



Legislation Text

File #: 3523-2023, **Version:** 1

BACKGROUND: The City’s Recreation and Parks Department (“CRPD”) is engaged in the acquisition of approximately 0.4 acres of greenspace in the West Franklinton community near West Park Avenue and West Broad Street from West Broad Street Missionary Chapel, {Franklin County Parcel numbers 010-008304, 010-025045, and 010-025046}. The City previously passed Ordinance Numbers 0389-2022 and 3022-2021 authorizing the Director of CRPD to apply for funding through OPWC, execute a grant with OPWC, and appropriate the grant funds for the purchase. This acquisition will expand the community’s West Park Median to over 5 acres, reaching from Sullivant Avenue to West Broad Street. These sites will become protected passive greenspaces in the city’s most underserved community for parks and open space. Further as a condition of the grant, the Director of CRPD will be required to place deed restrictions on the Real Estate, preserving the Real Estate as greenspace. This acquisition will add additional public greenspace adjacent to existing parkland; provide open space for trees; and increase passive recreation opportunities. 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 purchase so that CRPD can timely complete the acquisition of the Real Estate.

CONTRACT COMPLIANCE: Not applicable.

FISCAL IMPACT: \$540,000.00 is budgeted and available from within the Recreation and Parks Grant Fund 2283 and 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 meet the January 29, 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 0.4 acres of greenspace in the West Franklinton community near West Park Avenue and West Broad Street; 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 expenditure of \$540,000.00 from the Recreation and Parks Grant Fund and Voted Bond Fund; and to declare an emergency. (\$540,000.00)

WHEREAS, the Columbus Recreation and Parks Department (“CRPD”) desires to purchase approximately 0.4 acres of greenspace in the West Franklinton community near West Park Avenue and West Broad Street from West Broad Street Missionary Chapel (“*i.e.* Real Estate”); 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 West Park Median to over 5 acres and establish additional protected passive greenspace in the city’s most underserved community for parks and open space; and

WHEREAS, the City Attorney is authorized to spend up to Five Hundred Forty Thousand and 00/100 U.S. Dollars

(\$540,000.00), or as much as is necessary, from the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 to acquire the Real Estate; and

WHEREAS, the City intends for the Director of the Recreation and Parks Department (“CRPD”) to execute and acknowledge any document(s) necessary to complete the purchase of the Real Estate; and

WHEREAS, as a condition of the grant the Real Estate will be subject to deed restrictions; 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 29, 2024 deadline for City Council to approve the purchase in the negotiated purchase contract can 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 0.4 acres of greenspace in the West Franklinton community near West Park Avenue and West Broad Street from West Broad Street Missionary Chapel, {Franklin County Parcel numbers 010-008304, 010-025045, and 010-025046} (*i.e.* “Real Estate”) in order for the Columbus Recreation and Parks Department (*i.e.* “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 Director of CRPD is authorized to place a deed restriction on the Real Estate, as approved by the City Attorney’s Office and consistent with the OPWC grant.

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 Five Hundred Forty Thousand and 00/100 U.S. Dollars (\$540,000.00) or as much as may be necessary, from Recreation and Parks Grant Fund 2283 and 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 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.