



## Legislation Details (With Text)

**File #:** 2859-2021      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/26/2021      **In control:** Public Utilities Committee  
**On agenda:** 11/22/2021      **Final action:** 11/24/2021

**Title:** To authorize the City Attorney to spend City funds to acquire and accept in good faith certain fee simple and lesser real estate located in the vicinity of Livingston Avenue and Noe-Bixby Road and contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Livingston Noe-Bixby Culvert Project; to transfer and expend up to \$30,000.00 from the Storm Sewer Bond Fund. (\$30,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Funding Template 611724-100000

Date	Ver.	Action By	Action	Result
11/24/2021	1	CITY CLERK	Attest	
11/23/2021	1	MAYOR	Signed	
11/22/2021	1	COUNCIL PRESIDENT	Signed	
11/22/2021	1	Columbus City Council	Approved	Pass
11/15/2021	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** The City's Department of Public Utilities ("DPU") is engaged in acquiring real estate for the Livingston Noe-Bixby Culvert Project (Project No. 611724-100000) ("Public Project"). The City must acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of Livingston Avenue from Noe-Bixby Road to Culvert Road (collectively, "Real Estate") in order for DPU to complete the Public Project. Accordingly, DPU requested the City Attorney to acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*) in order for DPU to timely complete the Public Project.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** This legislation authorizes the transfer and expenditure of up to \$30,000.00 from the Storm Sewer Bond Fund 6204.

**EMERGENCY JUSTIFICATION:** Not applicable.

To authorize the City Attorney to spend City funds to acquire and accept in good faith certain fee simple and lesser real estate located in the vicinity of Livingston Avenue and Noe-Bixby Road and contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Livingston Noe-Bixby Culvert Project; to transfer and expend up to \$30,000.00 from the Storm Sewer Bond Fund. (\$30,000.00)

**WHEREAS,** the City intends to improve the sewer infrastructure in the vicinity of Livingston Avenue and Noe-Bixby

Road by allowing the Department of Public Utilities (“DPU”) to engage in the acquisition of Real Estate for the Livingston Noe-Bixby Culvert Project (Project No. 611724-100000) (“Public Project”); and

**WHEREAS**, the City intends for the City Attorney to acquire in good faith and accept the necessary fee simple and lesser real estate located in the vicinity of Livingston Avenue and Noe-Bixby Road (“Real Estate”) in order for DPU to complete the Public Project; and

**WHEREAS**, the City intends for the City Attorney to spend City funds to acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*); and

**WHEREAS**, it is necessary for this Council to authorize the transfer of up to \$30,000.00 within the Storm Sewer Bond Fund 6204; and

**WHEREAS**, it is necessary for this Council to authorize the expenditure of up to Thirty Thousand and 00/100 U.S. Dollars (\$30,000.00) from the Storm Sewer Bond Fund 6204; and

**WHEREAS**, it is necessary to acquire real estate in support of the Livingston Noe-Bixby Culvert Project (Project No. 611724-100000), for the preservation of the public health, peace, property, safety and welfare; **now, therefore**,

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

**SECTION 1.** That the City Attorney is authorized to acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of Livingston Avenue and Noe-Bixby Road (“Real Estate”) in order for the Department of Public Utilities (“DPU”) to timely complete the acquisition of the Real Estate for the Livingston Noe-Bixby Culvert Project (Project No. 611724-100000) (“Public Project”).

**SECTION 2.** 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 3.** 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 Thirty Thousand and 00/100 U.S. Dollars (\$30,000.00), or as much as may be necessary, from the Storm Sewer Bond Fund 6204, according to the account codes in the attachment to this ordinance.

**SECTION 4.** That the City Auditor is authorized to transfer within up to \$30,000.00 and expend up to \$30,000.00 from the Storm Sewer Bond Fund 6204 per the attached funding template.

**SECTION 5.** 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 6.** 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 7.** That the City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

**SECTION 8.** 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 9.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.