



## Legislation Details (With Text)

**File #:** 3051-2023      **Version:** 1

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

**File created:** 10/25/2023      **In control:** Public Utilities Committee

**On agenda:** 11/20/2023      **Final action:** 11/22/2023

**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 Sunbury Road From Glenoak Drive to Mock Road; to contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Sunbury/Mock Home Sewage Treatment Systems Elimination Project; and to declare an emergency. (\$120,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 3051-2023 Accounting Template, 2. ORD 3051-2023 DESC-ES09-0.115Ac-SIGNED, 3. ORD 3051-2023 EXH-ET02&ET03-0.045Ac&0.052Ac-SIGNED, 4. ORD 3051-2023 DESC-ES01-0.057Ac-SIGNED, 5. ORD 3051-2023 DESC-ES02-0.057Ac-SIGNED, 6. ORD 3051-2023 DESC-ES03-0.075Ac-SIGNED, 7. ORD 3051-2023 DESC-ES04-0.156Ac-SIGNED, 8. ORD 3051-2023 DESC-ES05-0.052Ac-SIGNED, 9. ORD 3051-2023 DESC-ES06-0.062Ac-SIGNED, 10. ORD 3051-2023 DESC-ES07-0.105Ac-SIGNED, 11. ORD 3051-2023 DESC-ES08-0.068Ac-SIGNED, 12. ORD 3051-2023 DESC-ET01-0.183Ac-SIGNED, 13. ORD 3051-2023 DESC-ET02-0.045Ac-SIGNED, 14. ORD 3051-2023 DESC-ET03-0.052Ac-SIGNED, 15. ORD 3051-2023 EM01-0.001Ac-DESC-SIGNED, 16. ORD 3051-2023 EM01-0.001Ac-EXH-SIGNED, 17. ORD 3051-2023 EXH-ES01&ES02-0.057Ac-SIGNED, 18. ORD 3051-2023 EXH-ES03&ES04-0.075Ac&0.156Ac-SIGNED, 19. ORD 3051-2023 EXH-ES05-ES07-0.052Ac-0.062Ac-0.105Ac-SIGNED, 20. ORD 3051-2023 EXH-ES08-0.068Ac-SIGNED, 21. ORD 3051-2023 EXH-ES09-0.115Ac-SIGNED, 22. ORD 3051-2023 EXH-ET01-0.183Ac-SIGNED

Date	Ver.	Action By	Action	Result
11/22/2023	1	ACTING CITY CLERK	Attest	
11/21/2023	1	ACTING MAYOR	Signed	
11/20/2023	1	COUNCIL PRESIDENT	Signed	
11/20/2023	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The City’s Department of Public Utilities (“DPU”) is engaged in acquiring real estate for the Sunbury/Mock Home Sewage Treatment Systems (HSTS) Elimination Project, C.I.P. No. 650895-100007 (“Public Project”).

This project is being undertaken to eliminate home septic systems due to the potential ground water pollution hazard. The project constructs sanitary sewer along Sunbury Road in the following areas: from Agler Road to approximately 250 feet north of Mock Road; along Mock Road from Sunbury Road to Bar Harbor Road; from Glenoak Drive approximately 1,200 feet south along Sunbury Road; and along Glenoak Drive and Sycamore Knoll Drive. The City must acquire in good faith and accept certain fee simple and lesser real estate located in the this (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.

Exhibits and legal descriptions are attached to this Ordinance showing the details of the easements and temporary

easements planned to be acquired for this project.

## 2. CONTRACT COMPLIANCE

Not applicable.

## 3. FISCAL IMPACT

Funds in the amount of \$120,000.00 are budgeted, available, and appropriated in Project 650895-100007, the Sunbury/Mock Home Sewage Treatment Systems (HSTS) Elimination project, for this expenditure in the Sanitary Bond Fund, Fund 6109.

## 4. EMERGENCY JUSTIFICATION

Emergency action is requested in order to acquire the Real Estate and allow DPU to timely complete the Public Project improvements without unnecessary delay in order to eliminate potential ground water pollution hazards from home septic tank systems.

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 Sunbury Road From Glenoak Drive to Mock Road; to contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Sunbury/Mock Home Sewage Treatment Systems Elimination Project; and to declare an emergency. (\$120,000.00)

**WHEREAS**, the City intends to install sanitary sewer in the vicinity of Sunbury Road From Glenoak Drive to Mock Road by allowing the Department of Public Utilities (“DPU”) to engage in the acquisition of Real Estate for the Sunbury/Mock Home Sewage Treatment Systems (HSTS) Elimination Project (“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 Sunbury Road From Glenoak Drive to Mock 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 expenditure of up to one hundred twenty thousand and 00/100 U.S. Dollars (\$120,000.00) from the Sanitary Bond Fund, Fund 6109; and

**WHEREAS**, an emergency exists in the usual daily operations of DPU in that it is immediately necessary to install sanitary sewer in this area in order to prevent unnecessary delay in completing the Public Project to eliminate potential ground water pollution hazards from home septic tank systems, all for the immediate preservation of the public health, peace, property, safety 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 and lesser real estate located in the vicinity of Sunbury Road From Glenoak Drive to Mock Road (“Real Estate”) in order for the Department of Public Utilities (“DPU”) to timely complete the acquisition of the Real Estate for the Sunbury/Mock Home Sewage Treatment Systems Elimination 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 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 one hundred twenty thousand and 00/100 U.S. Dollars (\$120,000.00), or as much as may be necessary, from the Sanitary Bond Fund, Fund 6109, according to the account codes in the attachment to this ordinance.

**SECTION 4.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this Ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 5.** That 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.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 7.** 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.