



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

File created: 3/20/2015 **In control:** Recreation & Parks Committee

On agenda: 4/20/2015 **Final action:** 4/22/2015

Title: To authorize the Director of Recreation and Parks Department to amend the agreement with Columbus Downtown Development Corporation for the development of the Scioto Greenway Project; to authorize the Director of Recreation and Parks to accept a grant and enter into a grant agreement with the State of Ohio in the amount of \$500,000.00 for the Scioto Greenways Project; to authorize the appropriation of \$500,000.00 to the Recreation and Parks Grant Fund; to authorize the expenditure of \$500,000.00, effective upon receipt of the executed grant agreement, from the Recreation and Parks Grant Fund; to authorize and direct the City Auditor to appropriate and transfer \$3,971,000.00 from the Special Income Tax Fund to the Recreation and Parks Bond Fund 702; to authorize the expenditure of \$3,971,000.00 in Voted Bond Funds and Grant Funds; and to declare an emergency. (\$4,471,000.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/22/2015	1	CITY CLERK	Attest	
4/21/2015	1	ACTING MAYOR	Signed	
4/20/2015	1	COUNCIL PRESIDENT	Signed	
4/20/2015	1	Columbus City Council	Approved	Pass

The Scioto Greenways Project involves the removal of the Main Street Dam and the restoration of the Scioto River, transforming the downtown Scioto Riverfront into a high quality, active, and green corridor for the benefit of the entire Columbus community. The project includes the construction of park improvements, utility improvements, and bridge improvements along both sides of the Scioto River between the confluence of the Scioto River and the Olentangy River to approximately 800 feet south of the current Main Street Dam.

Ordinance 1253-2012 initially authorized the City of Columbus, Recreation and Parks Department to enter into an agreement with the Columbus Downtown Development Corporation (CDDC) for the Scioto Greenways Project.

Ordinance 2638-2013 authorized the first amendment to the Scioto Greenway Project with CDDC.

Ordinance 1302-2014 authorized the second amendment to the Scioto Greenway Project with CDDC.

Ordinance 2765-2014 authorized the third amendment to the Scioto Greenway Project with CDDC.

Ordinance 0378-2015 authorized the fourth amendment to the Scioto Greenway Project with CDDC.

This ordinance will authorize and appropriate the second half of the final payment due per the original agreement, as amended, in the amount of \$2,741,000.00 and noted in 0378-2015. This ordinance will also authorize and appropriate the funding for the construction portion of the west bank lighting in the amount of \$1,230,000.00. Engineering for the lighting project was approved within 2765-2014. The additional cost to the city for west bank lighting is \$1,400,000.00.

This ordinance will also authorize the Director of Recreation and Parks to enter into a grant agreement with the Ohio Department of Natural Resources for \$500,000.00 for the Scioto Greenways Project. Furthermore, it will accept, appropriate, and authorize the expenditure of that grant money upon receipt of the executed Grant Agreement.

Finally, it will authorize the 5th amendment of the Scioto Greenways Project Primary Agreement to add the funds from ODNR and new work to the project for west bank lighting.

Principal Parties:

Columbus Downtown Development Corporation (CDDC)

Amy Taylor

150 S. Front Street, Suite 210

Columbus, Ohio 43215

Phone: (614) 545-4700

Fax: (614) 545-4702

Emergency Justification:

It is immediately necessary to enter into a grant agreement so that funds can be accepted and appropriated to continue work on the project during the current construction season.

Fiscal Impact:

Bonds have yet to be sold for the project necessitating a certification of \$3,971,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed. This ordinance will accept and appropriate grant funds in the amount of \$500,000.00. The City will have no match as part of this grant. Project funding in the amount of \$3,971,000 is in the 2015 CIB.

To authorize the Director of Recreation and Parks Department to amend the agreement with Columbus Downtown Development Corporation for the development of the Scioto Greenway Project; to authorize the Director of Recreation and Parks to accept a grant and enter into a grant agreement with the State of Ohio in the amount of \$500,000.00 for the Scioto Greenways Project; to authorize the appropriation of \$500,000.00 to the Recreation and Parks Grant Fund; to authorize the expenditure of \$500,000.00, effective upon receipt of the executed grant agreement, from the Recreation and Parks Grant Fund; to authorize and direct the City Auditor to appropriate and transfer \$3,971,000.00 from the Special Income Tax Fund to the Recreation and Parks Bond Fund 702; to authorize the expenditure of \$3,971,000.00 in Voted Bond Funds and Grant Funds; and to declare an emergency. (\$4,471,000.00)

