

State of Georgia
County of Walton

**RESOLUTION OF THE DOWNTOWN DEVELOPMENT
AUTHORITY OF SOCIAL CIRCLE TO RE-AFFIRM THE BY-LAWS OF THE
DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, the Downtown Development Authority of Social Circle (hereinafter referred to as the "DDA") operates to develop and promote for the public good and general welfare, trade, commerce, industry, and employment opportunities within the City of Social Circle; and

WHEREAS, the DDA Board of Directors desire to re-affirm the existing By-laws of the DDA; and

WHEREAS, the DDA opines that it is in the best interest to the citizens of the City to protect the health, safety and welfare of the citizens of Social Circle, Georgia to re-affirm the By-laws of the DDA.

NOW, THEREFORE, be it ordained and resolved by the Directors of the Downtown Development Authority of Social Circle that the By-laws attached hereto as Exhibit "A" and incorporated herein are hereby re-affirmed and designated as the original By-laws of the Downtown Development Authority of Social Circle.

SO ORDAINED, this 7th day of November, 2017.

A handwritten signature in blue ink, appearing to read "M. Owens", written over a horizontal line.

MICHAEL T. OWENS, Chair
City of Social Circle, Georgia
Downtown Development Authority

Attested to:

A handwritten signature in blue ink, appearing to read "Adele Schirmer", written over a horizontal line.

Adele Schirmer, Secretary
City of Social Circle, Georgia
Downtown Development Authority

**BYLAWS OF THE
DOWNTOWN DEVELOPMENT AUTHORITY
OF THE CITY OF SOCIAL CIRCLE, GEORGIA**

ARTICLE I -NAME

The name of the Authority shall be the Downtown Development Authority of the City of Social Circle ("Authority").

ARTICLE II -PURPOSE AND ORGANIZATION

SECTION 1. Purpose. The Mayor and Council of Social Circle, Georgia (the "Mayor and Council") adopted an activating resolution (the "Activating Resolution") which, among other things, activated the Authority and authorized the Authority to exercise the power of a Downtown Development Authority as defined under and provided in Georgia's Downtown Development Authorities Law, O.C.G.A. Section 36-42-1, et seq. (the "Act" or sometimes the "Downtown Development Authorities Law"). The enabling resolution of the Mayor and City Council is attached hereto as Exhibit "A". The powers and purposes set forth in the Downtown Development Authorities Law are expressly incorporated herein by this reference, subject to any current or future limitations or restrictions contained in the Downtown Development Authorities Law, the Activating Resolution, or any amendments, modifications or changes to the foregoing.

SECTION 2. Membership. Membership on the Board of Directors of the Authority (the "Board") shall consist of seven (7) appointed members that meet the requirements of O.C.G.A. Section 36-42-7 as amended a copy of which is attached hereto as Exhibit "B" (referred to herein as "members"). The members of the Board shall be appointed by resolution of the Mayor and Council of Social Circle.

SECTION 3. Principal Office. The principal office of the Authority shall be in City Hall in Social Circle, Georgia. The initial principal office of the Authority shall be 166 North

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Cherokee Road, Social Circle, Georgia 30025. The initial mailing address shall be P. O. Box 310 Social Circle, Georgia 30025. The Authority may authorize and direct the establishment of such other offices and may change the location of the principal office, pursuant to resolution of the Board.

ARTICLE III -BOARD

SECTION 1. Terms of Members. Persons appointed as members of the Downtown Development Authority of Social Circle shall serve for the terms of office as provided in O.C.G.A. Section 36-42-7 as implemented by the appointment resolutions of the Mayor and Council. Members of the Board shall serve until their respective successors are appointed and qualified.

SECTION 2. Appointments. Any member of the Authority may be appointed to succeed himself or herself. After his or her appointment, the members of such Authority shall enter upon their duties.

SECTION 3. Vacancies.

A vacancy on the Authority's Board arising out of the death, resignation or change in conditions that causes a member to be disqualified pursuant to Section 36-42-7 shall be filled by resolution of the Mayor and Council of Social Circle.

