



Legislation Text

File #: 3394-2018, **Version:** 1

1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a Construction Reimbursement Agreement with 85 North High Street, LLC (the "Developer") and to separately encumber funds required for the City to perform construction administration and inspection services relative to the construction of the Downtown Streetscape - 85 North High Street - Edwards project (the "Project").

The Project consists of installing new sidewalks, curb, landscaping and lighting along the west side of North High Street between West Gay Street and West Long Street, and removing and replacing existing sidewalks and curb along the south side of West Long Street between North High Street and North Wall Street and the north side of West Gay Street between North High Street and North Wall Street. Additionally, a concrete bus pad will be installed on East Long Street between Wall Street and North High Street for the benefit of the Central Ohio Transit Authority.

2. CONTRACT COMPLIANCE INFORMATION

85 North High Street, LLC currently does not have a valid contract compliance number and will be required to become contract compliant before entering into agreement with the City.

3. FISCAL IMPACT

Funds in the amount of \$820,000.00 are available for this project within the Development Taxable Bonds Fund. An amendment to the 2018 Capital Improvement Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

4. EMERGENCY DESIGNATION

Emergency action is requested in order to allow for the timely execution of the requisite reimbursement agreement to maintain the current project schedule and to meet community commitments.

To amend the 2018 Capital Improvement Budget; to authorize the City Auditor to transfer cash and appropriation between projects within the Development Taxable Bonds Fund; to authorize the Director of Public Service to enter into a Construction Guaranteed Maximum Reimbursement Agreement with 85 North High Street, LLC and to encumber funds to pay for the City to perform construction administration and inspection services relative to the Downtown Streetscape - 85 North High Street - Edwards project; to authorize the expenditure of \$820,000.00 within the Development Taxable Bonds Fund; and to declare an emergency. (\$820,000.00)

WHEREAS, 85 North High Street, LLC (the "Developer") shall administer the Downtown Streetscape - 85 North High Street - Edwards project, which encompasses the construction of various improvements to North High Street, West Gay Street, and Long Street; and

WHEREAS, this ordinance authorizes the Director of Public Service to enter into a Construction Reimbursement Agreement with the Developer and to encumber funds for the City to perform construction administration and inspection services relative to that effort; and

WHEREAS, it is necessary to authorize an amendment to the 2018 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize said Construction Reimbursement Agreement and to encumber funds for construction

administration and inspection services in order to maintain the project schedule and to meet community commitments; thereby immediately 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 2018 Capital Improvements Budget authorized by Ordinance 1010-2018 be amended as follows to establish sufficient authority for this project:

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

7739 / P590415-100012 / Public Private Partnership (3P) Projects (Councilmanic SIT Supported) / \$2,749,082.00 / (\$820,000.00) / \$1,929,082.00

7739 / P530801-100017 / Downtown Streetscape - 85 North High Street - Edwards (Councilmanic SIT Supported) / \$0.00 / \$820,000.00 / \$820,000.00

SECTION 2. That the transfer of \$820,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7739 (Development Taxable Bonds), from Dept-Div 44-02 (Economic Development), Project P590415-100012 (Public Private Partnership (3P) Projects), Object Class 06 (Capital Outlay) to Dept-Div 44-02 (Economic Development), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 3. That the Director of the Department of Public Service be and is hereby authorized to enter into a Construction Reimbursement Agreement with 85 North High Street, LLC whose address is 495 South High Street, Suite 150, Columbus, Ohio, 43215, and to encumber funds for the City to perform construction administration and inspection services relative to the construction of streetscape improvements in connection with the Downtown Streetscape - 85 North High Street - Edwards project.

SECTION 4. That the expenditure of \$820,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7739 (Development Taxable Bonds), Dept-Div 44-02 (Economic Development), Project P530801-100017 (Downtown Streetscape - 85 North High Street - Edwards), in Object Class 06 (Capital Outlay) per the accounting 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. 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.