

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 23-07

Authorization to Amend the Funding Agreement regarding the
Piney Creek at Tower Road Improvements

WHEREAS, with Resolutions 11-42, 13-10, 16-04, and 16-29, the SEMSWA Board authorized funding totaling \$1,450,000, and MHFD authorized funding totaling \$1,590,000 for Piney Creek at Tower Improvements (Project); and

WHEREAS, the Project has been successful in restoring the floodplain capacity within The Farm subdivision; however, it has struggled to produce the required amount of sustainable wetland mitigation; and

WHEREAS, MHFD has agreed to manage the Project and intends to purchase 1.725 acres of wetland mitigation bank credits as required by U.S. Army Corps of Engineers Permit NO. NWO-2015-2225-DEN; and

WHEREAS, \$175,000 is identified in SEMSWA's 2023 Capital Projects Budget and \$175,000 is identified in MHFD's 2023 budget to fund the wetland mitigation bank credits for the Project; and

WHEREAS, SEMSWA has adopted a budget for the calendar year 2023 subsequent to public hearing, which includes funds for the design and construction of the Project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board authorizes funding in an additional amount not to exceed \$175,000 for the Project.
2. The Executive Director is authorized to execute an amendment to the funding agreement with the MHFD for the Project.
3. The SEMSWA funding for the Project is limited to \$1,625,000 without prior approval of the Board.

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Date: February 15, 2023

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

PINEY CREEK AT TOWER ROAD

PROJECT REACH

