



A RESOLUTION BY

03-R-1460

**COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER AN AGREEMENT ON BEHALF OF THE CITY WITH SOUTHEAST WATERS FOR CREEK BANK RESTORATION IN PEACHTREE HILLS PARK AND IN TANYARD CREEK PARK FOR AN AMOUNT NOT TO EXCEED \$125,000 AND \$75,000 RESPECTIVELY, THAT ALL FUNDS FOR THE PEACHTREE HILLS PARK RESOTRATION SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 1C22 574001 N12D11409999, AND THAT ALL FUNDS FOR THE TANYARD CREEK PARK RESTORATION SHALL BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 1C22 574001 N12D11219999, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”) owns the Peachtree Hills Park and the Tanyard Creek Park (“Parks”), both of which have a stream running through the property; and

WHEREAS, in the early spring of 2003, the stream banks and riparian corridor located in the Peachtree Hills Park were damaged by improper spraying of herbicide and removal of vegetation, thereby making those areas vulnerable to erosion; and

WHEREAS, because of the record rainfall that occurred in Atlanta in the late spring and early summer of 2003, significant sections of the stream banks and riparian corridor located in the Parks failed, and the banks washed away, and other portions of the banks have slumped noticeably; and

WHEREAS, stream bank erosion in the Parks is severe, and the stream banks and riparian corridor will continue to wash away at a rate of approximately five to ten feet per year unless and until those banks are stabilized; and

WHEREAS, approximately 200 linear feet of the creek bank in Peachtree Hills Park and 150 linear feet of the creek bank in Tanyard Creek Park were restored and stabilized during June 2003, as part of a neighborhood-approved project performed on behalf of MARTA to reduce the amount of parks and recreation impact fees owed by MARTA in connection with the Lindbergh City Center Project; and

WHEREAS, the restoration and stabilization of the creek banks located in the Parks is not yet complete. The creek banks in the Peachtree Hills Park require restoration and stabilization of an additional 400 linear feet of bank, and the creek banks in the Tanyard Creek Park require restoration and stabilization of an additional 320 linear feet of bank; and



WHEREAS, the creek restoration work performed on behalf of MARTA was performed by Southeast Waters, a non-profit corporation located in Atlanta, specializing in restoring and stabilizing creek banks through bio-revitalization techniques that are environmentally sensitive, whose labor force is composed of Americorps volunteers; and

WHEREAS, Southeast Waters is the only non-profit organization performing creek bank restoration in the Atlanta area; and

WHEREAS, Southeast Waters estimates that the cost of completing the restoration and stabilization of the creek banks in the Peachtree Hills Park will be approximately \$125,000.00, and the cost of completing the restoration and stabilization of the creek banks in the Tanyard Creek Park will be approximately \$75,000.00, for a total of approximately \$200,000; and

WHEREAS, the City desires to have Southeast Waters complete its restoration and stabilization of the creek banks located in the Parks in order to minimize downstream sedimentation, preserve the creek banks, and preserve the City's Parks.

NOW THEREFORE IT IS RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1. The Mayor is hereby directed and authorized to enter an agreement, on behalf of the City, with Southeast Waters, whereby Southeast Waters will restore and stabilize 400 linear feet of creek bank in the Peachtree Hills Park for an amount not to exceed \$125,000, and whereby Southeast Waters will restore and stabilize 320 linear feet of creek located in the Tanyard Creek Park for an amount not to exceed \$75,000. For purposes of this agreement, Southeast Waters shall be deemed a sole source.

Section 2. The cost of the restoration and stabilization of the creek bank in Peachtree Hills Park shall be charged to and paid from Fund Account Center No. 1C22 574001 N12D11409999, and the cost of the restoration and stabilization of the creek bank in Tanyard Creek Park shall be charged to and paid from Fund Account Center No. 1C22 574001 N12D11219999.

Section 3. The City Attorney is hereby directed to prepare said agreement for execution by the Mayor, to be approved as to form by the City Attorney.

Section 4. Said agreement shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor and delivered to Southeast Waters.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 06, 2003
OCT 14, 2003

RCS# 5040
10/06/03
2:05 PM

Atlanta City Council

Regular Session

03-R-1460

AGRMNT CITY W/SOUTHEAST WATERS CREEK BNK
RESTORATION PTREE HILLS TANYARD CREEK PK
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Boazman	NV Woolard

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(Do Not Write Above This Line)

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ADOPTED BY

OCT 06 2003

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COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee *CD/HR*

Date *9/14/03*

Chair *[Signature]*

Action Fav, Adv, Hold (see rev. side)

Other

Members

[Handwritten signatures]

[Handwritten signature]
Refer To

Committee _____

Date _____

Chair _____

Action Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee _____

Date _____

Chair _____

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED
OCT 06 2003

MAYOR/CLERK PRESIDENT

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CERTIFIED
OCT 06 2003

MAYOR/CLERK

MAYOR'S ACTION

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OCT 14 2003

MAYOR