

## AGREEMENT

### CITY OF COLUMBUS & SHORT NORTH SPECIAL IMPROVEMENT DISTRICT OF COLUMBUS, INC.

**WHEREAS**, the City of Columbus has been a partner with the Short North Special Improvement District of Columbus, Inc. (SID) in the design, fabrication and construction of the Short North Arch Project; and

**WHEREAS**, the City of Columbus was prepared to complete the Short North Arch Project by December 2006, using the white lighting system; and

**WHEREAS**, the Short North Special Improvement District of Columbus, Inc. desires to include the architectural up-lighting and color-changeable lighting systems to the Short North Arch Project; and

**WHEREAS**, both parties agree that it is in their best interest to enter into an agreement to ensure the satisfactory completion of the Short North Arch Project; and

**NOW, THEREFORE**, be it agreed by the City of Columbus and the Short North Special Improvement District of Columbus, Inc. that the terms of the agreement are as follows:

**Section 1.** The cost of adding architectural up-lighting and an LED color-changeable lighting system, as proposed by the Righter Company on September 7, 2006 is \$277,595.16.

**Section 2.** Cost of said additions in Section 1 above, as proposed by the Righter Company, are guaranteed through September 12, 2006.

**Section 3.** Said additions in Section 1 above are proposed by the Righter Company to be completed by May 31, 2007 and the Short North Special Improvement District is in agreement with this extended completion date.

**Section 4.** Funding sources available for construction of items listed in Section 1 are as follows:

\$ 57,000.00	Short North SID Capital Assessment reimbursement
\$136,000.00	Short North SID Street Furniture funds
<u>\$ 50,000.00</u>	Short North SID Kiosk funds

**\$243,000.00** Sub-Total

**Section 5.** Short North Special Improvement District of Columbus, Inc. funding sources available for construction of items listed in Section 1 are as follows:

<u>\$34,595.16</u>	Short North SID maintenance contribution
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**\$34,595.16** Sub-Total

The City of Columbus will advance the \$34,595.16 for the Short North Special Improvement District, Inc. The Short North SID will repay the \$34,595.16 to the City of Columbus over a three (3) year period as follows:

2007 (1 <sup>st</sup> quarter)	\$ 5,000
2008 (1 <sup>st</sup> quarter)	\$ 5,000
2009 (1 <sup>st</sup> quarter)	<u>\$24,595.16</u>
	\$34,595.16

The City of Columbus receives Short North SID assessments from Franklin County biannually. Sixty-two percent of the assessment received by the City is returned to the Short North SID for operating costs. Thirty-eight percent of the assessment received by the City is kept as repayment for the arch construction project. The repayment of the \$34,595.16 will come from the 62% that is returned to the Short North SID. Prior to sending the 62% to the Short North SID the City will deduct \$5,000 in 2007, \$5,000 in 2008 and \$24,595.16 in 2009 as repayment of the \$34,595.16.

- Section 6.** The funding sources identified above are the only funding sources available for this work.
- Section 7.** The total of Section 4 and Section 5 above is **\$277,595.16**, which will allow the completion of the Short North Arch Project.
- Section 8.** The Short North Special Improvement District of Columbus, Inc. and the City of Columbus will agree on the final up-lighting design system to be installed on the arches per the current budget constraints.
- Section 9.** As soon as practicable following the execution of this agreement, the Director of Public Service will submit legislation to Columbus City Council to modify and increase the contract with the Righter Company, to add up-lighting and LED color changeability, and extend the construction completion date to May 31, 2007.
- Section 10.** The City of Columbus and the Short North Special Improvement District of Columbus, Inc. will make reasonable efforts to execute agreements regarding responsibilities and costs associated with the electric power, maintenance and operation of the arches by December 31, 2006.
- Section 11.** The City's financial obligations are expressly subject to and contingent upon the appropriation and authorization by City Council and the approval and certification by the Columbus City Auditor of the funds necessary for such obligations.

IN WITNESS HEREOF, the City of Columbus and the Short North Special Improvement District of Columbus, Inc. have executed this agreement in five (5) counterparts as of this 12<sup>th</sup> day of September, 2006.

**SHORT NORTH SPECIAL  
IMPROVEMENT DISTRICT  
OF COLUMBUS, INC.:**

By David Strause Chair  
David Strause, Chairman  
Board of Trustees

**CITY OF COLUMBUS:**

By Henry Guzmán  
Henry Guzmán, Director  
Department of Public Service

Approved as to form:

APPROVED AS TO FORM  
[Signature]  
Columbus City Attorney