

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AND EXECUTE A COST PARTICIPATION AGREEMENT AND OTHER NECESSARY AGREEMENTS WITH PROPERTY OWNERS RECEIVING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT ASSISTANCE FROM THE FEMA MITIGATION ASSISTANCE PROGRAM (“FEMA GRANT”) FOR THE ELEVATION OF RESIDENTIAL STRUCTURES WITH REPETITIVE LOSSES DUE TO FLOODING EVENTS IN THE AREA OF PEACHTREE CREEK; TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF WATERSHED MANAGEMENT AND THE CITY ATTORNEY TO PREPARE ALL APPROPRIATE DOCUMENTATION AND AGREEMENTS NECESSARY TO PARTICIPATE IN THE FEMA GRANT; THAT ALL COSTS ASSOCIATED WITH THE ELEVATIONS BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBER 1C51 (CAPITAL FINANCE FUND ) 574001 (FACILITIES OTHER THAN BUILDINGS) Q11P1111B6F0 (PEACHTREE CREEK HOMES ELEVATIONS), IN ACCORDANCE WITH THE FEMA MITIGATION ASSISTANCE PROGRAM GUIDELINES; AND FOR OTHER PURPOSES.**

**WHEREAS**, in March 2005, the City of Atlanta submitted a Subgrant Project Application to the FEMA Mitigation Assistance Program (“FEMA Grant”) for the elevation of fifteen (15) residential structures located on properties along Peachtree Creek that are located in the floodplain and subject to material losses due to repetitive flooding (“Affected Homes”); and

**WHEREAS**, the Department of Watershed Management received notification that a federal grant, pursuant to FEMA Grant Nos. FMA PJ-2004-001 and FMA PDMC PJ-2004-01, was awarded from FEMA to elevate above the 100 Year Floodplain) fifteen (15) residential structures with repetitive losses due to flooding in the area of Peachtree Creek; and

**WHEREAS**, pursuant to Resolution No. 07-R-1246 and 07-R-1248 adopted on June 18, 2007 and approved by the Mayor on June 25, 2007, the City was authorized to participate in the FEMA Grant; and

**WHEREAS**, the City’s participation in the FEMA Grant requires the City to front all costs for the engineering, design and construction work necessary for the elevation of the Homes (“Elevation Costs”), and then be reimbursed for all the elevation costs from FEMA, which covers 75% of the initial estimated costs, not to exceed One Million, Six Hundred Thirty-Four Thousand, Three Hundred Seventy-Two Dollars and Sixty-Six

Cents (\$1,634,372.66) \_and One Hundred Ninety-Four Thousand Seven Hundred Eight Dollars and Forty Cents (\$194,708.40)(the “FEMA Contribution”) for the elevations and the Property owner, who is responsible for all costs exceeding the FEMA Contribution; and

**WHEREAS**, it is necessary and appropriate to enter into cost participation agreements with the affected property owners to ensure that affected property owners meet their respective financial obligations to pay for their respective share of the Elevation Costs, pursuant to the FEMA Grant; and

**WHEREAS**, the Commissioner of the Department of Watershed Management recommends that the City enter into appropriate cost participation agreements with the affected property owners to ensure that the property owners meet their respective financial obligations for the Elevation Costs, pursuant to the FEMA Grant for the benefit of the affected property owners and the public welfare in general to mitigate the negative impacts of repetitive flooding to the Properties and the surrounding watersheds; and

**WHEREAS**, it is in the City’s best interest to allow the Mayor or her designee the authority to enter into and execute a cost participation agreement with the affected property owners for the elevation of the Affected Homes; and

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES** that the Mayor is hereby authorized to enter into a cost participation agreement with property owners receiving Federal Emergency Management Agency (FEMA) grant assistance from the FEMA Grant for the elevation of the Affected Homes due to flooding events in the area of Peachtree Creek.

**BE IT FURTHER RESOLVED**, that the City Attorney, or a designee, is authorized to prepare appropriate agreements to facilitate the elevation of the Affected Homes.

**BE IT FURTHER RESOLVED**, that the Department of Watershed Management is authorized to monitor, supervise and participate in the FEMA Grant to effectuate the elevation of the Affected Homes with the assistance of the consultants in engineering and construction services.

**BE IT FURTHER RESOLVED**, that all Elevation Costs be charged to and paid from Fund Account Center No. 1C51 (Capital Finance Fund ) 574001(Facilities Other than Buildings) Q11P1111B6F0 (Peachtree Creek Homes Elevations), in accordance with the FEMA mitigation assistance program guidelines; and the Chief Financial Officer is authorized to receive funds from FEMA and the affected property owners for the Elevation Costs to receive and deposit in said Fund, Account and Center Number, in accordance with the FEMA Grant.

**BE IT FINALLY RESOLVED**, that all resolutions or parts of resolutions in conflict herewith are waived to the extent of the conflict.