SECTION 4. Subcommittees. Standing or special subcommittees of the Board may be created as deemed appropriate by the Chairperson or a majority of the members of the Board.

The Authority may appoint as members of the subcommittees such individuals from the community as the Authority deems appropriate and such members do not have to be members of the Authority. The subcommittees shall serve in an advisory capacity to the Authority. The

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Authority shall choose from among the members of each subcommittee a person to serve as chairperson of that subcommittee.

SECTION 5. Meetings. The Authority shall meet at least quarterly for regularly scheduled meetings of the Board at such time, place and date as may be determined by the members of the Authority. Special meetings of the Authority may be called by the Chairperson or twenty-five percent (25%) of the duly appointed board members of the Authority. Such special meetings shall be at a time and place designated by the Chairperson or the members of the Board calling for same; provided, however that if no place is fixed, such meeting shall be held at the principal office of the Authority.

SECTION 6. Notice of Meetings. Notice of regular meetings, including the time and place therefore, shall be provided to the members at least one business day prior to such meeting. Notice of special meetings, including the time and place therefore, shall be provided to the members at least twenty-four (24) hours prior to such meeting. The Chairperson or Vice Chairperson shall cause such notices to be given in person, by telephone, by mail or by email. Public notice of all Authority meetings shall be made in accordance with the appropriate provisions of the Georgia Open Meetings Act.

SECTION 7. Attendance. Members of the Board are encouraged to attend all meetings of the Board.

SECTION 8. Quorum. A majority of the duly appointed members of the Authority shall constitute a quorum. No vacancy on the Board of the Authority shall impair the right of the quorum to exercise all of the rights and perform all of the duties of the Authority.

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SECTION 9. Official Action. A vote by a majority of members at any meeting where a quorum is present shall constitute official action by the Authority.

SECTION 10. Reimbursement: No Compensation. The members of the Authority shall be reimbursed, upon submission of sworn vouchers, for all actual expenses incurred in the performance of their duties out of funds of the Authority; but members shall receive no further compensation.

SECTION 11. Area and Map of Downtown Development Authority. The Mayor and Council and the Directors of the Downtown Development Authority of the City of Social Circle have established and by the approval of this document do reaffirm that the territory over which the Authority exercises its powers is show on the approval and map attached hereto as Exhibit "C". The area shown shall be called the "Downtown Development Area of the City of Social Circle."

SECTION 12. Audit. The Board shall on an annual basis submit all accounts and related business records to an independent, certified public auditor selected by the mayor and city council to be performed as part of the overall audit performed annually by the City of Social Circle, Georgia to comply with the requirements of State law.

SECTION 13. Fiscal Year. Initially, the Fiscal Year of the Authority shall commence on July 1of each calendar year and shall end on June 30th of the succeeding calendar year to be consistent with the fiscal year of the City of Social Circle.

SECTION 14. Seal. The Board shall be permitted to provide an Authority seal which, if approved, shall be in the form of a circle and shall have inscribed thereon the name of the Authority and other appropriate wording.

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ARTICLE IV -OFFICERS

SECTION 1. Classes. The Officers of the Authority shall be a Chairperson (referred to in the Act as the "chairman"), a Vice Chairperson (referred to in the Act as the "vice-chairman"), a Secretary and a Treasurer. Their duties shall be as prescribed by law, the members of the Authority and by these bylaws.

The members of the Authority may appoint an Executive Director (the "Executive Director"). The Executive Director will serve at the pleasure of the members.

SECTION 2. Terms and Election of Officers. The members of the Authority shall elect one of their members to service to each officer position at the first meeting of each calendar year for a two-year term. The Secretary may also serve as Treasurer. Each of such Officers shall serve for the shorter of a period of two years or until the expiration of their term as a member. Notwithstanding the expiration of their term, Officers shall continue to serve until their successors are duly elected and qualified.

