



## Legislation Details (With Text)

---

**File #:** 1606-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/20/2013      **In control:** Development Committee

**On agenda:** 7/15/2013      **Final action:** 7/18/2013

**Title:** To authorize the Director of the Department of Development to enter into a Second Modification to the Participation Agreement with Prairie Township and Brown Township for professional services in connection with the implementation of the Big Darby Town Center; to authorize the expenditure of \$15,000.00 from the General Fund; and to declare an emergency. (\$15,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/18/2013	1	CITY CLERK	Attest	
7/16/2013	1	MAYOR	Signed	
7/15/2013	1	COUNCIL PRESIDENT	Signed	
7/15/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This ordinance authorizes the Director of the Department of Development to enter into a Second Modification of the Participation Agreement among Columbus and Prairie Township and Brown Township for the procurement and payment of professional consulting services in connection with the implementation of the Big Darby Town Center. The original Participation Agreement with Prairie Township was authorized by City Council on December 5, 2012 by City Ordinance 2608-2012. The purpose of the earlier modification was to bring Brown Township (Brown) into the Participation Agreement along with Prairie Township (Prairie) and the city of Columbus (Columbus). All three are local jurisdictions within the Franklin County portion of the Big and Little Darby Creeks' Watershed and have been involved in the Big Darby Accord planning process, a process that is intended to protect the water quality and other natural resources of this planning area, within the context of a balanced development approach and respecting the rights of property owners. The Big Darby Accord Watershed Master Plan of 2006 designates that the development of a Town Center be a large consideration in the preservation of the Watershed in Franklin County. Brown, Prairie and Columbus are among the four jurisdictions that also adopted the Big Darby Town Center Master Plan (December 2011). They have a direct interest in the successful development and creation of the Town Center and desire to bring it closer to implementation. The sum encumbered by Columbus by Ordinance 2608-2012 authorizing the Participation Agreement was \$50,000, and that sum was not changed by the first Modification.

The purpose of this Second Modification is to increase the amount available for paying the consultant team from \$110,000 to \$140,000, and to share the additional \$30,000 equally between Columbus and Prairie. The Columbus share of funds will be provided to Prairie as the heretofore established financial agent for the parties, to pay such costs. The willingness of Brown, Prairie and Columbus to participate in this initiative and provide a proportionate share of funding assistance is based upon the understanding and condition that all parties adhere to each and every element and principle contained in the Participation Agreement, the first Modification and the Second Modification. The additional sum encumbered by Columbus through this Ordinance is not to exceed \$15,000.

Emergency action is requested in order to avoid further delays in the Darby Town Center implementation process.

**FISCAL IMPACT:** \$15,000 is available in the General Fund budget for this purpose.

To authorize the Director of the Department of Development to enter into a Second Modification to the Participation Agreement with Prairie Township and Brown Township for professional services in connection with the implementation of the Big Darby Town Center; to authorize the expenditure of \$15,000.00 from the General Fund; and to declare an emergency. (\$15,000.00)

**WHEREAS**, Brown Township (“Brown”) and Prairie Township (“Prairie”) and the city of Columbus (“Columbus”) are local jurisdictions within the Franklin County portion of the Big and Little Darby Creeks' Watershed (the "Watershed "); and

**WHEREAS**, Brown and Prairie and Columbus, the parties to this Modification, have been involved in the Big Darby Accord planning process, which is intended to protect the water quality and other natural resources of this planning area, within the context of a balanced development approach and respecting the rights of property owners; and

**WHEREAS**, the Big Darby Accord Watershed Master Plan of 2006 designates that the development of a Town Center be a large consideration in the preservation of the Watershed in Franklin County in a balanced manner; and

**WHEREAS**, the Big Darby Town Center Master Plan was prepared with the cooperation of the parties to more fully define the proposed Town Center and to prepare a framework for its successful development, and said plan was adopted in December 2011 by the parties and by Franklin County; and

**WHEREAS**, Prairie and Brown and Columbus all have a direct interest in the successful development and creation of the Town Center; and

**WHEREAS**, Prairie and Columbus on November 28, 2012, entered into the Big Darby Town Center Master Plan Participation Agreement (“Participation Agreement”); and

**WHEREAS**, Prairie and Columbus (the two original parties as noted in the previous clause) entered into a Modification with Brown of the Participation Agreement that made Brown also a party thereto, and brought the total funding available at that time to \$110,000; and

**WHEREAS**, Prairie and Brown and Columbus desire to have Prairie enter into an agreement with the consultant or consultants selected by mutual agreement of the parties, and accordingly Brown and Columbus will provide funds to Prairie in the amounts and percentages called for in the Modification; and

**WHEREAS**, the cost for hiring the consultant(s) for this initiative was estimated to be \$110,000.00, with the Columbus share not to exceed \$50,000; and

**WHEREAS**, the costs for hiring the consultant(s) for this initiative are now estimated to be closer to \$140,000 with Columbus and Prairie each willing to pay equally the portion needed of such additional \$30,000, with the additional amount to be paid by Columbus through this ordinance not to exceed \$15,000 for a total on the project not to exceed the amount of \$65,000; and

**WHEREAS**, the willingness of Prairie Township and Brown Township and the City of Columbus to participate in this initiative and provide a proportionate share of funding assistance is based upon the understanding and condition that all parties adhere to each and every element and principle contained in the Participation Agreement as modified by this Modification, and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of the Department of Development to enter into this Second Modification to the Participation Agreement with Prairie Township and Brown Township for professional services in connection with the implementation of the Big Darby Town Center in order to avoid further delays in the implementation process, thereby preserving the public health, peace, property, safety, and welfare; and **NOW THEREFORE**,

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

**Section 1.** That the Director of the Department of Development is hereby authorized to enter into a Second Modification to the Participation Agreement with Prairie Township and Brown Township for professional services in connection with the implementation of the Big Darby Town Center, such that the total funds available for the project will be increased from \$110,000 to \$140,000, with not more than \$15,000 of the \$30,000 in potential additional funding to be provided by the City of Columbus.

**Section 2.** That except insofar as specifically adjusted by the first Modification or by the Second Modification hereby authorized, the terms of the previously entered into Participation Agreement shall remain in full force and effect.

**Section 3.** That for the purpose stated in Section 1, the expenditure of \$15,000.00, or so much thereof as may be necessary, is hereby authorized to be expended from the Department of Development, Planning Division, Division 44-06, General Fund, Fund 010, Object Level One 03, Object Level Three 3336, OCA Code 440334.

**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 for the reasons stated in the preamble hereto, which is 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 its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.