



Legislation Text

File #: 1123-2008, **Version:** 1

Background: The following is an ordinance to authorize the City Attorney to acquire fee simple title, contract for professional services, and to expend the monies for payment of acquisition costs in connection with the **Idlewild Drive Storm Sewer Project**.

Fiscal Impact: This ordinance authorizes the transfer and appropriation of funds from the Storm Sewer Reserve Fund and a transfer within the Storm Sewer Bond Fund for this expenditure. There is sufficient authority for this expenditure upon passage of this ordinance. Monies for this contract will be provided from an upcoming Bond Sale via the transfer detailed in this ordinance.

Emergency Justification: Emergency action is requested to allow the acquisition of the parcels necessary for this project to proceed without delay in order to commence construction as soon as possible.

To authorize the City Attorney to acquire fee simple title; contract for professional services; to authorize the transfer and appropriation of \$30,000.00 from the Storm Sewer Reserve Fund; and to expend \$30,000.00 from the Storm Sewer Bond Fund for costs in connection with the **Idlewild Drive Storm Sewer Project**, and to declare an emergency. (\$30,000.00).

WHEREAS, the City of Columbus is engaged in the **Idlewild Drive Storm Sewer Project** and

WHEREAS, it is necessary to authorize the transfer and appropriation of funds from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund for purposes of providing sufficient funding for this project expenditure; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the construction of the Project described in this Ordinance (collectively, the "Project").

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, Division of Sewerage and Drainage, in that it is immediately necessary to authorize the City Attorney to acquire fee simple title in and to certain parcels of real estate to contract for the aforesaid professional services necessary in connection with said project 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 from the unappropriated monies in the Storm Sewer Reserve Fund No. 690, 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, 2008, the sum of \$30,000.00 is hereby appropriated to the Division of Sewerage and Drainage, Division 60-15, OCA Code 690001, Object Level One 10, Object Level Three 5502.

Section 2. That the City Auditor is hereby authorized to transfer a total of \$30,000.00, from the Storm Sewer Reserve Fund to the Voted Storm Sewer Bond Fund 685, into the **Idlewild Drive Storm Sewer Project**, 610973, at such time as deemed necessary by the Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 3. That the \$30,000.00 is hereby appropriated for **Idlewild Drive Storm Sewer Project**, within the Voted Storm Sewer Bond Fund, Fund 685, Division 60-15, Project 610973, OCA Code 685973, Object Level Three 6601.

Section 4. That upon obtaining other funds for the purpose of funding storm sewer system capital improvement work, the City Auditor is hereby authorized to repay the Storm Sewer System Reserve Fund the amount transferred above, and said funds are hereby deemed appropriated for such purposes.

SECTION 5. That the City intends that this Ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$30,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse Storm Sewer Reserve Fund 690, which is the fund from which the advance for costs of the Project will be made.

Section 6. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the 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; except that no transfer shall be so made from a project account funded by monies from more than one source.

Section 7. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.

Section 8. 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 9. That the City Attorney be, and hereby is, authorized to acquire fee simple title in and to certain parcels of real estate and to contract for the professional services necessary in connection with the **Idlewild Drive Storm Sewer Project**, 610973.

Section 10. That the expenditure of \$30,000.00, or so much thereof as may be necessary from the Storm Sewer Bonds Fund, for the appropriation of said real property interests determined to be necessary for the stated public purpose be and hereby is authorized as follows: Fund #685, Object Level Three 6601, **Idlewild Drive Storm Sewer Project** #610973, Dept./Div.#60-15, OCA Code 685973.

Section 11. That for the reasons state 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 its passage if the Mayor neither approves nor vetoes the same.