor and Council of the City of Darien, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas in which the structures, buildings and improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation or open spaces, and the existence of conditions which endanger life and property by fire and other causes, is conducive to ill health, transmission of disease, infant mortality, high unemployment, juvenile delinquency and crime and is detrimental to the public health, safety, morals and welfare: and

WHEREAS, the mayor and Council of the City of Darien, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas which by reason of the presence of a predominant number of substandard, slum, deteriorated, or deteriorating structures, inadequate parking, faulty lot layout in relation to size, adequacy, accessibility, and usefulness, unsanitary and unsafe conditions, deterioration of site and other improvements, tax delinquency exceeding the fair value of the land, diversity of ownership on defective or unusual conditions of title which prevent or encumber the free alienability of land, and the existence of conditions which endanger life and property by fire and other causes,

substantially impair and arrest the sound growth of the community, retard the provision of housing accommodations and employment opportunities, and constitute an economic and social liability and is a menace to the public health, safety, morals and welfare in their present condition and use; and

WHEREAS, the Mayor and Council of the City of Darien, Georgia, find that there exists within the corporate limits of said city one or more open areas located within urbanized or developed areas which because of the presence of factors enumerated in the first two paragraphs hereof, substantially impair and arrest the sound growth of the community; and

WHEREAS, the Mayor and Council of the City of Darien, Georgia, find that there exists within the corporate limits of said city one or more urbanized or developed areas which are substantially underutilized by containing open lots and parcels of land or by containing a substantial number of buildings or structures which are 40 years old or older or by containing structures or buildings of relatively low value as compared to the value of structures or buildings in the vicinity of the area or in which there is a shortage of housing that is affordable for persons of low to moderate income which the Mayor and Council designate as appropriate for community development.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and Council of the City of Darien, Georgia, pursuant to the authority granted by Official Code of Georgia Annotated Chapter 36-61, that the Mayor and Council of the City of Darien is hereby designated as the urban redevelopment agency for the City of Darien, Georgia, and may hereafter exercise the redevelopment powers provided by Official Code of Georgia Annotated Chapter 36-61. This shall constitute the resolution of necessity required by Official Code of Georgia Annotated Chapter 36-61-5.

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Darien, Georgia, find that there exists within the corporate city limits of said city one or more areas in which there are a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare; or in which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound growth of the City of Darien, retards the provisions of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in

their present condition and use; and therefore meets the definition contained in O.C.G.A. Chapter 36-61-2(18); and the Mayor and Council of the City of Darien, Georgia, further find that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City of Darien.

This resolution shall be effective upon adoption.
This the 20th day of May, 2008.

DARIEN CITY COUNCIL

By: (Signature) _____

KELLY SPRATT, MAYOR

ATTEST:

(Signature)
COLLEEN JOLLEY, CITY CLERK
CITY OF DARIEN, GEORGIA

(City Seal)

Attachment 5 - Resolution Describing the Boundaries of the Urban Redevelopment Area Within the City of Darien, and for other purposes

Resolution Number: 2008-09

Reading and Adoption:

At the regular meeting of the Darien City Council, held in the David Bluestein Meeting Room in the Darien City Hall, Darien, Georgia:

Present:

Kelly Spratt, Mayor
Karen Clark, Councilwoman
Joe Malbasa, Councilman
Eunice M. Moore, Councilwoman
Joel Williams, Councilman

On the motion of Malbasa, which carried unanimously, the following Resolution was adopted:

A RESOLUTION TO DESCRIBE THE BOUNDARIES OF THE URBAN REDEVELOPMENT AREA WITHIN THE CITY OF DARIEN, AND FOR OTHER PURPOSES

Be it hereby resolved by the Darien City Council that:

WHEREAS, the Mayor and Council of the City of Darien, Georgia, have been constituted and designated as the urban redevelopment agency of and for the City of Darien by resolution duly approved on the 20th day of May, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Darien, Georgia, in meeting duly assembled, pursuant to the authority granted by Official Code of Georgia Annotated section 36-61-7(a), that the following described area is hereby declared to be an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare; or in which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the

fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound growth of the City of Darien, retards the provisions of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in their present condition and use; and therefore meet the definitions contained in O.C.G.A. Chapter 36-61-2(18); and said area is hereby designated and determined to be appropriate for an urban redevelopment project, pursuant to the authority of O.C.G.A. Chapter 36-61-7(a):

2.3 square miles, more or less, in multiple tracts as shown in the office of the Clerk of the Superior Court of McIntosh County, Georgia. Said 2.3 square mile area is more particularly described as follows:

That certain area lying within the corporate limits of the City of Darien and being enclosed by the following boundary: Extending for one (1) mile in every direction from the Courthouse door, except in those directions where navigable streams would intervene, and in these directions the said limits shall extend to the low-water mark of the off shores and across said navigable streams, thereby giving as a boundary line across the navigable streams the West bank of Pico Island, commencing at a point opposite the mainland at the foot of First Street on the East, thence running with the shore line of Pico Island to Pico Cut, thence Westward to the North bank or shore line of Rhett's Island, across Pico Cut, thence along the North shore line of Rhett's Island Westward to General's Cut, thence across General's Cut to North shore line of General's Island, and along said shore line Westward to a point opposite the month of Cat Head Creek, thence across the Altamaha River to the East bank or shore line of Potosi Island, and thence Northward along the shore line of Potosi Island to a point opposite the mainland, where the (1) mile limit extends to the low-water mark on the East bank of Cat Head Creek, thence across Cat Head Creek to said point.

