File #: 2221-2021, **Version:** 1

1. BACKGROUND
The City of Columbus and The Annex at River South II, Ltd., are engaged in a Public-Private Partnership (3P) to make streetscape improvements in support of the redevelopment of the Trautman and HUB buildings in the River South District of downtown Columbus as part of the Downtown Streetscape - Trautman Building (High Street) project. This ordinance authorizes the Director of the Department of Public Service to reimburse The Annex at River South II, Ltd. (the "Developer"), for costs incurred relative to construction of the Downtown Streetscape - Trautman Building (High Street) project (the "Project").

In June 2015, the City of Columbus, acting through the Department of Public Service, agreed to reimburse the Developer up to $260,000.00 to construct the Project pursuant to Ordinance 1437-2015 which authorized the execution of a Construction Guaranteed Maximum Reimbursement Agreement (the "Agreement") between the Department of Public Service and the Developer. Auditor's Certificate AC037890 was established for this expenditure, which was converted to ACPR000375 in January 2016 when DAX became the City's financial system.

ACPR000375 was cancelled in 2019 due to uncertainty concerning if the Project would be completed or reimbursement would be sought. The project has subsequently been completed and reimbursement has been requested per the terms of the Agreement. This ordinance will authorize the encumbrance and expenditure of the requisite funds to facilitate the issuance of payment to the Developer relative to this matter.

2. FISCAL IMPACT
Funding in the amount of $260,000.00 is available and appropriated within the Streets and Highways Bond Fund, Fund 7704, to support this expenditure. An amendment to the 2020 Capital Improvements Budget is necessary to match cash and to establish sufficient budget authority for the proper project. It is also necessary to transfer cash and appropriation between projects within Fund 7704 to align cash and appropriation with the proper project.

3. CONTRACT COMPLIANCE
The Annex at River South II, Ltd., will need to update and renew their contract compliance before payment can be made.

4. EMERGENCY DESIGNATION
Emergency action is requested to enable the Department of Public Service to satisfy the obligation owed to the Developer as soon as reasonably practicable.

To amend the 2020 Capital Improvements Budget; to authorize the City Auditor to transfer cash and appropriation within the Streets and Highways Bond Fund; to authorize the Director of Public Service to reimburse The Annex at River South II for construction costs incurred relative to the Downtown Streetscape - Trautman Building (High Street) project; to authorize the expenditure of up to $260,000.00 from the Streets and Highways Bond Fund for those reimbursements; and to declare an emergency. ($260,000.00)

WHEREAS, in June 2015, the City of Columbus, acting through the Department of Public Service, agreed to reimburse The Annex at River South II, Ltd. (the "Developer"), up to $260,000.00 to construct the Downtown Streetscape - Trautman Building (High Street) (the "Project") pursuant to Ordinance 1437-2015 which authorized the execution of a Construction Guaranteed Maximum Reimbursement Agreement (the "Agreement") between the Department of Public Service and the Developer; and

WHEREAS, ACPR000375 was established to reimburse the Developer for eligible expenses pursuant to the Agreement;

and

WHEREAS, ACPR000375 was cancelled before the Developer sought payment for the eligible construction costs it incurred relative to completion of the Project; and

WHEREAS, a new purchase order needs to be established to reimburse the Developer for construction costs totaling $260,000.00 as it relates to costs incurred during the execution of the Project; and

WHEREAS, this ordinance will authorize the encumbrance and expenditure of the requisite funds to facilitate the issuance of payment to the Developer relative to this matter; and

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

WHEREAS, cash and appropriation need to be transferred between projects within the Streets and Highways Bond Fund to align cash with proper projects; and

WHEREAS, funds must be expended to reimburse the Developer for approved reimbursement requests; 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 Director to reimburse the Developer in order to satisfy the obligation owed to the Developer as soon as reasonably practicable; **now, therefore,**

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

SECTION 1. That the 2020 Capital Improvements Budget authorized by ordinance 2521-2020 be and is hereby amended to provide sufficient budget authority for the appropriate projects authorized within this ordinance as follows:

Fund / Project / Project Name / C.I.B. / Change / C.I.B. as Amended
7704 / P440104-100000 / Misc. Economic Development (Voted Carryover) / $4,042.00 / $260,000.00 / $264,042.00 (To match cash)

7704 / P440104-100000 / Misc. Economic Development (Voted Carryover) / $264,042.00 / ($260,000.00) / $4,042.00
7704 / P530801-100014 / Downtown Streetscape - Trautman Building (High Street) (Voted Carryover) / $0.00 / $260,000.00 / $260,000.00

SECTION 2. That the transfer of $260,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P440104-100000 (Misc. Economic Development), Object Class 06 (Capital Outlay) to Dept-Div (Design and Construction), Project P530801-100014 (Downtown Streetscape - Trautman Building (High Street)), 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 is authorized to reimburse The Annex at River South II, Ltd., 230 West Street, Suite 200, Columbus, Ohio, 43215, an amount up to $260,000.00 pursuant to the terms of a Construction Guaranteed Maximum Reimbursement Agreement approved via Ordinance 1437-2015 for constructing the Downtown Streetscape - Trautman Building (High Street) project.

SECTION 4. That the expenditure of $260,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 5912 (Design and Construction), Project P530801-100014 (Downtown Streetscape - Trautman Building (High Street)), 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. 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.