



Legislation Details (With Text)

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On agenda: 4/20/2020 **Final action:** 4/23/2020

Title: To authorize the Director of Public Service to enter into agreements with, and to accept funding from, Delaware County relative to the Roadway Improvements - Lyra Drive Extension project; to authorize the City Auditor to appropriate funds received from Delaware County for the project and to establish auditor certificates as needed and requested by the Director of Public Service for this project; to, as necessary, authorize the Director of Public Service to refund the unspent balance of funding deposited by Delaware County; and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/23/2020	1	CITY CLERK	Attest	
4/22/2020	1	MAYOR	Signed	
4/20/2020	1	COUNCIL PRESIDENT	Signed	
4/20/2020	1	Columbus City Council	Approved	Pass

1. BACKGROUND

This ordinance authorizes the Director of Public Service to execute agreements, including any future amendments or modifications thereto, if needed, with and to accept funding from Delaware County relative to the completion of the Roadway Improvements - Lyra Drive Extension project. It also authorizes the Auditor's Office to appropriate funds received from Delaware County for the project and to establish auditor certificates as needed and requested by the Director of the Department of Public Service to allow funds received from Delaware County to be spent on construction, construction administration, and construction inspection expenses for the project.

The City is engaged in a Public-Private Partnership (3P) with NP Capital Management Corporation to facilitate the construction of certain public infrastructure improvements in the Polaris area. One of the improvements encompasses the construction of a roadway extension within the newly dedicated public rights-of-way from Lyra Drive and Costco/Cabela to East Powell Road. A portion of the planned improvements will benefit Delaware County, which has agreed to contribute funding to support that effort.

The City will manage the construction project and requires a deposit from Delaware County to fund Delaware County's portion of the construction. The initial deposit is based upon an engineer's estimate of the cost of the project. Additional funding contributions from Delaware County may be needed if the estimated amount is insufficient to fund the Delaware County portion of the construction.

This legislation also authorizes, as necessary, the issuance of a refund for the unspent balance of the funds deposited by Delaware County after the project and final accounting have been completed or when the Department of Public Service, Division of Design and Construction, certifies said funds are no longer needed and can be returned to Delaware County.

2. FISCAL IMPACT

Delaware County has agreed to contribute up to \$400,000.00 to support the construction of the project based on

preliminary cost estimates with the understanding that the actual amount owed for that purpose may vary contingent on the outcome of the competitive bid process or due to unforeseen circumstances. In the event the apparent low bid exceeds preliminary cost estimates or other circumstances require additional funding from Delaware County, this ordinance authorizes the City Auditor to appropriate additional funds received from Delaware County and to establish auditor certificates so said funds can be expended on this project without additional legislation.

3. EMERGENCY DESIGNATION

Emergency action is requested to make requisite construction funding available as soon as reasonably practicable so as to prevent unnecessary delays in the completion of needed public infrastructure improvements.

To authorize the Director of Public Service to enter into agreements with, and to accept funding from, Delaware County relative to the Roadway Improvements - Lyra Drive Extension project; to authorize the City Auditor to appropriate funds received from Delaware County for the project and to establish auditor certificates as needed and requested by the Director of Public Service for this project; to, as necessary, authorize the Director of Public Service to refund the unspent balance of funding deposited by Delaware County; and to declare an emergency. (\$0.00)

WHEREAS, the City is engaged in a Public-Private Partnership (3P) with NP Capital Management Corporation to facilitate the construction of certain public infrastructure improvements in the Polaris area; and

WHEREAS, the Roadway Improvements - Lyra Drive Extension project is one of these projects and encompasses the construction of a roadway extension within the newly dedicated public rights-of-way from Lyra Drive and Costco/Cabela to East Powell Road; and

WHEREAS, a portion of the proposed improvements will benefit Delaware County; and

WHEREAS, Delaware County has agreed to contribute up to \$400,000.00 to support the completion of the project, with the understanding that additional funding may be needed contingent on the outcome of the competitive bid process; and

WHEREAS, it is necessary to authorize the Director of Public Service to enter into agreements with, and to accept funding from, Delaware County for that purpose; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to make requisite construction funding available as soon as reasonably practicable so as to prevent unnecessary delays in the completion of needed public infrastructure improvements, 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 Public Service be and hereby is authorized to enter into agreements, including any future amendments or modifications thereto, if needed, with, and to accept funding from, Delaware County to support the completion of the Roadway Improvements - Lyra Drive Extension project.

SECTION 2. That the City Auditor be and is hereby authorized to appropriate funds received from Delaware County for the aforesaid purpose and to establish auditor certificates as needed and requested by the Director of Public Service to allow funds received from Delaware County to be expended on construction, construction administration, and construction inspection costs associated with the Roadway Improvements - Lyra Drive Extension project.

SECTION 3. That the Director of Public Service be and is hereby authorized to refund any unspent balance of the funding deposited by Delaware County after the project and final accounting have been completed or when the Department of Public Service, Division of Design and Construction, certifies said funds are no longer needed and can be returned to Delaware County.

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 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.