



## Legislation Details (With Text)

**File #:** 1130-2013      **Version:** 1

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

**File created:** 5/1/2013      **In control:** Development Committee

**On agenda:** 5/13/2013      **Final action:** 5/15/2013

**Title:** To authorize the Director of the Department of Development to enter into a Modification to the Participation Agreement with Prairie Township for professional services in connection with the implementation of the Big Darby Town Center, such that Brown Township also becomes a party to the Participation Agreement; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
5/15/2013	1	CITY CLERK	Attest	
5/14/2013	1	MAYOR	Signed	
5/13/2013	1	COUNCIL PRESIDENT	Signed	
5/13/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:** This ordinance authorizes the Director of the Department of Development to enter into a Modification of the Participation Agreement previously entered into with Prairie Townships for the procurement and payment of professional consulting services in connection with the implementation of the Big Darby Town Center, which was authorized by City Council on December 5, 2012 by City Ordinance 2608-2012. The purpose of this Modification is to include Brown Township (Brown) into the Participation Agreement along with Prairie Township (Prairie) and the city of Columbus (Columbus). All three are local jurisdictions within the Franklin County portion of the Big and Little Darby Creeks' Watershed and have been involved in the Big Darby Accord planning process, a process that is intended to protect the water quality and other natural resources of this planning area, within the context of a balanced development approach and respecting the rights of property owners. The Big Darby Accord Watershed Master Plan of 2006 designates that the development of a Town Center be a large consideration in the preservation of the Watershed in Franklin County. Brown, Prairie and Columbus are among the four jurisdictions that also adopted the Big Darby Town Center Master Plan (December 2011). They have a direct interest in the successful development and creation of the Town Center and desire to bring it closer to implementation.

The cost for hiring the consultant for this initiative is estimated to be approximately \$110,000. The City's portion shall not exceed \$50,000 (45.5%). The cost of hiring the consultant will be shared among the three jurisdictions, each of which has agreed to provide funds to finance a portion of the costs of the consultant. This modification does not add to the amount that Columbus previously agreed to provide. It is understood that additional funding may be required and that any of these three jurisdictions may by a future modification to the Participation Agreement to provide additional funds, and that the other Big Darby Town Center partner (Franklin County) may by mutual agreement join in an amended participation agreement in the future. The funds will be provided to Prairie as the heretofore established financial agent for the parties, to pay such costs. The willingness of Brown, Prairie and Columbus to participate in this initiative and provide a proportionate share of funding assistance is based upon the understanding and condition that all parties adhere to each and every element and principle contained in the Agreement and this Modification.

Emergency action is requested in order to avoid further delays in the Big Darby Town Center implementation process.

**FISCAL IMPACT:** No funding is required for this legislation.

To authorize the Director of the Department of Development to enter into a Modification to the Participation Agreement with Prairie Township for professional services in connection with the implementation of the Big Darby Town Center, such that Brown Township also becomes a party to the Participation Agreement; and to declare an emergency.

**WHEREAS**, Brown Township (“Brown”) and Prairie Township (“Prairie”) and the city of Columbus (“Columbus”) are local jurisdictions within the Franklin County portion of the Big and Little Darby Creeks' Watershed (the "Watershed "); and

**WHEREAS**, Brown and Prairie and Columbus, the parties to this Modification, have been involved in the Big Darby Accord planning process, which is intended to protect the water quality and other natural resources of this planning area, within the context of a balanced development approach and respecting the rights of property owners; and

**WHEREAS**, the Big Darby Accord Watershed Master Plan of 2006 designates that the development of a Town Center be a large consideration in the preservation of the Watershed in Franklin County in a balanced manner; and

**WHEREAS**, the Big Darby Town Center Master Plan was prepared with the cooperation of the parties to more fully define the proposed Town Center and to prepare a framework for its successful development, and said plan was adopted in December 2011 by the parties and by Franklin County; and

**WHEREAS**, Prairie and Brown and Columbus all have a direct interest in the successful development and creation of the Town Center; and

**WHEREAS**, Prairie and Columbus on November 28, 2012, entered into the Big Darby Town Center Master Plan Participation Agreement (“Participation Agreement”); and

**WHEREAS**, Prairie and Columbus (the two original parties as noted in the previous clause) are in agreement with Brown that the Participation Agreement should now consist of all three parties, and are undertaking this Modification to bring that about; and

**WHEREAS**, Prairie and Brown and Columbus desire to have Prairie enter into an agreement with the consultant or consultants selected by mutual agreement of the parties, and accordingly Brown and Columbus will provide funds to Prairie in the amounts and percentages called for in the Modification; and

**WHEREAS**, the costs for hiring the consultant(s) for this initiative are estimated to be approximately \$110,000.00; the City of Columbus portion shall not exceed \$50,000.00 (45.5%); and

**WHEREAS**, the willingness of Prairie Township and Brown Township and the City of Columbus to participate in this initiative and provide a proportionate share of funding assistance is based upon the understanding and condition that all parties adhere to each and every element and principle contained in the Participation Agreement as modified by this Modification, and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to authorize the Director of the Department of Development to enter into this Modification to the Participation Agreement

with Prairie Township for professional services in connection with the implementation of the Big Darby Town Center in order to avoid further delays in the implementation process, thereby preserving the public health, peace, property, safety, and welfare; and **NOW THEREFORE,**

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

**Section 1.** That the Director of the Department of Development is hereby authorized to enter into a Modification to the Participation Agreement with Prairie Township for professional services in connection with the implementation of the Big Darby Town Center, such that Brown Township also becomes a party to the Participation Agreement.

**Section 2.** That except insofar as specifically adjusted by the Modification hereby authorized, the terms of the previously entered into Participation Agreement shall remain in full force and effect.

**Section 3.** 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.