



## Legislation Text

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**File #:** 1874-2016, **Version:** 1

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### **BACKGROUND:**

The City's Department of Public Utilities (DPU) is engaged in the Fountain Square - Heaton Road Basin (PID P610050-100000) Public Improvement Project ("Public Project"). The City must acquire in good faith and accept certain fee simple title and lesser real estate located in the vicinity of Heaton Road, Columbus, Ohio 43229 (collectively, "Real Estate") in order for DPU to timely complete the Public Project. Accordingly, DPU 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 DPU to timely complete the Public Project.

### **CONTRACT COMPLIANCE:**

Not applicable.

### **FISCAL IMPACT:**

DPU determined the funding for the City Attorney's acquisition of the Real Estate will come from DPU's Storm Sewer Bonds Fund, Fund Number 6204.

### **EMERGENCY JUSTIFICATION:**

Emergency action is requested in order for the City Attorney to acquire the Real Estate in good faith so that DPU 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 Heaton Road, Columbus, Ohio 43229 and contract for associated professional services in order for the Department of Public Utilities to timely complete the Fountain Square - Heaton Road Basin Public Improvement Project; and to declare an emergency. (\$475,000.00)

**WHEREAS**, the City intends to improve the sewer infrastructure in the vicinity of Heaton Road, Columbus, Ohio 43229 by allowing the Department of Public Utilities (DPU) to engage in the Fountain Square - Heaton Road Basin (PID P610050-100000) 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 Heaton Road, Columbus, Ohio 43229 (*i.e.* Real Estate) in order for DPU to 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 City's usual daily operations in that it is immediately necessary to authorize the City Attorney to acquire the Real Estate and contract for associated professional services so that DPU 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.** That the City Attorney is authorized to acquire in good faith and accept certain fee simple title and lesser real estate located in the vicinity of Heaton Road, Columbus, Ohio 43229 (*i.e.* Real Estate) in order for the Department of Public Utilities (DPU) to timely complete the Fountain Square - Heaton Road Basin (PID P610050-100000) Public Improvement 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 for the Public Project.

**SECTION 3.** That the City Attorney, in order to exercise the authority described in Sections One (1) and Two (2) of this ordinance, is authorized to spend up to Four Hundred and Seventy Five Thousand and 00/100 U.S. Dollars (\$475,000.00), or as much as may be necessary, from the Storm Sewer Bonds Fund, Fund 6204, in Object Class 06, Capital Outlay, according to the account codes in the attachment to this ordinance.

**SECTION 4.** That 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.** That 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.** That the City Auditor is authorized and directed to establish any proper and appropriate project accounting numbers.

**SECTION 7.** That 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.** That this ordinance, for the reasons stated in the preamble of this ordinance, which are fully incorporated for reference as if rewritten, 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.