



## Legislation Details (With Text)

**File #:** 3048-2015      **Version:** 1

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

**File created:** 11/24/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 12/14/2015      **Final action:** 12/16/2015

**Title:** To amend the 2015 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Coulter Properties, LLC and Coulter Ventures, LLC, dba Rogue Fitness; to authorize the expenditure of \$150,000.00 from the Streets and Highways Bond Fund; and to declare an emergency (\$150,000.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/16/2015	1	CITY CLERK	Attest	
12/15/2015	1	MAYOR	Signed	
12/14/2015	1	COUNCIL PRESIDENT	Approved	
12/14/2015	1	COUNCIL PRESIDENT	Signed	
12/14/2015	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

The purpose of this ordinance is to authorize the Director of the Department of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Coulter Properties, LLC and Coulter Ventures, LLC dba Rogue Fitness ("Coulter") for the installation of a stormwater quality device to treat stormwater runoff from the public right-of-way in concert with the construction of the NCR - Milo Grogan and Miscellaneous Economic Development - Weinland Park Phase 3A projects.

Coulter Properties, LLC is undertaking a \$32 million redevelopment of the former Timken site in the Milo Grogan area of Columbus for a new headquarters for Rogue Fitness. The City is currently constructing the NCR - Milo Grogan and Miscellaneous Economic Development - Weinland Park Phase 3A CIP projects that include improvements to Cleveland Avenue from New York Avenue to just north of Starr Avenue and Fifth Avenue from Grant Avenue to I-71 ramps (the "CIP Projects") in support of the redevelopment of the former Timken site.

The City has been granted a perpetual storm sewer easement on the Timken site for the purposes of installing, maintaining, repairing, controlling and operating a storm water quality device known as the Austin Sand Filter System or equivalent water quality filtration system and associated appurtenances for the purpose of treating stormwater runoff from within the public right-of-way.

Coulter has agreed to undertake the construction of the storm water quality device as part of its redevelopment of the Timken site.

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Coulter Properties, LLC is 26-8707426. The expiration date is November 17, 2017.

### 3. FISCAL IMPACT

Funds in the amount of \$150,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Public Service. An amendment to the 2015 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

### 4. EMERGENCY DESIGNATION

The Department of Public Service requests emergency designation in order to allow the Director of the Department of Public Service to immediately execute a Construction Guaranteed Maximum Reimbursement Agreement, which is necessary to facilitate the construction of these improvements to maintain the project schedule and meet community commitments.

To amend the 2015 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Coulter Properties, LLC and Coulter Ventures, LLC, dba Rogue Fitness; to authorize the expenditure of \$150,000.00 from the Streets and Highways Bond Fund; and to declare an emergency (\$150,000.00).

**WHEREAS**, Coulter Properties, LLC and Coulter Ventures, LLC, dba Rogue Fitness (hereafter “Coulter”), is undertaking a \$32 million redevelopment of the former Timken site in the Milo Grogan area of Columbus for a new headquarters for Rogue Fitness; and

**WHEREAS**, the City of Columbus is constructing the NCR - Milo Grogan and Miscellaneous Economic Development - Weinland Park Phase 3A CIP projects in support of the redevelopment of the former Timken site; and

**WHEREAS**, it is necessary to install a stormwater quality device to treat stormwater runoff from within the public right-of-way included in the CIP projects; and

**WHEREAS**, the City has been granted a perpetual storm sewer easement on the Timken site that includes the installation, maintenance and operation of said storm water quality device; and

**WHEREAS**, Coulter has agreed to undertake the construction of the storm water quality device as part of its redevelopment of the Timken site; and

**WHEREAS**, this ordinance authorizes the Director of the Department of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Coulter Properties, LLC and Coulter Ventures, LLC dba Rogue Fitness for the construction of a stormwater quality device; and

**WHEREAS**, it is necessary to authorize an amendment to the 2015 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to enter into said Construction Guaranteed Maximum Reimbursement Agreement to maintain the project schedule and meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare; now, therefore,

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

**SECTION 1.** That the 2015 Capital Improvements Budget authorized by ordinance 0557-2015 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

704 / 530058-100001 / NCR - Milo Grogan (Voted Carrover) / \$50,560.00 / \$225,871.00 / \$276,431.00 (cancellation)

704 / 440104-100011 / Weinland Park - Phase 3A (Voted Carryover) / \$1,500,000.00 / (\$75,000.00) / \$1,425,000.00  
704 / 530058-100001 / NCR - Milo Grogan (Voted Carrover) / \$276,431.00 / (\$75,000.00) / \$201,431.00  
704 / 440104-100021 / Misc Econ Dev - Weinland 3A (Voted Carryover) / Milo Grogan NCR Storm Water Quality  
\$0.00 / \$150,000.00 / \$150,000.00

**SECTION 2.** That the City Auditor be and is hereby authorized to transfer cash and appropriation within the Streets and Highways Bonds Fund, No. 704, as follows:

Transfer from:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 440104-100011 / Weinland Park - Phase 3A / 06-6600 / 710411 / \$75,000.00

704 / 530058-100001 / NCR - Milo Grogan / 06-6600 / 745801 / \$75,000.00

Transfer to:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 440104-100021 / Misc Econ Dev - Weinland 3A / Milo Grogan NCR Storm Water Quality / 06-6621 / 710421 /  
\$150,000.00

**SECTION 3.** That the Director of the Department of Public Service be and is hereby authorized to enter into a Construction Guaranteed Maximum Reimbursement Agreement with Coulter Properties, LLC and Coulter Ventures, LLC, dba Rogue Fitness, 1080 Steelwood Road, Columbus, OH 43212, pursuant to Section 186 of the Columbus City Charter to construct a stormwater quality device to treat stormwater runoff from the NCR-Milo Grogan and Weinland Park Phase 3A projects.

**SECTION 4.** That for the purposes of paying the cost of this contract, the sum of up to \$150,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Streets and Highways Bond Fund as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 440104-100021 / Misc Econ Dev - Weinland 3A / Milo Grogan NCR Storm Water Quality / 06-6621 / 710421 /  
\$150,000.00

**SECTION 5.** 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 6.** 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 7.** 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 8.** 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.