



## Legislation Details (With Text)

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

**File created:** 10/18/2017      **In control:** Public Service & Transportation Committee

**On agenda:** 11/20/2017      **Final action:** 11/22/2017

**Title:** To authorize the Director of the Department of Public Service to enter into agreements with and to accept contributions from Riverside Sunshine, LLC, for the construction of public infrastructure improvements in connection with the Miscellaneous Economic Development - East Franklinton - Lucas and Cherry Extensions project; to allow a refund of any portion of the contributions that remain unused after final accounting of the project is performed; and to declare an emergency. (\$0.00)

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
11/22/2017	1	ACTING CITY CLERK	Attest	
11/21/2017	1	MAYOR	Signed	
11/20/2017	1	COUNCIL PRESIDENT	Signed	
11/20/2017	1	Columbus City Council	Approved	Pass

## 1. BACKGROUND

This ordinance authorizes the Director of the Department of Public Service to enter into agreements with and to accept contributions from Riverside Sunshine, LLC (the "Developer") relative to the construction of the Miscellaneous Economic Development - East Franklinton - Lucas and Cherry Extensions project (the "Project").

The Project will make improvements to the rights-of-way of Rich, McDowell, Lucas and Cherry streets in support of the Developer's \$50 million River and Rich development project. The Developer has undertaken the design of the Project and the City will undertake the construction of the Project.

Pursuant to Ordinance 0843-2017 and the Economic Development Agreement between the City and the Developer executed on July 10, 2017, the Department of Development agreed to expend up to \$2 million to support construction of the Project. Of that amount, \$175,000.00 was expended to pay for costs associated with expanding the limits of the City's Scioto Peninsula Duct Bank project to include utility relocation along Rich Street in front of the River and Rich development. The City's remaining commitment toward the Project is \$1,825,000.00. Project costs (construction and inspection) in excess of this amount will require a contribution from the Developer. However, the amount needed, if any, will not be known until the project has been bid. Additional Developer contributions may be necessary if unanticipated issues arise during construction that exceed the project's contingency amount.

This ordinance allows the City to accept a contribution from the Developer for payment of construction for this project if needed, and additional contributions if they should be needed. It will also allow a refund of any portion of the contributions that remain unused after final accounting of the project is performed.

## 2. CONTRACT COMPLIANCE INFORMATION

Riverside Sunshine will be required to become contract compliant before entering into agreement with the City.

### 3. FISCAL IMPACT

There is no immediate impact to the City. This ordinance grants permission to enter into an agreement with the Developer for the Developer to contribute funds if construction costs should exceed the City's commitment to the project. The funds to pay for the City's construction commitment will be submitted under a separate ordinance after the project is bid.

### 4. EMERGENCY DESIGNATION

The Department of Public Service is requesting this ordinance be considered as an emergency measure so as to allow for immediate execution of requisite agreements necessary to facilitate construction of the aforementioned improvements in a timely manner in order to maintain the project schedule and to meet community commitments.

To authorize the Director of the Department of Public Service to enter into agreements with and to accept contributions from Riverside Sunshine, LLC, for the construction of public infrastructure improvements in connection with the Miscellaneous Economic Development - East Franklinton - Lucas and Cherry Extensions project; to allow a refund of any portion of the contributions that remain unused after final accounting of the project is performed; and to declare an emergency. (\$0.00)

**WHEREAS**, Riverside Sunshine, LLC is completing the design of the Miscellaneous Economic Development - East Franklinton - Lucas and Cherry Extensions project (the "Project") in support of the \$50 million River and Rich development project in East Franklinton; and

**WHEREAS**, the City will be undertaking construction of the Project, which will consist of making improvements to the rights-of-way of Rich, McDowell, Lucas and Cherry streets in support of the River and Rich project; and

**WHEREAS**, the City and the Developer entered into an Economic Development Agreement on July 10, 2017, under the authority of Ordinance No. 0843-2017, through which the Department of Development committed an amount of up to \$2 million to support the Project; and

**WHEREAS**, the City's remaining commitment toward the Project is \$1,825,000.00, which may require a funding contribution from the Developer should Project costs be above this amount; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to enter into a contribution agreement, and future amendments or modifications if needed, with Riverside Sunshine, LLC and to accept funding from the Developer relative to the completion of the Project; and

**WHEREAS**, this ordinance also authorizes a refund of any portion of the Developer contributions that remain unused after final accounting of the project is performed; 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 Director to enter into a contribution agreement with Riverside Sunshine, LLC. in order to maintain the project schedule and to meet community commitments, thereby immediately 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 Service be and hereby is authorized to enter into a Contribution Agreement with Riverside Sunshine, LLC, 250 Civic Center Drive, Suite 500, Columbus, Ohio 43215, and to accept funding from Riverside Sunshine for a public infrastructure improvement project pursuant to Section 186 of the Columbus City Charter in connection with the Miscellaneous Economic Development - East Franklinton - Lucas and Cherry Extensions project.

**SECTION 2.** That the Director of the Department of Public Service be and hereby is authorized to accept additional funding contributions from Riverside Sunshine if the initial contribution amount should be insufficient to finish the

project.

**SECTION 3.** That the Director of the Department of Public Service be and hereby is authorized to issue a refund of any portion of the contributions that remain unused after final accounting of the project is performed.

**SECTION 4.** 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 5.** 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 6.** That 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 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.