



## Legislation Details (With Text)

**File #:** 0047-2021 **Version:** 1

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

**File created:** 1/5/2021 **In control:** Public Service & Transportation Committee

**On agenda:** 1/25/2021 **Final action:** 1/29/2021

**Title:** To authorize the City Auditor to appropriate funds within the Gowdy TIF, the Crosswoods TIF, and the Transportation Grants Fund; to authorize the transfer of cash from the Gowdy TIF Debt Service Fund to the Gowdy TIF Capital Projects Fund; to authorize the transfer of cash and appropriation between projects within the Crosswoods TIF Fund; to authorize the Director of the Department of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with White Castle Management Company; to authorize the expenditure of up to \$1,097,806.68 from the Gowdy TIF, the Crosswoods TIF, and the Transportation Grants Fund; and to declare an emergency. (\$1,097,806.68)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD 0047-2021 Accounting Template

Date	Ver.	Action By	Action	Result
1/29/2021	1	CITY CLERK	Attest	
1/29/2021	1	CITY CLERK	Attest	
1/28/2021	1	MAYOR	Signed	
1/25/2021	1	COUNCIL PRESIDENT	Signed	
1/25/2021	1	Columbus City Council	Approved	Pass

## 1. BACKGROUND

This ordinance authorizes the Director of Public Service to execute a Construction Guaranteed Maximum Reimbursement Agreement (the "Agreement") relative to the completion of the Roadway - Reach Boulevard & Generations Pass and SR 315 project (the "Project") with White Castle Management Company in an amount of up to \$1,097,806.68. This ordinance also authorizes the appropriation, transfer, and expenditure of the Project Funding in accordance with the Agreement.

The aforementioned Project will culminate in the construction of a new public roadway and other public infrastructure improvements, including intersection improvements at West Goodale Street, Reach Boulevard, and S.R. 315, and additional turn lanes to the S.R. 315 exit ramps at that intersection.

Pursuant to Ordinance 1602-2017, City Council authorized the City, acting through the Department of Development, to enter into an Economic Development Agreement dated October 26, 2017 (the "EDA") with White Castle Management Company ("White Castle" or the "Developer") to memorialize their understanding and agreements with respect to the redevelopment of the White Castle headquarters, located at 555 W. Goodale Street (the "Project Site"). Pursuant to the EDA, the City and the Developer agreed to partner on the construction of public infrastructure improvements on and near the Project Site.

## 2. CONTRACT COMPLIANCE

The contract compliance number for White Castle Management Company is CC029299, which expires September 13, 2021.

### 3. FISCAL IMPACT

The funds necessary to reimburse the Developer will be derived from a recent grant award and TIF proceeds designated for that purpose. Pursuant to Ordinance 3316-2019, the City accepted a \$150,000.00 JCED grant from the Ohio Department of Transportation (“ODOT”) for costs associated with the construction of improvements to the SR 315 North exit ramp to Goodale Street. The City previously established the Gowdy Field TIF near the Project Site pursuant to Ordinance 2079-2005 and Ohio Revised Code Section 5709.41, and established the Crosswoods TIF pursuant to Ordinance 1716-2003 and Ohio Revised Code Section 5709.40(B) to use each for public infrastructure improvements. Ohio House Bill 384 and Ordinance 1555-2017 allow revenue from certain TIFs, including the Crosswoods TIF, to be used outside of the designated TIF area. Those funds from the ODOT JCED grant, Gowdy Field TIF, and Crosswoods TIF (the “Project Funding”) have been allocated to reimburse the Developer for eligible construction costs of the Project.

Funding in the amount of \$1,097,806.68 is available for this Project as follows:

- \$821,013.45 in Fund 4437 (Gowdy Field TIF Debt Fund): Funds will need to be appropriated, transferred to Fund 7437 Gowdy TIF Capital Projects Fund, and appropriated again to be available for expenditure.
- \$126,793.23 in Fund 7419 (Crosswoods TIF Fund): Funds will need to be appropriated and transferred between projects within Fund 7419.
- \$150,000.00 in Fund 7763 (Transportation Grants Fund), Grant G592010, as a reimbursable grant from ODOT. Funds will need to be appropriated.

### 4. EMERGENCY DESIGNATION

Emergency action is requested to facilitate the execution of the requisite reimbursement agreement as soon as reasonably practicable so as to maintain the current project schedule and to meet community commitments.

To authorize the City Auditor to appropriate funds within the Gowdy TIF, the Crosswoods TIF, and the Transportation Grants Fund; to authorize the transfer of cash from the Gowdy TIF Debt Service Fund to the Gowdy TIF Capital Projects Fund; to authorize the transfer of cash and appropriation between projects within the Crosswoods TIF Fund; to authorize the Director of the Department of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with White Castle Management Company; to authorize the expenditure of up to \$1,097,806.68 from the Gowdy TIF, the Crosswoods TIF, and the Transportation Grants Fund; and to declare an emergency. (\$1,097,806.68)

**WHEREAS**, Ordinance 1602-2017 authorized the execution of an Economic Development Agreement dated October 26, 2017 (the “EDA”) between the Department of Development and White Castle Management Company (“White Castle” or the “Developer”) to memorialize their understanding and agreements with respect to the redevelopment of the White Castle headquarters located at 555 W. Goodale Street (the “Project Site”); and

**WHEREAS**, pursuant to the EDA, the City and the Developer agreed to partner on the construction of public infrastructure improvements on and near the Project Site; and

