



## Legislation Text

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**File #: 2554-2021, Version: 1**

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### **1. BACKGROUND**

The purpose of this ordinance is to authorize the issuance of a refund for the unexpended balance of funds deposited by NRI Equity Land Investments, LLC (NRI) with the City to support the construction of the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project.

Ordinance 2130-2011 authorized the execution of Tax Increment Financing Agreement between the City, acting through the Department of Development, and NRI to facilitate the construction of certain public infrastructure improvements in the vicinity of Third Avenue and Olentangy River Road in the area known as Grandview Yard.

Ordinances 1195-2016 and 1196-2016 authorized the execution of a Guaranteed Maximum Reimbursement and Construction Contribution Agreement between the City, acting through the Director of Public Service, and NRI relative to the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project.

The aforementioned project culminated in various public infrastructure improvements in Grandview Yard, including: replacement of the CSX railroad overpass; widening and reconstruction of the portion of Third Avenue adjacent to the railroad bridge; construction of a new 3-lane roadway, Rail Street, south of Third Avenue; replacement of the traffic signal at the intersection of Fifth Avenue and Edgehill Road; and installation of sidewalk, curb ramps, and a shared use path.

Pursuant to the executed reimbursement agreement, NRI agreed to provide an upfront contribution in excess of \$9 million to facilitate the construction of the aforementioned improvements; in turn, the City agreed to provide an initial direct reimbursement of \$1,350,000.00 to NRI in 2017, with the balance of the reimbursable costs to be paid from the proceeds of the Third and Olentangy TIF over time.

Subsequent to the completion and acceptance of that project on December 16, 2020, the Department of Public Service performed final accounting and determined NRI is owed a refund in the amount of \$556,595.96, which represents the unspent balance of the funding NRI previously deposited with the City to advance construction.

### **2. FISCAL IMPACT**

Funding in the amount of \$556,595.96 is available in Fund 7766 Street and Highway Improvements (Non-Bond) Fund to satisfy the obligation owed to NRI. An amendment to the 2020 Capital Improvements Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned expenditure. Funds are appropriated.

### **3. EMERGENCY JUSTIFICATION**

Emergency action is requested in order to facilitate the return of unused developer-deposited construction funding to NRI as soon as reasonably practicable.

To amend the 2020 Capital Improvement Budget; to authorize the Director of Public Service to refund \$556,595.96 to NRI Investments for the unspent portion of developer-deposited construction funding for the Grandview Yard - Third Ave Railroad Bridge project; to authorize the expenditure of up to \$556,595.96 from the Street & Highway Improvements Non-Bond Fund; and to declare an emergency. (\$556,595.96)

**WHEREAS**, the City of Columbus and NRI Equity Land Investments, LLC (NRI) have established a collaborative

relationship, through a Public-Private Partnership, to facilitate the design and construction of various public infrastructure improvements in the Grandview Yard area; and

**WHEREAS**, Ordinances 1195-2016 and 1196-2016 authorized the execution of a Guaranteed Maximum Reimbursement and Construction Contribution Agreement, whereby NRI agreed to provide up-front funding to facilitate the construction of the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project; and

**WHEREAS**, the aforementioned project encompassed various public infrastructure improvements in the vicinity of Third Avenue and Olentangy River Road including: replacing the CSX railroad overpass; widening and reconstructing the portion of Third Avenue adjacent to the railroad bridge; constructing a new 3-lane roadway, Rail Street, south of Third Avenue; replacing the traffic signal at the intersection of Fifth Avenue and Edgehill Road; and installing sidewalk, curb ramps, and a shared use path; and

**WHEREAS**, NRI deposited more than \$9 million with the City to facilitate construction of those improvements; and

**WHEREAS**, following the completion and acceptance of that work, the Department of Public Service performed final accounting and determined that NRI is owed a refund of \$556,595.96, which represents the unspent portion of its contribution to the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project; and

**WHEREAS**, this ordinance authorizes the Department of Public Service to make the necessary refund payment to NRI; and

**WHEREAS**, it is necessary to authorize an amendment to the 2020 Capital Improvement Budget for the purpose of providing sufficient budget authority and cash for the aforementioned expenditures; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in it is immediately necessary to authorize the Director to refund money to NRI per the agreement in order to facilitate the return of unused developer-deposited construction funding to NRI as soon as reasonably practicable; **now, therefore,**

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

**SECTION 1.** That the 2020 Capital Improvement Budget, authorized by Ordinance 2521-2020, be and is hereby amended to provide sufficient budget authority for the appropriate project authorized within this ordinance as follows:

**Fund / Project / Project Name / Current / Change / Amended**

7766 / P530164-100000 / Third Avenue Railroad Bridge (Street & Highway Imp Carryover Carryover) / \$1,546,736.00 / \$380,130.00 / \$1,926,866.00 (to match cash)

**SECTION 2.** That the Director of Public Service is authorized to refund to NRI Equity Land Investments, LLC the sum of \$556,595.96, which represents the unspent balance of developer-contributed construction funding for the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project.

**SECTION 3.** That the expenditure of \$556,595.96, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 59-12 (Division of Design and Construction), Project P530164-100000 (Third Avenue Railroad Bridge), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** 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 5.** 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 6.** 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 7.** That, for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.