



## Legislation Text

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**File #:** 1992-2007, **Version:** 1

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### **1. BACKGROUND:**

This legislation authorizes the Director of Public Utilities to enter into a cost sharing agreement with Smith and High, LLC, in connection with their redevelopment of 1260 North High Street.

Smith and High LLC, is in the process of renovating the building at 1260 North High in the Short North District, and will include an expansion to the building that will include new retail and residential space. The Division has an older, existing sewer on this parcel that doesn't have an easement associated with it. In order to accommodate this private redevelopment project, while protecting this infrastructure, this cost sharing agreement will allow the Division to rehabilitate the sewer through this parcel. In return the developer, has agreed to compensate the City for the cost of rehabilitation under their expansion, and further agrees to grant the city a subsurface easement for the sewer at no cost.

### **2. FISCAL IMPACT:**

The sewer line to be rehabilitated under terms of this agreement will be performed under the Division of Sewerage and Drainage's Annual Sewer Rehabilitation Contract. The portion of the work that is benefiting the Developer will be paid by the Developer to the City at the conclusion of the work, in accordance with the terms and conditions of the aforementioned Cost Sharing Agreement.

### **3. EMERGENCY DESIGNATION:**

The Division of Sewerage and Drainage is requesting this ordinance be made an emergency measure in order to facilitate the immediate rehabilitation of a sewer located in the Short North District of the City, that is of an unknown age, and has exceeded its useful service life. It is further necessary to rehabilitate this sewer in order to facilitate the redevelopment schedule of this private development initiative.

### **4. CONTRACT COMPLAINT INFORMATION:**

CCN: 208636107/001 for Smith and High, LLC Expiration: 11/28/2009

To authorize the Director of Public Utilities to enter into a sanitary sewer rehabilitation cost sharing agreement with Smith and High LLC, in connection with the redevelopment of 1260 North High Street; to waive the competitive bidding procedures of the Columbus City Codes, for the Division of Sewerage and Drainage, and to declare an emergency. (\$0.00)

**WHEREAS**, the Smith and High, LLC, hereinafter referred to as the Developer, is currently undertaking the renovation and expansion of the building located at 1260 North High Street, in the Short North District of the City of Columbus; and

**WHEREAS**, during the preparation of plans for the subject project, it was determined that a sanitary sewer (Record Plan 172) was located within the parcel, and that the Division of Sewerage and Drainage was unable to determine the age of the sewer or identify a recorded easement associated with it; and

**WHEREAS**, in order to accommodate this private redevelopment project, while protecting this infrastructure, this Ordinance will authorize the Director of Public Utilities to enter into a Cost Sharing Agreement that will allow the Division to rehabilitate the sewer through this parcel; and in return the Developer, has agreed to compensate the City for the cost of rehabilitation under their expansion, and further agrees to grant the city a subsurface easement for the sewer at no cost; and

**WHEREAS**, an emergency exists in the usual daily operation of the Division of Sewerage and Drainage, Department of Public Utilities, in that it is immediately necessary for this Council to authorize the subject agreement, pursuant to the immediate rehabilitation of this vital sanitary sewer infrastructure that is associated with this inner city redevelopment project; and to authorize the waiver of the applicable competitive bidding procedures of the Columbus City Codes; for the preservation of the public health, peace, property and safety therefore;

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

**SECTION 1.** That the Director of Public Utilities be, and hereby is authorized to execute a Sanitary Sewer Rehabilitation Cost Sharing Agreement with Smith and High, LLC, 22 E. Gay Street, Suite 700, Columbus, Ohio 43215, in connection with the redevelopment and expansion of 1260 North High Street.

**SECTION 2.** That this Council finds it in the best interests of the City of Columbus that the formal competitive bidding provisions of Chapter 329 of the Columbus City Code, 1959, be waived.

**SECTION 3.** That for the reasons stated in the preamble hereto, where is hereby made a part hereof, this Ordinance is hereby declared to be an emergency measure, which 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.