This resolution shall be effective upon adoption.

This the 20th day of May, 2008.

DARIEN CITY COUNCIL

By: (Signature) _____

KELLY SPRATT, MAYOR

ATTEST:

(Signature) _____

COLLEEN JOLLEY, CITY CLERK
CITY OF DARIEN, GEORGIA

(City Seal)

Attachment 6 - Resolution Adopting Darien Urban Redevelopment Plan

Resolution Number: 2008-10

Reading and Adoption:

At the regular meeting of the Darien City Council, held in the David Bluestein Meeting Room in the Darien City Hall, Darien, Georgia:

Present:

Kelly Spratt, Mayor
Karen Clark, Councilwoman
Joe Malbasa, Councilman
Eunice M. Moore, Councilwoman
Joel Williams, Councilman

On the motion of Malbasa, which carried unanimously, the following Resolution was adopted:

A RESOLUTION ADOPTING THE CITY OF DARIEN URBAN REDEVELOPMENT PLAN

Be it hereby resolved by the Darien City Council that:

WHEREAS, the Mayor and Council of the City of Darien, Georgia (the “City Council”) has designated itself by resolution as the urban redevelopment agency (the “redevelopment agency”) for the said City pursuant to O.C.G.A. Chapter 36-61, and has adopted a resolution of necessity pursuant to the provisions of O.C.G.A. Chapter 36-61-3; and

WHEREAS, the City Council has defined by resolution the boundaries of areas in which there are a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age, or obsolescence; inadequate provision for ventilation, light, air, sanitation, or open spaces; high density of population and overcrowding; existence of conditions which endanger life or property by fire and other causes; or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime and is detrimental to the public health, safety, morals, or welfare; or in which by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures; predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; the existence of conditions which endanger life or property by fire and other causes; or any combination of such factors substantially impairs or arrests the sound

growth of the City of Darien, retards the provisions of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in their present condition and use; and therefore constitute slum areas as that term is defined in O.C.G.A Chapter 36-61-2(18), pursuant to O.C.G.A Chapter 36-61-7(a); and

WHEREAS, the City has caused an urban redevelopment plan to be prepared, and said plan, after public notice and hearing, has been approved and adopted by the Mayor and Council of said City pursuant to O.C.G.A Chapter 36-61-7; and

WHEREAS, there may be owners of parcels of land within the urban redevelopment area who fail or refuse to cooperate in the implementation of the plan with respect to the said parcels of land;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Darien in meeting duly assembled, that the appropriate officers and agents of the City of Darien are hereby authorized to commence appropriate condemnation proceedings with respect to any parcel of land located within the urban redevelopment area that satisfies and comes within the provisions of the urban redevelopment plan and is now or hereafter becomes vacant.

This resolution shall be effective upon adoption.

This the 20th day of May, 2008.

DARIEN CITY COUNCIL

By: (Signature)_____

KELLY SPRATT, MAYOR

ATTEST:

(Signature)_____

COLLEEN JOLLEY, CITY CLERK
CITY OF DARIEN, GEORGIA

(City Seal)

Attachment 7 - TIMETABLE

1. A request from a public authority (any member of the Mayor and Council, any housing authority officer, or any officer who is in charge of any department or branch of city government relating to health, fire or building regulations) or from at least five residents of the city, must be filed with the public officer designated by the city, charging that any dwelling, building structure, or property
 - (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (b) is vacant and being used in connection with the commission of drug crimes; or
 - (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

2. The public officer makes an investigation or inspection of the specific dwelling, building, structure, or property. The officer's investigation or inspection must identify that the dwelling, building, structure, or property
 - (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (b) is vacant and being used in connection with the commission of drug crimes; or
 - (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

Day 1. The public officer issues a complaint in rem against the property and a summons that notifies the interested parties that a hearing will be held before the municipal court, at a date and time certain, and that they have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

Day 1. Mail copies of the summons and complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonably ascertainable. Must be mailed at least 14 days prior to hearing.

Day 1. Copies of the summons and complaint must also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any. Must be mailed at least 14 days prior to the hearing.

Day 1-3. A copy of the summons and complaint must be posted on the property within 3 business days of filing the complaint and at least 14 days prior to the date of the hearing.

Day 1. Send to The Darien News a notice to all interested parties whose mailing address is unknown, stating the date, time, and place of the hearing. The notice must be published in the newspaper once a week for two consecutive weeks prior to the hearing. (Published on Thursdays. Deadline for notices to be published is Thursday of the week prior.)

