



TOWN OF BLACK MOUNTAIN

160 Midland Avenue
Black Mountain, NC 28711

RESOLUTION #R-10-08

**RESOLUTION OF THE BOARD OF ALDERMEN
TO REQUEST STATE ASSISTANCE THROUGH NCDENR-DIVISION OF WATER
RESOURCES
TO COMPLETE DAM SAFETY STUDIES AND PREPARE EMERGENCY ACTION PLANS
FOR THE LAKE TOMAHAWK AND WATERSHED DAMS ~~PARTICIPATION IN THE NCLM~~
~~“GREEN CHALLENGE” TO IMPROVE ENERGY EFFICIENCY AND CONSERVATION~~
EFFORTS**

WHEREAS, ~~The Town wants to demonstrate that conservation practices can be applied to the daily operations of municipal government and to infrastructure projects~~ the Town of Black Mountain, as the non-federal sponsor, has entered into an agreement with the U.S. Army Corps of Engineers to conduct two public dam safety studies that will result in safety improvement recommendations and updated Emergency Action Plans;

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NOW THEREFORE, BE IT RESOLVED ~~THAT THE~~ that the Board of Aldermen of the Town of Black Mountain through the adoption of this resolution, requests the State of North Carolina to provide financial assistance to the Town of Black Mountain for the Lake Tomahawk and Watershed Dams Safety Study and Emergency Action Plan Update Project in the amount of **\$29,000**;

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BE IT FURTHER RESOLVED THAT:

- 1) The Town assumes full obligation for payment of the balance of the non-federal project costs in the amount of \$29,000;
- 2) The Town shall return to the State of NC the State's portion of any refund the Town may receive from the U.S. Army Corps of Engineers at project completion;
- 3) The Town will obtain all necessary State and Federal permits;
- 4) The Town will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) The Town will supervise the project to assure compliance with permit conditions and to assure safe and proper conduct according to approved plans and specifications during the course of the safety study;
- 6) The Town will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the completion of the project without cost or obligation to the State;
- 7) The Town will assure that the project is open for use by the public on an equal basis with no restrictions as appropriate;
- 8) The Town will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;

- 9) The Town accepts responsibility for the operation and maintenance of the completed project;
- 10) The Town Board hereby authorizes the Mayor and/or Town Manager to enter into this agreement, obligate the Town, and report on behalf of this project within the scope of work outlined in the Town's agreement with the Army Corps of Engineers dated July 12, 2010.

| READ, APPROVED AND ADOPTED this 12th day of July, 2010.

Carl R. Bartlett, Mayor

ATTEST:

Darlene Whisenant, Town Clerk

Marcia D. Onieal, Town Manager