



## Legislation Details (With Text)

**File #:** 1617-2018      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/4/2018      **In control:** Recreation & Parks Committee

**On agenda:** 7/30/2018      **Final action:** 8/3/2018

**Title:** To authorize and direct the Director of Recreation and Parks to accept a grant and enter into a grant agreement with the Ohio Public Works Commission in the amount of \$348,680.00 for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve; to authorize the appropriation of \$348,680.00 to the Recreation and Parks Grant Fund; to authorize the City Auditor to transfer \$471,320.00 within the Recreation and Parks Voted Bond Fund; to amend the 2018 Capital Improvements Budget Ordinance 1010-2018; 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 181 and 229 Noe Bixby Road Columbus Ohio 43213 and contract for associated professional services in order for CRPD to timely complete the acquisition of the property; and to declare an emergency. (\$820,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Noe Bixby Clean Ohio Grant, 2. NoeBixby\_Site Map

Date	Ver.	Action By	Action	Result
8/3/2018	1	ACTING CITY CLERK	Attest	
8/2/2018	1	MAYOR	Signed	
7/30/2018	1	COUNCIL PRESIDENT	Signed	
7/30/2018	1	Columbus City Council	Approved	Pass

This ordinance authorizes the Director of Recreation and Parks to enter into a grant agreement with the Ohio Public Works Commission for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve. This ordinance will also authorize the appropriation of grant and matching funds.

This ordinance will also authorize the City Attorney to spend the grant and matching funds to acquire and accept in good faith certain fee simple title and lesser real estate located in the vicinity of Noe Bixby Road in Columbus, Ohio.

The Noe Bixby parcels are 181 and 229 Noe Bixby Road, Columbus, Ohio 43213 covering portions of tax parcels 010-109405, 010-015518 and 010-014163.

**Background:** The City's Recreation and Parks Department (CRPD) is engaged in purchasing real estate located at 181 and 229 Noe Bixby Road Columbus Ohio 43213 {Franklin county parcel numbers 010-109405, 010-015518 and 010-014163}. The City must acquire in good faith and accept certain fee simple title and lesser real estate located at 181 and 229 Noe Bixby Road Columbus Ohio 43213. (collectively, "Real Estate") in order for CRPD to complete the acquisition. Accordingly, CRPD requested the City Attorney to acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*) in order for CRPD to timely complete the acquisition of the property.

Big Walnut Creek and its tributaries and ravines are one of the region's most diverse remaining water courses. The purpose of the project is to acquire a significant 20 acre stretch of natural area near Broad Street and Noe Bixby Road.

The proposed property has been listed for sale as potential development land. Acquiring the land provides significant long term preservation for water quality, forest preservation, and protection of habitat. The site is easily accessible, with an estimated 2,500 people living within a 1/2 mile radius. The natural terrain of the site is upland meadow, steep ravines, over 1/3 of a mile of tributary, 380 l.f. of a main stem of Big Walnut Creek, and approximately 17 acres of high quality woodland. Four acres of the property will become a future developed park space, and sixteen acres will remain as a natural area with opportunities for nature trails along with a long range greenway connectivity.

**Principal Parties:**

Ohio Public Works Commission  
65 E. State Street  
Columbus, OH 43215  
Jennifer Kline, 614-7582-8118  
CCN: 31-1334820  
CC Exp. Date: N/A

**Emergency Justification:** The grant funding requires a completion date of 12/31/2018 for acquisition. The Department is requesting the legislation be passed without unnecessary delay. The parkland site to be acquired with these funds is listed for sale, and the Department wishes to complete acquisition before the site is no longer available.

**Benefits to the Public:** The surrounding community will benefit from the conservation of important urban forest area, ravines, and natural areas by providing a high quality network of greenways, wildlife corridors, and access for the public.

**Community Input/Issues:** Strong community support has been expressed for the project. The area lacks park space, and the site contains high quality scenic value, excellent connectivity to the Big Walnut Creek, and an opportunity to provide future trail linkage to the regional greenway network.

**Area(s) Affected:** 20 - Eastmoor/Walnut Ridge

**Master Plan Relation:** This grant will support the Recreation and Parks Master Plan by:

- Providing equity access to nature and outdoors for neighborhoods.
- Providing parks in high need areas.
- Improving access to trails and greenways corridors.
- Improving the environmental health of the city's waterways
- Improving recreational access to streams
- Providing long term protection corridors for water quality and trail development.

