



Legislation Text

File #: 1680-2024, **Version:** 1

BACKGROUND: The City’s Recreation and Parks Department (“CRPD”) is engaged in the Big Run Greenway Project (“Public Project”). As part of that project, CRPD is acquiring approximately 3.48 acres, more or less, of real estate located at 2210 Gantz Road, Columbus, Ohio 43123 {Franklin County Tax Parcel No. 140-005559}, from Fayette Poenisch (“Real Estate”). The Real Estate is located along Big Run Creek and will contribute significant benefits toward the permanent preservation of water quality, floodplain ecology, and park space for the southwest side of the City. CRPD has successfully negotiated a contingency contract for the purchase of the Real Estate. 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: \$700,000.00 is budgeted and available from within the Recreation and Parks Voted Bond Fund 7702 to meet the financial obligations of this acquisition.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow the Recreation and Parks Department to complete all contract contingencies to meet the closing deadline of August 30, 2024 and 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 spend City funds to acquire and accept in good faith certain fee simple title and lesser real estate located at 2210 Gantz Road, Columbus, Ohio 43123, and contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of Real Estate for the Big Run Greenway Project; to authorize and expend up to \$700,000.00 from the Recreation and Parks Voted Bond Fund 7702; and to declare an emergency. (\$700,000.00)

WHEREAS, the City intends to acquire certain fee simple title and lesser real estate to build the Big Run Greenway Project (“Public Project”); and

WHEREAS, the City intends for the City Attorney to acquire in good faith and accept the necessary fee simple title and lesser real estate located at 2210 Gantz Road, Columbus, Ohio 43123 (collectively, “Real Estate”) in order for the Recreation and Parks Department (“CRPD”) 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 now necessary to authorize the expenditure of Seven Hundred Thousand and 00/100 U.S. Dollars (\$700,000.00) to complete the acquisition of the property and associated professional services; and

WHEREAS, this ordinance authorizes the City Attorney’s Office, Real Estate Division, to expend up to Seven Hundred Thousand and 00/100 U.S. Dollars (\$700,000.00) or so much as may be necessary to hire professional services and negotiate with property owners to acquire the property necessary to complete the Public Project; 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, the City intends to spend funds from the Recreation and Parks Voted Bond Fund 7702 in order to acquire 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, which will preserve the public peace, property, health, welfare, and safety; 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 title and lesser real estate located at 2210 Gantz Road, Columbus, Ohio 43123, (collectively, “Real Estate”) in order for the Recreation and Parks Department (“CRPD”) to timely complete the Big Run Greenway 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 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 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 Seven Hundred Thousand and 00/100 U.S. Dollars (\$700,000.00) or as much as may be necessary, from the Recreation and Parks Voted Bond Fund 7702 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 5. 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 6. 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 7. That the City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

SECTION 8. 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 9. 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.