Day 1. File a notice of Lis Pendens (a notice that describes the proceeding) in the office of the clerk of superior court.

Between Day 16 and Day 45. Hold hearing. Get Court order telling the interested parties what they have to do in order to eliminate the nuisance, and giving them a deadline in which to finish the work.

If the owners fail to comply with the order, commence abatement by the City within 270 days after the expiration of time specified in the order for abatement by the owner. The public officer must cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful. – City of Darien, 437-6686”

Attachment 8 - NUISANCE CHECKLIST

1. A request from a public authority (any member of the Mayor and Council, any housing authority officer, or any officer who is in charge of any department or branch of city government relating to health, fire or building regulations) or from at least five residents of the city, must be filed with the public officer designated by the city, charging that any dwelling, building, structure, or property
 - (a) is unfit human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (b) is vacant and being used in connection with the commission of drug crimes; or
 - (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

2. The public officer makes an investigation or inspection of the specific dwelling, building, structure, or property. The officer's investigation or inspection must identify that the dwelling, building, structure, or property
 - (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;
 - (b) is vacant and being used in connection with the commission of drug crimes; or
 - (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

3. The public officer issues a complaint in rem against the property. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the police officer to abate the alleged nuisance. The complaint must include a summons that notifies the interested parties that a hearing will be held before the municipal court, at a date and time certain, and that they have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for hearing.

4. The public officer causes summons and a copy of the complaint to be served on the interested parties for such property. Complaints must be served in the following manner:
 - (a) At least 14 days prior to the date of the hearing, the public officer must mail copies of the summons and complaint by certified mail and statutory

overnight delivery, return receipt requested, to all interested parties whose identity and address are reasonable ascertainable.

- (b) Copies of the summons and complaint must also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any.
 - (c) A copy of the summons and complaint must be posted on the property within 3 business days of filing the complaint and at least 14 days prior to the date of the hearing.
 - (d) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of hearing must be published in the newspaper once a week for two consecutive weeks prior to the hearing. (The Darien News is the official legal organ for publication of public notices. It is published on Thursdays, with the deadline for notices to be published being Thursday of the week prior.)
 - (e) A notice of Lis Pendens (a notice that describes the proceeding) must be filed in the office of the clerk of the superior court at the time of filing the complaint.
5. The hearing must be held not less than 15 days nor more than 45 days after the filing of said complaint.
6. The Court enters an order (including findings of fact) based on evidence submitted by the public officer or otherwise, that determines that the dwelling, building, or structure in question
- (a) is unfit for human habitation or is unfit for commercial, industrial, or business use and not in compliance with applicable codes;
 - (b) is vacant and being used in connection with the commission of drug crimes; or
 - (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.
7. As part of its order, the Court tells the interested parties what they have to do in order to eliminate the nuisance, and gives them a deadline in which to finish the work. The law does not indicate a minimum or maximum period of time for the work to be finished. This is something that the Court must determine based on the evidence submitted.
- (a) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of

the dwelling, building, or structure, the owner shall be required, within the time specified in the order, to repair, alter, or improve the dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes.

- (b) If the repairs, alterations, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building or structure, then the order must require the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.
- (c) The Court must make its determination of “reasonable cost in relation to the present value of the dwelling, building, or structure” without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the Court’s determination. The present value of the structure and costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in Chapter 39A of OCGA Title 43, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

8. If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure, the public officer may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed and demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. The public officer must cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

“This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful. – City of Darien, 437-6686”

9. If the public officer has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any

moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The public officer and city are relieved of any and all liability resulting from and occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

10. The amount of the cost of demolition, including all Court costs, appraisal fees, administrative costs incurred by the municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to the grade of the real property after demolition, will be a lien against the real property upon which such cost was incurred.
11. The lien attaches to the real property upon filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of the superior court and relates back to the date of the filing of the Lis Pendens notice that is required to be filed when the complaint is filed with the municipal court. The lien is superior to all other liens on the property, except liens for taxes to which the lien is inferior, and it continues in force until paid.
12. Upon final determination of costs, fees, and expenses incurred, the public officer transmits to the municipal tax collector or city revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the public officer must be transmitted within 90 days of completion of the repairs, demolition, or closure. It is the duty of the municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all methods available for collecting real property ad valorem taxes; provided, however, that the limitation of OCGA Section 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure does not apply. The county tax commissioner must collect and enforce municipal liens imposed pursuant to this chapter in accordance with OCGA Section 48-5-359-1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the city.
13. Enforcement of such liens may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this chapter. The unpaid lien amount bears interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes.
14. The redemption amount in any enforcement proceeding shall be the full amount of the costs as finally determined together with interest, penalties, and costs incurred by the municipal tax collector or city revenue officer in the enforcement of such lien.

Redemption of property from the lien may be made in accordance with the provisions of OCGA Sections 48-4-80 and 48-4-81.

15. The city may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the city agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.
16. Where the abatement action does not commence in the superior court, review of a court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under OCGA Section 5-3-29.

