



## Legislation Details (With Text)

**File #:** 1791-2007      **Version:** 1

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

**File created:** 10/25/2007      **In control:** Utilities Committee

**On agenda:** 11/19/2007      **Final action:** 11/21/2007

**Title:** To amend Ordinance No. 0587-2007, passed June 4, 2007, for purposes of revising the City's funding sources for the underground utility improvements associated with the Huntington Park guaranteed maximum cost reimbursement agreement with Nationwide Realty Investors, Ltd.; for the Department of Public Utilities; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1791-2007Amended Cost Detail.pdf

Date	Ver.	Action By	Action	Result
11/21/2007	1	CITY CLERK	Attest	
11/20/2007	1	MAYOR	Signed	
11/19/2007	1	Columbus City Council	Approved	Pass
11/19/2007	1	COUNCIL PRESIDENT PRO-TEM	Signed	
11/9/2007	1	CITY ATTORNEY	Reviewed and Approved	
11/9/2007	1	Utilities Drafter	Sent to Clerk's Office for Council	
11/7/2007	1	Utilities Drafter	Sent for Approval	
11/7/2007	1	Utilities Drafter	Sent for Approval	
11/6/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
11/6/2007	1	Utilities Drafter	Sent for Approval	
11/5/2007	1	Finance Reviewer	Reviewed and Approved	
11/5/2007	1	Finance Reviewer	Reviewed and Approved	
11/1/2007	1	Utilities Reviewer	Sent for Approval	
11/1/2007	1	UTILITIES DIRECTOR	Reviewed and Approved	
11/1/2007	1	Utilities Drafter	Sent for Approval	
11/1/2007	1	Auditor Reviewer	Reviewed and Approved	
11/1/2007	1	CITY AUDITOR	Reviewed and Approved	
11/1/2007	1	Utilities Drafter	Sent for Approval	
10/31/2007	1	Utilities Drafter	Sent for Approval	
10/31/2007	1	Utilities Drafter	Sent for Approval	
10/31/2007	1	Utilities Reviewer	Reviewed and Approved	
10/31/2007	1	Utilities Drafter	Sent for Approval	

### 1. Background:

This legislation requests amending Ordinance No. 0587-2006, passed on June 4, 2006, that authorized the City to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Realty Investors, Ltd. for city infrastructure improvements in the vicinity of the proposed Huntington Park, and to establish the funding limit of \$11,439,656.00

This amendment is for purposes of revising the Department of Public Utility funding sources to adequately address plan changes that departmental engineering personnel deemed necessary to address upgrades to the sanitary, stormwater and electrical distribution infrastructure for the department. This ordinance will only reallocate the maximum sum amount between the associated funding sources. No additional funding above this limit is authorized.

Due to the age and complexity of the City's underground utility infrastructure, the approximate scope and cost of the design and construction of the improvements could not be adequately determined at the time the Guaranteed Maximum Cost Reimbursement Agreement was executed between the City and the Developer.

### 2. Fiscal Impact:

This ordinance will not increase the funding of the subject agreement. Its purpose is make revisions that include: reducing the funding within the sanitary and stormwater funding sources; increasing the amount in the water funding source; and establishing funding for municipal electrical infrastructure improvements.

### 3. Emergency Designation:

The Department of Public Utilities is requesting City Council to consider this legislation an emergency measure, in order to facilitate the funding revisions that are necessary to allow for the payment of services related to the installation of this vital sanitary, stormwater and electrical infrastructure, in accordance with the provisions of the aforementioned guaranteed maximum cost reimbursement agreement.

To amend Ordinance No. 0587-2007, passed June 4, 2007, for purposes of revising the City's funding sources for the underground utility improvements associated with the Huntington Park guaranteed maximum cost reimbursement agreement with Nationwide Realty Investors, Ltd.; for the Department of Public Utilities; and to declare an emergency.

**WHEREAS**, Nationwide Realty Investors Ltd., hereinafter called the developer, is undertaking the development of Huntington Park, the future home of the Columbus Clippers baseball team, and the redevelopment of property they own or control in the immediate area, and in order to avoid having the City disturb new and expensive land improvements, thereby incurring much higher construction costs, the Developer has agreed to incorporate the design and construction of street, pedestrian, traffic signal, sanitary and stormwater utility improvements into its development plans; and

**WHEREAS**, Ordinance No. 1965-2006, passed by Columbus City Council on November 6, 2006, authorized the Directors of Public Service and Public Utilities to enter into a guaranteed maximum sum reimbursement agreement with Nationwide Realty Investors, Ltd., and authorized the initial funding in the amount of \$1,364,804.00 toward its total commitment of \$11,439,656.00 for the cost of the aforesaid public improvements; that are in the City's best interest to incorporate into the planned redevelopment of the area and construction of Huntington Park, the new home of the Columbus Clippers Baseball team, which is scheduled for completion prior to the start of the 2009 baseball season; and

