



## Legislation Details (With Text)

**File #:** 0105-2021      **Version:** 1

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

**File created:** 1/11/2021      **In control:** Public Service & Transportation Committee

**On agenda:** 2/8/2021      **Final action:** 2/11/2021

**Title:** To amend the 2020 Capital Improvement Budget; to appropriate funds from NWD Investments for construction inspection and administration services in connection with the Miscellaneous Economic Development - Hamilton Parker Phase 1 project; to authorize the Director of Public Service to execute a construction reimbursement agreement with NWD Investments for the project; to authorize the expenditure of up to \$439,141.88 from the Street & Highway Improvement Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$439,141.88)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD 0105-2021 Accounting Template

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 2/11/2021 | 1    | CITY CLERK            | Attest   |        |
| 2/10/2021 | 1    | MAYOR                 | Signed   |        |
| 2/8/2021  | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 2/8/2021  | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This ordinance authorizes the Director of Public Service to execute a construction reimbursement agreement with and to accept deposits from NWD Investments to be used for construction inspection and administration for the Miscellaneous Economic Development - Hamilton Parker Phase 1 project, to establish an Auditor Certificate Direct Invoice (ACDI) for the payment of construction inspection and administration services for the project, and to expend funds relative to the project on construction inspection and administration. It also authorizes the refund of any unused funds deposited by NWD Investments for construction inspection and administration for this project upon the completion of final accounting for the Miscellaneous Economic Development - Hamilton Parker Phase 1 project or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

Per Ordinance 2043-2019, the City is engaged in a Public-Private Partnership (3P) with NWD Investments to facilitate the construction of widening and resurfacing Vine Street from approximately 600 feet west of Neil Avenue to Armstrong Street, Neil Avenue from Vine Street to Spruce Street, Spruce Street from Neil Avenue to Armstrong Street, and Kilbourne Street from Convention Center Drive will be resurfaced. Improvements consist of storm sewer, water main, curb, sidewalks, raised planters, pervious pavers, brick veneer retaining wall, street lighting, and electric duct bank.

NWD Investments will oversee the construction of those public infrastructure improvements and has deposited funds with the Department of Public Service that will be used for construction inspection and administration, to be performed by the Department of Public Service, for the Miscellaneous Economic Development - Hamilton Parker Phase 1 project. It is necessary to establish an ACDI to allow the funds to be expended for that purpose. It also is necessary to authorize the execution of a construction reimbursement agreement, whereby the City will reimburse NWD Investments for eligible construction costs using the proceeds of the Arena TIF.

## 2. CONTRACT COMPLIANCE

The contract compliance number for NWD Investments is CC005598 and expires 10/2/2022.

## 3. FISCAL IMPACT

Funding for the inspection expense has been received from NWD Investments in the amount of \$439,141.88 and deposited in Fund 7766, the Street and Highway Non-Bond Fund, Project P440104-100037 (Miscellaneous Economic Development - Hamilton Parker Phase 1). It is necessary to appropriate these funds.

## 4. EMERGENCY DESIGNATION

Emergency action is requested to allow development of the area to proceed as quickly as possible to maintain the safety of the traveling public.

To amend the 2020 Capital Improvement Budget; to appropriate funds from NWD Investments for construction inspection and administration services in connection with the Miscellaneous Economic Development - Hamilton Parker Phase 1 project; to authorize the Director of Public Service to execute a construction reimbursement agreement with NWD Investments for the project; to authorize the expenditure of up to \$439,141.88 from the Street & Highway Improvement Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$439,141.88)

**WHEREAS**, the City is engaged in a Public-Private Partnership (3P) with NWD Investments to facilitate the construction of certain public infrastructure improvements in the Arena area; and

**WHEREAS**, it is necessary to provide for construction inspection and administration funding for the project; and

**WHEREAS**, it is necessary to accept and appropriate funds received from NWD Investments for construction inspection and administration expenditures relative to the project; and

**WHEREAS**, the 2020 Capital Improvement Budget must be amended to reflect the funds received from NWD Investments; and

**WHEREAS**, an ACDI needs to be established to pay for construction inspection and administration expenses relative to the project; and

**WHEREAS**, it also is necessary to authorize the Director of Public Service to execute a construction reimbursement agreement with NWD Investments whereby the City agrees to reimburse NWD Investments for eligible construction costs using the proceeds of the Arena TIF; and

**WHEREAS**, it is necessary to expend funds to pay for construction inspection and administration funding for the project; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to execute the necessary reimbursement agreement and to accept and expend funds for construction inspection and administration costs for the Miscellaneous Economic Development - Hamilton Parker Phase 1 project to allow development of the area to proceed as quickly as possible to maintain the safety of the traveling public, thereby preserving the public health, peace, safety, and welfare; **NOW, THEREFORE**,

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

**SECTION 1.** That the 2020 Capital Improvements Budget authorized by ordinance 2521-2020 be amended as follows to establish sufficient authority for this project:

### **Fund / Project / Project Name / Current / Change /C.I.B. as Amended**

7766 / P440104-100037 / Miscellaneous Economic Development - Hamilton Parker Phase 1 (Street and Highway Imp

Carryover) / \$0.00 / \$439,142.00 / \$439,142.00 (to match cash)

**SECTION 2.** That from the unappropriated monies 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 ended December 31, 2021, the sum of \$439,141.88 is appropriated in Fund 7766 (Street & Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P440104-100037 (Misc Econ Development - Hamilton Parker Phase 1), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be and hereby is authorized to execute a construction reimbursement agreement with and to accept funds from NWD Investments, care of Nationwide Realty Investors, Ltd., 375 N. Front Street, Suite 200, Columbus, Ohio 43215, for the Misc Econ Development - Hamilton Parker Phase 1 project to be used for construction inspection and administration expenses in the amount of \$439,141.88.

**SECTION 4.** That the expenditure of \$439,141.88 or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P440104-100037 (Misc Econ Development - Hamilton Parker Phase 1), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That any unused funds deposited by NWD Investments for construction inspection and administration expenses for the Misc Econ Development - Hamilton Parker Phase 1 project may be refunded upon the completion of final accounting for the Misc Econ Development - Hamilton Parker Phase 1 project or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

**SECTION 6.** That the funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

**SECTION 7.** 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 8.** 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 9.** 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.