



Legislation Text

File #: 1325-2018, **Version:** 1

1. BACKGROUND

The purpose of this legislation 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 various improvements to West Nationwide Boulevard in the Arena District.

The West Nationwide Improvements encompassed the reconstruction of Nationwide Boulevard and Hocking Street and the installation of a new underground power duct for overhead utilities in the Arena West area. Pursuant to Ordinance 0998-2015, the Director of Development and the developer executed a Guaranteed Maximum Reimbursement and Construction Contribution Agreement, whereby NWD agreed to provide up-front funding equal to the sixty percent (60%) of estimated costs to construct the aforementioned improvements. Following the completion and acceptance of that work, the Department of Development determined that NWD is owed a refund in the amount of \$114,427.18, which represents the value of unspent developer-contributed construction funding.

2. FISCAL IMPACT

Funding in the amount of \$114,427.18 is available in Fund 7766 Street and Highway Improvements (Non-Bond) Fund to satisfy the obligation owed to NWD. An amendment to the 2018 Capital Improvement Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

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 2018 Capital Improvement Budget; to authorize the City Auditor to transfer funds and appropriation within the Street & Highway Improvements Non-Bond Fund; to authorize the City Auditor to appropriate funds within the Street & Highway Improvements Non-Bond Fund; to authorize the Director of Public Service to refund the sum of \$114,427.18 to NWD Investors, LLC for the unspent portion of developer-deposited construction funding for the West Nationwide Improvements project; to authorize the expenditure of \$114,427.18 from the Street & Highway Improvements Non-Bond Fund for that purpose; and to declare an emergency. (\$114,427.18)

WHEREAS, 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, NWD oversaw the design of the West Nationwide Improvements, which encompassed the reconstruction of Nationwide Boulevard and Hocking Street and the installation of a new underground power duct for overhead utilities in the Arena West area; and

WHEREAS, Ordinance 0998-2015 authorized the execution of a Guaranteed Maximum Reimbursement and Construction Contribution Agreement, whereby NWD agreed to provide up-front funding equal to the sixty percent (60%) of estimated costs to construct the aforementioned improvements; and

WHEREAS, following the completion and acceptance of that work, the Department of Development determined that NWD is owed a refund of \$114,427.18 for the unspent portion of its contribution to the West Nationwide Improvements project; and

WHEREAS, this legislation authorizes the Department of Public Service, which oversaw the construction of those improvements, to issue payment to NWD on behalf of the Department of Development for that purpose; and

WHEREAS, it is necessary to authorize an amendment to the 2018 Capital Improvement Budget and a transfer of cash within the Street & Highway Improvements Non-Bond Fund for the purpose of providing sufficient budget authority for the aforementioned expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the transfer of funds into the proper accounts for the immediate refund of unused to the developer at the earliest time; **now, therefore**,

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

SECTION 1. That the 2018 Capital Improvements Budget authorized by Ordinance 1010-2018 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

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

7766 / P766999-100000 / 59-03 Unallocated Balance Fd. 766 (Street & Highway Imp Carryover) / \$2,028,303.00 / \$114,428.00 / \$1,913,875.00

7766 / P530161-100172 / P530161-100172 / Roadway Improvements - West Nationwide (Street & Highway Imp Carryover) / \$109,059.00 / \$114,428.00 / \$223,487.00

SECTION 2. That the transfer of \$114,427.18, or so much thereof as may be needed, is hereby authorized within Fund 7766 (Street & Highway Improvements Non-Bond Fund), from Dept-Div 5912 (Division of Design and Construction), Project P766999-100000 (59-03 Unallocated Balance Fd. 766), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Division of Design and Construction), Project P530161-100172 (Roadway Improvements - West Nationwide), 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 ended December 31, 2018, the sum of \$114,427.18 is appropriated in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Division of Design and Construction), Project P766999-100000 (59-03 Unallocated Balance Fd. 766), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Service is authorized to refund to NWD Investors, LLC the sum of \$114,427.18, which represents the unspent balance of developer-contributed construction funding for the West Nationwide Improvements project.

SECTION 5. That the expenditure of \$114,427.18, or so much thereof as may be needed, is hereby authorized in Fund 7766 (Street and Highway Improvements (Non-Bond) Fund), Dept-Div 5912 (Division of Design and Construction), Project P530161-100172 (Roadway Improvements West Nationwide), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 6. 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 7. 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 8. 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 9. 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.