



## Legislation Details (With Text)

**File #:** 0355-2005      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 2/14/2005      **In control:** Utilities Committee

**On agenda:** 6/6/2005      **Final action:** 6/9/2005

**Title:** To authorize the Director of Public Utilities to enter into a guaranteed maximum cost agreement in accordance with Section 186 of the City Charter, with M/I Homes, for the construction of the Big Walnut Sanitary Trunk, Central College Subtrunk Project; to authorize the transfer and expenditure of \$1,499,182.70 and the appropriation of \$380,397.20 within the 1991 Voted Sanitary Bond Fund; and to amend the 2004 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$1,499,182.70)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0355-2005MAP

Date	Ver.	Action By	Action	Result
6/9/2005	1	CITY CLERK	Attest	
6/8/2005	1	MAYOR	Signed	
6/6/2005	1	Columbus City Council	Approved	Pass
6/6/2005	1	COUNCIL PRESIDENT	Signed	
5/23/2005	1	Columbus City Council	Read for the First Time	
5/6/2005	1	Auditor Reviewer	Reviewed and Approved	
5/6/2005	1	CITY AUDITOR	Reviewed and Approved	
5/6/2005	1	Utilities Drafter	Sent for Approval	
5/6/2005	1	CITY ATTORNEY	Reviewed and Approved	
5/6/2005	1	Utilities Drafter	Sent to Clerk's Office for Council	
5/5/2005	1	Finance Reviewer	Reviewed and Approved	
5/5/2005	1	FINANCE DIRECTOR	Reviewed and Approved	
5/5/2005	1	Utilities Drafter	Sent for Approval	
5/3/2005	1	Utilities Drafter	Sent for Approval	
4/29/2005	1	Utilities Reviewer	Sent for Approval	
4/29/2005	1	UTILITIES DIRECTOR	Reviewed and Approved	
4/28/2005	1	Utilities Drafter	Sent for Approval	
2/28/2005	1	Utilities Drafter	Sent for Approval	
2/28/2005	1	CITY ATTORNEY	Reviewed and Approved	
2/28/2005	1	Utilities Drafter	Sent for Approval	
2/24/2005	1	ODI DIRECTOR	Reviewed and Approved	

2/24/2005	1	Utilities Drafter	Sent for Approval
2/24/2005	1	Auditor Reviewer	Reviewed and Approved
2/24/2005	1	CITY AUDITOR	Reviewed and Approved
2/22/2005	1	Finance Reviewer	Reviewed and Approved
2/22/2005	1	FINANCE DIRECTOR	Reviewed and Approved
2/22/2005	1	Utilities Drafter	Sent for Approval
2/22/2005	1	EBOCO Reviewer	Reviewed and Approved
2/17/2005	1	UTILITIES DIRECTOR	Reviewed and Approved
2/17/2005	1	Utilities Drafter	Sent for Approval
2/16/2005	1	Utilities Reviewer	Reviewed and Approved
2/15/2005	1	Utilities Drafter	Sent for Approval

#### 1. BACKGROUND:

This legislation authorizes the Director of Public Utilities to enter into a capital improvements agreement with MI Homes of Central Ohio, LLC, for the construction of the Big Walnut Sanitary Trunk, Central College Subtrunk Project.

MI Homes of Central Ohio, LLC, hereinafter referred to as the developer, has plans of constructing a residential development to be known as Upper Albany West that will be located on the northeast section of the City, along Central College Road between Ulry Road and Harlem Road, on approximately 142 acres of land that they own or control. The City has intentions of installing sanitary sewer service to an eventual tributary service area of approximately 1,233 acres, of which the subject development is a part. In order to avoid having the City disturb new and expensive land improvements, thereby incurring much higher construction costs, the developer has agreed to incorporate minor design changes and the construction of the subject capital improvements project into its development plans. The developer has further agreed to provide the construction plans and specifications and the permanent and temporary easements at no cost to the City. In exchange for this, the City shall agree to reimburse the developer for documented construction and related costs that are associated with the subject capital improvements project, up to a maximum of \$1,499,182.70.

B. Bid Information: In accordance with Section 186 of the Columbus City Charter, this contract shall contain a guaranteed maximum cost and stipulate that the city shall pay within such maximum the cost of labor and materials to be paid to the developer. As a condition of the agreement the developer is required to comply with the competitive bidding procedures of Section 329 of the Columbus City Codes, "Procurement of Goods and Services"; and with the Prevailing Wage Requirements of Chapter 4115 of the Ohio Revised Code.

#### 2. FISCAL IMPACT

A. Budgeted Amount: The Division is requesting Council to amend the 2004 Capital Improvements Budget in order to provide the required budget authority for this expenditure. This legislation also requests transferring funds from projects within the 1991 Voted Sanitary Bond Fund that are a result of contracts being completed and residual funds being made available for project expenditures of the nature requested herein. Due to the expedited schedule of the proposed development, and the project review requirements of the Ohio EPA, this project expenditure will not be submitted to the Ohio Water Development Authority for financial assistance consideration.

