AN ORDINANCE BY **10-O-0501**
COUNCILMEMBER ALEX WAN
AS SUBSTITUTED BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

A SUBSTITUTE ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A GRANT IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS ($300,000) FROM THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION, FOR THE PURPOSE OF REIMBURSING THE PIEDMONT PARK CONSERVANCY FOR A PORTION OF ITS COSTS IN IMPLEMENTING THE CREEK RESTORATION COMPONENTS OF THE PIEDMONT PARK MASTER PLAN; AMENDING THE 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS FUNDS RECEIVED FROM THE GEORGIA DEPARTMENT OF NATURAL RESOURCES, ENVIRONMENTAL PROTECTION DIVISION IN THE AMOUNT OF THREE HUNDRED THOUSAND DOLLARS ($300,000); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") is the owner of that certain real property located in Atlanta, Georgia otherwise known as Piedmont Park; and

WHEREAS the City and the Piedmont Park Conservancy ("PPC") entered into a Memorandum of Understanding ("MOU") dated May 18, 2006, authorized by Ordinance adopted by the City Council on February 20, 2006 and approved by the Mayor on February 28, 2006, which sets forth the terms and conditions of the cooperative collaboration between the City and PPC for the benefit of Piedmont Park. The MOU, among other things, authorizes PPC to preserve, restore, develop, enhance, rehabilitate, and maintain Piedmont Park in accordance with the terms of the MOU; and

WHEREAS, PPC has been authorized to implement certain construction projects enhancing Piedmont Park in accordance with the revised Master Plan for Piedmont Park which, by resolution, was adopted by the Atlanta City Council on November 21, 2005 ("Master Plan"); and

WHEREAS, the Master Plan includes the restoration of streams totaling 2,212 linear feet within the North Woods expansion area of Piedmont Park notably referred to as Clear Creek, Orme Creek, Storza Creek and Monroe Creek. Such restoration is under construction at this time (the "Piedmont Park Creek Restorations"); and

WHEREAS, Under Section 319(h) of the Clean Water Act, the U. S. Environmental Protection Agency awards grants to the Georgia Department of Natural Resources Environmental Protection Division (GAEPD) to fund eligible projects in the State of Georgia for the prevention, control, and/or abatement of Nonpoint Sources of Pollution (the "319(h) Grants Program"); and

WHEREAS, with the permission of the Commissioner of the City's Department of Parks, Recreation and Cultural Affairs, PPC submitted an application requesting funding for the Piedmont Park Creek Restorations under the 319(h) Grants Program; and

WHEREAS, PPC has met the forty percent (40%) applicant match requirement of the 319(h) Grants Program. PPC has secured more than $36 million dollars ($36,000,000) in private donations toward completion of the Master Plan, of which more than $669,070 are specifically earmarked for the Piedmont Park Creek Restorations; and

WHEREAS, GAEPD has determined to award the Piedmont Park Creek Restorations project a total of three hundred thousand dollars ($300,000) in funding under the 319(h) Grants Program; and

WHEREAS, the GAEPD grant award must be processed through the municipal land owner of the property on which the project is located;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Atlanta, Georgia, as follows:

SECTION 1: The Mayor, or his designee, on behalf of the City of Atlanta, is hereby authorized to accept a grant award from the Georgia Department of Natural Resources Environmental Protection Division, and specifically from the 319(h) Grants Program, in the amount of $300,000 (the "Grant Funds") for the purpose of reimbursing the PPC for partial costs of the Piedmont Park Creek Restorations. The City shall not bear any costs or pay any matching funds in exchange for receipt of the Grant Funds.

SECTION 2: The City's Chief Financial Officer is hereby authorized and directed to establish the Grant Account Segment Numbers to anticipate the Grant Funds, and to forward those Grant Funds immediately to PPC for the sole purpose of Piedmont Park Creek Restorations reimbursement.

SECTION 3: That the grant from the Georgia Department of Natural Resources Environmental Protection Division will add to the anticipations in the 2010 (Intergovernmental Grant Fund) Budget, Department of Parks, Recreation and Cultural Affairs, and that such budget is hereby amended as follows

ADD TO ANTICIPATIONS

Award	2501xxxxx.
Fund	2501 Intergovernmental
Dept	140201(Parks Administration)
Func/Activity	6210000 (Parks Administration)
Project	14110808 (Piedmont Restoration Reimbursement)
Funding Source	*****
Account	313301 Fed Direct–(OC) Indirect - State

Total: 300,000.00

ADD TO APPROPRIATIONS

Project	14110808
Task	101

Award	2501*****
Expenditure	5*****
Org	COA
Dept	140201
Func/Activity	6210000
Funding Source	*****

Total: 300,000.00

SECTION 4: The Mayor or his designee, on behalf of the City, is authorized to execute any and all agreements, instruments or other documents that the Law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance. The Law Department shall prepare said documents for execution by the Mayor or his designee. Said documents 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 or his designee.

SECTION 6: All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.