



## Legislation Details (With Text)

**File #:** 1035-2013      **Version:** 1

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

**File created:** 4/22/2013      **In control:** Public Utilities Committee

**On agenda:** 5/13/2013      **Final action:** 5/15/2013

**Title:** To authorize the City Attorney to acquire fee simple title and lesser interests and contract for professional services; to authorize the City Attorney to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars for costs associated with acquiring an approximately fifty-five acre conservation easement related to the Hoover Reservoir; and to declare an emergency. (\$350,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/15/2013	1	CITY CLERK	Attest	
5/14/2013	1	MAYOR	Signed	
5/13/2013	1	COUNCIL PRESIDENT	Signed	
5/13/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:**

The City of Columbus, Ohio, Department of Public Utilities (“City”), is undertaking the acquisition of a fifty-five (55) acre, approximately, conservation easement (“Conservation Easement”) upon portions of real property located at 4834 Harlem Rd, Galena, OH 43021 [Delaware County Tax Parcels 31623002007000, 31714001059000, 31714001058000, & 31623002008000], which is owned by The Overbrook Presbyterian Church of Columbus, Ohio.

City Ordinance 2020-2012 previously authorized the acceptance of a Clean Ohio Green Space Conservation grant for costs relating to the acquisition of the Conservation Easement, established Auditor's Certificate, AC-034851, and authorized the Director of Utilities to expend up to Three Hundred Fifty-Seven Thousand, Five Hundred, and 00/100 U.S. Dollars (\$357,500.00). The City now desires to authorize the Columbus City Attorney's Office to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) from AC-034851 for payment of acquisition costs, including contracting for professional services.

The remaining balance on AC-034851 will allow the Director of the Department Public Utilities to purchase and spend funds for carsonite boundary markers, educational signage, or other things, which will be used in connection to the conservation easement.

Therefore, this legislation authorizes the Columbus City Attorney to acquire fee simple title and lesser interests, contract for professional services, and to expend monies in an amount up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) from existing Auditor’s Certificate, AC-034851, for payment of acquisition costs related to the acquisition of the Conservation Easement.

**CONTRACT COMPLIANCE**    **№:** Not applicable - City Attorney’s Office.

**FISCAL IMPACT:** This ordinance authorizes the Columbus City Attorney to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) in funds from existing Auditor’s Certificate, AC-034851.

**EMERGENCY JUSTIFICATION:** Emergency action is requested for this legislation in order to provide for the immediate acquisition of real property interests necessary for the Conservation Easement, which will preserve the public health, peace, property, and safety.

To authorize the City Attorney to acquire fee simple title and lesser interests and contract for professional services; to authorize the City Attorney to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars for costs associated with acquiring an approximately fifty-five acre conservation easement related to the Hoover Reservoir; and to declare an emergency. (\$350,000.00)

**WHEREAS,** the City of Columbus, Ohio, Department of Public Utilities (“City”), is undertaking the acquisition of a fifty-five (55) acre, approximately, conservation easement (“Conservation Easement”) upon portions of real property located at 4834 Harlem Rd, Galena, OH 43021 [Delaware County Tax Parcels 31623002007000, 31714001059000, 31714001058000, & 31623002008000], which is owned by The Overbrook Presbyterian Church of Columbus, Ohio;

**WHEREAS,** City Ordinance 2020-2012 previously authorized the acceptance of a Clean Ohio Green Space Conservation grant for the acquisition of the Conservation Easement and authorized the Director of the Department of Public Utilities to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) from Auditor's Certificate AC-034851;

**WHEREAS,** the Conservation Easement encompasses one major stream and two smaller streams that empty into the Hoover Reservoir, as well as, the surrounding wooded riparian areas of each stream;

**WHEREAS,** the Conservation Easement will protect the land and prevent erosion, preserve the streams and steep-slope riparian areas adjacent to Hoover Reservoir, and protect the water quality of the City’s raw water supply;

**WHEREAS,** it is now necessary to authorize the Columbus City Attorney to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) from existing Auditor’s Certificate, AC-034851, for costs relating to the acquisition of the Conservation Easement;

**WHEREAS,** an emergency exists in the usual daily operation of the City, because it is immediately necessary to authorize the Columbus City Attorney to acquire fee simple title and lesser interests and contract for associated professional services relating to the acquisition of the Conservation Easement, which is for the immediate preservation of the public health, peace, property, and safety; and **now, therefore:**

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

**SECTION 1.** The Columbus City Attorney is authorized to expend up to Three Hundred Fifty Thousand and 00/100 U.S. Dollars (\$350,000.00) from existing Auditor’s Certificate, AC-034851, and use this money to acquire fee simple title and lesser interests for a fifty-five (55) acre, approximately, conservation easement upon portions of real property located at 4834 Harlem Rd, Galena, OH 43021 [Delaware County Tax Parcels 31623002007000, 31714001059000, 31714001058000, & 31623002008000], which is owned by The Overbrook Presbyterian Church of Columbus, Ohio; and to contract for associated professional services necessary for this acquisition project.

**SECTION 2.** The funds necessary to carry out the purpose of this ordinance are deemed appropriated.

**SECTION 3.** The City Auditor is authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the Director of the department administering the project that the project was completed and the monies are no longer required for the project; except that no transfer

shall be made from a project account by monies from more than one source.

**SECTION 4 .** The City Auditor is authorized to establish proper project accounting numbers as necessary.

**SECTION 5.** The City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 6.** For the reasons stated in this ordinance's preamble, which is made apart of this legislation, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after its passage if the Mayor neither approves nor vetoes this legislation.