



## Legislation Details (With Text)

**File #:** 2422-2020 **Version:** 1

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

**File created:** 10/20/2020 **In control:** Public Service & Transportation Committee

**On agenda:** 11/9/2020 **Final action:** 11/12/2020

**Title:** To amend the 2019 Capital Improvements Budget; to authorize the Director of Public Service to issue a refund to NWD Investments for the unspent portion of funds deposited for construction of the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project; to authorize the expenditure of \$549,285.64 from the Street & Highway Improvements Non-Bond Fund; and to declare an emergency. (\$549,285.64)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance 2422-2020 Accounting Codes

Date	Ver.	Action By	Action	Result
11/12/2020	1	CITY CLERK	Attest	
11/11/2020	1	MAYOR	Signed	
11/10/2020	1	COUNCIL PRESIDENT	Signed	
11/9/2020	1	Columbus City Council	Approved	Pass

## 1. BACKGROUND

The purpose of this ordinance is to authorize the issuance of a refund for the unexpended balance of funds deposited by NWD Investments LLC (NWD) with the City to support the construction of the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project.

The aforementioned project encompassed the reconstruction and resurfacing of Nationwide Boulevard from Olentangy River Road to Fletcher Road and the reconstruction of Hocking Street from West Spring Street to Nationwide Boulevard and various other improvements.

Ordinance 1554-2008 authorized the execution of a Guaranteed Maximum Reimbursement and Construction Contribution Agreement between the Department of Development and NWD, whereby NWD agreed to pay 60% of construction costs and to provide up-front funding equal to sixty percent (60%) of estimated costs to construct the aforementioned improvements, and NWD subsequently deposited \$2,646,050.75 with the City for that purpose.

Following the completion and acceptance of that project, and the performance of final accounting for the project by the Department of Public Service, it has been determined that NWD is owed a refund in the amount of \$545,339.44, which represents the value of unspent developer-contributed construction funding, due to construction costs being less than estimated prior to bidding the project.

This ordinance also authorizes the expenditure of \$3,946.20 to provide for the payment of outstanding construction administration and inspection costs related to the project.

## 2. FISCAL IMPACT

Funding in the amount of \$549,285.64 is available and appropriated in Fund 7766 (Street and Highway Improvements Non-Bond Fund) to satisfy the obligation owed to NWD and to pay outstanding construction administration and

inspection costs. An amendment to the 2019 Capital Improvements Budget is necessary for the purpose of matching cash and providing budget authority for the expenditures.

### **3. EMERGENCY JUSTIFICATION**

Emergency action is requested in order to facilitate the return of unused developer-deposited construction funding to NWD as soon as reasonably practicable.

To amend the 2019 Capital Improvements Budget; to authorize the Director of Public Service to issue a refund to NWD Investments for the unspent portion of funds deposited for construction of the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project; to authorize the expenditure of \$549,285.64 from the Street & Highway Improvements Non-Bond Fund; and to declare an emergency. (\$549,285.64)

**WHEREAS**, the Department of Development, the Department of Public Service, and NWD Investments LLC (NWD) have established a collaborative relationship through a Public-Private Partnership to facilitate the design and construction of various public infrastructure improvements in support of the ongoing development of the Arena District; and

**WHEREAS**, Ordinance 1554-2008 authorized the execution of a Guaranteed Maximum Reimbursement and Construction Contribution Agreement, whereby NWD agreed to provide up-front funding equal to sixty percent (60%) of estimated costs to construct the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project; and

**WHEREAS**, the aforementioned project encompassed the reconstruction and resurfacing of Nationwide Boulevard from Olentangy River Road to Fletcher Road and the reconstruction of Hocking Street from West Spring Street to Nationwide Boulevard and various other improvements; and

**WHEREAS**, NWD deposited \$2,646,050.75 with the City to facilitate construction of those improvements; and

**WHEREAS**, following the completion and acceptance of that work, and the performance of final accounting for the project, it has been determined that NWD is owed a refund of \$545,339.44 for the unspent portion of its contribution to the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project; and

**WHEREAS**, it is necessary to authorize the Department of Public Service, which oversaw the construction of those improvements, to make a refund payment to NWD of the unused amount deposited by NWD to support construction of the project; and

**WHEREAS**, an additional \$3,946.20 is needed to pay for construction administration and inspection costs for the project; and

**WHEREAS**, it is necessary to authorize an amendment to the 2019 Capital Improvement Budget to provide sufficient budget authority for the expenditures; and

**WHEREAS**, it is necessary to expend funds to issue the refund and to pay the balance owed for construction administration and inspection costs; and

**WHEREAS**; an emergency exists in the usual daily operation of the Department of Public Service in it is immediately necessary to authorize the Director to issue a refund in order to facilitate the return of unused developer-deposited construction funding to NWD as soon as reasonably practicable; **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 and is hereby amended as follows:

**Fund / Project / Project Name / Current / Change / Amended**

7766 / P531005-100000 / Roadway - Nationwide Blvd and Hocking Street (Street and Highway Imp Carryover) / \$0.00 / \$496,556.00 / \$496,556.00 (to match cash from the cancellation of PO117974)

**SECTION 2.** That the Director of Public Service is authorized to refund to NWD Investors, LLC the sum of \$545,339.44, which represents the unspent balance of developer-contributed construction funding for the Roadway Improvements - Nationwide Boulevard and Hocking Street Improvements project.

**SECTION 3.** That the expenditure of \$496,555.73, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P531005-100000 (Roadway - Nationwide Blvd and Hocking Street), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 4.** That the expenditure of \$52,729.91, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P590415-100015 (Economic & Community Development), in 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 administering 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 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 its passage if the Mayor neither approves nor vetoes the same.