



## Legislation Text

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**File #:** 2074-2013, **Version:** 1

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### **1. BACKGROUND**

On May 14, 2009, Columbus City Council approved Ordinance No. 0205-2009, approving Giannopoulos Properties, Ltd.'s Rezoning Application #Z08-025 for 22-28 West Poplar Avenue from AR-2, Apartment Residential District to the CPD, Commercial Planned Development District to allow for the development of a mixed-use commercial and residential project (the "Giannopoulos development project") in the Short North area of Columbus.

As part of the City's support of ongoing development activities in the Short North, the City entered into an Economic Development Agreement (EDA) with Pizzuti Short North, LLC on January 18, 2013, under the authorization of Ordinance No. 0587-2012, passed by its Council on March 21, 2012, through which the City agreed to contribute up to \$186,220.58 toward the Giannopoulos development project for sanitary sewer improvements. Although Giannopoulos Properties, Ltd. is not a signatory to the Pizzuti Short North EDA, nor is the Giannopoulos development project associated with the Pizzuti Short North development project, its close proximity to the Pizzuti Short North development project provided the City with an opportunity to support development momentum in the area by including sanitary sewer improvements for the Giannopoulos development project with sanitary sewer improvements for the Pizzuti Short North project.

The Department of Development desires to contribute an additional \$15,000.00 to the Giannopoulos development project for the extension of storm sewer from the project to the City's existing storm sewer on North High Street and West Poplar Avenue

This ordinance authorizes the Director of the Department of Public Service to enter into a guaranteed maximum reimbursement agreement with Giannopoulos Properties, Ltd. for an amount up to \$15,000.00 for the design and construction of public infrastructure improvements.

The scope of public infrastructure improvements for the Giannopoulos development project includes, but is not limited to, the extension of storm sewer from the project to the City's existing storm sewer located at North High Street and West Poplar Avenue.

### **2. CONTRACT COMPLIANCE INFORMATION**

The contract compliance number for Giannopoulos Properties, Ltd. is 311214551. The expiration date is 7/3/15.

### **3. FISCAL IMPACTS**

Funds in the amount of \$15,000.00 are available for this project in the Streets and Highways Bond Fund within the Department of Development. An amendment to the 2013 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

### **4. EMERGENCY DESIGNATION**

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate funding contribution and the execution of this guaranteed maximum reimbursement agreement, which is necessary to facilitate the design and construction 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 2013 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets & Highways Bond Fund; to authorize the Director of the Department of Development to make a \$15,000.00 contribution to Giannopoulos Properties, Ltd. for the design and construction of public infrastructure improvements; to authorize the Director of the Department of Public Service to enter into a guaranteed maximum reimbursement agreement with Giannopoulos Properties, Ltd. pursuant to Section 186 of the Columbus City Charter, for the design and construction of public infrastructure improvements in connection with the Giannopoulos development project; to authorize the expenditure of up to \$15,000.00 from the Streets and Highways Bonds Fund; and to declare an emergency. (\$15,000.00)

**WHEREAS**, on May 14, 2009, Columbus City Council approved Ordinance No. 0205-2009, approving Giannopoulos Properties, Ltd.'s Rezoning Application #Z08-025 for 22-28 West Poplar Avenue from AR-2, Apartment Residential District to the CPD, Commercial Planned Development District to allow for the development of a mixed-use commercial and residential project in the Short North area of Columbus; and

**WHEREAS**, the close proximity of the Giannopoulos development project provided the City with an opportunity to support development momentum within the Short North by including sanitary sewer improvements for the project with sanitary sewer improvements for the Pizzuti Short North projects; and

**WHEREAS**, the City entered into an Economic Development Agreement (EDA) with Pizzuti Short North, LLC on January 18, 2013, under the authorization of Ordinance No. 0587-2012, passed by its Council on March 21, 2012, through which the City agreed to contribute up to \$186,220.58 toward sanitary sewer improvements for the Giannopoulos development project; and

**WHEREAS**, this ordinance authorizes the Director of the Department of Development to contribute an additional \$15,000.00 toward the Giannopoulos development project for the extension of storm sewer from its property to the City's existing storm sewer on North High Street; and

**WHEREAS**, this ordinance authorizes the Director of the Department of Public Service to enter into a guaranteed maximum reimbursement agreement with Giannopoulos Properties, Ltd. for an amount up to \$15,000.00 for the design and construction of public infrastructure improvements in connection with the Giannopoulos development project; and

**WHEREAS**, public infrastructure improvements for this project includes, but are not limited to, the extension of storm sewer from the Giannopoulos development project to the City's existing storm sewer on North High Street; and

**WHEREAS**, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Departments of Development and Public Service, in that it is immediately necessary to authorize the Department of Development to make a \$15,000.00 contribution toward public infrastructure improvements; authorize the Department of Public Service to enter into a 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 Director of the Department of Public Service be and hereby is authorized to enter into a guaranteed maximum reimbursement agreement with Giannopoulos Properties, Ltd., 2359 East Main Street, Columbus, Ohio 43209, pursuant to Section 186 of the Columbus City Charter for the design and construction of public infrastructure improvements to be constructed in connection with the Giannopoulos development project at a cost up to \$15,000.00.

**SECTION 2.** That the 2013 Capital Improvement Budget, authorized by Ordinance 0645-2013 be amended as follows to provide sufficient budget authority for this expenditure as follows:

**Fund / Project No. / Project Name / C.I.B. Amount / Amended Amount / New C.I.B. Amount**

704 / 440104-100000 / Miscellaneous Economic Development / \$15,021 / (\$15,000) / \$21

704 / 590415-100010 / Pizzuti Short North - Roadway / \$0 / \$15,000 / \$15,000

**SECTION 3.** That the City Auditor is authorized to transfer cash between projects within the Streets & Highways Bond Fund 704 to provide sufficient cash for this project as follows:

**Transfer from:**

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

704 / 44-01 / 440104-100000 / Miscellaneous Economic Development / 06-6631 / 643031 / \$15,000.00

**Transfer to:**

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

704 / 59-01 / 590415-100010 / Pizzuti Short North-Roadway / 06-6682 / 710405 / \$15,000.00

**SECTION 4.** That the sum of up to \$15,000.00 is authorized to be expended for this contribution and guaranteed maximum reimbursement agreement as follows:

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

704 / 59-01 / 590415-100010 / Pizzuti/Short North - Roadway / 06-6682 / 710405 / \$15,000.00

**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