



## Legislation Details (With Text)

**File #:** 0443-2023      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 2/1/2023      **In control:** Recreation & Parks Committee

**On agenda:** 3/6/2023      **Final action:** 3/8/2023

**Title:** To authorize the City Attorney to spend City funds to acquire and accept in good faith certain fee simple title and lesser real estate located in the vicinity of Northmoor Park and Clinton Como Park; to contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of Real Estate for the Olentangy Trail/Clinton Como Project; to authorize the transfer of \$525,000.00 within the Recreation and Parks Voted Bond Fund, to authorize the amendment of the 2022 Capital Improvements Budget; to expend up to \$525,000.00 within the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$525,000.00)

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**Attachments:** 1. 0443-2023; Olentangy Trail Connector Northmoor Park and Clinton Park - ATTACHMENT

Date	Ver.	Action By	Action	Result
3/8/2023	1	CITY CLERK	Attest	
3/7/2023	1	MAYOR	Signed	
3/6/2023	1	COUNCIL PRESIDENT	Signed	
3/6/2023	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City's Recreation and Parks Department ("CRPD") is engaged in the FRA-Olentangy Trail/Clinton Como Project, PID 112036 ("Public Project"). The Olentangy Trail is Central Ohio's most heavily used greenway trail. Recent trail count data shows over 4 million trail miles per year are traveled on this path.

In 2018, Recreation and Parks applied for and received \$ 5,417,132 in grant funding from the Mid-Ohio Regional Planning Commission to construct the final gap of the 14 mile Olentangy Trail, from Northmoor Park to Clinton Como Park. This central 0.6 mile segment of the trail between Northmoor Park and Clinton Como Park was never completed, and users must leave the trail and use a 1 mile signed on-street route which travels on 5 different streets. The route is widely recognized as difficult to navigate, congested, narrow, and unsafe. The route includes constricted sections where combined two-way car and trail traffic is on 11'-13' wide pavement.

This project will complete this final trail gap by constructing a crossing of the Olentangy River at Northmoor Park and travel along the west bank of the river. At North Broadway the trail will use an enhanced bike and pedestrian crosswalk and signal and travel along the river behind the Ohio Health campus on North Broadway. The trail will then continue south and cross the river to Clinton Como Park, where it rejoins the existing trail.

As part of the grant funding, Recreation and Parks is responsible to acquire any necessary permanent and temporary easements to construct the trail project. The City must acquire in good faith and accept certain fee simple title and lesser real estate located between Northmoor Park to Clinton Como Park Columbus, Ohio 43214 (collectively, "Real Estate"). Accordingly, CRPD 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 CRPD to timely complete the acquisition of the property.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** This legislation authorizes the appropriation and expenditure of up to \$525,000.00 from the Recreation and Parks Voted Bond Fund 7702.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and allow CRPD to timely complete the Public Project and meet all project deadlines 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 certain fee simple title and lesser real estate located in the vicinity of Northmoor Park and Clinton Como Park; to contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of Real Estate for the Olentangy Trail/Clinton Como Project; to authorize the transfer of \$525,000.00 within the Recreation and Parks Voted Bond Fund, to authorize the amendment of the 2022 Capital Improvements Budget; to expend up to \$525,000.00 within the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$525,000.00)

**WHEREAS,** the City intends to acquire certain fee simple title and lesser real estate to build the FRA-Olentangy Trail/Clinton Como Project, PID 112036 (“Public Project”); and

**WHEREAS,** the City intends for the City Attorney to acquire in good faith and accept the necessary fee simple title and lesser real estate located in the vicinity of Northmoor Park and Clinton Como Park Columbus, Ohio 43214 collectively, “Real Estate”) in order for CRPD 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,** this ordinance authorizes the City Attorney’s Office, Real Estate Division, to expend up to Five Hundred Twenty Five Thousand and 00/100 U.S. Dollars (\$525,000.00) or so much as may be necessary to hire professional services and negotiate with property owners to acquire the various property rights necessary to complete the Public Project; and

**WHEREAS,** the City intends to spend funds from the Recreation and Parks Voted Bond Fund 7702 in order to acquire the Real Estate; and

**WHEREAS,** an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to acquire the Real Estate in order to prevent unnecessary delay in the Public Project which will preserve the public health, peace, property, and welfare; and **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 title and lesser real estate located in the vicinity of Northmoor Park and Clinton Como Park Columbus, Ohio 43214 (collectively, “Real Estate”) in order for the Recreation and Parks Department (“CRPD”) to timely complete the FRA-Olentangy Trail/Clinton Como Project, PID 112036 (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 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 Five Hundred Twenty Five Thousand and 00/100 U.S. Dollars (\$525,000.00)

or as much as may be necessary, from the Recreation and Parks Voted Bond Fund 7702 according to the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$525,000.00 or so much thereof as may be needed, is hereby authorized between projects within the Recreation and Parks Bond Fund 7702 per the account codes in the attachment to this ordinance.

**SECTION 5.** That the 2022 Capital Improvements Budget Ordinance 1896-2022 is hereby amended as follows in order to provide sufficient budget authority for this ordinance and future projects.

**Fund / Project / Project Name / Current / Change / Amended**

Fund 7702 / P513000-100000; Acquisition - Misc. (Voted Carryover) / \$1,100,537 / \$200 / \$1,100,737 (to match cash)

Fund 7702 / P513002-100000; House Demo 229 Noe Bixby Road (Voted Carryover) / \$0 / \$3,200 / \$3,200 (to match cash)

Fund 7702 / P513024-100000; Acquisition - General Design & Construction Management (Voted Carryover) / \$0 / \$2,036 / \$2,036 (to match cash)

Fund 7702 / P510919-513000; Clean Ohio - East Broad Street Preserve - Grant Match (Voted Carryover) / \$3,744 / (\$3,744) / \$0

Fund 7702 / P513000-100000; Acquisition - Misc. (Voted Carryover) / \$1,100,737 / (\$516,021) / \$584,716

Fund 7702 / P513002-100000; House Demo 229 Noe Bixby Road (Voted Carryover) / \$3,200 / (\$3,200) / \$0

Fund 7702 / P513020-100000; Acquisition - General Design & Construction Management (Voted Carryover) / \$2,036 / (\$2,036) / \$0

Fund 7702 / P513007-000000; Olentangy Trail - Northmoor Park to Clinton Como Park Acquisition (Voted Carryover) / \$0 / \$525,001 / \$525,001

**SECTION 6.** 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 7.** 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 real estate acquisition is complete and the monies are no longer required for the project, except that no transfer can be made from a project account by monies from more than one source.

**SECTION 8.** That the City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

**SECTION 9.** 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 10.** 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 adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.