



## Legislation Text

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**File #:** 0780-2024, **Version:** 1

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**BACKGROUND:** The City's Recreation and Parks Department ("CRPD") is engaged in the Alum Creek Preservation - Agler Road/Sunbury Road Project ("Public Project"). As part of that project, CRPD is acquiring approximately 12.83 acres, more or less, of real estate located at 2661 Sunbury Road, Columbus, Ohio 43219 {Franklin County Tax Parcel No. 190-000433}, from Carl Brown Jr. ("Real Estate"). The Real Estate is located along Alum Creek and will contribute significant benefits toward the permanent preservation of water quality, floodplain ecology, and tree canopy of Alum Creek. CRPD has successfully negotiated a contract for the purchase of the Real Estate. CRPD now requests the City Attorney's Real Estate Division acquire the Real Estate in good faith and contract for associated professional services (e.g. surveys, title work, appraisals, etc.) as part of the closing so that CRPD can timely complete the acquisition of the Real Estate.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** The acceptance and appropriation of grant and matching funds was authorized by Ordinance Number 0479-2024. **This ordinance is contingent on Ordinance Number 0479-2024.** \$970,000.00 is budgeted and available from within the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 to meet the financial obligations of this acquisition.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and allow the Recreation and Parks Department to meet the contract deadline of April 15, 2024 for City Council Approval and timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the City Attorney to spend City funds to acquire and accept in good faith the real property located at 2661 Sunbury Road, Columbus, Ohio 43219, and contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of the property; to authorize and expend up to \$970,000.00 from the Recreation and Parks Grant Fund and the Recreation and Parks Voted Bond Fund; to authorize the Director of the Recreation and Parks Department to record a deed restriction on the property, and to declare an emergency. (\$970,000.00)

**WHEREAS,** the Recreation and Parks Department ("CRPD") is engaged in the Alum Creek Preservation - Agler Road/Sunbury Road Project ("Public Project"). As part of that project, CRPD is acquiring approximately 12.83 acres, more or less, of real estate located at 2661 Sunbury Road, Columbus, Ohio 43219 {Franklin County Tax Parcel No. 190-000433}, from Carl Brown Jr. ("Real Estate") pursuant to a certain Grant Agreement with the Ohio Public Works Commission as authorized in Ordinance 0479-2024; and

**WHEREAS,** authority is needed to authorize the City attorney to acquire and accept the Real Estate in order for CRPD to complete the acquisition of the Real Estate and the Public Project; and

**WHEREAS,** the purchase of this Real Estate will allow for the Recreation and Parks Department to acquire park and green space along Alum Creek and will contribute significant benefits toward the permanent preservation of water quality, floodplain ecology, and tree canopy of Alum Creek; and

**WHEREAS,** the City Attorney is authorized to spend up to Nine Hundred Seventy Thousand and 00/100 U.S. Dollars

(\$970,000.00), or as much as is necessary, from the Recreation and Parks Grant Fund 2283 and the Recreation and Parks Voted Bond Fund 7702 to acquire the Real Estate; and

**WHEREAS**, as a condition of the grant the Real Estate will be subject to a deed restriction; and

**WHEREAS**, an emergency exists in the usual daily operation of the CRPD in that it is immediately necessary to acquire the Real Estate without delay to meet the contract deadline of April 15, 2024 which will preserve the public peace, property, health, welfare, and safety; **now, therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the City's Recreation and Parks Department ("CRPD") is engaged in the Alum Creek Preservation - Agler Road/Sunbury Road Project ("Public Project"). As part of that project, CRPD is acquiring approximately 12.83 acres, more or less, of real estate located at 2661 Sunbury Road, Columbus, Ohio 43219 {Franklin County Tax Parcel No. 190-000433}, from Carl Brown Jr. ("Real Estate")

**SECTION 2.** That the City Attorney is authorized to acquire and accept certain fee simple title and lesser real estate located at 2661 Sunbury Road, Columbus, Ohio 43219) in order for the Recreation and Parks Department ("CRPD") to timely complete the acquisition of the Real Estate for the Ohio Public Works Commission ("OPWC Clean Ohio Conservation Fund (FY 2024) - Alum Creek Preservation - Agler Road/Sunbury Road Project ("Public Project").

**SECTION 3.** That the City Attorney is authorized to contract for professional services (*e.g.* surveys, title work, appraisals, *etc.*) associated with the Real Estate's acquisition for the Public Project.

**SECTION 4.** That this ordinance is **contingent on Ordinance Number 0479-2024**.

**SECTION 5.** That the City Attorney, in order to exercise the authority described in Sections One (1) and Two (2) of this ordinance, is authorized to spend up to Nine Hundred Seventy Thousand and 00/100 U.S. Dollars (\$970,000.00) or as much as may be necessary, from the Recreation and Parks Grant Fund 2283 and the Recreation and Parks Voted Bond Fund 7702 according to the account codes in the attachment to this ordinance, which is made a part of this ordinance and fully incorporated for reference as if rewritten.

**SECTION 6.** That the Director of CRPD is authorized to place a deed restriction on the Real Estate, as approved by the City Attorney's Office and consistent with the OPWC grant.

**SECTION 7.** That the City Auditor is authorized and directed to establish any appropriate accounting codes once the funds necessary to carry out the purpose of this ordinance are deemed appropriated.

**SECTION 8.** That the City Auditor is authorized and directed to transfer any unencumbered balance in the Public Project's account to the unallocated balance within the same fund upon receipt of certification by the director of the department administering the Public Project that the Public Project is complete and the monies are no longer required for the Public Project, except that no transfer can be made from a project account by monies from more than one source.

**SECTION 9.** That the City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

**SECTION 10.** That the City Auditor is authorized and directed to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 11.** That this ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after its adoption if the Mayor

neither approves nor vetoes this ordinance.