



Legislation Text

File #: 1241-2021, **Version:** 1

1. BACKGROUND

This ordinance authorizes: the Director of Public Service to accept deposits from White Castle Management Company (White Castle) to be used for construction inspection and administration for Roadway - Reach Boulevard & Generations Pass and SR 315 project; the establishment of an Auditor Certificate Direct Invoice (ACDI) for the payment of construction inspection and administration services for the project; and the expenditure of funds on construction inspection and administration services relative to the project. It also authorizes the refund of any unused funds deposited by White Castle for construction inspection and administration for this project upon the completion of final accounting for the Roadway - Reach Boulevard & Generations Pass and SR 315 project or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

The aforementioned project, which will be administered by White Castle, will culminate in the construction of a new public roadway and other public infrastructure improvements, including intersection improvements at West Goodale Street, Reach Boulevard, and S.R. 315, and additional turn lanes to the S.R. 315 exit ramps at that intersection. The Department of Public Service will be performing construction administration and inspection services relative to that effort.

Ordinance 0047-2021 authorized the execution of a Construction Guaranteed Maximum Reimbursement Agreement, effective January 29, 2021, between the Department of Public Service and White Castle, which required White Castle to deposit inspection funds with the City. White Castle recently deposited \$172,903.57 with the City Treasurer to support the performance of construction administration and inspection services. The purpose of this legislation is to make said funds available for use. This ordinance also authorizes, as necessary, the issuance of a refund of any unexpended inspection funds or the acceptance, appropriation, and expenditure of additional inspection funding should the actual cost of said services exceed the sum available for that purpose without requiring additional legislative action.

2. FISCAL IMPACT

Funding in the amount of \$172,903.57 has been received from White Castle for the inspection expenses and deposited in Fund 7766, the Street and Highway Non-Bond Fund, Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315). It is necessary to amend the 2020 Capital Improvement Budget to establish sufficient budget authority for this project. The funds need to be appropriated.

3. EMERGENCY DESIGNATION

Emergency action is requested so as to prevent unnecessary delays in the completion of the aforementioned project.

To amend the 2020 Capital Improvement Budget; to authorize the Director of the Department of Public Service to accept and appropriate funds from White Castle for construction inspection and administration services in connection with the Roadway - Reach Boulevard & Generations Pass and SR 315 project; to authorize the expenditure of \$172,903.57 from the Street and Highway Improvement Non-Bond Fund; to refund unused construction inspection and administration funds upon final acceptance of work; and to declare an emergency. (\$172,903.57)

WHEREAS, the City is engaged in a Public-Private Partnership (3P) with White Castle to facilitate the construction of certain public infrastructure improvements in the vicinity of the 555 W. Goodale Street site; and

WHEREAS, the Roadway - Reach Boulevard & Generations Pass and SR 315 project encompasses construction of a new public roadway and other intersection improvements at West Goodale Street, Reach Boulevard, and S.R. 315, and the

construction of additional turn lanes to the S.R. 315 exit ramps at that intersection; and

WHEREAS, it is necessary to provide for construction inspection and administration funding for the project; and

WHEREAS, it is necessary to accept and appropriate funds received from White Castle for construction inspection and administration expenditures relative to the project; and

WHEREAS, the 2020 Capital Improvement Budget must be amended to reflect the funds received from White Castle; and

WHEREAS, an ACDI needs to be established to pay for construction inspection and administration expenses relative to the project; and

WHEREAS, this legislation also authorizes, if necessary, the return of the unexpended balance of the inspection funds deposited with the City Treasurer by White Castle or the acceptance of additional funding from White Castle should the aforementioned sum prove insufficient to pay the actual costs of construction administration and inspection services; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the appropriation and expenditure of requisite funds to support the performance of construction administration and inspection services so as to prevent unnecessary delays in the completion of the aforementioned project, thereby 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 2020 Capital Improvement Budget authorized by Ordinance 2521-2020 be amended as follows to establish sufficient authority for this project:

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

7766 / P531020-100000 / Roadway - Reach Boulevard & Generations Pass and SR 315 (Street & Highway Imp Carryover) / \$0.00 / \$172,904.00 / \$172,904.00 (to match cash)

SECTION 2. That from the unappropriated monies 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, 2021, the sum of \$172,903.57 is appropriated in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. That the Director of Public Service be and hereby is authorized to accept funds from White Castle Management Co., 555 Edgar Waldo Way, Columbus, Ohio 43215, for the Roadway - Reach Boulevard & Generations Pass and SR 315 project to be used for construction inspection and administration expenses in the amount of \$172,903.57.

SECTION 4. That the expenditure of \$172,903.57, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street and Highway Improvement Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315), Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 5. That any unused funds deposited by White Castle for construction inspection and administration expenses for the Roadway - Reach Boulevard & Generations Pass and SR 315 project may be refunded upon the completion of final accounting for the Roadway - Reach Boulevard & Generations Pass and SR 315 project or when the Department of Public Service determines remaining funds are no longer needed for construction inspection and administration for the project.

SECTION 6. That the funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the

purposes of this ordinance and the City Auditor shall establish such accounting codes as necessary.

SECTION 7. 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 8. 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 9. 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.