



Legislation Text

File #: 1019-2007, **Version:** 1

Background: This ordinance authorizes the Director of the Department of Finance and Management to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company. Pursuant to the terms of the agreement, Nationwide will construct certain capital improvements to the High Street Walkway, which connects various hotels, the Convention Center and Nationwide's headquarters. Additionally, Nationwide will undertake certain capital improvements to Sensenbrenner Park, located at the corner of High Street and Nationwide Boulevard. In exchange for said improvements, the City will pay Nationwide the sum of \$2,300,000, with \$400,000 being earmarked for Sensenbrenner Park upgrades. Furthermore, upon completion of the improvements, the City, through the Directors of Finance and Management and Recreation and Parks, will grant Nationwide an aerial encroachment easement for the overhead walkways and will convey title to the connecting structures to Nationwide with a restriction requiring that it remain accessible for public use. This ordinance requests that City Council finds that it is in the best interest of the City to waive provisions of Chapter 328 and Chapter 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding.

This ordinance also authorizes the transfer of \$620,000.00 between projects within the Construction Management Capital Improvements Budget and \$1,680,000 from the Special Income Tax Fund (as a temporary funding measure until bonds are sold to reimburse the Special Income Tax Fund) and amends the 2007 Capital Improvement Budget, ordinance #0733-2007, to reflect the expenditures for this project. In addition, funds are reserved to pay construction inspection costs up to \$276,000.

Fiscal Impact: The cost of this project will be \$2,300,000 with \$400,000 being earmarked for improvements to Sensenbrenner Park.

Emergency Designation: This legislation is being submitted as an emergency measure so that work can begin on the project during construction season.

To authorize and direct the City Auditor to transfer \$1,680,000.00 from the Special Income Tax Fund to the Construction Management Capital Improvement Fund; to authorize the appropriation of said funds; to amend the 2007 Capital Improvements Budget; to authorize the City Auditor to transfer \$620,000 between projects within the Construction Management Capital Improvement Fund; to authorize the Director of the Department of Finance and Management to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company pursuant to Section 186 of the Columbus City Charter for capital improvements to the High Street Walkway and Sensenbrenner Park; to authorize the Director of the Department of Public Service to execute an aerial encroachment easement to Nationwide Mutual Insurance Company for the overhead walkways on High Street and Nationwide Boulevard; to authorize the Director of Recreation and Parks to execute a quit claim deed to a portion of Sensenbrenner Park; to authorize the appropriation and expenditure of \$2,300,000, with \$400,000 being earmarked for Sensenbrenner Park upgrades; to waive the provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding; and to declare an emergency. (\$2,300,000.00)

WHEREAS, the City of Columbus is the owner of the public park known as Sensenbrenner Park located at the corner of Nationwide Boulevard and High Street in Columbus, Ohio; and

WHEREAS, the City is the owner of the overhead walkways and structures that serve as pedestrian walkways over High Street and Nationwide Boulevard and connect the Greater Columbus Convention, various hotels, and the headquarters of Nationwide Mutual Insurance Company in Columbus, Ohio; and

WHEREAS, the City of Columbus, Department of Finance and Management, Department of Public Service, and Department of Recreation and Parks have determined that it is in the City's best interests to enter into a reimbursement agreement with Nationwide for purposes of constructing capital improvements to the pedestrian walkway and Sensenbrenner Park and to convey title to the walkways and related structures upon completion of the capital improvements; and

WHEREAS, it has been determined that it is in the best interest of the City to waive provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commission and competitive bidding, and

WHEREAS, this ordinance amends the 2007 Capital Improvement Budget, Ordinance No. 0733-2007, and

WHEREAS, this ordinance authorizes the City Auditor to transfer \$620,000 between projects within the Construction Management Capital Improvements Fund, and

WHEREAS, a transfer of funds from the Special Income Fund is necessary to fund this purchase; and

WHEREAS, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

WHEREAS, this transfer should be considered as a temporary funding method; and

WHEREAS, the aggregate principal amount of obligations which the City will issue to finance this purchase is presently expected not to exceed \$2,300,000.00; and

WHEREAS, it is necessary to provide for construction inspection costs; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus in that it is immediately necessary to approve this agreement and approve the appropriation and expenditure of said funds so that this project can be completed during the construction season, thereby preserving the public health, peace, property, safety, and welfare; now, therefore,

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

Section 1. That the sum of \$1,680,00.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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 ending December 31, 2007 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

Section 2. That the City Auditor is hereby authorized to transfer said funds to the Construction Management Capital Improvement Fund, Fund 733, at such time as is deemed necessary by the City Auditor, and to expend said funds, or so much thereof as may be necessary.