Attachment 9 - Complaint in Rem

IN THE MUNICIPAL COURT
FOR THE CITY OF DARIEN, GEORGIA

THE CITY OF DARIEN	I	FILE NO. _____
	I	
Plaintiff,	I	
	I	
vs.	I	
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_____	I	
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_____	I	
	I	
Defendant(s)	I	

COMPLAINT IN REM

1. This proceeding is being commenced under the applicable provisions of Georgia Law and of ordinances of the City of Darien, Georgia, including without limitation OCGA Sections 41-2-1 et seq., O.C.G.A. Section 36-61-11, and City of Darien Code Chapter 42.
2. The property that is the subject of this proceeding is more particularly described as follows: _____
3. The address, if any, of said property is _____, Darien, Georgia 31305.
4. The official tax map reference for said property is _____.
5. The following is a list of names and addresses (where known) of all interested parties (*see footnote*) as that term is defined in OCGA Section 41-2-8 (6):

Footnote: (6) “Interested party” means: (A) Owner; (B) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia; (C) Those parties having filed a notice in accordance with Code Section 48-3-9; (D) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. “Interested party” shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interests shall remain unaffected; and (E) Persons in possession of said property and premises.

6. It has been determined by the appropriate officer of the City of Darien that the foregoing property including dwellings, buildings or structures, if any, located thereon,

(Initial One or More)

_____ (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;

_____ (b) is vacant and being used in connection with the commission of drug crimes; or

_____ (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

7. The following is a particularized statement of the factual basis of the foregoing determination:

8. The following is a statement of the action that is sought by the City of Darien in this proceeding, with respect to the foregoing property, to abate such nuisance:

WHEREFORE, plaintiff prays that all interested parties be served in this proceedings, that all required notices be given, that the Court, after hearing evidence, order and direct the interested parties to abate such nuisance, and that the plaintiff have such other and further relief as is necessary and appropriate.

Respectfully submitted,

Title: Chief Code Enforcement Officer

106 Washington Street
Darien, GA 31305
(912) 437-6686

EXHIBIT A to Complaint in Rem

TO: _____, HOUSING CODE ENFORCEMENT OFFICER

You are hereby requested to institute proceedings to eliminate a nuisance that exists at the following address: _____.

In the opinion of the undersigned, the foregoing property including the dwellings, buildings or structures, if any, located thereon,

(Initial One or More)

_____ (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;

_____ (b) is vacant and being used in connection with the commission of drug crimes; or

_____ (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

This _____ day of _____, 20_____.

Title of Official: Building Inspector

OR BY

Citizens

EXHIBIT B to Complaint in Rem

REPORT OF INVESTIGATION

RE: Property at: _____.

The undersigned has made an investigation and/or inspection of the foregoing property including the dwellings, buildings, or structures, if any, located thereon, and has determined that the dwelling, building, structure or property

(Initial One or More)

_____ (a) is unfit for human habitation or for commercial, industrial, or business use and is not in compliance with applicable codes;

_____ (b) is vacant and being used in connection with the commission of drug crimes; or

_____ (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

This _____ day of _____, 20_____.

Title of Official: Chief Code Enforcement Officer

Attachment 10 - Summons

IN THE MUNICIPAL COURT
FOR THE CITY OF DARIEN, GEORGIA

THE CITY OF DARIEN

Plaintiff,

vs.

Defendant(s)

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FILE NO. _____

SUMMONS

TO: _____

You are hereby summoned and required to appear at a hearing to be held by this Court with respect to the foregoing Complaint on the _____ day of _____, 20____, at _____ o'clock, _____.m., to show cause, if any there may be, why the relief prayed for in the Complaint should not be granted. You are further summoned and required to file with the Clerk of said Court and serve upon the Plaintiff, who is at 106 Washington Street, Darien, Georgia 31305, an answer to the foregoing complaint which is herewith served upon you. Such answer must be filed prior to or at the commencement of said hearing. If you fail to comply with this

summons, judgment may be taken against said property and you for the relief demanded in the complaint.

This _____ day of _____, 20____.

Clerk of Municipal Court

Attachment 11 - Notice of Lis Pendens

IN THE MUNICIPAL COURT
FOR THE CITY OF DARIEN, GEORGIA

THE CITY OF DARIEN	I	FILE NO. _____
	I	
Plaintiff,	I	
	I	
vs.	I	
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Defendant(s)	I	

NOTICE OF LIS PENDENS

TO WHOM IT MAY CONCERN:

1. Notice is hereby given that a complaint in rem was filed by the City of Darien against _____ on the _____ day of _____, 20____, in the Municipal Court of the City of Darien, Georgia, and that said suit was filed seeking relief against the following described property, to wit:
2. The property that is the subject of this proceeding is more particularly described as follows: _____.
3. The address, if any, of said property is _____, Darien, Georgia 31305.