SECTION 3. Board Officer Vacancies. Other than as required by law, a majority vote of the members of the Authority is necessary to fill a vacant officer position.

SECTION 4. Duties of Chairperson. The Chairperson shall be responsible for directing all Board affairs and shall preside at all meetings of the Board. He or she may sign any

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documents which are required by law to be signed or executed. In general, he or she shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board from time to time. He or she shall preside at all meetings of the Board. He or she may sign, with the Secretary, the Treasurer, or other proper officer of the Authority thereunto authorized by the Board any documents which the Board has authorized to be executed, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board from time to time. The Chairperson of the Authority shall be entitled to vote upon any issue, motion, or resolution.

SECTION 5. Duties of Vice Chairperson. In the absence of the Chairperson or in the event of his or her inability or refusal to act, as determined by a majority of the members present at a meeting at which a quorum is present, the Vice Chairperson shall perform the duties of the Chairperson and, when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall perform such other duties as from time to time may be assigned to him or her by the Chairperson or by the members of the Authority. The execution of any instrument of the Authority by the Vice Chairperson shall be conclusive evidence, as to third parties, of his or her Authority to act in the stead of the Chairperson.

SECTION 6. Duties of Secretary. He or she shall affix the Authority seal to any lawfully executed documents requiring it and shall attest to the signature of the Chairperson, the Vice Chairperson or any other Officer of the Authority who is authorized to execute documents of the Authority. In general, the Secretary shall perform all duties incident to the office of

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Secretary and such other duties as may be prescribed by the members of the Authority from time to time. The Secretary may also serve as Treasurer.

SECTION 7. Duties of Treasurer. He or she shall supervise the custodian(s) of all of the funds of the Authority and shall supervise the collection of monies due to the Authority, the expenditures of the Authority's funds and the preparation and maintenance of appropriate books of account. In general, the Treasurer shall perform all duties incident to the office of Treasurer and such other duties as may be prescribed by the members of the Authority from time to time.

ARTICLE V -EVIDENCES OF INDEBTEDNESS

SECTION 1. Evidences of Indebtedness. Evidences of indebtedness (including, without limitation, bonds) of the Authority shall be in a form determined by the Board, in accordance with the Act and other provisions of applicable law. Any coupons attached to bonds shall bear the facsimile signatures of the Chairperson, or the Vice Chairperson in the absence of the Chairperson, and the Secretary of the Authority.

Evidences of indebtedness (other than bonds) shall be signed in the name of the Authority, by the Chairperson, the Vice Chairperson (whether or not the Chairperson is available to execute same) or the Executive Director and the official seal of the Authority shall be affixed thereto and attested to by the Secretary of the Authority or by any other officer authorized by resolution of the Board. All evidences of indebtedness shall be consecutively numbered or otherwise identified. All evidences of indebtedness surrendered to the Authority for transfer shall be canceled, and no new evidences of indebtedness representing same shall be issued until the surrendered evidences of indebtedness shall have been canceled, except as provided by resolution of the Board.

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SECTION 2. Signatures by Former Officers. In case any officer whose signature shall appear on any bond or other evidences of indebtedness or whose facsimile signature shall appear on any coupon shall cease to be such officer before the delivery of such bonds or other evidences of indebtedness, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

ARTICLE VI -WAIVER OF NOTICE

Waiver of Notice. To the extent legally permissible, whenever any notice is required to be given under the provisions of these bylaws, or under the provisions of the Act or any other laws of the State of Georgia, waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. This does not modify the provisions for notice.

ARTICLE VII -RESOLUTIONS

SECTION 1. Severability. Unless otherwise expressly provided, if any one or more of the provisions of any resolution of the Authority should be determined by a court of competent jurisdiction to be contrary to law, then such provision or provisions shall be deemed and construed to be severable from the remaining provisions therein contained and shall in no way affect the validity of the other provisions of such resolution.

SECTION 2. Heading. Any headings preceding the texts of the several articles and sections of any resolution of the Authority and any table of contents or marginal notes appended thereto shall be solely for convenience of reference and shall not constitute a part of such resolution, nor shall they affect its meaning, construction or effect.

