

**A RESOLUTION
BY TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLAYTON COUNTY WATER AUTHORITY FOR THE PURCHASE OF STREAM MITIGATION CREDITS IN AN AMOUNT NOT TO EXCEED \$992,250 NECESSARY TO IMPLEMENT FEDERAL CLEAN WATER ACT REQUIREMENTS REGARDING STREAM MITIGATION NEEDED TO OFFSET THE IMPACTS TO SULLIVAN CREEK RESULTING FROM CONSTRUCTION OF RUNWAY 10-28 LOCATED AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM PTAEO 18101595 (COMMUTER RUNWAY) 102 (R21E052096AA) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS / INFRASTRUCTURE – CIP) AND FDOA5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT), 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE – CIP) 7563000 (AIRPORT) 101595 (COMMUTER RUNWAY) 91336 (DOA PFC REVENUE 96AA) 0000 (DEFAULT) 00000000 (DEFAULT) 00000000 (DEFAULT); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (“City”), as owner and operator of the Hartsfield-Jackson Atlanta International Airport (“Airport”) constructed a fifty runway (“Runway 10-28”); and

WHEREAS, construction of Runway 10-28 necessitated that a segment of Sullivan Creek be realigned from its natural channel into a newly constructed channel to move it out of the runway construction area, constituting an impact to Sullivan Creek; and

WHEREAS, the Federal Clean Water Act requires project sponsors, such as the City, to mitigate effects of projects that negatively impact wetlands by either improving the existing impaired stream or by purchasing stream mitigation credits; and

WHEREAS, the City has been in discussions with the Clayton County Water Authority (“CCWA”) and the Army Corp. of Engineers (“Army Corp.”) concerning the City’s purchase from CCWA of certain stream mitigation credits, and City Resolution No. 07-R-1258 originally authorized the City’s acquisition of certain stream mitigation credits from CCWA; and

WHEREAS, subsequent to the enactment of that Resolution and pursuant to further discussions with the Army Corp. and CCWA, modifications to the purchase transaction were necessary; accordingly, this Resolution will authorize the City to enter into an Agreement with CCWA for the purchase of stream mitigation credits on such modified terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to execute on behalf of the City an Agreement with CCWA for the purchase of stream mitigation credits necessary to implement federal Clean Water Act requirements regarding stream mitigation needed to offset the impacts to Sullivan Creek resulting from construction of Runway 10-28 for the purchase price of \$992,250, subject to the following additional terms: (1) CCWA will indemnify the City from any additional financial liability to satisfy the stream mitigation credit purchase in excess of the \$992,250; and (2) CCWA will perform all necessary monitoring, maintenance and other work that is required of the City by the Army Corp. associated with the stream mitigation credits.

BE IT FINALLY RESOLVED, that all funding for the stream mitigation credits purchase will be paid out of PTAE0 18101595 (Commuter Runway) 102 (R21e052096AA) 550591336 (DOA PFC Revenue 96AA) 5414002 (Facilities Other Than Bldgs / Infrastructure – CIP) and FDOA 5505 (Airport Passenger Facility Charge Fund) 180201 (DOA Aviation Capital Planning & Development) 5414002 (Facilities Other Than Bldgs/Infrastructure – CIP) 7563000 (Airport) 101595 (Commuter Runway) 91336 (DOA PFC Revenue 96AA) 0000 (Default) 00000000 (Default) 00000000 (Default); And For Other Purposes.

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare an Agreement for execution by the Mayor.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute, accept and/or deliver from/to all appropriate parties, such further documents and instruments necessary to consummate the transactions contemplated by this Resolution.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to CCWA.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to authorize the Mayor to execute an appropriate Contractual Agreement.

2. Please provide background information regarding this legislation.

The construction of Runway 10-28 required the relocation of a segment of Sullivan Creek, thus impacting the creek. The Corps desires a project sponsor to mitigate stream impacts through construction of stream improvements at a nearby impaired stream. The City of Atlanta asked the Corps for permission to either purchase stream mitigation credits from an approved stream credit bank or to pay an in-lieu fee to a Corps-approved organization to satisfy our obligation. The Corps will allow a mitigation arrangement between the Clayton County Water Authority and the City of Atlanta DOA to satisfy this mitigation obligation.

Resolution 07-R-1258, adopted by the Council on July 2, 2007 and approved by the Mayor on July 5, 2007, authorized the acquisition of Stream Mitigation Credits from the Clayton County Water Authority in an amount not to exceed \$992,250.00.

This Amendment will authorize the Mayor to execute an Agreement with Clayton County Water Authority for the purchase of Stream Mitigation Credits as well as add additional terms to this transaction. The following terms will be added to this transaction:

- (1) Clayton County Water Authority shall indemnify the City of Atlanta from any additional financial liability to satisfy this credit need.
- (2) Clayton County Water Authority will perform all necessary monitoring, maintenance, and other work that is required of the City of Atlanta by the Corps of Engineers associated with the credits.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Agreement
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A?
- (h) **Term of Contract:** N/A

4. Fund Account Center (Ex. Name and number): N/A

5. Source of Funds: N/A

6. Fiscal Impact: N/A

Example: *This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.*

7. Method of Cost Recovery: N/A

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Tommy Thomas, Jr. , Planning and Development, Contracts, 404-530-5551.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Anita Williams

Contact Number: 404-530-6600

Originating Department: Aviation

Committee(s) of Purview: Transportation

Chief of Staff Deadline: 4/09/08

Anticipated Committee Meeting Date(s): 4/30/08

Anticipated Full Council Date: 5/05/08

Commissioner Signature: 

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CLAYTON COUNTY WATER AUTHORITY FOR THE PURCHASE OF STREAM MITIGATION CREDITS IN AN AMOUNT NOT TO EXCEED \$992,250 NECESSARY TO IMPLEMENT FEDERAL CLEAN WATER ACT REQUIREMENTS REGARDING STREAM MITIGATION NEEDED TO OFFSET THE IMPACTS TO SULLIVAN CREEK RESULTING FROM CONSTRUCTION OF RUNWAY 10-28 LOCATED AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; ALL CONTRACTED WORK TO BE CHARGED TO AND PAID FROM PTAE0 18101595 (COMMUTER RUNWAY) 102 (R21E052096AA) 550591336 (DOA PFC REVENUE 96AA) 5414002 (FACILITIES OTHER THAN BLDGS/ INFRASTRUCTURE - CIP) AND FDOA5505 (AIRPORT PASSENGER FACILITY CHARGE FUND) 180201 (DOA AVIATION CAPITAL PLANNING & DEVELOPMENT), 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE - CIP) 7563000 (AIRPORT) 101595 (COMMUTER RUNWAY) 91336 (DOA PFC REVENUE 96AA) 0000 (DEFAULT) 00000000 (DEFAULT) 00000000 (DEFAULT); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any) \$992,250

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office:  4/9/08 Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)