4. The official tax map reference for said property is: _____.

5. It has been determined by the appropriate officer of the City of Darien that the foregoing property including the dwellings, buildings or structures, if any, located thereon,

(Initial One or More)

_____ (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;

_____ (b) is vacant and being used in connection with the commission of drug crimes; or

_____ (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

6. The following is a particularized statement of the factual basis for the foregoing determination:

7. The following is a statement of the action that is sought by the City of Darien in this proceeding, with respect to the foregoing property, to abate such nuisance: _____

This notice is filed in the office of the Clerk of the Superior Court of McIntosh
County, Georgia.

This _____ day of _____, 20_____.

Respectfully submitted,

Title: Chief Code Enforcement Officer

106 Washington Street
Darien, Georgia 31305
(912) 437-6686

IN THE MUNICIPAL COURT
FOR THE CITY OF DARIEN, GEORGIA

THE CITY OF DARIEN

Plaintiff,

vs.

Defendant(s)

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FILE NO. _____

NOTICE FOR PUBLICATION

TO: _____

1. Notice is hereby given that a complaint in rem was filed by the City of Darien against _____ on the _____ day of _____, 20_____, in the Municipal Court of the City of Darien, Georgia, and that said suit was filed seeking relief against the following described property , to wit:
2. The property that is the subject of this proceeding is more particularly described as follows: _____

3. The address, if any, of said property is _____,
Darien, Georgia 31305.

4. The official tax map reference for said property is _____.

5. It has been determined by the appropriate officer of the City of Darien that the foregoing property including the dwellings, buildings or structures, if any, located thereon,

(Initial One or More)

_____ (a) is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes;

_____ (b) is vacant and being used in connection with the commission of drug crimes; or

_____ (c) constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions.

6. The following is a particularized statement of the factual basis for the foregoing determination:

7. The following is a statement of the action sought by the City of Darien in this proceeding, with respect to the foregoing property, to abate such nuisance:

You are hereby summoned and required to appear at a hearing to be held by this Court with respect to the foregoing Complaint on the _____ day of _____, 20____, at _____ o'clock, _____.m., to show cause, if any there may be, why the relief prayed for in the above mentioned complaint should not be granted. You are further summoned and required to file with the Clerk of said Court and serve upon the Plaintiff, who is at 106 Washington Street, Darien, Georgia 31305, an answer to the foregoing complaint. Such answer must be filed prior to or at the commencement of said hearing. If you fail to do so, judgment may be taken against said property and you for the relief demanded in the complaint.

This _____ day of _____ 20_____.

Clerk of Municipal Court

IN THE MUNICIPAL COURT
FOR THE CITY OF DARIEN, GEORGIA

THE CITY OF DARIEN

Plaintiff,

vs.

Defendant(s)

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FILE NO. _____

CERTIFICATE

I hereby certify that on the _____ day of _____, 20_____;

1. I determined that

_____ (a) No one is in possession of the property in question
in this case, and that said property is vacant; or

_____ (b) The following is a list of all persons in possession
of said property:

2. I posted a copy of the summons and complaint herein upon the property.

3. I mailed by certified mail or statutory overnight delivery, return receipt requested, a copy of the summons and complaint to each interested party named herein whose address is known and set forth in the petition, namely, _____

_____ and
_____ upon each person, if any, named in paragraph 1 of this Certificate.

4. I delivered a copy of the foregoing Notice for Publication to The Darien News (being the newspaper in which the legal advertisements for the City of Darien and McIntosh County, Georgia, are published) for publication in two consecutive issues, on _____ and _____, 20____.

This _____ day of _____, 20____.

Title: Chief Code Enforcement Officer

106 Washington Street
Darien, Georgia 31305
(912) 437-6686

Attachment 14

- (Reserved for Map of Urban Redevelopment Area)

Attachment 15

- Legal Opinion on Urban Redevelopment Plan

Attachment 16 – (Reserved for Community Redevelopment Tax Incentive Ordinance)

D R A F T

**DARIEN CITY COUNCIL
DARIEN, GEORGIA**

First Reading May 20, 2008
Second Reading and Adoption _____

At the regular meeting of the Darien City Council, held in the Darien City Hall, Darien, Georgia:

Present:

Kelly Spratt, Mayor
Karen Clark, Councilwoman
Joe Malbasa, Councilman
Eunice M. Moore, Councilwoman
Joel Williams, Councilman

On motion of _____, which carried _____, the following Ordinance amendment was adopted:

AN AMENDMENT TO THE CODE OF THE CITY OF DARIEN, GEORGIA, SECTION 62-1.1 TO PROVIDE FOR A PROCESS TO IDENTIFY PROPERTIES MAINTAINED IN A BLIGHTED CONDITION, TO PROVIDE FOR DESIGNATION AS SUCH BY THE MUNICIPAL COURT OF DARIEN, TO PROVIDE FOR LISTING REMEDIAL ACTION NECESSARY, TO LEVY AN ADDITIONAL TAX MILLAGE RATE AGAINST SUCH PROPERTY, TO PROVIDE FOR REMOVAL OF SUCH DESIGNATION UPON PROPER PROOF, TO PROVIDE FOR A LOWER TAX MILLAGE RATE UPON SUCH REMEDIATED PROPERTY FOR ONE YEAR, TO SEGREGATE REVENUES RAISED FROM SUCH BLIGHTED PROPERTY FOR USE FOR COMMUNITY REDEVELOPMENT PURPOSES, AND FOR OTHER PURPOSES.