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SECTION 3. Effective Date. Unless otherwise expressly provided, each resolution of the Authority shall take effect immediately upon its adoption in the manner provided by law.

SECTION 4. Priority. Unless otherwise expressly provided, each resolution of the Authority shall be deemed to rescind and repeal all prior resolutions, rules or other actions, or parts thereof, of the Authority in conflict with such subsequent resolution insofar (and only insofar) as such conflict exists. This provision shall not apply to conflicts between resolutions and bylaws of the Authority; provided that nothing herein contained shall be construed as impairing previous authorized obligations of the Authority.

SECTION 5. No Recourse Under Resolutions. All covenants, stipulations, promises, agreements and obligations of the Authority contained in any resolution of the Authority shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the Authority and not of any member, officer or employee of the Authority in his or her individual capacity, and no recourse shall be had for any claim based on any resolution of the Authority against any member, officer or employee of the Authority.

SECTION 6. Authority Complete. The members and officers of the Board, attorneys, agents and employees of the Authority shall be automatically authorized to do all acts and things required of them by any resolution of the Authority for the full, punctual and complete performance of all of the provisions of such resolution.

ARTICLE VIII -CONTRACTS, CHECKS, DEPOSITS AND FUNDS

SECTION I. Additional Contract Authorizations. Subject to the provisions of the Act and these bylaws, the members of the Authority may authorize any officer, officers, agent or

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agents of the Authority, in addition to the Officers so authorized by these bylaws, to enter into any contract or executè and deliver any instrument in the name of and on behalf of the Authority, and such Authority may be general or defined in specific instances.

SECTION 2. Checks, Drafts or Orders. Subject to the express requirements in the Act, all checks, drafts or orders for the payment of money issued in the name of the Authority shall be signed by such officer, officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Treasurer.

ARTICLE IX -GOVERNANCE CHANGES

SECTION 1. Rules, Regulations and Policies. The Board shall have the power and the authority to make such rules, regulations and policies consistent with the Act and any other applicable statutes of the State of Georgia as said Board may deem expedient concerning the issue, transfer and registration of evidences of indebtedness of the Authority and further to make such rules, regulations and policies consistent with the purposes of the Authority as provided for in the Act.

SECTION 2. Establishment of Bylaws. These bylaws are established pursuant to further the efficiency and operation of the Authority and shall become effective upon a majority vote of the members of the Authority; provided, however, that as and to the extent of any inconsistency between the provisions of these bylaws and the Act, the provisions of the Act shall control.

SECTION 3. Amendment Of Bylaws. The by-laws of the Authority shall be subject to the alteration, amendment or repeal, and new by-laws, not inconsistent with any laws of the State

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of Georgia creating this Authority may be made by the affirmative vote of a majority of the directors then holding office at any regular or special meeting of the directors. Proposed amendments shall be submitted in writing to all directors of the Authority ten (10) days prior to the meeting at which such amendment will be considered. If such written proposed amendment is submitted by mail, it shall be deemed to be delivered when deposited in the United States Mails properly addressed and with sufficient postage thereon.

* * * * *

EXHIBIT "A"

A RESOLUTION TO DECLARE THE NEED FOR A DOWNTOWN DEVELOPMENT AUTHORITY TO FUNCTION IN THE CITY OF SOCIAL CIRCLE, GEORGIA, PURSUANT TO THE PROVISIONS OF THE DOWNTOWN DEVELOPMENT AUTHORITIES LAW; TO APPOINT A BOARD OF DIRECTORS FOR THE DOWNTOWN DEVELOPMENT AUTHORITY; TO DESIGNATE A DOWNTOWN DEVELOPMENT AREA; TO PROVIDE FOR FILING WITH THE SECRETARY OF STATE OF THE STATE OF GEORGIA AND DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF GEORGIA OF A COPY OF THIS RESOLUTION; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES:

