Legislation Details (With Text)

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Type:	Ordinance	**Status:**	Passed
File created:	11/20/2019	**In control:**	Public Service & Transportation Committee
On agenda:	12/9/2019	**Final action:**	12/12/2019
Title:	To amend the 2019 Capital Improvements Budget; to authorize the appropriation of $1,329,437.00 within the Street and Highway Improvement Non-Bond Fund; to authorize the expenditure of up to $1,329,437.00 from the Street and Highway Improvement Non-Bond Fund to make payment to Hamilton Crossing LLC under the terms of an existing Construction Guaranteed Maximum Reimbursement Agreement; and to declare an emergency. ($1,329,437.00).		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORD 3118-2019 Accounting Template		

Date	Ver.	Action By	Action	Result
12/12/2019	1	CITY CLERK	Attest	
12/11/2019	1	MAYOR	Signed	
12/9/2019	1	COUNCIL PRESIDENT	Signed	
12/9/2019	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This legislation authorizes the appropriation and expenditure of $1,329,437.00 deposited by Ohio State University with the City as part of a Construction Guaranteed Maximum Reimbursement Agreement (CGMRA) with Hamilton Crossing LLC for a project known as East Dublin-Granville Road Improvements.

Ohio State University purchased property located at the southeast corner of the intersection of Hamilton Road and State Route 161 on which the University intends to build a new outpatient clinic serving the northeast portion of the City. Since the property is located in a tax increment financing district, City Council needed to consent to the University's real property tax exemption in lieu of the City's tax increment financing exemption. Ordinance 2174-2018 provided the consent and also agreed that the University pay the City an upfront payment of $1,329,437.00, which represents the amount of TIF service payments the City expected to receive from the property.

The CGMRA Agreement with Hamilton Crossing LLC, executed on April 19, 2019, estimated the reimbursement amount at $2,821,100.10 for improvements to be made near the intersection of Hamilton Road and State Route 161 by Hamilton Crossing LLC. These improvements are listed as one of the Public Infrastructure projects called for in the TIF Agreement executed on March 20, 2017. It is anticipated Hamilton Crossing LLC will be requesting reimbursement in the near future. The $1,329,437.00 received from Ohio State University was listed in the CGMRA to be used as part of the $2,821,100.10 to be reimbursed to Hamilton Crossing LLC. It is necessary to appropriate the funds received from the University and establish an Auditor's Certificate so the reimbursement payment can be made when requested.

2. FISCAL IMPACT

$1,329,437.00 has been deposited in Fund 7766 (Street and Highway Improvement NonBond Fund), Project P441765-100000 (East Dublin-Granville Road Improvements). An amendment to the 2019 Capital Improvement Budget is necessary to match cash to create budget authority for the project. It is also necessary to appropriate the funds.

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3. EMERGENCY DESIGNATION
Emergency action is requested in order to continue the construction of the improvements in a timely manner.

To amend the 2019 Capital Improvements Budget; to authorize the appropriation of $1,329,437.00 within the Street and Highway Improvement Non-Bond Fund; to authorize the expenditure of up to $1,329,437.00 from the Street and Highway Improvement Non-Bond Fund to make payment to Hamilton Crossing LLC under the terms of an existing Construction Guaranteed Maximum Reimbursement Agreement; and to declare an emergency. ($1,329,437.00).

WHEREAS, a Construction Guaranteed Maximum Reimbursement Agreement (CGMRA) was executed with Hamilton Crossing LLC on April 19, 2019; and

WHEREAS, funds deposited by Ohio State University were named in the CGMRA to be used as part of the reimbursement funding; and

WHEREAS, it is necessary to amend the 2019 Capital Improvement Budget to provide sufficient budget authority to use these funds for CGMRA reimbursement; and

WHEREAS, it is necessary to appropriate the funds Ohio State University deposited that will be used for the reimbursement of the CGMRA; and

WHEREAS, it is necessary to expend funds to reimburse Hamilton Crossing LLC for expenses authorized under the CGMRA; and

WHEREAS, an emergency exists in the usual daily operation of the City in that it is immediately necessary to amend the CGMRA with Hamilton Crossing LLC in order to continue the construction of the improvements in a timely manner, thereby preserving the public health, peace, safety, and welfare; **now, therefore**

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

SECTION 1. That the 2019 Capital Improvements Budget authorized by Ordinance 1326-2019 be amended as follows to establish sufficient authority for this project:

Fund / Project / Project Name / Current / Change / C.I.B. as Amended
7766 / P441765-100000 / East Dublin Granville Road Improvements (Street & Highway Imp Carryover) / $0.00 / $1,329,437.00 / $1,329,437.00

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, 2019, the sum of $1,329,437.00 is appropriated in Fund 7766 (Street and Highway Improvements Non-Bond Fund), Dept-Div 59-12 (Design and Construction), Project P441765-100000 (East Dublin Granville Road Improvements), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. That funds in the amount of up to $1,329,437.00, deposited by Ohio State University to compensate the City for forgone TIF service payments as described in Ordinance 2174-2018, are authorized to be paid to Hamilton Crossing LLC per the terms of the Construction Guaranteed Maximum Reimbursement Agreement for East Dublin-Granville Road Improvements executed on April 19, 2019.

SECTION 4. That the expenditure of $1,329,437.00 or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street and Highway Improvements Non-Bond Fund), Dept-Div 59-12 (Design and Construction), Project P441765-100000 (East Dublin Granville Road Improvements), Object Class 06 (Capital Outlay) per the account 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 administrating said project that the project has been completed and the monies are no longer required for said project.

SECTION 8. 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.

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