BE IT ORDAINED, by the Darien City Council, this ____ day of _____, 2008 that the Code of the City of Darien, Georgia, be and it is hereby amended to add the following Section 62-1.1 to Chapter 62 of the Code of the City of Darien, Georgia. The amended section will read as follows:

Section 62-1.1 Community Redevelopment Tax Incentive

(a) *Findings.* The existence of real property which is maintained in a blighted condition increases the burden of government by increasing the need for government services, including but not limited to social services, public safety services, and code enforcement services. Rehabilitation of blighted property decreases the need for such government services. In recognition of such service needs and in order to encourage community redevelopment, a community redevelopment tax incentive program is established as authorized by Article IX, Section II, Paragraph VIII of the Constitution of the State of Georgia.

(b) *Definitions.* The following terms, when used in this section, shall have the meanings ascribed to them:

(1) “Blighted” as applied to a piece of property means that property is being maintained in a blighted condition.

(2) “Millage Rate” means only the general millage rate for the City maintenance and operations.

(3) “Public Officer” means the building inspector, code enforcement officer, city manager, police officer or any other city official who is authorized by law and this Code to exercise the powers prescribed by this section, or any agent of such officer or officers, or any other employee, officer or officers designated by the city manager for purposes of this section.

(c) *Blighted Condition Designation.* In order for the property in question to be subject to official identification as blighted and subject to increased taxation, the property must be determined to be:

(1) unfit for human habitation or unfit for commercial, industrial, or business use and not in compliance with applicable codes; or

(2) vacant and being used in connection with the commission of drug crimes; or

(3) constituting an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; and

(4) not a dwelling house which is being used as the primary residence of one or more persons.

(d) *Procedure for Identification of Property as Blighted.* The procedure for official identification of real property as blighted includes:

(1) A request from a Public Officer or at least five residents of the City charging that any building, structure or property meets criteria described in Subparagraph (c)(1), (c)(2), or (c)(3) above.

(2) An investigation or inspection by a Public Officer and determination that the property in question meets the criteria described in Subparagraph (c)(1), (c)(2), or (c)(3) above.

(3) A Public Officer's issuance of a complaint in rem against the property. The complaint shall state which condition(s) under Subparagraph (c) exist on the property and what steps should be taken to remediate the property.

(4) A Public Officer's causing a summons and a copy of the complaint to be mailed on the owner of the property and holder of any security deed if and as identified in Darien ad valorem tax digest for such property.

(5) A hearing shall be held in the Darien Municipal Court upon any complaint issued as provided herein.

(6) No property shall be designated as blighted unless the Darien Municipal Court enters an order that finds the property in question meets the criteria described in Subparagraph (c)(1), (c)(2), or (c)(3) but does not conform to Subparagraph (c)(4) above. This order constitutes official identification of real property as maintained in a blighted condition.

(7) If the Court finds that the property is blighted, it shall, in the same order, list what must be done to remove the blighted condition designation, and give the owner a deadline in which to finish the work.

(e) *Imposition of Increased Tax Rate.* Property which has been officially designated as blighted shall be subject to an increased rate of City ad valorem taxation equivalent to double (2 times) the normal millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. The increased rate continues to be applied to all subsequent tax bills until the property's designation as maintained in a blighted condition is removed as provided in this Section. This increased rate of taxation and the official identification of the property as blighted remain with the property if transferred to another owner.

(f) *Revenues Segregated.* Revenues collected from increases in rates of ad valorem taxation shall be segregated and applied to community redevelopment purposes.

(g) *Remediation.* The property in question may be rehabilitated at any time through remedial actions or redevelopment that conforms with the Court order listing what must be done to remove the identification of the property as maintained in a blighted condition. Owner may request removal of the property's designation as blighted from the city manager or from the Municipal Court upon proper proof, including an inspection by a Public Officer, that the property has been remediated and now conforms with the Court order listing what must be done to remove the identification of the property as blighted. The city manager shall be notified in writing 10 days before any hearing in the Municipal Court.

(h) *Remediated Property Tax Rate.* Property which has had its designation as maintained in a blighted condition removed as provided in this section will become eligible for a decrease in the rate of City ad valorem taxation equivalent to one-half (50%) the normal millage rate applied to the property, applied at the time of issuance of the subsequent tax bill, as provided by general law. This decreased rate is applied to one-year's tax bill.

This Amendment shall become effective upon passage.

