

RESOLUTION 2024 - \_\_\_\_

A RESOLUTION TO CREATE A DRESDEN PLASTER SPECIAL SERVICE DISTRICT;  
DESIGNATING THE BOUNDARIES OF SUCH DISTRICT; PROVIDING FOR  
DEFINITIONS; AND FOR OTHER PURPOSES.

**WHEREAS**, Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia (the “Special Service District Clause”) authorizes a municipality or county to create, by ordinance or resolution, special districts for the provision of local government services within such districts; and

**WHEREAS**, the Supreme Court of Georgia has held that a special service district tax is not a municipal tax; and

**WHEREAS**, the Special Service District Clause authorizes fees, assessments, and taxes to be levied and collected within such district to pay, wholly or partially, the cost of providing such services within the district and to construct and maintain facilities for the district; and

**WHEREAS**, the City of Chamblee has identified the area around Dresden Drive and Plaster Road as an area in need of additional investment and improvement; and

**WHEREAS**, the City of Chamblee has adopted a Dresden Park Small Area Plan for this area that identifies opportunities for investments in infrastructure, community and economic development, enhanced maintenance, and other city services in the Dresden Drive and Plaster Road area; and

**WHEREAS**, successful community and economic development in and around the area of Dresden Drive and Plaster Road are important priorities for the City of Chamblee; and

**WHEREAS**, it is in the public interest for the City of Chamblee to ensure that the Dresden Drive and Plaster Road area is adequately supported with critical City services like code enforcement, sanitation services, emergency services, public safety, public roadways, capital improvements, and other services; and

**WHEREAS**, in order to facilitate community and economic development in and around the Dresden Drive and Plaster Road area and to ensure that the City of Chamblee is able to provide adequate services for businesses, residents, and visitors in the Dresden Drive and Plaster Road area, the City Council of the City (“the City Council”) has determined that it is in the best interest of the City and the citizens and residents thereof, that a special service district be created encompassing the area set forth in Exhibit A attached hereto (the “Dresden Plaster SSD” or the “District”) and by this reference made a part thereof, for the purposes of (a) driving commercial, trade, tourism, and employment opportunities throughout the City, and (b) ensuring that the Dresden Drive and Plaster Road area continues to be adequately served by City services, especially code enforcement, public safety, capital improvements, and other critical infrastructure services; and

**WHEREAS**, the City of Chamblee, through its City Council and Mayor, has studied and examined the properties and roadways located within the proposed Dresden Plaster SSD carefully, and the City of Chamblee has determined that the areas located within the proposed the District are critically important to the feasibility and tax base of the proposed SSD and will also benefit from the government services that the Dresden Plaster SSD will facilitate; and

**WHEREAS**, the City of Chamblee has found and determined the creation of the Dresden Plaster SSD is essential to improving infrastructure and enhancing public services for businesses, residents, and visitors of the Dresden Drive and Plaster Road area; and

**WHEREAS**, the City of Chamblee has found and determined that the Dresden Plaster SSD is essential to improving infrastructure, services, and appropriate redevelopment around the Dresden Drive and Plaster Road area; and

**WHEREAS**, in order to achieve the goals herein expressed, provide City services, and for all other lawful purposes as contemplated by the Special Service District Clause, the City has further determined that a special tax should be levied and collected, in the form of an ad valorem tax imposed on all property located within such Dresden Plaster SSD to be used to pay, in whole or in part, the cost of services and to provide for community and economic development.

**WHEREAS**, it is in the public interest of the City of Chamblee that any special improvement tax levied in the special service district created thereunder would apply to both real and personal property; that a taxpayer's homestead exemption and/or senior exemption savings would be applied thereto; and that the boundaries of and parcels included within the specific service district would include those reflected in Exhibits A and B hereto;

**NOW, THEREFORE, BE IT RESOLVED**, by the governing authority of the City of Chamblee, and it is hereby resolved by authority of the same, as follows:

Section 1.     Incorporation of Recitals. The recitals set forth above are adopted by the City and are incorporated herein by reference.