**Fiscal Impact:** This ordinance will authorize the appropriation of \$348,680.00 in grant funds in the Recreation and Parks Grant Fund 2283. This ordinance will also authorize a grant match of \$471,320.00 from the Recreation and Parks Voted Bond Fund 7702. \$471,320.00 is budgeted and available in the Recreation and Parks Voted Bond Fund 7702 to meet the financial obligations of the grant match. There is a total of \$820,000.00 available for this real estate acquisition.

To authorize and direct the Director of Recreation and Parks to accept a grant and enter into a grant agreement with the Ohio Public Works Commission in the amount of \$348,680.00 for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve; to authorize the appropriation of \$348,680.00 to the Recreation and Parks Grant Fund; to authorize the City Auditor to transfer \$471,320.00 within the Recreation and Parks Voted Bond Fund; to amend the 2018 Capital Improvements Budget Ordinance 1010-2018; 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 181 and 229 Noe Bixby Road Columbus Ohio 43213 and contract for associated professional services in order for CRPD to timely complete the acquisition of the property; and to declare an emergency. (\$820,000.00)

**WHEREAS**, the Ohio Public Works Commission has awarded the city of Columbus a grant for 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve; and

**WHEREAS**, it is necessary to authorize and direct the Director of Recreation and Parks to accept a grant from the Ohio Public Works Commission in the amount of \$348,680.00 for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve; and

**WHEREAS**, it is necessary to authorize the appropriation of \$348,680.00 to the Recreation and Parks Grant Fund; and

**WHEREAS**, it is necessary to authorize that the 2018 Capital Improvements Budget Ordinance 1010-2018 be amended in order to provide sufficient budget authority for this legislation and future projects; and

**WHEREAS**, the City will enter into agreement with the Ohio Public Works Commission for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve; 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 181 and 229 Noe Bixby Road Columbus Ohio 43213 (collectively, "Real Estate") in order for Recreation and Parks Department (CRPD) to complete the Project; and

**WHEREAS**, the City intends to spend funds from the Recreation and Parks Department's Voted Bond Fund, Fund 7702 in order to acquire the Real Estate; 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**, an emergency exists in the usual daily operation of the Recreation and Parks Department that it is immediately necessary to authorize the Director to accept the grant and enter into an agreement with the Ohio Public Works Commission due to the grant funding requiring a completion date of December 31, 2018 for acquisition, all for the preservation of the public health, peace, property and safety; **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 to accept a grant in the amount of \$348,680.00 and enter into a contract with the Ohio Public Works Commission for the 2018 Clean Ohio Conservation Fund Round 12 project, Noe Bixby Parkland and Preserve.

**SECTION 2.** That the City Attorney is authorized to acquire in good faith and accept certain fee simple title and lesser real estate located at 181 and 229 Noe Bixby Road Columbus Ohio 43213 (collectively, "Real Estate") in order for the Recreation and Parks Department (CRPD) to timely complete the Noe Bixby Parkland and Preserve. ("Public Project").

**SECTION 3.** 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 project.

**SECTION 4.** That 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, Eight Hundred Twenty Thousand and 00/100 U.S. Dollars (\$820,000.00.) or as much as may be necessary, from CRPD's Voted Bond Fund, Fund 7702 according to the account codes in the attachment to this ordinance.

**SECTION 5.** That from the unappropriated monies 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, 2018, the sum of \$348,680.00 is appropriated to the Recreation and Parks Grant Fund 2283 per the account codes in the attachment to this ordinance. Appropriation effective upon receipt of executed grant agreement.

**SECTION 6.** That the transfer of \$471,320.00 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 2018 Capital Improvements Budget Ordinance 1010-2018 is hereby amended as follows in order to provide sufficient budget authority for this legislation and future projects.

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

Fund 7702; P510316-100000; Greenways Projects (Voted Carryover) / \$1,433,597 / (\$471,320) / \$962,277

Fund 7702; P510909-100000; Clean Ohio - Noe Bixby Parkland Acquisition - Grant Match (Voted Carryover) / \$0 / \$471,320 / \$471,320

**SECTION 8.** That, 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 10 days after passage if the Mayor neither approves nor vetoes the same.