**WHEREAS**, Ordinance No. 0587-2007, passed by Columbus City Council on June 4, 2007, authorized the additional funding in the amount of \$10,10,074,852.00, that is needed to fulfill the City's remaining commitment of the aforementioned guaranteed maximum reimbursement amount of \$11,439.656.00; and

**WHEREAS**, due to the complexity and age of the existing underground infrastructure in the project area, it has been determined necessary to adjust the Department of Public Utilities available funding sources to accommodate updated plan changes to the project that have occurred since the original agreement was executed on March 1, 2006 between the City and the Developer; and it is further understood that these changes shall not increase the City's financial commitment delineated within the aforementioned guaranteed maximum cost reimbursement agreement; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to amend Ordinance No. 0587-2007, to allow for the appropriate funding revisions that are necessary to ensure that the City's vital underground infrastructure improvements are incorporated into the Developer's Huntington Ballpark project area; thereby 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 Title of Ordinance No. 0587-2007 be and hereby is amended as follows:

To amend the 2007 Capital Improvements Budget; to authorize the transfer of \$2,235,175.00 within the Voted Storm Sewer Bond Fund for the Division of Sewerage and Drainage; to authorize the transfer of \$595,597.00 within the Voted 1995, 1999, 2004 Streets and Highways Fund for the Transportation Division; to authorize the transfer of \$1,424,715.00 within the Voted Sanitary Sewer Bond Fund for the Division of Sewerage and Drainage; **to authorize the transfer of \$279,716 within the Electrical Permanent Improvements Fund and between the Voted Street Lighting and Electricity Distribution Improvement Fund; to authorize the transfer of \$338,016 within the Water Works Enlargement Voted 1991 Bond Fund;** to authorize the expenditure of an additional \$10,074,852.00 or so much thereof as may be needed for the maximum cost reimbursement agreement and inspection for the infrastructure improvements needed in the vicinity for the Huntington Park project from the Voted 1995, 1999, 2004 Streets and Highways Fund for the Transportation Division (\$5,595,597.00); from the Water Works Enlargement Voted 1991 Bond Fund for the Division of Power and Water (~~\$819,365.00~~ **\$1,157,381.00**); from the Voted Sanitary and Storm Sewer Bond Funds for the Division of Sewerage and Drainage (\$3,659,890.00); **from the Voted Street Lighting and Electricity Distribution Improvement Fund (\$216,076.00);** and to declare an emergency. (\$10,074,852.00)

**SECTION 2.** That Section 1 of Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

SECTION 1. That the 2007 Capital Improvements Budget Ordinance No. 0733-2007, is hereby amended as follows, in order to provide sufficient budget authority for the execution of the subject ~~construction administration and inspection contract modification agreement:~~ **guaranteed maximum cost reimbursement agreement.**

CURRENT:

611004| Huntington Park Area Stormwater| \$1,476,000.00 (Voted Storm Sewer Bond)  
610855| Storm Sewer Contingency| \$2,307,340.00 (Voted Storm Sewer Bond)  
530161| Roadway Improv.| \$6,316,189.00 (Carryover) (Voted 95, 99, 04, Streets and Highways)  
530060| Neil Avenue| \$5,000,000.00 (Carryover) (Voted 95, 99, 04, Streets and Highways)  
650404| Sanitary System Rehabilitation| \$6,487,250.00 (Voted Sanitary Sewer Bond)  
650600| Franklin/Main Interceptor Rehab.| \$1,962,227.00 (Voted Sanitary Sewer Bond)  
**670797| Huntington Baseball Stadium| \$0 (Voted Street Ltg. & Electricity Dist. Imp. Fund)**  
**690449| Dublin Rd. 36" W.M.| \$2,587,173 (Water Works Enlargement Voted 1991 Bond Fund)**  
**690236| Water Main Rehab| \$22,969,370 (Water Works Enlargement Voted 1991 Bond Fund)**

AMENDED TO:

611004| Huntington Park Area Stormwater| \$3,711,175.00 (Voted Storm Sewer Bond)  
610855| Storm Sewer Contingency| \$72,165.00 (Voted Storm Sewer Bond)  
530161| Roadway Improv.| \$5,720,592.00 (Carryover) (Voted 95, 99, 04, Streets and Highways)  
530060| Neil Avenue| \$5,595,597.00 (Carryover) (Voted 95, 99, 04, Streets and Highways)  
650404| Sanitary System Rehabilitation| \$5,062,535.00 (Voted Sanitary Sewer Bond)  
650600| Franklin/Main Interceptor Rehab.| \$3,386,942.00 (Voted Sanitary Sewer Bond)  
**670797| Huntington Baseball Stadium| \$279,716 (Voted Street Ltg. & Electricity Dist. Imp. Fund)**  
**690449| Dublin Rd. 36" W.M. | \$2,507,419 (Water Works Enlargement Voted 1991 Bond Fund)**  
**690236| Water Main Rehab | \$23,049,124 (Water Works Enlargement Voted 1991 Bond Fund)**

