



## Legislation Details (With Text)

**File #:** 3515-2023      **Version:** 1

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

**File created:** 12/1/2023      **In control:** Neighborhoods, Recreation, & Parks Committee

**On agenda:** 1/8/2024      **Final action:** 1/10/2024

**Title:** To authorize the City Attorney to expend City funds to acquire and accept in good faith the real property consisting of an approximately 15.868 acre parcel located at 4600 Westerville Road; to authorize the City Attorney to contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of the property; to authorize the appropriation of \$24,490.30 within the Recreation and Parks Permanent Improvement Fund; to authorize the expenditure of \$14,000.00 from the Recreation and Parks Permanent Improvement Fund; and to declare an emergency. (\$14,000.00)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Kilbourne Run - AEP Property Funding Template

Date	Ver.	Action By	Action	Result
1/10/2024	1	CITY CLERK	Attest	
1/9/2024	1	ACTING MAYOR	Signed	
1/8/2024	1	COUNCIL PRESIDENT	Signed	
1/8/2024	1	Columbus City Council	Approved	Pass

**BACKGROUND:** The City’s Recreation and Parks Department (“CRPD”) is engaged in the acquisition of an approximately 15.868 acre parcel located at 4600 Westerville Road, {Franklin County Tax parcel 600-148990} (“Real Estate”) from American Electric Power (“AEP”). The parcel runs primarily along the west and south boundary of CRPD’s Kilbourne Run Sports Park and also extends west to Beaucroft Court and east through residential neighborhoods to Alum Creek. CRPD currently has easements on the property for a shared use path. The Department is looking to purchase the AEP parcel in order to expand and improve the Kilbourne Sports Park by adding a new asphalt drive and parking spaces (“Public Project”). Additionally, the existing trail will remain in its current location but the city will now be the fee owner of the land. CRPD has successfully negotiated a purchase contract for the purchase of the Real Estate and CRPD now requests the City Attorney’s Real Estate Division acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*) as part of the closing so that CRPD can timely complete the acquisition of the Real Estate.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** \$14,000.00 is budgeted and available from within the Recreation and Parks Permanent Improvement Fund 7747 to meet the financial obligations of this acquisition.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to acquire the Real Estate and meet the January 30, 2024 date for City Council approval in the purchase contract thereby allowing the Recreation and Parks Department 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 expend City funds to acquire and accept in good faith the real property consisting of an approximately 15.868 acre parcel located at 4600 Westerville Road; to authorize the City Attorney to contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of the property; to authorize the appropriation of \$24,490.30 within the Recreation and Parks Permanent Improvement Fund; to authorize the expenditure of \$14,000.00 from the Recreation and Parks Permanent Improvement Fund; and to declare an emergency. (\$14,000.00)

**WHEREAS**, the Columbus Recreation and Parks Department (“CRPD”) desires to purchase an approximately 15.868 acre parcel located at 4600 Westerville Road, {Franklin County Tax parcel 600-148990} (*i.e.* “Real Estate”) from American Electric Power (*i.e.* “AEP”); and

**WHEREAS**, authority is needed to authorize the City attorney to acquire and accept the Real Estate in order for CRPD to complete the acquisition of the Real Estate (*i.e.* “Public Project”); and

**WHEREAS**, the purchase of this Real Estate will allow for the Recreation and Parks Department to expand Kilbourne Park by adding a new asphalt drive and parking spaces; and

**WHEREAS**, it is necessary to authorize the appropriation of \$24,490.30 within the Recreation and Parks Permanent Improvement Fund 7747; and

**WHEREAS**, the City Attorney is authorized to spend up to Fourteen Thousand and 00/100 U.S. Dollars (\$14,000.00), or as much as is necessary, from the Recreation and Parks Permanent Improvement Fund 7747 to acquire the Real Estate; and

**WHEREAS**, the City intends for the Director of CRPD to execute and acknowledge any document(s) necessary to complete the purchase of 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, so that the January 30, 2024 deadline for City Council approval in the negotiated purchase contract may be met, for the immediate preservation of the public peace, property, health, and safety; **NOW, THEREFORE**,

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

**SECTION 1.** That the City Attorney is authorized to acquire and accept certain fee simple title and lesser real estate consisting of an approximately 15.868 acre parcel located at 4600 Westerville Road, {Franklin County Tax parcel 600-148990} that runs primarily along the west and south boundary of CRPD’s Kilbourne Run Sports Park and also extends west to Beaucroft Court and east through residential neighborhoods to Alum Creek (*i.e.* “Real Estate”) in order for CRPD to timely complete the acquisition of the Real Estate (*i.e.* “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 Director of CRPD be, and hereby is, authorized to execute those documents, prepared by the City Attorney’s Office, Department of Law, Real Estate Division, necessary to complete the purchase of the Real Estate.

**SECTION 4.** That the appropriation of \$24,490.30 is authorized within the Recreation and Parks Permanent Improvement Fund 7747 per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the City Attorney, in order to exercise the authority described in Sections One (1) and Two (2) of this ordinance, is authorized to expend up to Fourteen Thousand and 00/100 U.S. Dollars (\$14,000.00) or as much as may be necessary, from Recreation and Parks Permanent Improvement Fund 7747 according to the account codes in the

attachment to this ordinance, which is made a part of this ordinance and fully incorporated for reference as if rewritten.

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