



## Legislation Details (With Text)

**File #:** 2031-2008      **Version:** 1

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

**File created:** 12/17/2008      **In control:** Judiciary And Court Administration Committee

**On agenda:** 2/2/2009      **Final action:** 2/5/2009

**Title:** To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services; to authorize the transfer and appropriation of \$52,000.00 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and to expend \$52,000.00 from the Storm Sewer Bonds Fund for costs in connection with the Williams Road Improvement and Pump Station Replacement project, and to declare an emergency. (\$52,000.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/5/2009	1	CITY CLERK	Attest	
2/4/2009	1	MAYOR	Signed	
2/2/2009	1	Columbus City Council	Approved	
2/2/2009	1	COUNCIL PRESIDENT	Signed	
1/23/2009	1	Atty Drafter	Sent for Approval	
1/23/2009	1	CITY ATTORNEY	Reviewed and Approved	
1/23/2009	1	Atty Drafter	Sent to Clerk's Office for Council	
1/22/2009	1	Auditor Reviewer	Reviewed and Approved	
1/22/2009	1	CITY AUDITOR	Reviewed and Approved	
1/21/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
1/21/2009	1	Atty Drafter	Sent for Approval	
1/16/2009	1	Finance Reviewer	Reviewed and Approved	
1/16/2009	1	Finance Reviewer	Reviewed and Approved	
1/14/2009	1	Atty Drafter	Sent for Approval	
1/14/2009	1	Atty Drafter	Sent for Approval	
1/13/2009	1	Utilities Drafter	Sent for Approval	
1/12/2009	1	Utilities Reviewer	Sent for Approval	
1/12/2009	1	UTILITIES DIRECTOR	Reviewed and Approved	
1/11/2009	1	Utilities Reviewer	Reviewed and Approved	
1/9/2009	1	Utilities Drafter	Sent for Approval	
1/9/2009	1	Utilities Reviewer	Reviewed and Approved	

1/9/2009	1	Utilities Drafter	Sent for Approval
12/17/2008	1	Atty Drafter	Sent for Approval

Background: Ordinance No. 0670-2008, passed May 12, 2008, authorizing the City Attorney to acquire certain property rights, and to expend monies in connection with the Williams Road Improvement and Pump Station Replacement project. The original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date. Additional money has been transferred to the Storm Sewer Bonds Fund. It is now necessary to establish a separated Auditor's Certificate to expend the aforementioned monies for payment of acquisition costs in connection with the Williams Road Improvement and Pump Station Replacement Project.

Fiscal Impact: The Department of Public Utilities, Division of Sewerage and Drainage, has determined funding for this project will be from the Storm Sewer Bonds Fund. This ordinance authorizes the transfer and appropriation of funds from the Storm Sewer Reserve Fund and a transfer within the Storm Sewer Bond Fund for this expenditure. Monies for these easements will be provided from an upcoming Bond Sale via the transfer detailed in this ordinance.

Emergency Justification: Emergency action is requested to allow acquisition activities to begin as soon as possible thereby allowing for commencement of construction of this project without delay.

To authorize the City Attorney to acquire fee simple title and lesser interests, contract for professional services; to authorize the transfer and appropriation of \$52,000.00 from the Storm Sewer Reserve Fund to the Storm Sewer Bonds Fund; and to expend \$52,000.00 from the Storm Sewer Bonds Fund for costs in connection with the Williams Road Improvement and Pump Station Replacement project, and to declare an emergency. (\$52,000.00).

WHEREAS, Ordinance No. 0670-2008, passed May 12, 2008, authorizing the City Attorney to acquire certain property rights, and to expend monies in connection with the Williams Road Improvement and Pump Station Replacement project; and

WHEREAS, the original amount of funding made available for this project was done so with the understanding that additional monies may be needed at a later date; and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund for purposes of providing sufficient funding for this project expenditure; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

WHEREAS, it is now necessary to establish a separated Auditor's Certificate to expend the aforementioned monies for payment of acquisition costs in connection with the Williams Road Improvement and Pump Station Replacement project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to authorize the City Attorney to acquire fee simple title and lesser interests in and to certain parcels of real estate and to contract for the aforesaid professional services necessary in connection with said project for the preservation of the public health, peace, property and safety; now, therefore:

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

Section 1. That the City Attorney be, and hereby is, authorized to acquire fee simple title and lesser interests in and to certain parcels of real estate and to contract for the professional services necessary in connection with the Williams Road Improvement and Pump Station Replacement project, #610711.

Section 2. That from the unappropriated monies in the Storm Sewer Reserve Fund No. 690, and from all monies estimated to come into said fund from any and all sources, and unappropriated for any other purpose during the fiscal year ending December 31, 2009, the sum of \$52,000.00 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, OCA 690001, Obj.Lvl. One 10, Obj.Lvl. Three 5502.

Section 3. That the City Auditor is hereby authorized to transfer a total of \$52,000.00, from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund 685, into the Williams Road Improvement Pump Station ST-28 Project, 610711, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 4. That the \$52,000.00 is hereby appropriated for the Williams Road Improvement Pump Station ST-28 Project, within the Voted Storm Sewer Bond Fund; Fund 685 | Dept./Div. 60-15 | Proj# 610711 | Williams Road Improvement Pump Station ST-28 | Obj.Lvl. Three 6601 | OCA 685711.

Section 5. That upon obtaining other funds for the purpose of funding storm sewer system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer System Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

Section 6. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$52,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

Section 7. That the expenditure of \$52,000.00, or so much thereof as may be necessary from the Storm Sewer Bonds Fund #685 Dept./Div.60-15; Project No. 610711; OCA Code 685711; Object Level Three 6601 for the aforesaid purpose is hereby authorized.

Section 8. 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 9. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 the same.