**WHEREAS**, the Developer is administering the Roadway - Reach Boulevard & Generations Pass and SR 315 project (the “Project”), which encompasses the construction of a new public roadway and other public infrastructure improvements including intersection improvements at W. Goodale Street, Reach Boulevard, and S.R. 315, and additional turn lanes to the S.R. 315 exit ramps at that intersection; and

**WHEREAS**, pursuant to Ordinance 3316-2019, the City accepted a \$150,000.00 grant from the Ohio Department of Transportation (“ODOT”) for costs associated with the construction of the SR 315 north exit ramp at Goodale Street; and

**WHEREAS**, Ordinance 2079-2005 and Ohio Revised Code Section 5709.41 authorized the City to establish the Gowdy Field TIF near the Project Site, and Ordinance 1716-2003 and Ohio Revised Code Section 5709.40(B) authorized the City to establish the Crosswoods TIF to use each for public infrastructure improvements; and

**WHEREAS**, City Council, through its passage of Ordinance 1555-2017 on June 19, 2017, determined, pursuant to Section 6 of Ohio House Bill 384 enacted by the 131st General Assembly, that satisfactory provision had been made for

the public improvement needs of the Crosswoods TIF “Property”, as that term is defined in Ordinance 1716-2003; and

**WHEREAS**, City Council further determined that certain public improvements like the Project and those identified generally on Exhibit B of Ordinance 1555-2017 (the “Neighborhood Public Improvements”) will be in support of urban redevelopment within the meaning of Section 5709.41 of the Ohio Revised Code; and

**WHEREAS**, the City agrees to reimburse the Developer for eligible construction costs of the Project in an amount of up to \$1,097,806.68 from proceeds of the ODOT JCED grant, the Gowdy Field TIF, and the Crosswoods TIF (the “Project Funding”); and

**WHEREAS**, this ordinance authorizes the Director of Public Service to execute a Construction Guaranteed Maximum Reimbursement Agreement (the “Agreement”) with the Developer for the Project; and

**WHEREAS**, this ordinance also authorizes the appropriation, transfer, and expenditure of the necessary Project Funding; 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 the Agreement as soon as reasonably practicable so as 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 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, 2021, the sum of \$821,013.45 is appropriated in Fund 4437 (Gowdy Field TIF Debt Fund), Dept-Div 44-02 (Economic Development Division), in Object Class 10 (Transfer Out Operating), per the accounting codes in the attachment to this ordinance.

**SECTION 2.** That from the unappropriated monies and from all monies estimated to come into said funds from any and all sources and unappropriated for any other purpose during the fiscal year ending December 31, 2021, the sum of \$126,793.23 is appropriated in Fund 7419 (Crosswoods TIF Capital Fund), Dept-Div 59-12 (Division of Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315 Project), in Object Class 06 (Capital Outlay), per the account codes in the attachment to this ordinance.

**SECTION 3.** 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, 2021, the sum of \$150,000.00 is appropriated in Fund 7763 (Transportation Grants Fund), Dept-Div 59-12 (Division of Design and Construction), Grant G592010 (White Castle Phase 2 - SR315), in Object Class 06 (Capital Outlay), per the account codes in the attachment to this ordinance.

**SECTION 4.** That the transfer of \$821,013.45, or so much thereof as may be needed, is hereby authorized from Fund 4437 (Gowdy Field TIF Debt Fund), Dept-Div 44-02 (Economic Development Division) to Fund 7437 (Gowdy Field TIF Capital Fund), Dept-Div 59-12 (Division of Design and Construction), per the account codes in the attachment to this ordinance.

**SECTION 5.** That the transfer of \$126,793.23, or so much thereof as may be needed, is hereby authorized within Fund 7419 (Crosswoods TIF Capital Fund), from Dept-Div 44-02 (Economic Development Division), Project P419001-100000 (Crosswoods TIF), Object Class 06 (Capital Outlay), to Dept-Div 59-12 (Division of Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315 Project), Object Class 06 (Capital Outlay), per the account codes in the attachment to this ordinance.

**SECTION 6.** 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, 2021, the sum of

\$821,013.45 is appropriated in Fund 7437 (Gowdy Field TIF Capital Fund), Dept-Div 59-12 (Division of Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315 Project), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 7.** That the Director of Public Service, acting on behalf of the City, is hereby authorized to execute a Construction Guaranteed Maximum Reimbursement Agreement with White Castle Management Co., 555 W. Goodale Street, Columbus, Ohio, 43215, relative to the reimbursement of eligible costs of construction of the Roadway - Reach Boulevard & Generations Pass and SR 315 project.

**SECTION 8.** That the expenditure of \$821,013.45, or so much thereof as may be needed, is hereby authorized in Fund 7437 (Gowdy Field TIF Capital Fund), Dept-Div 59-12 (Division of Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315 Project), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 9.** That the expenditure of \$126,793.23, or so much thereof as may be needed, is hereby authorized in Fund 7419 (Crosswoods TIF), Dept-Div 59-12 (Division of Design and Construction), Project P531020-100000 (Roadway - Reach Boulevard & Generations Pass and SR 315 Project), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 10.** That the expenditure of \$150,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7763 (Transportation Grants Fund), Dept-Div 59-12 (Division of Design and Construction), Grant G592010 (White Castle Phase 2 - SR315), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 11.** 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 12.** 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 13.** 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 14.** That, for the reasons stated in the preamble hereto, which is 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 (10) days after passage if the Mayor neither approves nor vetoes this ordinance.