**SECTION 3.** That Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

**SECTION 5.** That the City Auditor be and hereby is authorized and directed to transfer \$79,753.81 within the Water Works Enlargement Voted 1991 Bond Fund No. 606, Object Level Three 6629, Division of Power and Water, Division No. 60-09, as follows:

**FROM:**

**690449: Dublin Rd. 36" W.M.| OCA 690449| \$79,753.81**

**TO:**

**690236: Water Main Rehabilitation| OCA 642900| \$79,753.81**

**SECTION 4.** That Section 5 of Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

SECTION 5 6. That the amount of \$1,364,804.00 has been legislated and authorized by ordinance 1965-2006 passed November 6, 2006 and it is now necessary for the Directors of Public Service and Utilities to authorize the expenditure of the remaining amount of the guaranteed maximum cost reimbursement agreement subject to City Council approval.

**SECTION 5.** That Section 6 of Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

SECTION 6 7. That for purposes of paying the costs necessary and incident thereto, the sum of \$10,074,852.00 or so much thereof as may be needed be and hereby is authorized to be expended as follows:

Fund: 704  
Fund Name: Voted 1995, 1999, 2004 Streets and Highways  
Dept-Div/Division: 59-09  
OL1/OL3: 06/6682  
OCA: 644385  
Project No.: 530060 (Neil Avenue Area Improvements)  
Amount: \$5,595,597.00

Fund: 606  
Fund Name: Water Works Enlargement Voted 1991 Bonds Fund  
Dept-Div/Division: 60-09  
OL1/OL3: 06/6629  
OCA: 642900  
Project No.: 690236 (Water Main Rehabilitation)  
Amount: ~~\$819,365.00~~ **\$1,157,381.00 (increase AC-027204/002 by \$338,016)**

Fund: 664  
Fund Name: Voted Sanitary Bond Fund  
Dept-Div/Division: 60-05  
OL1/OL3: 06/6621  
OCA: 651600  
Project No.: 650600 (Franklin Main Interceptor)  
Amount: ~~\$1,424,715.00~~ **\$944,269.00 (decrease AC-027204/003 by \$480,446)**

Fund: 685  
Fund Name: Voted Storm Sewer Bond Fund  
Dept-Div/Division: 60-15  
OL1/OL3: 06/6621  
OCA: 681004  
Project No.: 6811004 (Huntington Park Area Stormwater Improvements)  
Amount: ~~\$2,235,175.00~~ **\$2,161,529.00 (decrease AC027204/004 by \$73,646)**

**Fund: 553**  
**Fund Name: Voted Street Lighting and Electricity Distribution Improvement Fund**  
**Dept-Div/Division: 60-07**  
**OL1/OL3: 06/6625**  
**Project No.: 670797**  
**Amount: \$216,076.00**

**SECTION 6.** That Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

**SECTION 8. That the City Auditor be and hereby is authorized and directed to appropriate \$279,716.00 within the Electrical Permanent Improvements Fund No. 565, Department 60-07, Project No. 565999, OCA Code 052043, Object Level One 05, Object Level Three 5501.**

SECTION 7. That Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

**SECTION 9. That the City Auditor be and hereby is authorized and directed to transfer \$279,716.00 between the Electrical Permanent Improvements Fund No. 565 and the Voted Street Lighting and Electricity Distribution Improvement Fund No. 553 as follows**

**Transfer from:**

**Fund # / Dept.-Div / Project No./ OCA Code / Object Level One / Object Level Three / Amount**  
**565 / 60-07 / 565999 / 903781/ 10 / 5501 / \$279,716**

**Transfer to:**

**Fund# / Dept.-Div / Project No. / OCA Code / Object Level / Amount**  
**553 / 60-07 / 670797 / 553797 / 0886 / \$279,716**

**That the City Auditor be and hereby is authorized and directed to appropriate \$279,716.00 within the Voted Street Lighting and Electricity Distribution Improvement Fund No. 553, Department 60-07, Project 670797, OCA Code 553797, Object Level One 06, Object Level Three 6625.**

SECTION 8. That Section 7 of Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

SECTION 7 10. 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 9. That Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

**SECTION 11. That the City Auditor is hereby authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance 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 no longer required for said project; except that no transfer shall be made from a project account by monies from more than one source.**

SECTION 10. That Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

**SECTION 12. That the City Auditor is authorized to establish proper project accounting numbers as appropriate.**

SECTION 11. That Section 8 of Ordinance 0587-2007, passed June 4, 2007, is hereby amended to read as follows:

SECTION 8 13. 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.

SECTION 12. That for reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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.