



Legislation Details (With Text)

File #: 1797-2005 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 10/19/2005 **In control:** Jobs and Economic Development Committee
On agenda: 11/7/2005 **Final action:** 11/9/2005

Title: To authorize the City of Columbus to enter into a Memorandum of Understanding with NWD Investments, LLC pertaining to the construction of an \$18 million, six-story, 130,000 square foot owner-occupied office building by NWD Investments in the Arena District; to enter into a Guaranteed Maximum Cost Agreement with NWD Investments, LLC pursuant to Section 186 of the City Charter for the construction of streetscape improvements on Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard in Downtown Columbus; to waive the formal competitive bidding requirements of Chapter 329 of the City Code; to authorize a transfer in the amount of \$226,804 between projects in the 1995, 1999 Voted Streets and Highways Fund; and to authorize the expenditure of \$400,000 from the 1995, 1999 Voted Streets and Highways Fund. (\$400,000)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1797-2005 Marconi RRXing-MOU-5map.pdf, 2. ORD1797-2005 Bid Waiver Request.pdf

Date	Ver.	Action By	Action	Result
11/9/2005	1	CITY CLERK	Attest	
11/8/2005	1	MAYOR	Signed	
11/7/2005	1	Columbus City Council	Approved	Pass
11/7/2005	1	COUNCIL PRESIDENT	Signed	
10/24/2005	1	ODI DIRECTOR	Reviewed and Approved	
10/24/2005	1	Dev Drafter	Sent to Clerk's Office for Council	
10/24/2005	1	Columbus City Council	Read for the First Time	
10/21/2005	1	SERVICE DIRECTOR	Reviewed and Approved	
10/21/2005	1	Dev Drafter	Sent for Approval	
10/21/2005	1	Dev Reviewer	Sent for Approval	
10/21/2005	1	Finance Reviewer	Reviewed and Approved	
10/21/2005	1	CITY ATTORNEY	Reviewed and Approved	
10/21/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
10/21/2005	1	Dev Reviewer	Sent for Approval	
10/21/2005	1	Auditor Reviewer	Reviewed and Approved	
10/21/2005	1	CITY AUDITOR	Reviewed and Approved	
10/21/2005	1	Dev Reviewer	Sent for Approval	
10/21/2005	1	EBOCO Reviewer	Reviewed and Approved	

10/20/2005	1	Dev Drafter	Sent for Approval
10/19/2005	1	Dev Drafter	Sent for Approval
10/19/2005	1	DEVELOPMENT DIRECTOR	Reviewed and Approved

BACKGROUND: This legislation authorizes the City of Columbus and NWD Investments, LLC to enter into a Memorandum of Understanding as follows:

* NWD Investments, LLC shall construct an \$18 million, six-story, 130,000 square foot owner-occupied office building in the Arena District;

* The City shall enter into a \$400,000 Guaranteed Maximum Cost Agreement with NWD Investments, LLC for the construction of streetscape improvements on Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard in Downtown Columbus. Streetscape Improvements include the construction of a pedestrian-only crossing to cross the railroad line at Marconi Boulevard and the construction of a new access entrance to an existing underground sewer currently located in the Marconi Boulevard public right-of-way;

* The City shall apply for a "quiet-zone" designation at the Marconi Boulevard railroad crossing pursuant to 49 C.F. R. Section 229.39 and O.R.C. 4955.41 through 4955.47, as applicable;

* The Departments of Development and Public Service shall assist NWD Investments, LLC with the submission and processing of a request for the use of the Marconi Boulevard right-of-way for relocated directional signage for the existing parking garage located at 245 Marconi Boulevard.

FISCAL IMPACT: This expense is budgeted in the 1995, 1999 Voted Streets and Highways Fund, Fund 704, Downtown Streetscapes project.

To authorize the City of Columbus to enter into a Memorandum of Understanding with NWD Investments, LLC pertaining to the construction of an \$18 million, six-story, 130,000 square foot owner-occupied office building by NWD Investments in the Arena District; to enter into a Guaranteed Maximum Cost Agreement with NWD Investments, LLC pursuant to Section 186 of the City Charter for the construction of streetscape improvements on Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard in Downtown Columbus; to waive the formal competitive bidding requirements of Chapter 329 of the City Code; to authorize a transfer in the amount of \$226,804 between projects in the 1995, 1999 Voted Streets and Highways Fund; and to authorize the expenditure of \$400,000 from the 1995, 1999 Voted Streets and Highways Fund. (\$400,000)

WHEREAS, NWD Investments, LLC desires to construct an \$18 million, six-story, 130,000 square foot owner-occupied office building in the Arena District, and

WHEREAS, the City and NWD Investments, LLC desire to create a pedestrian walkway within the City right-of-way for Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard, as depicted on the attached site map, and

WHEREAS, the City acknowledges the need to apply for "quiet-zone" designation for the Marconi railroad crossing pursuant to 49 C.F. R. Section 229.39 and O.R.C. 4955.41 through 4955.47, as applicable, and

WHEREAS, the Department of Development acknowledges that NWD Investments, LLC desires to install and maintain directional signage for the parking garage facility located at 245 Marconi Boulevard. The Departments of Development and Public Service agree to assist NWD with submission and processing of a request for the use of the Marconi Boulevard right-of-way near this location for the desired directional signage, and

WHEREAS, the need exists to enter into a Guaranteed Maximum Cost Agreement pursuant to Section 186 of the City Charter for the construction of streetscape improvements on Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard in Downtown Columbus, and

WHEREAS, it is in the best interest of the city to waive the formal competitive bidding requirements of the Columbus City Code and that this agreement be awarded in accordance with Section 186 of the Columbus City Charter, now, therefore;

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

Section 1. That the Directors of Development and Public Service be and are hereby authorized to enter into a Memorandum of Understanding with NWD Investments, LLC pertaining to the construction of an \$18 million, six-story, 130,000 square foot owner-occupied office building by NWD Investments in the Arena District, as per the attached Memorandum of Understanding.

Section 2. That the Director of Public Service be and is hereby authorized to enter into a Guaranteed Maximum Cost Agreement with NWD Investments, LLC for the construction of streetscape improvements on Marconi Boulevard and across the Norfolk & Southern railroad line where it intersects Marconi Boulevard in Downtown Columbus for the Transportation Division in the amount of \$400,000 pursuant to Section 186 of the Columbus City Charter.

Section 3. That in accordance with Section 329.27 of the Columbus City Code, City Council has determined that it is in the best interest of the City of Columbus that the formal competitive bidding requirements of Chapter 329 be and are hereby waived for the procurement of engineering and construction services pursuant to this Guaranteed Maximum Cost Agreement.

Section 4. That a transfer of \$226,804 is hereby authorized within the 1995, 1999 Voted Streets and Highways Fund, Fund 704, as follows:

From:

<u>Project</u>	<u>Project Number</u>	<u>Amount</u>
Urban Infrastructure	440005	\$226,804

To:

<u>Project</u>	<u>Project Number</u>	<u>Amount</u>
Downtown Streetscape	530801	\$226,804

Section 5. That for the purpose stated in Section 2, the expenditure of \$400,000, or so much thereof as may be necessary, be and is hereby authorized from the 1995, 1999 Voted Streets and Highways Fund, Fund 704, Project 530801, Downtown Streetscape, Division 59-09, Object Level One 06, Object Level Three 6631, OCA Code 644385.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.