W I T N E S S E T H:

WHEREAS, it has been determined by the Mayor and Council of the City of Social Circle, Georgia, (hereinafter referred to as "City"), that there is a need in the City for the revitalization and redevelopment of the central business district of the City to develop and promote for the public good and general welfare, trade, commerce, industry and employment opportunities and to promote the general welfare of the State of Georgia by creating a climate favorable to the location of new industry, trade and commerce and the development of existing industry, trade and commerce within the City; and

WHEREAS, it has been determined by the Mayor and Council of the City that revitalization and redevelopment of the central business district of the City by financing projects under the Downtown Development Authorities Law (1981 Ga. Laws p. 1744 - the "Downtown Development Authorities Law", as amended), will develop and promote for the public good and general welfare trade, commerce, industry and employment opportunities and will promote the general welfare of the State of Georgia; and

WHEREAS, it has been determined by the Mayor and Council of the City that it is in the public interest and is vital to the public welfare of the people of the City and of the people of the State of Georgia to revitalize and redevelop the central business district of the City; and

WHEREAS, the Downtown Development Authorities Law creates in and for each municipal corporation in the State of Georgia a downtown development authority for the purpose of revitalizing and

redeveloping the central business district of such municipal corporation and promoting for the public good and general welfare, trade, commerce, industry and employment opportunities and promoting the general welfare of the State of Georgia; and

WHEREAS, the Mayor and Council of the City, after thorough investigation, have determined that it is desirable and necessary that the Downtown Development Authority of the City be activated immediately, pursuant to the Downtown Development Authorities Law, in order to fulfill the needs expressed herein;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City, and it is hereby resolved by the same, that there is hereby determined and declared to be a present and future need for a Downtown Development Authority (as more fully described and defined in the Downtown Development Authorities Law) to function in the City.

BE IT FURTHER RESOLVED that there is hereby activated in the City the public body corporate and politic known as the "Downtown Development Authority of Social Circle", which was created upon the adoption and approval of the Downtown Development Authorities Law.

BE IT FURTHER RESOLVED that there are hereby appointed as members of the first Board of Directors of the Downtown Development Authority of the City the following named persons, each of whom is a taxpayer of the City, residing in the City, and not less than four of whom either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area (hereinafter defined).

<u>Names</u>	<u>Term of Office</u>
<u>Troy Preston</u>	Two years
<u>Jimmy Bryant</u>	Two years
<u>Scottie Sherrill</u>	Four years
<u>W. B. Stephens, Jr.</u>	Four years
<u>Bill Thornton</u>	Six years
<u>Roy Malcom</u>	Six years
<u>Carolyn Neely</u>	Six years

BE IT FURTHER RESOLVED that commencing with the date of adoption of this Resolution each of the persons named above as

Directors shall serve in such capacity for the number of years set forth opposite his or her respective name.

BE IT FURTHER RESOLVED that the Board of Directors hereinbefore elected shall organize itself, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Downtown Development Authorities Law as it now exists and as it might hereafter be amended or modified.

BE IT FURTHER RESOLVED that the "downtown development area" shall be that geographical area outlined in yellow on Exhibit "A" attached hereto and made a part hereof by reference, which said area, in the judgment of the Mayor and Council of the City, constitutes the "central business district" of the City as contemplated by the Downtown Development Authorities Law.

BE IT FURTHER RESOLVED that the City shall furnish promptly to the Secretary of State of the State of Georgia, and the Department of Community Affairs of the State of Georgia a certified copy of this Resolution in compliance with the provisions of the Downtown Development Authorities Law.

BE IT FURTHER RESOLVED that the action taken by the Mayor and Council of the City as herein specified is not intended in any way to affect any public corporation, industrial development, downtown development, or payroll authority previously created by legislative act or constitutional amendment including, without limitation, its existence, purpose, organization, powers or function.

BE IT FURTHER RESOLVED that any and all resolutions in conflict with this Resolution be and the same are hereby repealed.

