



## Legislation Text

---

**File #:** 0159-2020, **Version:** 1

---

### **BACKGROUND**

This ordinance authorizes the Department of Public Utilities (DPU) to pay D & D Farm Properties, LLC (the "Owner") for costs related to damages to the subsurface water flows located at the Owner's property, 0 Ashville Pike T-28, Lockbourne, Ohio 43137 on parcels D12-0-003-00-278-00 and D12-0-003-00-279-00. The Owner has asserted that a March 2017 DPU sanitary sewer installation project within the vicinity of 0 Ashville Pike T-28, Lockbourne, Ohio 43137 caused the damage to the subsurface drainage system, and DPU has agreed to pay \$34,198.66 in the interest of resolving the matter and avoiding the uncertainties of litigation. The Owner will execute a release of claims as a condition of the payment.

The payment to D & D Farm Properties, LLC may be reimbursed by the Ohio EPA/Ohio Water Development Agency as the original project was loan-funded.

### **FISCAL IMPACT**

Funds in the amount of \$34,198.66 are available within the Sewer General Obligation Bond Fund 6109. An amendment to the 2019 Capital Improvement Budget is necessary for the purpose of providing sufficient authority for the aforementioned expenditure.

### **EMERGENCY DESIGNATION**

Emergency action is requested in order to allow for the timely execution of the reimbursement agreement to allow D & D Farms, LLC to make the repairs needed prior to the spring planting season.

To authorize the Department of Public Utilities to pay D & D Farm Properties, LLC to resolve a dispute related to a sanitary sewer project which began in March 2017 that is alleged to have caused damages to the farm's subsurface drainage system; to authorize the expenditure of \$34,198.66 from the Sewer General Obligation Bond Fund; to amend the 2019 Capital Improvement Budget; and to declare an emergency. (\$34,198.66)

**WHEREAS**, the Department of Public Utilities began a sanitary sewer capital improvement project in March 2017 in the vicinity of property owned by D & D Farm Properties, LLC; and

**WHEREAS**, the Owner has asserted that the Project caused damage to the farm's subsurface drainage system in the project area; and

**WHEREAS**, the Department of Public Utilities has agreed to pay the Owner \$34,198.66, in the interest of resolving the matter and avoiding the uncertainties of litigation, and the Owner will execute a release of claims as the condition of payment; and

**WHEREAS**, this ordinance authorizes the expenditure of \$34,198.66 from the Sewer General Obligation Bond Fund 6109; and

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

**WHEREAS**, there is an emergency in the usual daily operations of the Department of Public Utilities in that it is immediately necessary that this payment be approved and such payment be made so that the dispute can be promptly resolved, for the preservation of the public peace, safety and welfare; **now, therefore**

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

**SECTION 1.** That the Director of Public Utilities is hereby authorized to pay D & D Farm Properties, LLC, 9501 Shephard Road, Lockbourne, Ohio 43137 to resolve a dispute related to damages to their subsurface drainage system.

**SECTION 2.** That the expenditure of up to \$34,198.66 is authorized from the Sewer General Obligation Bond Fund 6109 per the attached accounting codes.

**SECTION 3.** That the 2019 Capital Improvement Budget is amended as follows:

**Fund | Project # | Project Name | Current Authority | Amended Authority | Net Change**

6109 | 650491-100007 | Intermodal Sanitary Subtrunk Extension (carryover) | \$55,741 | \$21,542 | -\$34,199

6109 | 650491-100002 | Big Walnut Augmentation/Rickenbacker Interceptor-Lockbourne Subtrunk Project (carryover) | \$0 | \$34,199 | +\$34,199

**SECTION 4.** 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 5.** 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 6.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within 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 7.** That for the reasons stated in the preamble hereto, which is made a part hereof, 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 passage if the Mayor neither approves nor vetoes this Ordinance.