**DARIEN CITY COUNCIL
DARIEN, GEORGIA**

KELLY SPRATT, MAYOR

ATTEST:

COLLEEN JOLLEY, CITY CLERK
CITY OF DARIEN, GEORGIA

D R A F T

Appendix 17

- (Reserved for Vacant & Dilapidated Properties Map)

Appendix 18
demolition permits)

- Dilapidated Property Owner Options (To be provided with

1. Clean-Up:

- Cleaning-up property normally brings it into compliance with City Codes. This reduces vulnerability to a citation, court appearance, and court-ordered clean-up.
- Cleaning-up property normally increases its value and the value of other properties in the neighborhood.
- If the property is officially identified as being maintained in a blighted condition, cleaning it up could result in a temporary reduction of City ad valorem taxes.
- A cleaned-up property can be used for infill development, to pass along to heirs, to hold for investment, or another future use.
- A cleaned-up property is more attractive, will sell quicker, and will bring a higher price on the market.
- The cost to clean-up a property will vary depending on the scope of the cleanup. \$5,000 is a reasonable estimate to cover the costs for a City demolition permit, demolition of the structure, clean-up and removal of debris, and landfill tipping fees. Some structures might have salvageable materials; such as bricks and lumber; that can help reduce the overall cost to the owner.

2. Burning:

Open burning within the City is prohibited except as specified in Sec. 42-116 of the Code of the City of Darien. One of the exceptions to the Code is if the fire is set for the instruction of public firefighters under supervision of the fire chief.

The Fire Department does not run an incinerator service. Fires set for training fire-fighting personnel are allowed when authorized by the appropriate governmental entity and the guidelines set forth by the Georgia Department of Natural Resources Environmental Protection Division (EPD) Director are strictly observed. Written authorization from EPD is required to conduct live fire training, and permits are not issued simply to facilitate demolition. Property can't be burned if using federal or state funds for demolition. Property must be certified by a trained asbestos inspector as being free of any asbestos-containing materials that would become friable when burned; and a "Project Notification for Asbestos Renovation, Encapsulation and Demolition" form submitted to the EPD 10 working days prior to the fire training exercise. A "Request to Burn Acquired Structure" form must be completed, signed, notarized, and returned to EPD. Exposed asphaltic materials (i.e., roofing shingles), exposed natural or synthetic rubber, exposed plastics, exposed electrical wiring, and exposed thermal insulation must be removed from the structure. Property adjacent to the training site that could be affected by fire (i.e., other buildings, trees, etc.) or

smoke from the live fire training exercise (i.e., nursing homes, churches, hospitals, etc.) must be identified; the property residents notified; and the training must stop if there is a problem. Fire Chief must inspect and verify the property meets structural safety standards in order to permit fire rescue training inside building. Fire Chief will also confirm distance from fire hydrants, fire flow, training space, and adjacent hazards or concerns. Fire Chief will conduct a pre-inspection of all properties under review as vacant and dilapidated, and identify those whose structural integrity might make them candidates for a potential live fire training exercise. Property owner is responsible for legally removing and disposing of remains after a live fire training exercise.

References: NFPA 1403 Standard on Live Fire Training Evolutions; March 4, 2004 letter from Georgia Public Safety Training Center, Fire Academy Division, to Fire Chiefs with enclosures.

3. Sell As-Is:

- Does not require the owner to invest anything more in the property.
- Selling can mean cash for the owner and not having to worry about a citation, court appearance, or court-ordered clean-up.
- Putting up a For Sale sign is not a “Get out of Jail Free” card. It does not relieve the current or future owner from complying with City codes. If the property is officially identified as being maintained in a blighted condition, this designation stays with the property after it is transferred to the new owner.
- The market for properties is currently very slow; particularly for those that will require an additional investment to clean-up.

4. Wait and See What Happens:

- The City Council is committed to cleaning up vacant and dilapidated properties. The City’s Codes, Comprehensive Plan, Urban Redevelopment Plan, Revitalization Area Strategy, and Community Redevelopment Tax Incentive all reinforce this. The Council has directed the City Staff to perform this task, and has provided effective tools to remediate vacant and dilapidated properties as public nuisances under City codes.
- The City Code Enforcement Officer has documented 120 vacant and dilapidated properties in the City that require immediate remediation. Each property will be cited as a public nuisance and the owner will be required to appear in court. The court is expected to officially identify these properties as being maintained in a blighted condition and order owners to clean them up. Official identification of a property being maintained in a blighted condition will cause it to be subject to increased

ad valorem taxes. If property owners fail to comply with the court order, the court will direct the City to conduct the clean-up and to invoice the owners for the work. If an invoice is not paid, a lien will be attached to the property and it may become subject to foreclosure.

5. Donation:

- Donating a property to a municipality or a not-for-profit agency qualifies for an income tax deduction as a charitable contribution.
- A donation to the City of Darien includes additional incentives:
 - Any back taxes the owner owes the City on the property will be forgiven.
 - The current year taxes the owner owes the City will be waived.
 - The City will pay for the services of a commercial appraiser to determine the full market value of the property; then provide the owner documentation for an income tax deduction as a charitable contribution.
 - The City will pay all normal closing costs and fees associated with transferring the title.

