



# City of Columbus

## Legislation Report

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

**File Number: 1019-2007**

---

### Emergency

**File ID:** 1019-2007

**Type:** Ordinance

**Status:** Passed

**Version:** 1

**\*Committee:** Finance & Economic Development Committee

**File Name:** Nationwide Walkway Renovation (\$2,300,000.00)

**File Created:** 06/18/2007

**Final Action:** 07/25/2007

**Auditor Cert #:** AC027455

**Auditor:** When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

**Contact Name/No.:** Sean Fouts, 645-2854; Paul Rakosky, 645-8045

---

### Floor Action (Clerk's Office Only)

---

#### Mayor's Action

#### Council Action

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date Passed/ Adopted

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
Veto

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk

---

**Title:** To authorize and direct the City Auditor to transfer \$1,680,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the appropriation of said funds; to amend the 2007 Capital Improvements Budget; to authorize the City Auditor to transfer \$620,000 between projects within the Construction Management Capital Improvement Fund; to authorize the Director of the Department of Finance and Management to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company pursuant to Section 186 of the Columbus City Charter for capital improvements to the High Street Walkway and Sensenbrenner Park; to authorize the Director of the Department of Public Service to execute an aerial encroachment easement to Nationwide Mutual Insurance Company for the overhead walkways on High Street and Nationwide Boulevard; to authorize the Director of Recreation and Parks to execute a quit claim deed to a portion of Sensenbrenner Park; to authorize the appropriation and expenditure

of \$2,300,000, with \$400,000 being earmarked for Sensenbrenner Park upgrades; to waive the provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding; and to declare an emergency. (\$2,300,000.00)

**Sponsors:**

**Attachments:** Bid Waiver 10192007.doc

## History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Atty Drafter <b>Notes:</b> <i>jsg</i>	06/28/2007	Sent for Approval	Finance Inbox			
1	Finance Reviewer <b>Notes:</b> <i>AEK</i>	07/02/2007	Sent for Approval	Finance Inbox			
1	Finance Reviewer <b>Notes:</b> <i>SSF Approved/Modified - Sent to PRR and Gakro</i>	07/02/2007	Reviewed and Approved	Finance Inbox			
1	Finance Reviewer <b>Notes:</b> <i>GFAkrobettoe/bid waiver needs to be attached.</i>	07/03/2007	Reviewed and Approved	Finance Reviewer			
1	Finance Reviewer <b>Notes:</b> <i>SDG to PR for JST</i>	07/03/2007	Reviewed and Approved	FINANCE DIRECTOR			
1	FINANCE DIRECTOR <b>Notes:</b> <i>jstaylor</i>	07/09/2007	Reviewed and Approved	FINANCE DIRECTOR			
1	Finance Reviewer <b>Notes:</b> <i>AEK</i>	07/11/2007	Reviewed and Approved	FINANCE DIRECTOR			
1	Finance Reviewer <b>Notes:</b> <i>PRR to KB</i>	07/11/2007	Reviewed and Approved	Finance Drafter			
1	Finance Drafter <b>Notes:</b> <i>Forwarded to City Auditor's Office for review/approval. KDB</i>	07/11/2007	Sent for Approval	Auditor Inbox			
1	CITY AUDITOR <b>Notes:</b> <i>HJD/vva</i>	07/12/2007	Reviewed and Approved	Finance Drafter			
1	Finance Drafter <b>Notes:</b> <i>Forwarded to the City Attorney's Office for review/approval. KDB</i>	07/12/2007	Sent for Approval	Atty Inbox			
1	Auditor Reviewer <b>Notes:</b> <i>HUGH J. DORRIAN BY JSM (\$2,300,000.00) (AC027455)</i>	07/12/2007	Reviewed and Approved	Auditor Reviewer			
1	CITY AUDITOR	07/12/2007	Reviewed and Approved	Atty Inbox			
1	CITY ATTORNEY <b>Notes:</b> <i>jsg</i>	07/12/2007	Reviewed and Approved	Atty Drafter			
1	Atty Drafter	07/12/2007	Sent to Clerk's Office for Council	City Clerk Inbox			
1	City Clerk's Office <b>Notes:</b> <i>Need "prnciple party" information completed, 7/12/07</i>	07/12/2007	Sent back for Clarification/Correction	Finance Drafter			
1	Atty Drafter	07/13/2007	Sent to Clerk's Office for Council	City Clerk Inbox			
1	COUNCIL PRESIDENT	07/23/2007	Signed				

1	Columbus City Council	07/23/2007	Approved	Pass
1	MAYOR	07/24/2007	Signed	
1	CITY CLERK	07/25/2007	Attest	

**EBOCO:** Following review and approval, when required, the Equal Business Opportunity Commission Office certifies compliance with Title 39 as of date listed.

