



Legislation Details (With Text)

File #: 2014-2017 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/14/2017 **In control:** Public Utilities Committee

On agenda: 7/31/2017 **Final action:** 8/3/2017

Title: To amend the 2017 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Utilities to enter into an amendment to the Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project, LLC; to authorize the expenditure of one hundred fifty-two thousand, two hundred seventy-five dollars (\$152,275.00) within the Streets and Highways G.O. Bonds Fund; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2017 CIB Fund 7704 500 West Broad Sewer Relocation Modification

Date	Ver.	Action By	Action	Result
8/3/2017	1	ACTING CITY CLERK	Attest	
8/2/2017	1	MAYOR	Signed	
7/31/2017	1	COUNCIL PRESIDENT	Signed	
7/31/2017	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This legislation amends Ordinance 0953-2017, which authorizes the Director of the Department of Public Utilities on behalf of the City of Columbus, Ohio (the “City”) to enter into an amendment of the Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project, LLC, an Ohio limited liability company, (hereinafter the “Development Team”). The Gravity Project, LLC, is an affiliate of Kaufman Development.

The Development Team shall abandon an existing sanitary sewer located within the limits of vacated Broderick Street between N. May Avenue and the CSX property, and then relocate it into Broad Street. The relocation includes construction of sanitary sewer and installation of four six-inch lateral to allow connection by the future private development north of Broad Street. The City had previously agreed to reimburse the Development Team up to five hundred thousand dollars (\$500,000) to aid in the cost of the relocation. The reimbursement amount is required to be revised in order to accommodate additional construction costs. The City agrees to amend the Construction Guaranteed Maximum Reimbursement Agreement to reimburse the Development Team up to an additional one hundred fifty-two thousand, two hundred seventy-five dollars (\$152,275).

2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for The Gravity Project, LLC is 021278 with no expiration date.

3. FISCAL IMPACTS

Funds in the amount of one hundred fifty-two thousand, two hundred seventy-five dollars (\$152,275) are available for this project in the Streets and Highways G.O. Bonds Fund under the Department of Development. An amendment to the 2017 Capital Improvements fund is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

4. EMERGENCY JUSTIFICATION

Emergency legislation is required to allow for immediate execution of the amendment to the Construction Guaranteed Maximum Reimbursement Agreement, which is necessary to facilitate the construction of the public infrastructure project to maintain the project schedule and to coincide with the established development timeline.

To amend the 2017 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Utilities to enter into an amendment to the Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project, LLC; to authorize the expenditure of one hundred fifty-two thousand, two hundred seventy-five dollars (\$152,275.00) within the Streets and Highways G.O. Bonds Fund; and to declare an emergency.

WHEREAS, the Development Team shall relocate an existing combined sanitary sewer line into Broad Street to allow for the private development of the site; and

WHEREAS, the reimbursement amount from the City is required to be revised in order to accommodate additional construction costs; and

WHEREAS, the Developer will initially pay for the costs of the additional construction items to complete in order to complete the project in a timely fashion; and

WHEREAS, it is necessary to authorize the Director of Public Utilities to enter into an amendment to the Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project, LLC for construction costs in a total amount up to one hundred fifty-two thousand, two hundred seventy-five dollars (\$152,275); and

WHEREAS, it is necessary to authorize an amendment to the 2017 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 Department of Public Utilities in that it is immediately necessary to authorize the Director to enter into said Construction Guaranteed Maximum Reimbursement Agreement and the expenditure of such funds in order to maintain the project schedule and to meet community commitments, 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 Director of the Department of Public Utilities be and is hereby authorized to enter into an amendment to the Construction Guaranteed Maximum Reimbursement Agreement with The Gravity Project, LLC whose address is 30 Warren Street Columbus, Ohio, 43215, for the relocation of underground utilities; and

SECTION 2. That the 2017 Capital Improvements Budget authorized by Ordinance 1124-2017 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended

7704 / 440104-100002/ Miscellaneous Economic Development-Cols Coated Fabrics/ (Voted Carryover) \$245,326.00 / (\$152,275.00) / \$93,051.00

7704 / 441761-100000 / 500 W. Broad Sewer Relocation / \$0 / \$152,275.00/ \$152,275.00

SECTION 3. That the transfer of \$152,275, or so much thereof as may be needed, is hereby authorized between projects within Fund 7704 Streets and Highways Bond Fund per the account codes in the attachment to this ordinance.

SECTION 4. That the expenditure of \$152,275, or so much thereof as may be needed, is hereby authorized in Fund 7704 Streets and Highways Bond Fund in Object Class 06 Capital Outlay per the accounting codes in the attachment to this ordinance.

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 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 (10) days after passage if the Mayor neither approves nor vetoes the same.