Public Private Partnerships
City of Atlanta

Lemuel Ward
Chief Legal Counsel
City of Atlanta
Impact Fee Agreements

What are they?

Developer pays for and constructs system improvements rather than paying impact fees to the local government.
Timing of the Agreement

Many ordinances require payment at the time of the initial permit.

If executed before fees are due, the payment of impact fees is not required.

Refunds require more legislative overhead.

Letter Agreements are a good middle road.
Advantages of Letter Agreements

Few developers are able to time projects so as to have enough lead time to get legislative approval before permit application.

Preserves cash at a crucial stage of the project.

Certificate of Occupancy can be conditioned on the full approval process (legislative & deliverable).
What’s in a Letter Agreement

Subject to legislative approval.

Only fees that can be applied are fees for the same category of system improvement.

Credits are issued where the cost of system improvement exceeds amount of fees owed.
What’s in a Full Agreement I

Description of the *exact* system improvement

Specifications of the deliverable.

Acknowledgement of permit requirements.

Cost overruns are developer responsibility.

Right to audit the private contract.
What’s in a Full Agreement II

Compliance with Open Records.

Public notifications if required.

Insurance.

Rights of entry & easements if needed
Advantages to the Jurisdiction

Nexus is already established.

Infrastructure is delivered quickly.

No procurement overhead.

Credits are a “no interest loan.”
Advantages to the Developer

Infrastructure is delivered on demand.

Developer’s contract reduces risk of poor job.

Site disruption occurs before occupancy.

Cash need is smaller on the front end.
Development Assistance

Major Projects Team

Personnel Assignments

Preliminary or “Pre-permit” Reviews

Regulatory Relief
Regulatory Relief

Rezonings & variances

Text amendments
  Signage
  Parking
  Distance requirements (alcohol licensing)

Assistance with the “public process”
Major Projects Team

Zoning & Land Use Analysis

Department Contacts

Assigned to “Pre-permit reviews”

Progress Meetings
Personnel Assignments

Who to assign / Who to avoid

Major Projects Team contacts known to all

Workload allocation can be monitored

Authorized for “Pre-permit reviews”
Pre-permit Reviews

Allows review before fees would be due.

Reduces revisions after formal submittal.

Saves engineering & architectural costs

Identifies zoning and land use issues.