**City Attorney:** Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

### Explanation

Background: This ordinance authorizes the Director of the Department of Finance and Management to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company. Pursuant to the terms of the agreement, Nationwide will construct certain capital improvements to the High Street Walkway, which connects various hotels, the Convention Center and Nationwide's headquarters. Additionally, Nationwide will undertake certain capital improvements to Sensenbrenner Park, located at the corner of High Street and Nationwide Boulevard. In exchange for said improvements, the City will pay Nationwide the sum of \$2,300,000, with \$400,000 being earmarked for Sensenbrenner Park upgrades. Furthermore, upon completion of the improvements, the City, through the Directors of Finance and Management and Recreation and Parks, will grant Nationwide an aerial encroachment easement for the overhead walkways and will convey title to the connecting structures to Nationwide with a restriction requiring that it remain accessible for public use. This ordinance requests that City Council finds that it is in the best interest of the City to waive provisions of Chapter 328 and Chapter 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding.

This ordinance also authorizes the transfer of \$620,000.00 between projects within the Construction Management Capital Improvements Budget and \$1,680,000 from the Special Income Tax Fund (as a temporary funding measure until bonds are sold to reimburse the Special Income Tax Fund) and amends the 2007 Capital Improvement Budget, ordinance #0733-2007, to reflect the expenditures for this project. In addition, funds are reserved to pay construction inspection costs up to \$276,000.

**Fiscal Impact:** The cost of this project will be \$2,300,000 with \$400,000 being earmarked for improvements to Sensenbrenner Park.

**Emergency Designation:** This legislation is being submitted as an emergency measure so that work can begin on the project during construction season.

### Title

To authorize and direct the City Auditor to transfer \$1,680,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the appropriation of said funds; to amend the 2007 Capital Improvements Budget; to authorize the City Auditor to transfer \$620,000 between projects within the Construction Management Capital Improvement Fund; to authorize the Director of the Department of Finance and Management to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company pursuant to Section 186 of the Columbus City Charter for capital improvements to the High Street Walkway and Sensenbrenner Park; to authorize the Director of the Department of Public Service to execute an aerial encroachment easement to Nationwide Mutual Insurance Company for the overhead walkways on High Street and Nationwide Boulevard; to authorize the Director of Recreation and Parks to execute a quit claim deed to a portion of Sensenbrenner Park; to authorize the appropriation and expenditure of \$2,300,000, with \$400,000 being earmarked for Sensenbrenner Park upgrades; to waive the provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding; and to declare an emergency. (\$2,300,000.00)

**Body**

**WHEREAS**, the City of Columbus is the owner of the public park known as Sensenbrenner Park located at the corner of Nationwide Boulevard and High Street in Columbus, Ohio; and

**WHEREAS**, the City is the owner of the overhead walkways and structures that serve as pedestrian walkways over High Street and Nationwide Boulevard and connect the Greater Columbus Convention, various hotels, and the headquarters of Nationwide Mutual Insurance Company in Columbus, Ohio; and

**WHEREAS**, the City of Columbus, Department of Finance and Management, Department of Public Service, and Department of Recreation and Parks have determined that it is in the City's best interests to enter into a reimbursement agreement with Nationwide for purposes of constructing capital improvements to the pedestrian walkway and Sensenbrenner Park and to convey title to the walkways and related structures upon completion of the capital improvements; and

**WHEREAS**, it has been determined that it is in the best interest of the City to waive provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding, and

