



Legislation Text

File #: 2986-2020, **Version:** 1

1. BACKGROUND

This ordinance authorizes the Director of Public Service to enter into a cooperative right-of-way acquisition agreement with Delaware County, Ohio, relative to the Intersection - E. Powell Road and Lyra Drive project.

The aforementioned effort encompasses the extension of Lyra Drive to East Powell Road and the construction of a roundabout at that intersection and will be completed pursuant to a Public-Private Partnership (3P) with NP Capital Management Corporation (the "Developer") to facilitate the construction of certain public infrastructure improvements in the Polaris area.

A portion of the planned improvements will benefit Delaware County, which will acquire the right-of-way attributable to the project, including that within the corporate limits of Columbus. The City has agreed to reimburse the County a portion of the right-of-way acquisition costs, up to \$250,000.00, using funds deposited with the City by the Developer.

2. FISCAL IMPACT

Funding in the amount of \$250,000.00 is available in the Street & Highway Improvements Non-Bond Fund, Fund 7766, to support this expenditure. An amendment to the 2020 Capital Improvement Budget is necessary for the purposes of matching cash and providing budget authority for a deposit received from NP Capital Management Corporation in the amount of \$250,000.00 for the acquisition of right-of-way for this project. It is necessary to transfer funds within Fund 7766 so this deposit is moved to the proper project number for the expenditure. The aforementioned sum also will need to be appropriated.

3. EMERGENCY DESIGNATION

Emergency action is requested to facilitate the execution of the agreement as soon as reasonably practicable to meet the schedule set with Delaware County and the Developer for acquisition of the needed right-of-way.

To amend the 2020 Capital Improvement Budget; to transfer cash between projects within the Street & Highway Improvements Non-Bond Fund; to authorize the appropriation of \$250,000.00 in the Street & Highway Improvements Non-Bond Fund; to authorize the Director of Public Service to enter into a cooperative right-of-way acquisition agreement with Delaware County for the Intersection - E. Powell Road and Lyra Drive project; to authorize the expenditure of \$250,000.00 from the Street & Highway Improvements Non-Bond Fund; and to declare an emergency. (\$250,000.00)

WHEREAS, the City is engaged in a Public-Private Partnership (3P) with NP Capital Management Corporation (the "Developer") to facilitate the construction of certain public infrastructure improvements in the Polaris area; and

WHEREAS, the Intersection - E. Powell Road and Lyra Drive project encompasses the extension of Lyra Drive to intersect with East Powell Road and the construction of a roundabout at the newly constructed intersection; and

WHEREAS, a portion of the planned improvements will benefit Delaware County, which has agreed to acquire the right-of-way attributable to the project, including that within the corporate limits of Columbus; and

WHEREAS, this ordinance authorizes the Director of Public Service to execute a cooperative right-of-way acquisition agreement with Delaware County and to expend up to \$250,000.00, representing funds previously deposited with the City by the Developer, to reimburse the County for services rendered; and

WHEREAS, it is necessary to authorize an amendment to the 2020 Capital Improvement Budget to provide sufficient budget authority for the expenditures; and

WHEREAS, it is necessary to authorize the transfer of cash between projects and to authorize the appropriation of funds within the Street & Highway Improvements Non-Bond Fund for this 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 the passage of this ordinance to meet the schedule set with Delaware County and the Developer for acquisition of the needed right-of-way, 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 the 2020 Capital Improvement Budget, authorized by Ordinance 2521-2020, be and is hereby amended as follows:

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

7766 / P530161-100204 / Roadway Improvements - Lyra Drive Extension (Street and Highway Imp Carryover) / \$0.00 / \$250,000.00 / \$250,000.00 (to match cash)

7766 / P530161-100204 / Roadway Improvements - Lyra Drive Extension (Street and Highway Imp Carryover) / \$250,000.00 / (\$250,000.00) / \$0.00

7766 / P530086-100047 / Intersection - E. Powell Road and Lyra Drive (Street and Highway Imp Carryover) / \$0.00 / \$250,000.00 / \$250,000.00

SECTION 2. That the transfer of \$250,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7766 (Street & Highway Improvements Non-Bond Fund), from Dept-Div 5912 (Design and Construction), Project P530161-1000204 (Roadway Improvements - Lyra Drive Extension), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530086-100047 (Intersection - E. Powell Road and Lyra Drive), 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 \$250,000.00 is appropriated in Fund 7766 (Street and Highway Improvements Non-Bond), Dept-Div 5912 (Division of Design and Construction), Project Number P5300086-100047 (Intersection - E. Powell Road and Lyra Drive), Object Class 06 (Capital Outlay), per the account codes in the attachment to this ordinance.

SECTION 4. That the Director of Public Service be and hereby is authorized to enter into agreements, including any future amendments or modifications thereto, if needed, with and to reimburse Delaware County, Ohio, for right-of-way acquisition costs relative to the Intersection - E. Powell Road and Lyra Drive project per the terms and conditions of these agreements.

SECTION 5. That the expenditure of \$250,000.00, or so much therefore as may be needed, is hereby authorized in Fund 7766 (Street & Highway Improvements Non-Bond Fund), Dept-Div 5912 (Design and Construction), Project Number P530086-100047 (Intersection - E. Powell Road and Lyra Drive), Object Class 06 (Capital Outlay) per the account 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. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby 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 days after passage if the Mayor neither approves nor vetoes the same.