



Legislation Text

File #: 1303-2012, **Version:** 1

Background: As part of its "Green Fleet" plan, the City has committed to implementing a Compressed Natural Gas (CNG) vehicle and fuel program as CNG vehicles emit fewer nitrogen oxides and less particulate matter than gas powered vehicles and typically cost between 25-50% less per mile of operation than gasoline or diesel. In order to allow the City to expand its CNG vehicle and fuel program, it desires to acquire property to construct a second CNG fuel station in the northern quadrant of the city to serve its operations located in this area. A property has been identified for acquisition that meets the City's requirements. This legislation authorizes the Director of Finance and Management to execute those documents necessary to purchase that real property located at 2333 Morse Road from Vlade Sekulovski and Dragica Sekulovski, husband and wife, and to expend up to \$375,000.00 for all costs associated with said acquisition. Purchase contingencies include, but are not limited to, the satisfactory completion of various site assessments including environmental and engineering assessments. Further legislative action will be required to rezone the property for the City's intended use from its current C-4 zoning to C-5 or CPD. This ordinance is presented as an emergency measure.

Fiscal Impact: This project is funded in the 2012 Capital Improvement Budget. However, bonds have yet to be sold for the project, thus necessitating a certification of \$375,000.00 against the Special Income Tax Fund. The Special Income Tax Fund will then subsequently be reimbursed for the funds certified for this purchase when the next bond sale is completed.

Emergency Justification: Emergency action is requested to allow for the immediate execution of the purchase agreement by the City so that the acquisition can proceed in agreement with the closing transaction deadlines and other terms of the purchase contract.

To authorize the Director of the Department of Finance and Management to execute those documents necessary to purchase that real property known as 2333 Morse Road from Vlade Sekulovski and Dragica Sekulovski, husband and wife, for use as a CNG fueling station to support City operations; to authorize and direct the City Auditor to transfer \$375,000.00 from the Special Income Tax Fund to the Fleet Capital Improvement Fund; to authorize the City Auditor to appropriate and expend \$375,000.00 within the Fleet Capital Improvement Fund; to authorize the expenditure not to exceed \$375,000.00 from the Fleet Management Capital Fund; and to declare an emergency. (\$375,000.00)

WHEREAS, the City, desires to enter into a purchase contract with Vlade Sekulovski and Dragica Sekulovski, husband and wife, for the purchase of real property commonly known as 2333 Morse Road, Columbus, Ohio, Franklin County Tax Parcel ID 010-007139; and

WHEREAS, acquisition of the property will provide the City with the ability to provide CNG fuel to support operations of several departments and thereby reduce fuel expense; and

WHEREAS, subsequent legislative action will be required to rezone the property for the City's intended use from its current C-4 zoning to C-5 or CPD.

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$375,000.00; 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"); and

WHEREAS, an emergency exists in the usual daily operation of the Finance and Management Department, Office of Real Estate Management, in that it is immediately necessary to authorize the Finance and Management Director to contract with Vlade Sekulovski and Dragica Sekulovski, husband and wife, for the purchase of that real property commonly known as 2333 Morse Road, Columbus, Ohio now, therefore:

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

SECTION 1. That the Director of the Department of Finance and Management be, and hereby is, authorized to execute those documents approved by the Department of Law, Division of Real Estate necessary for the purchase of that real property commonly known as 2333 Morse Road Rd, Columbus, Ohio, Franklin County Tax Parcel ID 010-007139.

SECTION 2. That the sum of \$375,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2012 to the City Auditor, Department 22 -01, Object Level One 10, OCA code 902023, Object Level Three 5502.

SECTION 3. That the City Auditor is hereby authorized to transfer said funds to the Fleet Management Capital Fund 513, at such time is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 4. That the amount of \$375,000.00 is hereby transferred and appropriated to the Fleet Management Capital Fund 513, Project Number 550006-100000, Object Level One 06, OCA Code 513006, Object Level Three Code 6603.

SECTION 5. That upon obtaining other funds for the purchase of that real property known as 2333 Morse Road, Columbus, Ohio, Franklin County Tax Parcel ID 010-007139, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

SECTION 6. That the City Auditor is authorized to establish the proper accounting project number and to make any accounting changes to review the funding any contract or contract modification associated with the expenditure of funds transferred under Section 2.

SECTION 7. That the City intends 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 \$375,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen (18) 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 as "placed in service" within the meaning of the 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 8. All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

SECTION 9. That the expenditure up to \$375,000.00, or so much thereof that may be necessary in regard to the action authorized in SECTION 1, be and is hereby authorized and approved as follows:

Division: 45-05

Fund/Subfund: 513-004

Project/Detail: 550006-100000

Project Name: Morse Road

OCA: 513006

Object Level 1:06

Object Level 3: 6603

Amount: \$375, 000.00

SECTION 10: 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 11. 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 10 days after its passage if the Mayor neither approves nor vetoes the same.