Section 3. That the amount of \$1,680,000.00 is hereby transferred and appropriated to the Finance and Management Department, Office of Construction Management 45-50, Construction Management Capital Improvement Fund, Fund 733, 300 N High Overhead Pedestrian 570001, Object Level One 06, Object Level Three Code 6620.

Section 4. That upon obtaining other funds for the 300 N High Overhead Pedestrian, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 2, above, and said funds are hereby deemed appropriated for such purpose.

Section 5. That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 2, above.

Section 6. The City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations promulgated pursuant to the Internal Revenue Code of 1986, as amended.

Section 7. That the 2007 Capital Improvement Budget is hereby amended as follows:

Office of Construction Management 45-50

<u>Project/Project #</u>	<u>CIB Amount</u>	<u>Revised CIB</u>
Facility Renovation 570030 (New Funding Only)	\$4,790,000	\$3,110,000
Facility Renovation 570030 (Carryover Funding)	\$2,339,444	\$1,719,444

300 N High Overhead Pedestrian 570001 (New Funding Only) \$0 \$1,680,000

300 N High Overhead Pedestrian 570001 (Carryover Funding) \$0 \$620,000

Section 8. That the City Auditor is hereby authorized and directed to transfer funds within the Construction Management Capital Improvement Fund as follows:

FROM:

Dept/Div: 45-50|Fund: 733|Project Number 570030|Project Name - Facility Renovation|OCA Code 733000|Amount \$620,000.00

TO:

Dept/Div: 45-50|Fund: 733|Project Number 570001|Project Name - 300 N High Overhead Pedestrian|OCA Code 733000|Amount \$620,000.00

Section 9. That the Director of the Department of Finance and Management is hereby authorized and directed to enter into a guaranteed maximum cost reimbursement agreement with Nationwide Mutual Insurance Company pursuant to Section 186 of the Columbus City Charter for the purpose of constructing capital infrastructure improvements to the High Street Walkway and Sensenbrenner Park and to obtain and pay for the necessary inspection costs associated with the project up to a maximum of \$276,000.00.

Section 10. That for the purpose articulated in Section 1 herein, the amount of \$2,300,000 is hereby authorized to expended, as follows:

Division: 45-50
Fund: 733
Project: 570001
OCA Code: 733000
Object Level 1: 06
Object Level 3: 6620
Amount: \$2,300,000.00

Section 11. That upon completion of the improvements set forth in Section 1, the Director of the Department of Public Service is hereby authorized to transfer title for \$1.00 and to execute an aerial encroachment easement to Nationwide Mutual Insurance Company for the walkway structures over High Street and Nationwide Boulevard, subject to the restriction that the Walkways remain accessible to the public and such other restriction as the Director deems necessary for the maintenance of the Walkways and the protection of the public.

Section 12. That at the completion of this project, the Director of Recreation and Parks is hereby authorized to convey title by quit claim deed to the connecting walkway structures, the covered walkway abutting the Park on the east, and the land situated on Sensenbrenner Park necessary to these structures to Nationwide Mutual Insurance Company for \$1.00, subject to a reverter clause if the area is no longer used for the overhead walkways and open to the public, reservations for access easements and utilities used for Sensenbrenner Park, and such other restriction as deemed necessary by the Director of Recreation and Parks for the protection of Sensenbrenner Park.

Section 13. That the provisions of Chapter 328 and 329 of the Columbus City Codes, 1959, pertaining to Land Review Commision and competitive bidding are hereby waived.

Section 14. 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 15. That for the reasons set forth hereto, which are 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 passage and approval by the Mayor, or ten days after approval if the Mayor neither approves nor vetoes the same.