**WHEREAS**, this ordinance amends the 2007 Capital Improvement Budget, Ordinance No. 0733-2007, and

**WHEREAS**, this ordinance authorizes the City Auditor to transfer \$620,000 between projects within the Construction Management Capital Improvements Fund, and

**WHEREAS**, a transfer of funds from the Special Income Fund is necessary to fund this purchase; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

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

**WHEREAS**, the aggregate principal amount of obligations which the City will issue to finance this purchase is presently expected not to exceed \$2,300,000.00; and

**WHEREAS**, it is necessary to provide for construction inspection costs; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to approve this agreement and approve the appropriation and expenditure of said funds so that this project can be completed during the construction season, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

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

**Section 1.** That the sum of \$1,680,00.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2007 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**Section 2.** That the City Auditor is hereby authorized to transfer said funds to the Construction Management Capital Improvement Fund, Fund 733, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

**Section 3.** That the amount of \$1,680,000.00 is hereby transferred and appropriated to the Finance and Management Department, Office of Construction Management 45-50, Construction Management Capital Improvement Fund, Fund 733, 300 N High Overhead Pedestrian 570001, Object Level One 06, Object Level Three Code 6620.

**Section 4.** That upon obtaining other funds for the 300 N High Overhead Pedestrian, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2, above, and said funds are hereby deemed appropriated for such purpose.

**Section 5.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 2, above.

**Section 6.** The City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

**Section 7.** That the 2007 Capital Improvement Budget is hereby amended as follows:

**Office of Construction Management 45-50**

<u>Project/Project #</u>	<u>CIB Amount</u>	<u>Revised CIB</u>
Facility Renovation 570030 (New Funding Only)	\$4,790,000	\$3,110,000
Facility Renovation 570030 (Carryover Funding)	\$2,339,444	\$1,719,444
300 N High Overhead Pedestrian 570001 (New Funding Only)	\$0	\$1,680,000
300 N High Overhead Pedestrian 570001 (Carryover Funding)	\$0	\$620,000

**Section 8.** That the City Auditor is hereby authorized and directed to transfer funds within the Construction Management Capital Improvement Fund as follows:

**FROM:**

Dept/Div: 45-50|Fund: 733|Project Number 570030|Project Name - Facility Renovation|OCA Code 733000|Amount \$620,000.00

**TO:**

Dept/Div: 45-50|Fund: 733|Project Number 570001|Project Name - 300 N High Overhead Pedestrian|OCA Code 733000|Amount \$620,000.00

**Section 9.** That the Director of the Department of Finance and Management is hereby authorized and directed to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company pursuant to Section 186 of the Columbus City Charter for the purpose of constructing capital infrastructure improvements to the High Street Walkway and Sensenbrenner Park and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$276,000.00.

**Section 10.** That for the purpose articulated in Section 1 herein, the amount of \$2,300,000 is hereby authorized to expended, as follows:

Division: 45-50  
Fund: 733  
Project: 570001  
OCA Code: 733000  
Object Level 1: 06  
Object Level 3: 6620  
Amount: \$2,300,000.00

**Section 11.** That upon completion of the improvements set forth in Section 1, the Director of the Department of Public Service is hereby authorized to transfer title for \$1.00 and to execute an aerial encroachment easement to Nationwide Mutual Insurance Company for the walkway structures over High Street and Nationwide Boulevard, subject to the restriction that the Walkways remain accessible to the public and such other restriction as the Director deems necessary for the maintenance of the Walkways and the protection of the public.

**Section 12.** That at the completion of this project, the Director of Recreation and Parks is hereby authorized to convey title by quit claim deed to the connecting walkway structures, the covered walkway abutting the Park on the

east, and the land situated on Sensenbrenner Park necessary to these structures to Nationwide Mutual Insurance Company for \$1.00, subject to a reverter clause if the area is no longer used for the overhead walkways and open to the public, reservations for access easements and utilities used for Sensenbrenner Park, and such other restriction as deemed necessary by the Director of Recreation and Parks for the protection of Sensenbrenner Park.

**Section 13.** That the provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commisison and competitive bidding are hereby waived.

**Section 14.** 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 15.** That for the reasons set forth hereto, which are hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after passage and approval by the Mayor, or ten days after approval if the Mayor neither approves nor vetoes the same.