



Legislation Text

File #: 1267-2019, **Version:** 1

BACKGROUND: The City's Department of Public Utilities ("DPU") is engaged in acquiring real estate for the Bethel Road Culvert Rehabilitation Project (P611700--100000) ("Public Project"). The City must acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of Bethel Road and Wood Run Boulevard, Columbus, Ohio 43220 (collectively, "Real Estate") in order for DPU to 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: This legislation authorizes the expenditure of up to \$25,000.00 from the Storm Sewer Bond Fund, a transfer of funds from the Storm Water Reserve Fund 6207 to the Storm Sewer Bond Fund 6204; and amends the 2019 Capital Improvement Budget.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow DPU to 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 and lesser real estate located in the vicinity of Bethel Road and Wood Run Boulevard and contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the Bethel Road Culvert Rehabilitation Project; to authorize the appropriation, transfer, and expenditure of up to \$25,000.00 within the Storm Sewer Bond Fund; to authorize the appropriation and transfer of funds from the Storm Sewer Reserve Fund to the Storm Sewer Bond Fund in an amount up to \$25,000.00; to amend the 2019 Capital Improvement Budget; and to declare an emergency. (\$25,000.00)

WHEREAS, the City intends to improve the sewer infrastructure in the vicinity of Bethel Road and Wood Run Boulevard, Columbus, Ohio 43220 by allowing the Department of Public Utilities ("DPU") to engage in the acquisition of Real Estate for the Bethel Road Culvert Rehabilitation Project (P611700-100000) ("Public Project"); and

WHEREAS, the City intends for the City Attorney to acquire in good faith and accept the necessary fee simple and lesser real estate located in the vicinity of Bethel Road and Wood Run Boulevard, Columbus, Ohio 43220 ("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, it is necessary for this Council to authorize the expenditure of up to Twenty Five Thousand and 00/100 U.S. Dollars (\$25,000.00) from the Storm Sewer Bond Fund, Fund 6204; and

WHEREAS, it is necessary to authorize the appropriation and transfer of \$25,000.00 from the Storm Sewer Reserve Fund 6207 to Storm Sewer Bond Fund 6204; and

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

WHEREAS, the City will sell notes or bonds to fund this project, and will reimburse the Sanitary Reserve Fund; and

WHEREAS, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, with respect to the construction of the project described in this ordinance; and

WHEREAS, it is necessary to authorize an amendment to the 2019 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditures; and

WHEREAS, an emergency exists in the usual daily operations of DPU in that it is immediately necessary to acquire the Real Estate in order to prevent unnecessary delay in completing 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:

SECTION 1. That the City Attorney is authorized to acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of Bethel Road and Wood Run Boulevard, Columbus, Ohio 43220 (“Real Estate”) in order for the Department of Public Utilities (“DPU”) to timely complete the acquisition of the Real Estate for the Bethel Road Culvert Rehabilitation Project (P611700--100000) (“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 from the unappropriated balance of the Stormwater Reserve Fund 6207, 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, 2019, the sum of \$25,000.00 is hereby appropriated to the Department of the City Auditor for Transfer per the account codes in the attachment to this ordinance in order to carry out the purpose of this ordinance.

SECTION 4. 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 Twenty Five Thousand and 00/100 U.S. Dollars (\$25,000.00), or as much as may be necessary, from the Storm Sewer Bond Fund, Fund 6204, according to the account codes in the attachment to this ordinance.

SECTION 5. That the 2019 Capital Improvement Budget is amended as follows:

Fund | Project No. | Project Name | Current Authority | Revised Authority | Change

6204 | P611625-120200 | Storm Sewer Assessment James-Livingston 5 Blueprint Area | \$2,000,000 | \$1,975,000 | (- \$25,000)

6204 | P611700-100000 | Bethel Road Culvert Rehabilitation | \$0 | \$25,000 | (+\$25,000)

SECTION 6. 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 7. 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 8. That the City Auditor is authorized and directed to establish any proper and appropriate project

accounting numbers.

SECTION 9. 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 10. That upon obtaining other funds for the purpose of funding sanitary sewer system capital improvement work, the City Auditor is hereby authorized to repay the Sanitary Sewer Reserve Fund the amount transferred above (referred to in Section 3), and said funds are hereby deemed appropriated for such purposes.

SECTION 11. 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 \$25,000.00 (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 12. That 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 shall take effect and be in force from and after this ordinance's adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.