File #: 2641-2025, **Version:** 1

1. BACKGROUND
This ordinance authorizes funds in the amount of up to $180,000.00, to be spent by the City Attorney for expenses associated with acquiring the right-of-way needed for the 2021 General Construction Contract - Sanitary Task 4600 Kenny Road Sewer Reconstruction, C.I.P. No. 650745-100013.

The City's Department of Public Utilities ("DPU") is engaged in the 2021 General Construction Contract - Sanitary Task 4600 Kenny Road Sewer Reconstruction, C.I.P. No. 650745-100013 ("Public Project"). This project is being undertaken for a sanitary sewer reconstruction at 4600 Kenny Road which is situated on the property's eastern side, approximately 1,800 feet north of the Kenny Road and Henderson Road intersection. The replacement sewer line will be constructed within the parcel, running along the rear property line and adjacent to the railroad tracks.

The City must acquire in good faith and accept certain fee simple and lesser real estate located in the vicinity of 4600 Kenny Road (collectively, "Real Estate") 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.) for DPU to complete the Public Project timely. Exhibits are attached to this Ordinance showing the details of three (3) easements.

The Real Estate is located in Columbus Community 34 - Northwest.

2. CONTRACT COMPLIANCE
Not applicable.

3. FISCAL IMPACT
Funds in the amount of $180,000.00 are available in the Sanitary Bond Fund, Fund 6109. An amendment to the 2025 Capital Improvement Budget is needed to align budget authority with the proper project. A transfer of cash and appropriation within the Sanitary Bond Fund, Fund 6109, is needed to align cash and appropriation with the proper project.

4. EMERGENCY JUSTIFICATION
Emergency action is requested as the needed Real Estate is needed to help multiple developers meet their project schedules, resulting in additional housing units that serve the public interest and well-being by easing the housing shortage in the area.

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 4600 Kenny Road; to contract for associated professional services in order for the Department of Public Utilities to timely complete the acquisition of Real Estate for the 2021 General Construction Contract - Sanitary Task 4600 Kenny Road Sewer Reconstruction; to amend the 2025 Capital Improvement Budget; to authorize the transfer of cash and appropriation between projects within the Sanitary Bond Fund; and to declare an emergency. ($180,000.00)

WHEREAS, the Department of Public Utilities ("DPU") intends to reconstruct the sanitary infrastructure in the vicinity of 4600 Kenny Road; 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 4600 Kenny Road ("Real Estate") in order for DPU to complete the Public Project;

and

WHEREAS, funding is needed to complete the Real Estate acquisition and is available in the Sanitary Bond Fund, Fund 6109; and

WHEREAS, it is necessary to amend the 2025 Capital Improvement Budget to align budget authority with the proper project; and

WHEREAS, a transfer of cash and appropriation between projects with the Sanitary Bond Fund, Fund 6109, is needed to align cash and appropriation with the proper project; and

WHEREAS, it is necessary for this Council to authorize the expenditure of up to one hundred eighty thousand and 00/100 U.S. Dollars ($180,000.00) from the Sanitary Bond Fund, Fund 6109 for the Real Estate; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Utilities in that it is immediately necessary to acquire Real Estate for the Public Project to help multiple developers meet their project schedules, resulting in additional housing units that serve the public interest and well-being by easing the housing shortage in the area, preserving the public peace, property, health, welfare, and safety; **NOW, THEREFORE:**

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

SECTION 1. That the 2025 Capital Improvements Budget authorized by ordinance 1790-2025 be amended to establish sufficient authority for this project:

Fund/Project Number / Project Name (Funding Source) / Current Authority / Revised Authority / Change
6109 / 650354-100000 / SWWTP Post Aeration Diffuser Replacement (Voted Sanitary Carryover) / $409,915.00 / $229,915.00 / ($180,000.00)
6109 / 650745-100013 / 2021 General Construction Contract - Sanitary (Voted Sanitary Carryover) / $1,117,379.00 / $1,297,379.00 / $180,000.00

SECTION 2. That the transfer of $180,000.00, or so much thereof as may be needed, is hereby authorized within Fund 6109 (Sanitary Bond Fund) per the account codes in the attachment to this ordinance.

SECTION 3. 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 4600 Kenny Road ("Real Estate") for the Department of Public Utilities ("DPU") to timely complete the acquisition of the Real Estate for the 2021 General Construction Contract - Sanitary Task 4600 Kenny Road Sewer Reconstruction ("Public Project").

SECTION 4. That the City Attorney is authorized to contract for professional services (e.g. surveys, title work, appraisals, etc.) associated with Real Estate's acquisition for the Public Project.

SECTION 5. That the City Attorney, in order to exercise the authority described in Sections three and four of this ordinance, is authorized to spend this one-hundred and eighty thousand and 00/100 U.S. Dollars ($180,000.00), or as much as may be necessary, from the Sanitary Bond Fund, Fund 6109, according to the account codes in the attachment to this ordinance, for the Real Estate.

SECTION 6. Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this Ordinance and the City Auditor shall establish such accounting codes as necessary.

SECTION 7. 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 8. 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 9. 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.

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