



## Legislation Text

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**File #:** 2558-2016, **Version:** 1

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### **BACKGROUND:**

The City's Recreation and Parks Department (CRPD) is performing the Big Walnut Preservation Public Improvement Project ("Public Project"). The Public Project will provide high quality stream corridor protection for the benefit of the Big Walnut watershed. The City must acquire in good faith and accept certain fee simple title and lesser real estate located in the vicinity of Stygler Road, Columbus, Ohio 43230, (collectively, "Real Estate") in order for CRPD to complete the Public Project. The City previously passed Ordinance Number 1894-2016 which authorized CRPD to enter into a grant agreement with the Ohio Public Works Commission to complete the Public Project. Furthermore, the City Attorney's Office, Real Estate Division, reviewed the Real Estate and determined that it may cost up to Two Hundred and Eighty-four Thousand, Three Hundred and 00/100 U.S. Dollars (\$284,300.00) to acquire the Real Estate. 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 Public Project.

### **CONTRACT COMPLIANCE:**

Not applicable.

### **FISCAL IMPACT:**

CRPD determined the funding for the City Attorney to acquire the Real Estate will come from CRPD's Recreation and Parks Grant Fund 2283 and the Recreation and Parks Voted Bond Fund 7702.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested in order to acquire the Real Estate in good faith so that CRPD may timely complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

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 Stygler Road, Columbus, Ohio 43230, and to contract for associated professional services in order for CRPD to timely complete the Big Walnut Preservation Public Improvement Project; to authorize the expenditure from the Recreation and Parks Grant Fund and the Recreation and Parks Voted Bond Fund, and to declare an emergency. (\$284,300.00).

**WHEREAS**, the City, pursuant to a certain grant agreement with the Ohio Public Works Commission as authorized in Ordinance 1894-2016, intends to improve the Big Walnut watershed in the vicinity Stygler Road, Columbus, Ohio 43230 by allowing the Columbus Recreation and Parks Department (CRPD) to engage in the Big Walnut Preservation Public Improvement Project (*i.e.* Public Project); 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 in the vicinity of Stygler Road, Columbus, Ohio 43230 (*i.e.* Real Estate) in order for CRPD to timely complete the Public Project; 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 Department of Recreation and Parks in that it is immediately necessary to authorize the City Attorney to acquire the Real Estate and contract for associated professional services so that CRPD may timely complete the Public Project without unnecessary delay, 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.** The City Attorney is authorized to acquire in good faith and accept certain fee simple title and lesser real estate in the vicinity Stygler Road, Columbus, Ohio 43230 (*i.e.* Real Estate) in order for the Columbus Recreation and Parks Department (CRPD) to timely complete the Big Walnut Preservation Public Improvement Project (*i.e.* Public Project).

**SECTION 2.** 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 Public Project.

**SECTION 3.** The City Attorney, in order to exercise the authority described in this ordinance, is authorized to spend up to Two Hundred and Eighty-four Thousand, Three Hundred and 00/100 U.S. Dollars (\$284,300.00) or as much as may be necessary, from Recreation and Parks Grant Fund 2283 and 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.** The City Auditor is authorized and directed to establish any appropriate accounting codes once the funds necessary to carry out the purpose of this ordinance are deemed appropriated.

**SECTION 5.** The City Auditor is authorized and directed to transfer any unencumbered balance in the Public Project's account to the unallocated balance within the same fund upon receipt of certification by the director of the department administering the Public Project that the Public Project is complete and the monies are no longer required for the Public Project, except that no transfer can be made from a project account by monies from more than one source.

**SECTION 6.** The City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

**SECTION 7.** The City Auditor is authorized and directed to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 8.** This ordinance, for the reasons stated in the preamble, which are made a part of this ordinance and fully incorporated for reference as if rewritten, is declared to be an emergency measure and is required to take effect and be in force from and after this ordinance's passage and approval by the Mayor or ten (10) days after its passage if the Mayor neither approves nor vetoes this ordinance.