



## Legislation Text

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**File #: 2334-2019, Version: 1**

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This ordinance is to authorize the Director of the Recreation and Parks Department to enter into a grant agreement with the Ohio Public Works Commission and to accept and appropriate the grant (\$900,000.00) and matching funds (\$300,000.00) for the 2019 Clean Ohio Round 13 project: Dysart Run Protection Project. The project will authorize the City Attorney to spend the funds to acquire in good faith certain fee simple title and lesser real estate located in the vicinity of East Broad Street and Waggoner Road.

**Background:** The Far East side neighborhoods of Columbus are one of the city's most underserved areas for parks, open spaces, and conservation lands.

Dysart Run is located on the city's far-east side, near East Broad Street and Waggoner Road. The stream is a main tributary of Blacklick Creek, and this site is one of the largest remaining forested tracts in the entire Blacklick Creek watershed. The property contains 41.5 acres and is adjacent to a Recreation and Parks natural area along a ravine of Dysart Run, bringing the total conservation area to over 50 acres. The site is listed for sale as potential development land. Acquiring the property provides significant long term preservation of water quality, urban forest, wildlife habitat, and future development of walking paths for area residents.

**Principal Parties:**

Ohio Public Works Commission  
65 East State Street, Suite 312  
Columbus, OH 43215  
Clean Ohio Conservation Fund-District 3

**Emergency Justification:** The properties to be acquired with these funds are listed for sale, and the Department wishes to acquire them before they are not available. The grantor also requires a completion date of 07/31/2020.

**Benefits to the Public:** Protection of the city's high quality waterways, greenway corridors, ravines, and urban forests. The site is within a rapidly urbanizing area of the city, and preservation of key natural sites is one of the main missions of Recreation and Parks. Conservation of this site relies heavily upon outside funding assistance to achieve these benefits.

**Community Input/Issues:** The project received support from the Far East Area Commission, Friends of Blacklick Creek, and the landowner. During the past decade, residents in these communities, and the city at large, has expressed strong priority for more protected stream corridors, headwater tributaries, access to nature, walking paths, and urban forest conservation.

**Area(s) Affected:** Communities: Far East

**Master Plan Relation:** Protecting the environmental health and resilience of the city's waterways; providing long term protection corridors for walking and biking and outdoor experiences. Improved and equitable access to trails and greenways.

**Fiscal Impact:** This ordinance will authorize the appropriation of \$900,000.00 in grant funds within the Recreation and Parks Grant Fund 2283. This ordinance will also authorize a grant match of \$300,000.00 from the Recreation and Parks Voted Bond Fund 7702. \$300,000.00 is budgeted and available within the Recreation and Parks Voted Bond Fund 7702 to meet the financial obligations of the grant match and contract. There is a total of \$1,200,000.00 available for this project.

To authorize and direct the Director of Recreation and Parks to enter into a grant agreement with the Ohio Public Works Commission and accept a grant in the amount of \$900,000.00 for the Dysart Run Protection Project; to authorize the appropriation of \$900,000.00 in the Recreation and Parks Grant Fund; to authorize the transfer of \$300,000.00 in matching funds within the Recreation and Parks Voted Bond Fund; to amend the 2019 Capital Improvement Budget; 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 in the vicinity of East Broad Street and Waggoner Road and contract for associated professional services in order to timely complete the acquisition of the property; to authorize the expenditure of \$1,200,000.00 from the Recreation and Parks Grant Fund and Voted Bond Fund; and to declare an emergency. (\$1,200,000.00)

**WHEREAS**, it is necessary to authorize and direct the Director of Recreation and Parks enter into a grant agreement with the Ohio Public Works Commission and accept a grant in the amount of \$900,000.00 for the Dysart Run Protection Project; and

**WHEREAS**, it is necessary to authorize the appropriation of \$900,000.00 in the Recreation and Parks Grant Fund; and

**WHEREAS**, it is necessary to authorize the transfer of \$300,000.00 in matching funds within the Recreation and Parks Voted Bond Fund; and

**WHEREAS**, it is necessary to amend the 2019 Capital Improvement Budget Ordinance 1326-2019; and

**WHEREAS**, it is necessary 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 in the vicinity of East Broad Street and Waggoner Road and contract for associated professional services in order to timely complete the acquisition of the property; and

**WHEREAS**, it is necessary to authorize the expenditure of \$1,200,000.00 from the Recreation and Parks Grant Fund and Voted Bond Fund; and

**WHEREAS**, an emergency exists in the usual daily operation of the Recreation and Parks Department in that the properties to be acquired with these funds are listed for sale, and the Department wishes to acquire them before they are not available, thereby preserving the public health, peace, property, safety, and welfare; **NOW, THEREFORE**

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

**SECTION 1.** That the Director of Recreation and Parks is authorized and directed enter into a grant agreement with the Ohio Public Works Commission and accept a grant in the amount of \$900,000.00 for the Dysart Run Protection Project.

**SECTION 2.** The City Attorney is authorized to acquire in good faith and accept certain fee simple title and lesser real estate located in the vicinity of East Broad Street and Waggoner Road (collectively, "Real Estate") in order for the Recreation and Parks Department (CRPD) to timely complete the acquisition of the property and the Dysart Run Protection Project. ("Public Project").

**SECTION 3.** 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 project.

**SECTION 4.** The City Attorney, in order to exercise the authority described in Sections Two (2) and Three (3) of this ordinance, is authorized to spend up to, One Million Two Hundred Thousand and 00/100 U.S. Dollars (\$1,200,000.00.) or as much as may be necessary, from the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 according to the account codes in the attachment to this ordinance.

**SECTION 5.** That from the unappropriated monies in the Recreation and Parks Grant Fund 2283 and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the grant period, the sum of Nine Hundred Thousand and 00/100 U.S. Dollars \$900,000.00 is appropriated upon receipt of an executed grant agreement in the Recreation and Parks Fund 2283, Grant No. to be determined by Auditor, in object class 06 Capital Outlay per the account codes in the attachment to this ordinance.

**SECTION 6.** That the transfer of \$300,000.00 or so much thereof as may be needed, is hereby authorized between projects within the Recreation and Parks Bond Fund 7702 per the account codes in the attachment to this ordinance.

**SECTION 7.** That the 2019 Capital Improvements Budget Ordinance 1326-2019 is hereby amended as follows in order to provide sufficient budget authority for this ordinance and future projects.

**Fund / Project / Project Name / Current / Change / Amended**

Fund 7702; P510316-100000; Greenways Projects (Voted Carryover) / \$819,028 / (\$300,000) / \$519,028

Fund 7702; P510914-512000; Dysart Run Protection Grant Match (Voted Carryover) / \$0 / \$300,000 / \$300,000

**SECTION 8.** At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

**SECTION 9.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**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 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 12.** 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 passage if the Mayor neither approves nor vetoes the same.