

## RESOLUTION NO. 2023 - 176

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**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH OPTERRA SOLUTIONS, TO MOW, CLEAR AND MAINTAIN CERTAIN DETENTION PONDS FOLLOWING COLLECTION OF FUNDS FROM OWNERS OF PROPERTIES WITHIN AFFECTED SUBDIVISIONS; TO AMEND SAID AGREEMENT TO INCLUDE CERTAIN ADDITIONAL DETENTION PONDS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS** certain detention ponds located within the City of Powder Springs are delineated on private property and belong to single property owners, absent owners or homeowner associations who have not maintained said ponds, or homeowner associations who have requested to participate in the detention pond program ; and

**WHEREAS** multiple properties drain to said ponds as identified in subdivision plats, said ponds developed as required by development regulations to capture runoff from the development to pre-development levels; and

**WHEREAS** despite pond development for the benefit of and to capture runoff from all lots within the platted subdivision, the ponds were located on individual private parcels; and

**WHEREAS** individual private owners are not equipped to address the proper maintenance and functioning of detention ponds, and many ponds are owned by absent owners, which results in deficient, unmaintained detention ponds that have negative impacts on both the immediate neighborhood as well as the city wide stormwater system; and

**WHEREAS** the City adopted previously adopted an ordinance specifying that should the owner of stormwater management systems and facilities fail to maintain such stormwater management systems and facilities, the city may perform such maintenance as is necessary in the public interest to keep the systems and facilities functional and the cost of the City's activities shall be a special assessment against the improved properties authorized and constructed under the land disturbance permit issued for the development for which the stormwater infrastructure was installed; and

**WHEREAS** the City previously approved an agreement with Opterra Solutions to mow, maintain and make certain repairs within designated detention ponds, and the City desires to renew said agreement for an additional one-year term and include certain additional detention ponds within said work; and

**WHEREAS** the City will utilize budgeted stormwater dollars to complete the required work and impose a special assessment against the improved properties that were authorized and constructed under the land disturbance permit issued for the development for which the pond was constructed in order to reimburse the stormwater fund pursuant to City codes and regulations.

**BE IT THEREFORE RESOLVED** by the Council for the City of Powder Springs that it approves and authorizes the Mayor to execute a renewal agreement with Opterra Solutions at a cost of \$1215 per pond and to amend said agreement for an additional amount of \$24,525 to complete the maintenance

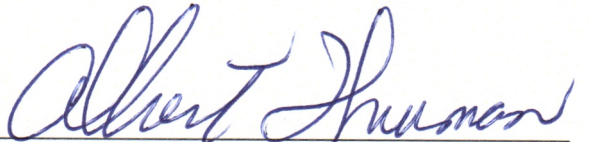
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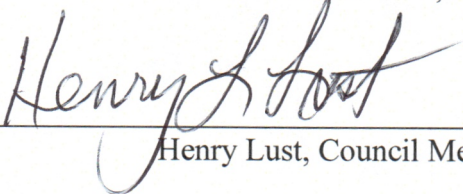
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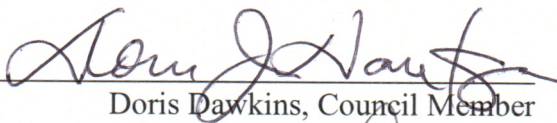
activities of mowing and clearing the area of vegetation and debris from the additional detention ponds identified in the attached exhibits, subject to the review and approval by the City Attorney;

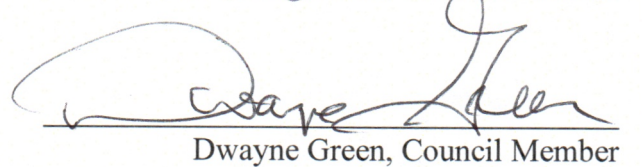
**BE IT FURTHER RESOLVED** that the Finance Department shall include a special assessment for the pond work on the upcoming property tax billing to reimburse the stormwater fund for the costs of repairs performed by Opterra Solutions as provided by City codes and regulations. This Resolution shall be effective upon adoption.

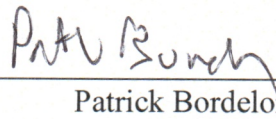
**SO RESOLVED** this 18<sup>th</sup> day September 2023.

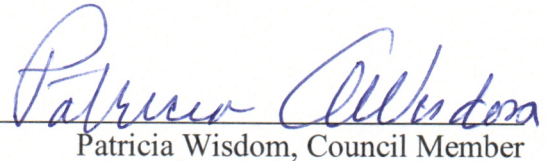
  
Albert Thurman, Mayor

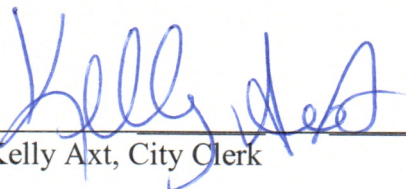
  
Henry Lust, Council Member

  
Doris Dawkins, Council Member

  
Dwayne Green, Council Member

  
Patrick Bordelon, Council Member

  
Patricia Wisdom, Council Member

ATTEST:   
Kelly Axt, City Clerk