To authorize the Director of Public Utilities to enter into a guaranteed maximum cost agreement in accordance with Section 186 of the City Charter, with M/I Homes, for the construction of the Big Walnut Sanitary Trunk, Central College Subtrunk Project; to authorize the transfer and expenditure of \$1,499,182.70 and the appropriation of \$380,397.20 within the 1991 Voted Sanitary Bond Fund; and to amend the 2004 Capital Improvements Budget for the Division of Sewerage and Drainage. (\$1,499,182.70)

WHEREAS, MI Homes of Central Ohio, LLC, hereinafter called the developer, and the Division of Sewerage and Drainage, Department of Public Utilities, hereinafter referred to as the City are desirous of entering into a capital improvement project reimbursement agreement for the construction of the Big Walnut Sanitary Trunk, Central College Subtrunk Project; and

WHEREAS, the developer is the owner of or has the right to control approximately 142 acres of land located along Central College Road between Ulry Road and Harlem Road, located within the northeast planning area of Columbus, and intends to construct a new single family residential development to be known as Upper Albany West; and

WHEREAS, the Division of Sewerage and Drainage engineering staff have determined that it is in the City's best interest to enter into the subject agreement with MI Homes of Central Ohio, LLC, for purposes of constructing the Big Walnut Sanitary Trunk, Central College Subtrunk Project; and

WHEREAS, the Developer shall provide all professional engineering services and grant all necessary utility easements to the City, at no cost, across lands and improvements controlled by the Developer, in exchange for accelerating the construction schedule for the aforesaid capital improvements project; and

WHEREAS, the Division of Sewerage and Drainage, Department of Public Utilities hereby requests this City Council to authorize the Director to execute the subject agreement which will allow the Division to avoid considerable expense in the design and procurement of easements for the extension of the Big Walnut Sanitary Trunk, Central College Subtrunk Project, and in return the developer shall be authorized to immediately commence the construction of this vital sanitary infrastructure in a growing community within the City of Columbus, at the earliest practicable date, now therefore,

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

Section 1. That the City Auditor is hereby authorized and directed to transfer \$1,499,182.70 within the 1991 Voted Sanitary Bond Fund, in order to fund the Big Walnut Sanitary Trunk, Central College Subtrunk Project, as follows:

Division of Sewerage and Drainage, Division 60-05  
Fund 664

From:

650489 - Big Run San. Subt- S. of Alkire - \$813,120.10  
650492 - Blacklick Sanitary Interceptor - \$151,432.98  
650600 - Franklin-Main Inteceptor - \$61,775.40  
650604 - Big Run Hellbranch Subt. - \$92,457.02  
664999 - Unallocated Balance Fund 664 - \$380,397.20

To:

650033 Big Walnut Sanitary Trunk - \$1,499,182.70

Section 2. That the City Auditor is hereby authorized to transfer any unencumbered balance in the 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 3. That the City Auditor is authorized to make any accounting changes to revise the funding source for any contract associated with the expenditure of the funds transferred under Section 2., above.

Section 4. That \$380,605.58 is hereby appropriated within the Unallocated Balance of Fund 664, Department 60-05, as follows:

Proj. 650489| Big Walnut Sanitary Trunk| OCA Code 650033| Obj. Level 3: 6630

Section 5. That the Director of Public Utilities be, and hereby is, authorized to enter into a contract, in accordance with the provisions of Columbus City Charter Section 186, to reimburse MI Homes of Central Ohio, LLC, 3 Easton Oval Suite 540, Columbus, Ohio 43219, for costs associated with the construction of the Big Walnut Sanitary Trunk, Central College Subtrunk Project, as shown on the detailed engineering Construction Drawing Nos. 13755 on file with the Division of Sewerage and Drainage.

Section 6. That said capital improvements project reimbursement agreement shall stipulate that MI Homes of Central Ohio, LLC, agrees to comply with the competitive bidding procedures of Section 329 of the Columbus City Codes, "Procurement of Goods and Services", and with the Prevailing Wage Requirements of Chapter 4115 of the Ohio Revised Code.

Section 7. That the expenditure of \$1,499,182.70, or as much thereof as may be needed, be and the same hereby is authorized from the 1991 Voted Sanitary Bond No. 664| Division 60-05| Project No. 650033| Big Walnut Sanitary Trunk Project| OCA Code 650033.

Section 8. That the 2004 Capital Improvements Budget Ordinance No. 1059-2004 is hereby amended as follows, in order to provide sufficient budget authority for the execution of a capital improvements project reimbursement agreement as referenced in the preamble hereto:

**CURRENT:**

650033-Big Walnut Sanitary Trunk, Central College Subt. - \$0.00

650489-Big Run Subtrunk, Big Run South - \$3,712,343.00

**AMENDED TO:**

650033-Big Walnut Sanitary Trunk, Central College Subtrunk-\$1,499,183.00

650489-Big Run Subtrunk, Big Run South - \$2,213,160.00

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.