Section 2.     Definitions. As used in this resolution, the term:

- (1) "Dresden Plaster Special Service District" or "Dresden Plaster SSD" means the special district created by and described in Section 3 hereof.
- (2) "Dresden Plaster" is an area encompassing the Dresden Drive and Plaster Road, located between Buford Highway and Interstate 85 and including Shallowford Road on the north and east and Johnson Road NE to the south and west which is wholly located within the City of Chamblee.

- (3) “Community and Economic Development Projects” means any capital project, purchase of land, construction, acquisition of property, and financing of any project that the City Council determines will enable or help develop the land and infrastructure surrounding the Dresden Drive and Plaster Road area.
- (4) “Infrastructure Improvements” means a project for public improvement and related public facilities within the Dresden Drive and Plaster Road area, including any related facilities, systems, trails, streets, and greenspace.
- (5) “Critical City Services” include all City services provided by the City of Chamblee that serve or potentially serve the Dresden Drive and Plaster Road area including roadways, public safety, sanitation, emergency services, and other services that are provided by the City of Chamblee.
- (6) “Special improvement tax” means a tax, fee, or assessment levied by resolution of the City Council to fund any Community and Economic Development Project, Infrastructure Improvement, Critical City Services, and any other lawful services allowed by the Special Service District Clause; provided, however, that any homestead and/or senior exemption savings to which a Taxpayer is otherwise entitled shall also be applicable to any such tax, fee or assessment levied hereunder.
- (7) “Taxpayer” means any entity or person responsible for paying special improvement taxes on the property located within the Dresden Plaster SSD. The owner of the property or properties within the Dresden Plaster SSD, not any tenant or tenants, lessee or lessees, or other user or users, shall for the purposes of this resolution be deemed the taxpayer.

Section 3.     Creation of the Dresden Plaster Special Service District. Pursuant to the Special Service District Clause, there is hereby created a special district for the purpose of provision of local government services, Community Development, Economic Development Projects, Infrastructure Improvements, and Critical City Services to be funded, in whole or in part, by a special improvement tax or taxes therein to be known as the “Dresden Plaster Special Services District” (the “Dresden Plaster SSD”), the boundaries of which are shown on Exhibit A attached hereto and by this reference made a part hereof and the parcels which constitute the Dresden Plaster SSD are shown on

Exhibit B attached hereto and by this reference made a part hereof. The City Council may from time to time add, remove, change, or amend any lawful tax authorized by the Special Service District Clause within this Dresden Plaster SSD.

Section 4. Termination of the District. The Dresden Plaster SSD shall remain in full force unless and until the City Council repeals this resolution. The City Council may also amend this resolution by resolution or ordinance in the future.

Section 5. Partial Invalidity. In case any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid by a court of competent jurisdiction, such illegality or invalidity shall not affect any other provisions hereof unless expressly so held, but this resolution shall be construed and enforced as if such illegal or invalid provisions had not been contained herein, and this resolution shall be construed to adopt but not to enlarge upon, all applicable provisions of Georgia law, and, if any provisions hereof conflict with any applicable provision of such law, the latter as duly adopted by the General Assembly of Georgia and as interpreted by the courts of this state shall prevail and shall be substituted for any provision hereof in conflict or not in harmony therewith.

Section 6. Repealer. Any and all resolutions or parts of resolutions in conflict with this resolution shall be and the same are hereby repealed (but solely as and to the extent of such conflict).

Section 7. Effective Date. This resolution shall be in full force and effect immediately upon its adoption.

Section 8. Scrivener's Errors. The City Manager, in consultation with the City Attorney, is authorized to correct any Scrivener's Errors to give effect to the intent of the City Council in the creation of this Dresden Plaster SSD and this resolution.

**ADOPTED** by the City Council this \_\_\_\_ day of December 2024.

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Brian Mock

Mayor

ATTEST:

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Cherron Bouie  
City Clerk