



Legislation Text

File #: 2629-2015, **Version:** 1

BACKGROUND:

The City's Department of Public Utilities (DPU) is replacing and extending box culverts under Parkwood Drive, excavating a flood detention basin, and performing stream channel restoration and floodplain reconnection (collectively, "Public Project"). The City must obtain a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (OEPA) in order to complete the Public Project ("Permit"). Pursuant to the Permit the City must conserve and protect the physical, biological, and chemical integrity of Linden Ditch, which is important in the protection of existing or designated use of the waters of the state of Ohio pursuant to Section 303 of the Clean Water Act, 33 U.S. C. § 1313 and § 6111.041 of the Ohio Water Pollution Control Act. Accordingly, pursuant to OEPA's issuance of the Permit, the City must place certain use and environmental restrictions in the public land records of 1.9308 acres, more or less, of the City's real property located at 2071 Parkwood Avenue, Columbus, Ohio 43219 {Franklin County Tax Parcel 010-098900}, which is commonly known as Linden Ditch ("Property").

CONTRACT COMPLIANCE:

Not applicable.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order for DPU to obtain the timely complete the Public Project under the terms of the Section 401 Water Quality Permit, which will preserve the public peace, health, property, safety, and welfare.

To authorize the director of the Department of Public Utilities to execute any instrument(s), as approved by the City Attorney, necessary to restrict the use of 1.9308 acres, more or less, of real property located at 2071 Parkwood Avenue, Columbus, Ohio 43219 pursuant to the issuance of an OEPA Section 401 Water Quality Certification; and to declare an emergency. (\$0.00)

WHEREAS, the City intends for the Department of Public Utilities (DPU) to replace and extend box culverts under Parkwood Drive, excavate a flood detention basin, and perform stream channel restoration and floodplain reconnection (*i.e.* Public Project);

WHEREAS, the City intends to obtain Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (OEPA) in order to complete the Public Project (*i.e.* Permit);

WHEREAS, the City intends to conserve and protect the physical, biological, and chemical integrity of Linden Ditch by placing certain use and environmental restrictions in the public land records of 1.9308 acres, more or less, of the City's real property located at 2071 Parkwood Avenue, Columbus, Ohio 43219 {Franklin County Tax Parcel 010-098900} (*i.e.* Property);

WHEREAS, the City intends for the director of DPU to execute any instrument(s) necessary to restrict the use of the Property in order to obtain the Permit;

WHEREAS, the City intends for the City Attorney to review and approve of any instrument(s) executed by the director of DPU pursuant to this ordinance;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to authorize the director to execute the instrument(s) necessary to restrict the use of the Property to ensure the City will be in compliance with the Permit in order to timely complete the Public Project, 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, OHIO:

SECTION 1. That the director of the Department of Public Utilities (DPU) is authorized to execute any instrument(s) necessary to restrict the use of the 1.9308 acre, more or less, portion of the City's real property located at 2071 Parkwood Avenue, Columbus, Ohio 43219 {Franklin County Tax Parcel 010-098900} (*i.e.* Property, which is described and depicted in the three (3) page attachment, Exhibit-A, and fully incorporated into this ordinance for reference) in order to obtain a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (OEPA) - (*i.e.* Permit).

SECTION 2. That the City Attorney is required to review and approve all instrument(s) authorized under this ordinance prior to the execution of any of those instrument(s) by the director of DPU.

SECTION 3. That for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, this ordinance is 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 (10) days after its passage if the mayor neither approves nor vetoes this ordinance.