WHEREAS, it is necessary for the Director of Recreation and Parks to amend the agreement with Columbus Downtown Development Corporation (CDDC) for the Scioto Greenways Project and make the final payment to CDDC for the removal of the Main Street Dam and the development of the Scioto River pursuant to the Scioto Greenways Project Primary Agreement, as amended; and

WHEREAS, the Ohio Department of Natural Resources has awarded the City of Columbus grant funding in the amount of \$500,000.00 for the Scioto Greenways Project; and

WHEREAS, it is necessary for the Director of Recreation and Parks to enter into a grant agreement with the State of Ohio to accept grant funds; and

WHEREAS, it is necessary to authorize the 5th amendment of the Scioto Greenways Project Primary Agreement to add the funds from ODNR and new work to the Project for West Bank Lighting; and

WHEREAS, it is necessary for the Director of Recreation and Parks to make payment to CDDC for the Scioto Greenways Project in the amount of \$4,471,000.00; and

WHEREAS, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

WHEREAS, the city 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 renovation is presently expected not to exceed \$3,971,000.00; and

WHEREAS, the city anticipates incurring certain Original Expenditures (as defined in Section 1.1.50-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project");

WHEREAS, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to amend the agreement, make payment and enter into a grant agreement so that funds can be accepted and appropriated to continue work on the Project, thereby preserving the public health, safety and welfare; **now, therefore**

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

SECTION 1. That the Director of Recreation and Parks be and is hereby authorized to create a purchase order and make payment in the amount of \$4,471,000.00, effective upon receipt of the executed grant agreement referenced below, to the Columbus Downtown Development Corporation ("CDDC") for the Scioto Greenways Project.

SECTION 2. That the Director of Recreation and Parks be and is hereby authorized to accept a grant and enter into a grant agreement with State of Ohio, Department of Natural Resources, in the amount of \$500,000.00 for the Scioto Greenways Project.

SECTION 3. That the Director of Recreation and Parks is authorized to amend the Scioto Greenways Project Agreement with CDDC to include the ODNR grant funds and the West Bank Lighting work.

SECTION 4. The sum of \$3,971,000.00 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, 2015 to the City Auditor, Department 22 -01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

SECTION 5. That the City Auditor is hereby authorized to transfer said funds to the Recreation and Parks Bond Fund 702, 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 6. That the amount of \$3,971,000.00 is hereby transferred and appropriated to Recreation and Parks, 51-01, Fund 702, Project- 510713-100002, Object Level One 06, Object Level Three Code 6621, OCA 727132.

SECTION 7. That upon obtaining funds from the 2015 Bond sale for the City of Columbus, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 5.

SECTION 8. 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 5 above.

SECTION 9. That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e)

of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$2,741,000.00 (the "Obligations"). The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of the Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

SECTION 10. That from the unappropriated monies in the Recreation and Parks Grant Fund 286, 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, 2015, the sum of \$500,000.00 is appropriated to the Recreation and Parks Department, Department No. 51-01, as follows:

Appropriation effective upon receipt of executed grant agreement

GRANT TITLE: Scioto Greenways Project; GRANT NUMBER: to be assigned by City Auditor's office;
OCA CODE: to be assigned by City Auditor's office; OBJECT LEVEL 3: 6621; AMOUNT: \$500,000.

SECTION 11. That the expenditure of \$3,971,000.00 or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Voted Recreation and Parks Bond Fund 702, as follows:

Project	OCA Code	Object Level 3	Amount
510713-100002 (Scioto Greenways)	727132	6621	\$3,971,000.00

SECTION 12. That the expenditure of \$500,000.00, effective upon receipt of the executed grant agreement, or so much thereof as may be necessary to pay the cost thereof, be and is hereby authorized from the Recreation and Parks Grant Fund 286, as follows:

GRANT TITLE: Scioto Greenways Project; GRANT NUMBER: to be assigned by City Auditor's office;
OCA CODE: to be assigned by City Auditor's office; OBJECT LEVEL 3: 6621; AMOUNT: \$500,000.

SECTION 13. 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; except that no transfer shall be so made from a project account funded by monies from more than one source.

SECTION 14. At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

SECTION 15. 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 legislation.

SECTION 16. 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.