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption by the Mayor and Council of the City, and from and after such adoption the Downtown Development Authority of the City shall be deemed to be created and activated.

Adopted and approved, This 3rd day of July, 1984.

CITY OF SOCIAL CIRCLE

Frank W. Smith
Mayor
James H. Smith
Councilman
Grady P. Leonard
Councilman
Allen D. Mosby
Councilman
Arthur Barrett
Councilman

Attest:

Anne D. Leppert
City Clerk

EXHIBIT "B"

West's Code of Georgia Annotated
Title 36. Local Government
Provisions Applicable to Municipal Corporations Only
Chapter 42. Downtown Development Authorities (Refs & Annos)

Ga. Code Ann., § 36-42-7

§ 36-42-7. Qualifications of directors; officers; compensation; expenses; training

Effective: July 1, 2008

Currentness

(a) Directors shall be:

- (1) Taxpayers residing in the municipal corporation for which the authority is created;
- (2) Owners or operators of businesses located within the downtown development area and who shall be taxpayers residing in the county in which is located the municipal corporation for which the authority is created; or
- (3) Persons having a combination of the qualifications specified in paragraphs (1) and (2) of this subsection;

provided, however, that one of such directors may be a member of the governing body of the municipal corporation.

(b) Not less than four of the directors having the qualifications specified in subsection (a) of this Code section shall be persons who, in the judgment of the governing body of the municipal corporation, either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area. Successors to the directors shall be appointed by the governing body of the municipal corporation.

(c) The directors shall elect one of their members as chairman and another as vice chairman and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a director. The directors shall receive no compensation for their services but

shall be reimbursed for actual expenses incurred by them in the performance of their duties. Each authority shall have perpetual existence.

(c.1) Notwithstanding subsection (a) of this Code section, one director appointed to the board may reside outside the county; provided, however, that such appointed director owns a business within the downtown development area and is a resident of the State of Georgia. If subsequently to his or her appointment to the board pursuant to this subsection, the director ceases to own a business within the downtown development area or reside in the State of Georgia, such director shall relinquish his or her seat on the board.

(d) Except for a director who is also a member of the governing body of a municipal corporation, each director shall attend and complete at least eight hours of training on downtown development and redevelopment programs within the first 12 months of a director's appointment to the downtown development authority. Directors in office on January 1, 1992, shall be exempt from this requirement unless reappointed for an additional term.

Credits

Laws 1981, p. 1744, § 5; Laws 1990, p. 570, § 1; Laws 1991, p. 94, § 36; Laws 1992, p. 2533, § 2; Laws 2008, Act 435, § 1, eff. July 1, 2008.

Ga. Code Ann., § 36-42-7, GA ST § 36-42-7

The statutes and Constitution are current with legislation passed during the 2017 Session of the Georgia General Assembly. The statutes are subject to changes by the Georgia Code Commission.

EXHIBIT "C"





Social Circle Downtown Development Authority

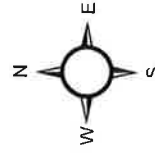


Adopted February 13, 2020
by the Downtown
Development Authority
of Social Circle.

