



Legislation Text

File #: 2673-2018, **Version:** 1

BACKGROUND: This ordinance authorizes the Recreation and Parks Department (“CRPD”) to acquire property consisting of approximately 57.21 acres {Franklin county parcel number 590-159023} located at 2425 West Case Road, Columbus, Ohio 43235 commonly known as the Ohio State University Sheep Farm (“Real Estate”). CRPD has evaluated this property and is seeking to acquire it for use as parkland and green space including the construction of a proposed shelter house and walking path.

This legislation authorizes the Director of the Recreation and Parks Department to execute those documents necessary to purchase the real property from The State of Ohio and to expend up to Five Million Three Hundred Thousand and 00/100 Dollars (\$5,300,000.00) for costs associated with the acquisition of the property, all associated due diligence testing costs, and closing costs.

CONTRACT COMPLIANCE: Not applicable

FISCAL IMPACT:

Funding for this project is budgeted within the 2018 Capital Improvements Budget. Bonds have yet to be sold for the cost of this acquisition. Therefore, it is necessary to certify the required funds in the amount of \$5,300,000 against the Special Income Tax Fund 4430. Upon the sale of bonds, this will be reimbursed. There is a total of \$5,300,000.00 available for this acquisition.

EMERGENCY JUSTIFICATION:

Emergency action is requested in order to acquire the Real Estate allowing the Recreation and Parks Department to complete the purchase of the property without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To authorize the appropriation of \$5,300,000.00 to the Special Income Tax Fund 4430; to authorize the City Auditor to transfer \$5,300,000.00 between the Special Income Tax Fund 4430 and the Recreation and Parks Voted Bond Fund 7702; to authorize the Director of the Recreation and Parks Department to execute those document(s), as approved by the Department of Law, Real Estate Division, necessary to purchase the real property located at 2425 West Case Road from The State of Ohio; to authorize the expenditure of up to \$5,300,000.00 from the Recreation and Parks Voted Bond Fund 7702; and to declare an emergency. (\$5,300,000.00)

WHEREAS, the Recreation and Parks Department desires to enter into a purchase contract with The State of Ohio for the purchase of approximately 57.21 acres, more or less, of real property located at 2425 West Case Road, Columbus, Ohio 43235 (*i.e.* Real Estate) and further identified as Franklin county parcel number 590-159023; and

WHEREAS, the Recreation and Parks Department intends to contract for associated professional services and acquire in good faith the necessary fee simple title and lesser real estate located at 2425 West Case Road, Columbus, Ohio 43235; and

WHEREAS, the purchase of this Real Estate will allow for the Recreation and Parks Department to establish a park and

green space; and

WHEREAS, it is necessary to authorize a transfer of funds between Fund 4430, Special Income Tax Fund, and Fund 7702, the Recreation and Parks Bond Fund, to establish sufficient cash to pay for the Real Estate project; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to fund this project; and

WHEREAS, it the City will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregated principal amount of obligations which the City will issue to finance this project is presently expected not to exceed \$5,300,000; 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 project described in this ordinance (the "Project"); and

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to authorize the Director to execute those documents necessary to purchase the Real Estate from The State of Ohio at the earliest feasible date thereby providing for the immediate preservation of the public health, peace, property, welfare; and **now, therefore:**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Recreation and Parks Department be, and hereby is, authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary for the purchase of the approximately 57.21 acres, more or less, of real property located at 2425 West Case Road, Columbus, Ohio 43235, and identified as Franklin County Tax Parcel 590-159023.

SECTION 2. That from the unappropriated monies and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2018, the sum of \$5,300,000.00 is appropriated to the Special Income Tax Fund 4430 in Object Class 10 Transfer Out Operating, and to the Recreation and Parks Bond Fund 7702, in Object Class 06 Capital Outlay per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$5,300,000.00 or so much thereof as may be needed, is hereby authorized between the Special Income Tax Fund 4430, and the Recreation and Parks Bond Fund 7702, per the account codes in the attachment to this ordinance. See attachment "Ordinance 0000-2018 Funding".

SECTION 4. That the City Auditor is hereby authorized to transfer said funds to the Recreation and Parks Voted Bond Fund 7702, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

SECTION 5. That upon obtaining other funds from the 2018 Bond Sale for the City of Columbus, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3.

SECTION 6. 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 \$5,300,000.00 (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 the fund from which the advance for costs of the Project will be made.

SECTION 7. That the expenditure of Five Million Three Hundred Thousand and 00/100 Dollars (\$5,300,000.00), or so much thereof as may be necessary, be and is hereby authorized from the Recreation and Parks Voted Bond Fund 7702 per the accounting codes in the attachment to this ordinance. See attachment "Ordinance 1058-2018 Funding".

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 Auditor is authorized to transfer the unencumbered balance in a project account to the unallocated balance account of 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 10. 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 11. 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 ten days after passage if the Mayor neither approves nor vetoes the same.