



Legislation Details (With Text)

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On agenda: 10/16/2017 **Final action:** 10/19/2017

Title: 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 Hague Avenue and Valleyview Drive, Columbus, Ohio, and contract for associated professional services in order for CRPD to timely complete the Dry Run Stream Restoration Project; to amend the 2017 CIB and transfer funding within the Recreation and Parks Voted Bond Fund; to authorize the expenditure of \$263,000.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$263,000.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Dry Run Hire & Acquire - DAX

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|----------|--------|
| 10/19/2017 | 1 | CITY CLERK | Attest | |
| 10/18/2017 | 1 | MAYOR | Signed | |
| 10/16/2017 | 1 | COUNCIL PRESIDENT | Signed | |
| 10/16/2017 | 1 | Columbus City Council | Approved | Pass |

Background: The Department of Recreation and Parks (“CRPD”) is performing the Dry Run Stream Restoration Project (“Public Project”). Dry Run is one of the most heavily impacted streams in Columbus and is a tributary of the Scioto River. The seven square mile watershed flows through the city’s Hilltop/Westgate community and a central segment of the stream, near Hague Avenue, is completely contained within a 92” pipe. This segment runs behind two schools, a YMCA, and a church/day care facility. The project will completely daylight Dry Run, using a natural channel stream restoration for 2,200 lineal feet. The result will provide a fully functional floodplain, stream channel, and habitat recovery zone. The project also provides a significant educational opportunity for young people, and expanded passive recreation for an inner-city neighborhood.

In order for CRPD to complete the Public Project, the City must acquire in good faith and accept certain fee simple title and lesser real estate located in the general vicinity of Hague Avenue and Valleyview Drive, Columbus, Ohio {including, but not limited to, Franklin County Tax Parcel(s) 010-129917, 010-111288, 010-111270, 010-111409 and 010-062384} (collectively, “Real Estate”). The project has received the support of the Hilltop YMCA, Glenwood United Methodist Church, and Columbus Public Schools. Tying together these community assets with a large scale natural restoration project will be a first in the Hilltop community.

In 2015, CRPD previously passed Ordinance Number 2208-2015 which authorized CRPD to receive grant funding from the Clean Ohio Fund, Ohio Public Works Commission (“OPWC”) for the completion of the Public Project. CRPD has completed the plans and desires to set up funding which will provide the City Attorney’s Office, Division of Real Estate, with funding to contract for associated professional services (e.g. surveys, title work, appraisals, etc.) as needed to acquire the Real Estate for the Public Project, which will become permanently protected stream corridor and natural area.

Emergency Justification: An emergency is being requested in order to acquire the Real Estate in good faith so that

CRPD may timely complete the Public Project without unnecessary delay and to fulfill the schedule required by OPWC.

Community Input Issues: The Department has conducted extensive public involvement in the Hilltop community during the past three years to develop the project.

Area(s) Affected: Hilltop/Westgate Community - Planning Area 15

Master Plan Relation: This project will support the mission of the Recreation and Parks Master Plan by connecting neighborhoods to the regional trail network that are in the city's underserved areas, active transportation alternatives, improving the environmental health of the city, and improving access to parks, employment centers, community centers, retail, and attractions.

Fiscal Impact: \$263,000.00 is budgeted and available in the Recreation and Parks Voted Bond Fund 7702 and Permanent Improvement Fund 7747 to meet the financial obligations of this contract.

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 Hague Avenue and Valleyview Drive, Columbus, Ohio, and contract for associated professional services in order for CRPD to timely complete the Dry Run Stream Restoration Project; to amend the 2017 CIB and transfer funding within the Recreation and Parks Voted Bond Fund; to authorize the expenditure of \$263,000.00 from the Recreation and Parks Voted Bond Fund; and to declare an emergency. (\$263,000.00)

WHEREAS, the City, pursuant to a certain grant agreement with the Ohio Public Works Commission, as authorized in Ordinance 2208-2015, intends to improve Dry Run Stream (i.e. Public Project); and

WHEREAS, the City intends to spend funds from the Recreation and Parks Department's Voted Bond Funds in order to acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*); and

WHEREAS, the City intends to accept and for the Recreation and Parks Department to use and manage the Real Estate as public parkland, green space, recreation, and riparian protection; and

WHEREAS, it is necessary to authorize the City Attorney, Real Estate Division, spend funds necessary to complete the acquisition, with the grantor(s) of the Real Estate; and

WHEREAS, it is necessary to amend the 2017 Capital Improvement Budget; and

WHEREAS, it is necessary to authorize the expenditure of \$263,000.00 from the Recreation and Parks Voted Bond Fund; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Recreation and Parks in that it is immediately necessary to authorize the City Attorney, Real Estate Division, to acquire certain Real Estate and contract for associated professional services so that CRPD may timely complete the Public Project without unnecessary delay and to fulfill the schedule required by the granting authority, 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 in the vicinity of Hague Avenue and Valleyview Drive, Columbus, Ohio {including, but not limited to, Franklin County Tax Parcel(s) 010-129917, 010-111288, 010-111270, 010-111409 and 010-062384} (collectively, "Real Estate") in order for the Recreation and Parks Department (CRPD) to timely complete the Dry Run Stream Restoration Project

(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.

SECTION 3. That the City Attorney, in order to exercise the authority described in this ordinance, is authorized to spend up to Two Hundred and Sixty-Three Thousand and 00/100 U.S. Dollars (\$263,000.00) 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 4. 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 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 the transfer of \$78,566.50 or so much thereof as may be needed, is hereby authorized between projects within the Recreation and Parks Voted Bond Fund 7702 per the account codes in the attachments to this ordinance.

SECTION 8. That the 2017 Capital Improvements Budget Ordinance 1124-2017 is hereby amended as follows in order to provide sufficient budget authority for this legislation and future projects.

CURRENT:

Fund 7702; P510316-100115; Planning Area 15 Greenways Improvements; \$0 (Voted Carryover)

Fund 7702; P510316-201602; Trail Safety; \$37,896 (Voted Carryover)

Fund 7702; Cancellation of Big Run Preservation Grant Match to P510901-100000; \$36,075 (Voted Carryover)

Fund 7702; Cancellation of Big Walnut Preservation Grant Match to P510902-100000; \$30,163 (Voted Carryover)

AMENDED TO:

Fund 7702; P510316-100115; Planning Area 15 Greenways Improvements; \$78,567 (Voted Carryover)

Fund 7702; P510316-201602; Trail Safety; \$25,567 (Voted Carryover)

Fund 7702; P510901-100000; Big Run Preservation Grant Match; \$0 (Voted Carryover)

Fund 7702; P510902-100000; Big Walnut Preservation grant Match; \$0 (Voted Carryover)

SECTION 9. That for the purpose stated in Section 1, the expenditure of \$263,000.00 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Recreation and Parks Voted Bond Fund 7702 and Permanent Improvement Fund 7747 in object class 06 Capital Outlay per the accounting codes in the attachment.

SECTION 10. That for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance, this ordinance is declared to be an emergency measure and is required take effect and be in force from and after its passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.