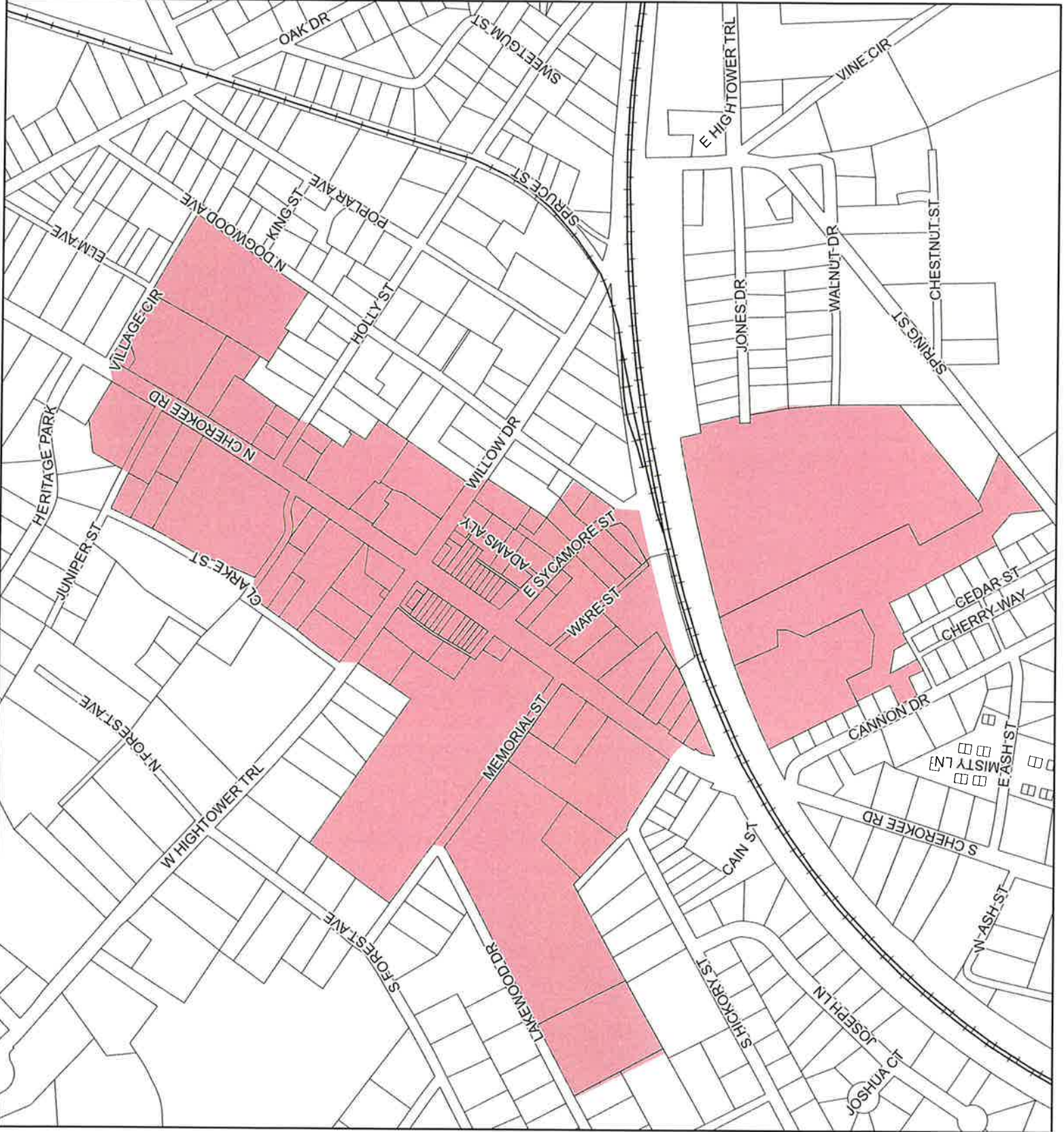
Adopted February 18, 2020
by the Social Circle
Mayor and City Council.

Legend

-  Rail Lines
-  Property Lines
-  Downtown
Development
Authority
-  Boundary



This information has been provided from general sources and is to be used only as a guide. The NEGRC assumes no liability for its accuracy or for any decisions which the user may make based on this document.



