



## Legislation Details (With Text)

**File #:** 1673-2021      **Version:** 1

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

**File created:** 6/18/2021      **In control:** Recreation & Parks Committee

**On agenda:** 7/12/2021      **Final action:** 7/15/2021

**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 Souder Avenue, and contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of Real Estate for the FRA-Souder Avenue Trail, PID 105736 Project; to authorize a transfer and expenditure up to \$150,000.00 within the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$150,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Copy of 1673-2021; Souder Avenue Trail Hire Acquire - ATTACHMENT

Date	Ver.	Action By	Action	Result
7/15/2021	1	CITY CLERK	Attest	
7/13/2021	1	MAYOR	Signed	
7/12/2021	1	COUNCIL PRESIDENT	Signed	
7/12/2021	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City’s Recreation and Parks Department (“CRPD”) is engaged in the FRA-Souder Avenue Trail, PID 105736 Project (“Public Project”). The Public Project will construct a trail along Souder Avenue, from West Broad Street to the Scioto Trail at Dublin Road. The City must acquire in good faith and accept certain fee simple title and lesser real estate located in the vicinity of Souder Avenue, Columbus, OH 43215 (collectively, “Real Estate”). The City will be acquiring and paying for the real estate and ODOT will be contributing money toward the construction of the trail under PID 105736. 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 authorized the appropriation and expenditure of up to \$150,000.00 from the Recreation and Parks Voted Bond Fund 7702.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and allow the Recreation and Parks Department in to 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 certain fee simple title and lesser real estate located in the vicinity of Souder Avenue, and contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of Real Estate for the FRA-Souder Avenue Trail, PID 105736 Project; to authorize a transfer and expenditure up to \$150,000.00 within the Recreation and Parks Voted

Bond Fund; and to declare an emergency. (\$150,000.00)

**WHEREAS**, the City intends to acquire certain fee simple title and lesser real estate to build the FRA-Souder Avenue Trail, PID 105736 Project to extend connectivity for the Franklinton community to the Central Ohio greenways network; and

**WHEREAS**, the City intends to improve certain public right-of-ways in the vicinity of Souder Avenue, Columbus, OH 43215 by allowing the Recreation and Parks Department (“CRPD”) to engage in the acquisition of Real Estate for the FRA-Souder Avenue Trail, PID 105736 Project (“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 the vicinity of Souder Avenue (collectively, “Real Estate”) in order for Recreation and Parks Department 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 One Hundred and Fifty Thousand and 00/100 U.S. Dollars (\$150,000.00) 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 CRPD in that it is immediately necessary to acquire the Real Estate without delay, which will preserve the public peace, property, health, welfare, and safety; 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 Souder Avenue, Columbus, OH 43215 (collectively, “Real Estate”) in order for the Recreation and Parks Department (“CRPD”) to timely complete the FRA-Souder Avenue Trail, PID 105736 Project (“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 One Hundred and Fifty Thousand and 00/100 U.S. Dollars (\$150,000.00) 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 150,000.00, 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 2020 Capital Improvements Budget Ordinance 2521-2020 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; P513003-100000; Columbus City Schools Acquisitions 2020 (Voted Carryover) / \$234,250 / (\$150,000) /

\$84,250

Fund 7702; P513004-100000; Souder Avenue Acquisition 2021 (Voted Carryover) / \$0 / \$150,000 / \$150,000

**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.