



Legislation Text

File #: 1240-2020, **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 N.P. Capital Management Corporation (the "Developer") with the City to support construction administration and inspection services necessary to the completion Roadway - Fermi Drive - Polaris Pkwy to Ikea Way project (the "Project").

Completed in 2019, the Project encompassed the realignment and reconstruction of an existing roadway, renamed Fermi Drive, from Polaris Parkway to Ikea Way. The roadway consists of three lanes including a two-way left turn lane and travel lanes in each direction. Other improvements within the project limits included full-depth pavement, curb and gutter, sidewalks, street lighting, storm sewer, water main, street trees, and minor modifications to the two existing traffic signals on either terminus.

The construction of the Project was made possible by an ongoing public-private partnership between the City and the Developer to finance, design, and build certain public infrastructure improvements to support continued development in the Polaris area.

Ordinance 2631-2018 authorized the Director of Public Service to execute a construction guaranteed maximum reimbursement agreement, effective November 8, 2018, with the Developer. Pursuant to that agreement, the Developer agreed to deposit funds with the City Treasurer, which were to be allocated to pay the Department of Public Service for the performance of construction administration and inspection services necessary to the completion of the Project.

Ordinance 0032-2019 authorized the Director of Public Service to appropriate and expend the sum of \$104,544.73 deposited by the Developer to support the performance of construction administration and inspection services relative to the completion of the Project. That legislation also noted it may necessary for the City to refund any remaining funds to the Developer following the completion and acceptance of the Project.

The Department of Public Service recently determined that N.P. Capital Management is owed a refund in the amount of \$8,350.50, which represents the unspent balance of the inspection funding. This legislation authorizes the Director of Public Service to return that sum to the Developer.

2. FISCAL IMPACT

ACDI000744 was established with Ordinance 0032-2019 for construction inspection expenses related to the Roadway - Fermi Drive - Polaris Pkwy to Ikea Way project. It had a balance of \$8,350.50 when final construction inspection expenses were paid. The balance on ACDI000744 was cancelled and the \$8,350.50 is available in Fund 7766 (Street and Highway Improvements Non-Bond Fund), Project P531003 (Roadway - Fermi Drive - Polaris Pkwy to Ikea Way) to satisfy the obligation owed by the City to the Developer. An amendment to the 2019 Capital Improvement Budget is necessary for the purpose of providing sufficient budget authority for this expenditure.

3. EMERGENCY JUSTIFICATION

Emergency action is requested in order to facilitate the return of unused inspection funding to N.P. Capital Management as soon as reasonably practicable.

To amend the 2019 Capital Improvement Budget; to authorize the Director of Public Service to refund to N.P. Capital Management Corporation the sum of \$8,350.50 representing the unexpended balance of monies deposited by the Developer to support construction administration and inspection services necessary to the completion of the Roadway -

Fermi Drive - Polaris Pkwy to Ikea Way project; to authorize the expenditure of \$8,350.50 for that purpose; and to declare an emergency. (\$8,350.50)

WHEREAS, the City of Columbus and N.P. Capital Management Corporation (the “Developer”) have established a collaborative relationship to advance the design and construction of certain infrastructure improvements in support of continued development in the Polaris area; and

WHEREAS, the Developer oversaw the construction of the Roadway - Fermi Drive - Polaris Pkwy to Ikea Way project, which encompassed the realignment and reconstruction of an existing roadway, renamed Fermi Drive, from Polaris Parkway to Ikea Way; and

WHEREAS, the Department of Public Service performed construction administration and inspection services necessary to the completion of the Project; and

WHEREAS, Ordinance 2631-2018 authorized the Director of Public Service to execute a construction guaranteed maximum reimbursement agreement with the Developer, who agreed to deposit funds with the City Treasurer to be used to pay for construction administration and inspection services for the Project; and

WHEREAS, Ordinance 0032-2019 authorized the acceptance, appropriation, and expenditure of the sum of \$104,544.73 to support the performance of the aforementioned services; and

WHEREAS, construction of the Project concluded in 2019; and

WHEREAS, the Department of Public Service has determined the Developer is owed a refund in the amount of \$8,350.50, representing the unspent portion of the monies previously deposited with the City by the Developer;

WHEREAS, this legislation authorizes the Director of Public Service to make payment to the Developer for that purpose; and

WHEREAS, it is necessary to authorize an amendment to the 2019 Capital Improvement Budget 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 Public Service in that is immediately necessary to authorize the Director to issue a refund in order to facilitate the return of unused inspection funding to N.P. Capital Management as soon as reasonably practicable; **now therefore**,

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

SECTION 1. That the 2019 Capital Improvement Budget, authorized by Ordinance 1326-2019, be and is hereby amended to provide sufficient budget authority for the appropriate project authorized within this ordinance as follows:

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

7766 / P531003-100000 / Roadway - Fermi Drive - Polaris Pkwy to Ikea Way (Street & Highway Imp Carryover) /
\$0.00 / \$8,351.00 / \$8,351.00 (to match cash)

SECTION 2. That the Director be and hereby is authorized to refund to N.P. Capital Management the sum of \$8,350.50, which represents the unexpended balance of inspection funds deposited with the City relative to the completion of the Roadway - Fermi Drive - Polaris Pkwy to Ikea Way project.

SECTION 3. That the expenditure of \$8,350.50, 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), P531003-100000 (Roadway - Fermi Drive - Polaris Pkwy to Ikea Way), in Object Class 06 (Capital Outlay) per the

account codes in the attachment to this ordinance.

SECTION 4. 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 5. 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 6. 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 7. 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 (10) days after its passage if the Mayor neither approves nor vetoes the same.