



Legislation Text

File #: 1634-2023, **Version:** 1

1. BACKGROUND: The City’s Department of Public Utilities (“DPU”) is engaged in acquiring real estate for the Cooke Road Culvert Improvements Project, C.I.P. No. 611702-100000 (“Public Project”). The City must acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of East Cooke Road and Overbrook Drive (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 are attached to this Ordinance showing the details of Six (6) permanent easements, one (1) temporary easement, and one (1) proposed subterranean easement to be acquired for this project.

2. CONTRACT COMPLIANCE: Not applicable.

3. FISCAL IMPACT: This legislation authorizes the expenditure of up to \$110,000.00 from the Storm Sewer Bond Fund, Fund 6204.

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 prevent damage to property from flooding during heavy rainstorms, 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 and lesser real estate located in the vicinity of East Cooke Road and Overbrook Drive, and contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Cooke Road Culvert Improvements; and to declare an emergency. (\$110,000.00)

WHEREAS, the City intends to improve the storm drain infrastructure in the vicinity of East Cooke Road and Overbrook Drive by allowing the Department of Public Utilities (“DPU”) to engage in the acquisition of Real Estate for the Cooke Road Culvert Improvements (“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 East Cooke Road and Overbrook Drive (“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 ten thousand and 00/100 U.S. Dollars (\$110,000.00) from the Storm Sewer Bond Fund, Fund 6204; and

WHEREAS, an emergency exists in the usual daily operations of DPU in that it is immediately necessary in order to prevent unnecessary delay in completing the Public Project to prevent damage to property from flooding during heavy rainstorms, which will preserve the public peace, property, health, welfare, 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 in good faith and accept certain fee simple and lesser real estate located in the vicinity of East Cooke Road and Overbrook Drive (“Real Estate”) in order for the Department of Public Utilities (“DPU”) to timely complete the acquisition of the Real Estate for the Cooke Road Culvert Improvements 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 ten thousand and 00/100 U.S. Dollars (\$110,000.00), or as much as may be necessary, from the Storm Sewer Bond Fund, Fund 6204, 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 adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.