Community Development Division
City of Darien
May 7, 2008

Memorandum for Mayor and City Council

Re: Darien Urban Redevelopment Plan - Development and Implementation Notes

1. The draft plan was developed using best practices of other Georgia cities. The model program within the state is the one run by the City of Fitzgerald, and it was used extensively in developing Darien's Plan.
2. The Community Redevelopment Tax Incentive Program was developed as a proposed City ordinance amendment using a 2002 amendment to the state constitution; commonly called the Blighted Buildings Act.
3. Code Enforcement is used to get occupied houses into the process. These properties are targeted for redevelopment ONLY when they become vacant. This avoids any future implications of the Uniform Relocation Act.
4. The properties being targeted may be owned by our constituents and partners. However, we should never check the ownership prior to posting. Our actions must not be against nor favor an individual; instead, they must always be against the state of the property.
5. Eminent Domain is a tool we do not intend to use or discuss because it is inflammatory. We also reject the concept of "spot zoning" and other discriminatory strategies.
6. Condemnation is a process that should be avoided if possible; except in title-clearing cases. It ties up a lot of money and creates negative press. The Nuisance Abatement Process (Attachment 8) works a lot better. A lien can be attached equal to a tax lien for clean-up costs, and can be foreclosed on should the need arise.
7. A Community Redevelopment Tax Incentive program is being proposed as a City Ordinance. This is authorized by a constitutional amendment known as the Blighted Buildings Act. It allows the City to increase taxes on properties maintained in a blighted condition, and decrease taxes on those which have been remediated. The proposed ordinance will be presented for a First Reading at the May 20, 2008 Darien City Council Meeting. Attachment 16 in the Urban Redevelopment Plan has been reserved for this ordinance if it is subsequently approved.
8. It is important for decision makers to understand the laws concerning asbestos so we stay on the right side of the EPD. We should have certified asbestos inspectors on the staff; with at least one being certified as an asbestos inspector-supervisor. The Environmental Institute in Marietta can help us with this process.
9. In redevelopment, houses are typically so far gone that it is unsafe and impossible to remove asbestos. In those cases, EPD allows for wet demo. However, in almost all cases, it is safe to remove exterior transite siding before demolition.
10. Certified asbestos inspectors can do the work on weekends for contract pay. One job saves the City more than all the costs of training. This is a good career field and there are not many asbestos inspectors on the Georgia Coast; so we should encourage capable citizens to pursue this.

11. Public Works handles all the demolition work to keep the costs down. Occasionally, one can be burned for fire training; which all the regional fire departments will want to participate in; and this can generate good press. Certified asbestos inspectors can tell us which ones may be approved by the EPD. We can't burn a structure if using federal or state funds.
12. Occasionally, a property is old enough and large enough that someone may be willing to take it down for the bricks and lumber. This is becoming more common as prices increase for both. If we sell salvaged materials, the revenues should be put into a restricted account for use in acquiring properties, cleanup, or building affordable housing in the redevelopment area.
13. Tipping fees are the major cost in demolition. However, by using Public Works we can save these costs.
14. If we have to deal with a contractor for disposal, we should try to recycle tin, wood and brick; sort inert debris; and use a loader that allows shaking the dirt out before loading. We may also be able to negotiate a special volume rate for demo debris.
15. Nuisance Abatement allows us to put demolition removal costs in the lien. Although the lien will probably exceed the value of the property, we must remember that we are investing in the community and not trying to generate short-term profits.
16. We have the ability to force slumlords to bring their properties up to standards if they want to continue to rent. Typically, they will just kick everyone out and close the property down until we aren't looking. Most tenants in these properties are behind in their rent before they complain. With a redevelopment plan in place, we can post the house as soon as it is vacant; then proceed with redevelopment or nuisance remedies.
17. Junk cars are taken care of by enforcing our existing codes. There are a number of salvage companies that will pay the owners to remove the vehicles.
18. Our municipal judge must understand the law and the procedures we plan to use. This is not something they spend a lot of time on in law school.
19. A uniformed police officer should be involved in code enforcement issues. It helps the success rate; but it needs to be someone with good people skills.
20. We always need to be willing to go the extra mile to help people who want to help themselves, but are unable to. This includes finding volunteers to help clean an elderly widow's yard, working out payment plans for folks without the financial means to contract the work, etc.
21. A successful redevelopment plan needs a lot of good PR. The press, elected officials and neighborhood preachers must all be on board. We should be willing to speak about redevelopment to any group that is willing to listen.
22. This is not rocket science. The keys to success in redevelopment are partnerships, perseverance, and attitude.

Frank E. Feild
Community Development Director

Public Hearing

Darien Urban Redevelopment Plan May 8, 2008 – 4:00 P.M. - Darien City Hall

1. Roll Call:

Kelly Spratt	Mayor
Joel Williams	Mayor-Pro Temp
Eunice Moore	Councilwoman
Karen Clark	Councilwoman
Joe Malbasa	Councilman

2. Call Meeting to Order

3. Approve Order of Agenda

4. Introduction of Darien Urban Redevelopment Plan – Frank Feild

5. Questions & Answers – City Council

6. Public Comments and Questions & Answers

7. Adjournment