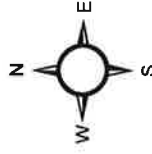
Social Circle Downtown Development Authority



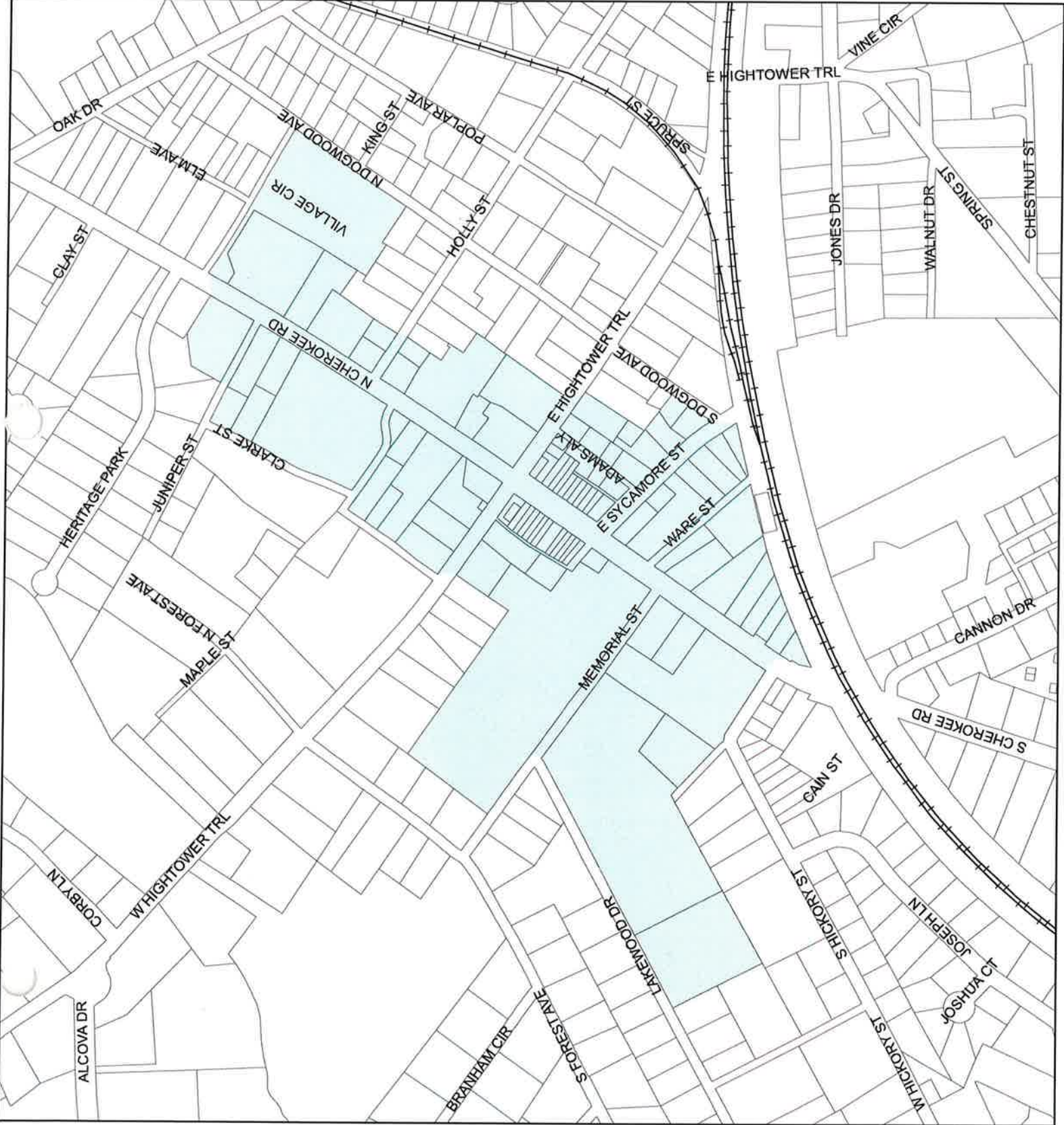
February, 2019

Legend

- Rail Lines
- Property Lines
- Downtown Development Authority Boundary



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**Social Circle
Downtown Development Authority**



January 2016

Legend:

- Roads
- County Parcels
- Downtown Development Authority Boundary
- Railroads



NEGRC
NORTH CAROLINA
RURAL COMMISSION

This information has been provided from ground surveys and is to be used only as a guide. The NEGRC assumes no liability for its accuracy or for any damages caused by the user relying thereon based on this document.

