



Legislation Text

File #: 2694-2021, Version: 1

BACKGROUND: The City’s Recreation and Parks Department (“CRPD”) is engaged in acquiring real estate as part of the Ohio Public Works Commission (“OPWC”) Clean Ohio Conservation Fund (Round 15) - Refugee Road, Mason Run Preservation Project (“Public Project”). The City previously passed Ordinance Numbers 0330-2021 and 2312-2021 authorizing the Director of CRPD to apply for funding through OPWC, execute a grant with OPWC, and appropriate the grant and matching funds for the purchase of approximately 78.6 acres from the owner of property located at Refugee Road, Hamilton Road Rear, and Kimberly Parkway {Franklin County Tax Parcel Nos. 010-270940, 010-270941, 010-009636, 010-100787, and 010-117306, Refugee Road Partners III Corp, LLC, an Ohio corporation (“Real Estate”). CRPD has successfully negotiated a purchase contract for the purchase of the Real Estate. CRPD now requests the City Attorney’s Real Estate Division acquire the Real Estate in good faith and contract for associated professional services (*e.g.* surveys, title work, appraisals, *etc.*) as part of the closing so that CRPD can timely complete the Public Project. Further as a condition of the grant, the Director of CRPD will be required to place a deed restriction on the Real Estate, preserving the Real Estate as greenspace.

CONTRACT COMPLIANCE: Not applicable.

FISCAL IMPACT: The acceptance and appropriation of grant and matching funds was authorized by Ordinance Number 2312-2021. This ordinance is contingent on Ordinance Number 2312-2021. This ordinance will authorize an additional \$85,000.00 towards the grant match. \$1,525,000.00 is budgeted and available from within the Recreation and Parks Grant Fund 2283 and Voted Bond Fund 7702 to meet the financial obligations of this acquisition.

EMERGENCY JUSTIFICATION: Emergency action is requested in order to acquire the Real Estate and allow the Recreation and Parks Department 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 the real property located at Refugee Road, Hamilton Road Rear, and Kimberly Parkway, and contract for associated professional services in order for the Recreation and Parks Department to timely complete the acquisition of the property; to authorize the transfer of \$85,000.00 within the Recreation and Parks Voted Bond Fund; to authorize the amendment of the 2020 Capital Improvements Budget; to authorize and expend up to \$1,525,000.00 from the Recreation and Parks Grant Fund 2283 and the Recreation and Parks Voted Bond Fund 7702; to authorize the Director of the Recreation and Parks Department to record a deed restriction on the property, and to declare an emergency. (\$1,525,000.00)

WHEREAS, the Recreation and Parks Department (“CRPD”) desires to purchase approximately 78.6 acres, more or less, of real property located at Refugee Road, Hamilton Road Rear, and Kimberly Parkway further identified as Franklin County Tax Parcel Numbers 010-270940, 010-270941, 010-009636, 010-100787, and 010-117306 (“Real Estate”) pursuant to a certain Grant Agreement with the Ohio Public Works Commission as authorized in Ordinance 2312-2021; and

WHEREAS, authority is needed to authorize the City attorney to acquire and accept the Real Estate in order for CRPD to complete the acquisition of the Real Estate (“Public Project”); and

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

green space along Big Walnut Creek as part of the East Broad Street Preserve Project; and

WHEREAS, the City Attorney is authorized to spend up to One Million Five Hundred Twenty-five Thousand and 00/100 U.S. Dollars (\$1,525,000.00), or as much as is necessary, from the Recreation and Parks Grant Fund 2283 and the Recreation and Parks Voted Bond Fund 7702 to acquire the Real Estate; and

WHEREAS, as a condition of the grant the Real Estate will be subject to a deed restriction; and

WHEREAS, it is necessary to authorize the transfer of \$85,000.00 within the Recreation and Parks Voted Bond Fund; and

WHEREAS, it is necessary to authorize the amendment of the 2020 Capital Improvements Budget Ordinance 2521-2020 in order to provide sufficient budget authority for this legislation and future projects; 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 City Attorney's Office to acquire the Real Estate in order to complete the Public Project without 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:

SECTION 1. That the City Attorney is authorized to acquire and accept certain fee simple title and lesser real estate located at Refugee Road, Hamilton Road Rear, and Kimberly Parkway ("Real Estate") in order for the Recreation and Parks Department ("CRPD") to timely complete the acquisition of the Real Estate for the Ohio Public Works Commission ("OPWC Clean Ohio Conservation Fund (Round 15) - Refugee Road, Mason Run Preservation Project ("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 this ordinance is contingent on the passage of Ordinance Number 2312-2021.

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 One Million Five Hundred Twenty-five Thousand and 00/100 U.S. Dollars (\$1,525,000.00) or as much as may be necessary, from the 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 5. That the Director of the Recreation and Parks Department is authorized to place a deed restriction on the Real Estate, as approved by the City Attorney's Office and consistent with the OPWC grant.

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 the transfer of \$85,000.00 or so much thereof as may be needed, is hereby authorized between projects within the Recreation and Parks Bond Fund 7702 per the account codes in the attachment to this ordinance.

SECTION 11. That the 2020 Capital Improvements Budget Ordinance 2521-2020 is hereby amended as follows in order to provide sufficient budget authority for this ordinance and future projects.

Fund / Project / Project Name / Current / Change / Amended

Fund 7702; P513000-100000; Acquisition - Misc. (SIT Supported); \$829,436 / (\$85,000) / \$744,436

Fund 7702; P510922-513000; Refugee Road, Mason Run Preservation Grant Match (SIT Supported) / \$320,859 / \$85,000 / \$405,859

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 passage and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.