

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
IN SUPPORT OF APPLICATION FOR
NCDWR WATER RESOURCE DEVELOPMENT GRANT**

WHEREAS, the North Carolina Department of Water Resources has established a grant that provides funding to municipalities for water resource development projects; and

WHEREAS, the City of Hendersonville, NC City Council desires to sponsor, The Lower Mud Creek Floodplain Restoration, to restore 26 acres of remnant floodplains using nature-based restoration practices including stream, wetland, and floodplain restoration; and

WHEREAS, the proposed project will increase the opportunities for passive recreation on the restored sites within the City of Hendersonville and the City intends to construct recreational amenities within the site for public access; and

WHEREAS, the North Carolina Department of Water Resources has announced a competitive Grant to award funding for Water-based recreation; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

- 1) The Council requests the State of North Carolina to provide financial assistance to The City of Hendersonville, NC for The Lower Mud Creek Floodplain Restoration in the amount of \$ 200,000 or 14 percent of the nonfederal project costs, whichever is the lesser amount;
- 2) The Council assumes full obligation for payment of the balance of project costs;
- 3) The Council will obtain all necessary State and Federal permits;
- 4) The Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Council will assure that the project is open for use by the public on an equal basis with no restrictions;

- 8) The Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney