



## Legislation Details (With Text)

**File #:** 0197-2013      **Version:** 1

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

**File created:** 1/15/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 2/11/2013      **Final action:** 2/14/2013

**Title:** To amend the 2012 Capital Improvement Budget; to authorize the City Auditor to transfer funds between projects within the Streets and Highways Bond Funds; to authorize the Director of the Department of Public Service to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc. pursuant to Section 186 of the Columbus City Charter, for the design of public infrastructure improvements in connection with the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project in an amount up to \$225,000.00; to authorize the expenditure of up to \$225,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$225,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/14/2013	1	CITY CLERK	Attest	
2/13/2013	1	MAYOR	Signed	
2/11/2013	1	COUNCIL PRESIDENT	Signed	
2/11/2013	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

On August 29, 2008, the City entered into the Columbus Coated Fabrics Economic Development Agreement (EDA) with Wagenbrenner Development, Inc. under the authorization of Ordinance No. 1456-2007, passed by its Council on March 19, 2008, through which the City agreed to fund up to \$12.85 million for the design and construction of improved public roadways and utilities in and around the former Columbus Coated Fabrics site.

This ordinance authorizes the Director of the Department of Public Service to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc., for an amount up to \$225,000.00 for the design of public infrastructure improvements for Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A.

The scope of public infrastructure improvements for Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A includes, but is not limited to, resurfacing and restriping 5<sup>th</sup> Avenue between 4<sup>th</sup> Street and the CSX railroad line east of Grant Avenue for replacement of the four-lane section (two thru lanes in each direction) of the roadway with a three-lane section (one thru lane in each direction and a center two-way turn lane). Sidewalk and curb will be replaced and new street lighting and on-street bike facilities will be installed. Curb lines will be shifted to reduce the pavement width and increase sidewalk width where the new lane configuration requires less than the existing pavement width.

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for Wagenbrenner Development, Inc. is 26-3039980. The expiration date is 1/18/2015.

### 3. FISCAL IMPACTS

The Department of Development will contribute up to \$225,000.00 for this design guaranteed maximum reimbursement agreement. This expense is budgeted within the Misc Econ Dev Cols Coated project 440104-100002 and is available within the Streets and Highways G.O. Bonds Fund 704.

### 4. EMERGENCY DESIGNATION

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate execution of this design guaranteed maximum reimbursement agreement, which is necessary to facilitate the design of these improvements to maintain the project schedule and meet community commitments; thereby immediately preserving the public health, peace, property, safety and welfare.

To amend the 2012 Capital Improvement Budget; to authorize the City Auditor to transfer funds between projects within the Streets and Highways Bond Funds; to authorize the Director of the Department of Public Service to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc. pursuant to Section 186 of the Columbus City Charter, for the design of public infrastructure improvements in connection with the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project in an amount up to \$225,000.00; to authorize the expenditure of up to \$225,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$225,000.00)

**WHEREAS**, the City entered into the Columbus Coated Fabrics Economic Development Agreement (EDA) with Wagenbrenner Development, Inc. on August 29, 2008, under the authorization of Ordinance No. 1456-2007, passed by its Council on March 19, 2008, through which the City agreed to fund up to \$12.85 million for the design and construction of improved public roadways and utilities in and around the former Columbus Coated Fabrics site; and

**WHEREAS**, the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project is located in and around the former Columbus Coated Fabrics site; and

**WHEREAS**, public infrastructure improvements for this project include, but is not limited to, resurfacing and restriping 5<sup>th</sup> Avenue between 4<sup>th</sup> Street and the CSX railroad line east of Grant Avenue for replacement of the four-lane section (two thru lanes in each direction) of the roadway with a three-lane section (one thru lane in each direction and a center two-way turn lane). Sidewalk and curb will be replaced and new street lighting and on-street bike facilities will be installed. Curb lines will be shifted to reduce the pavement width and increase sidewalk width where the new lane configuration requires less than the existing pavement width; and

**WHEREAS**, the Department of Public Service has identified the need to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc. for the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project; and

**WHEREAS**, this ordinance authorizes the Director of the Department of Public Service to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc., in an amount up to \$225,000.00 for the design of public infrastructure improvements in connection with the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, in that it is immediately necessary to authorize said design guaranteed maximum reimbursement agreement and the expenditure of such funds 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 2012 C.I.B. authorized by ordinance 0368-2012 be amended as follows to provide sufficient budget authority for this expenditure:

**Fund / Project / Project Name / Current Budget / Change / Revised Budget**

704 / 440104-100002 / Misc Econ Dev Cols Coated (Voted 2008) / \$3,400,000 / (\$225,000) / \$3,175,000

704 / 440104-100011 / Misc. Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A (Voted 2008) / \$0 / \$225,000 / \$225,000

**SECTION 2** That the City Auditor is hereby authorized transfer of cash and appropriation within Fund 704, The Streets and Highways G.O. Bonds Fund be authorized as follow:

Transfer from:

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

704 / 59-01 / 440104-100002 / Misc Econ Dev Cols Coated / 06-6600 / 592104 / \$225,000.00

Transfer to:

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

704 / 59-01 / 440104-100011 / Misc. Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A/ 06-6600 / 710411 / \$225,000.00

**SECTION 3.** That the Director of the Department of Public Service be and hereby is authorized to enter into a design guaranteed maximum reimbursement agreement with Wagenbrenner Development, Inc., 575 West First Avenue, Suite 100, Columbus, Ohio 43215, pursuant to Section 186 of the Columbus City Charter for the design of public infrastructure improvements to be constructed in connection with the Miscellaneous Economic Development - Weinland Park (Columbus Coated Fabrics) Phase 3A project at a cost up to \$225,000.00.

**SECTION 4.** That the sum of up to \$225,000.00 is authorized to be expended for this design guaranteed maximum reimbursement agreement as follows:

**Fund / Dept-Div / Project / Project Name / O.L. 01-03 Codes / OCA Code / Amount**

704 / 59-01 / 440104-100011 / Misc. Econ. Dev. - Weinland Park (Columbus Coated Fabrics) Phase 3A Misc Econ Dev Cols Coated / 06-6682 / 710411 / \$225,000.00

**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.