



Legislation Text

File #: 1722-2022, **Version:** 1

BACKGROUND: Ordinance 0441-2022, passed by Columbus City Council February 28, 2022, authorized the Director of the Department of Finance and Management to enter into a Startup Contract, Operation Agreement, and License Agreement, (Agreements) with Columbus Early Learning Centers (CELC), the operator and the primary tenant of the City's new Hilltop Early Learning Center (Learning Center) located at 45 Clarendon Avenue. Due to the impact of COVID on the product supply chain, there have been significant delays in the delivery of several key components necessary for the completion of the construction of the Hilltop Early Learning Center. The actual delivery date for these key components is still uncertain at this time. These delivery delays may cause a postponement of the construction completion date and receipt of a final occupancy permit. In the event that the completion date and occupancy date must be delayed, it will be necessary to amend the Agreements to reflect this change. This ordinance authorizes the Director of Finance and Management to execute those amendments to the Agreements that may be necessary to modify the effective dates and other corresponding terms caused by a postponement of the construction completion date and receipt of a final occupancy permit for the Learning Center.

Fiscal Impact: None at this time.

Emergency action is requested to allow the Agreements to be immediately amended as necessary to modify the effective dates and other corresponding terms in the event that the construction completion date and occupancy date of the Learning Center are postponed.

To authorize the Director of the Department of Finance and Management to execute those amendments to Agreements with Columbus Early Learning Centers as may be necessary to modify the effective dates and other corresponding terms in the event that there is a change in the construction completion date and occupancy of the Hilltop Early Learning Center; and to declare an emergency (\$0.00)

WHEREAS, due to the impact of COVID on the product supply chain, there have been significant delays in the delivery of several key components necessary for the completion of construction of the Hilltop Early Learning Center (Learning Center); and

WHEREAS, the actual delivery date of these key components is still uncertain and delays in their delivery may cause a postponement of the construction completion date and receipt of a final occupancy permit; and

WHEREAS, based on the construction completion and occupancy date for the Learning Center original projected, the City entered into a Startup Contract, Operation Agreement, and License Agreement, with Columbus Early Learning Centers (CELC) (Agreements) for the operation and tenancy of the Learning Center; and

WHEREAS, in the event that the Learning Center construction completion date and occupancy date must be postponed, it will be necessary to amend the effective dates and other corresponding terms of the Agreements with CELC to reflect this change; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance and Management in that it is immediately necessary to authorize the Director to execute those amendments to the Agreements with Columbus Early Learning Centers as may be necessary to modify the effective dates and other corresponding terms in the event that the

completion and occupancy of the Learning Center is postponed, thereby preserving the public health, peace, property, safety, and welfare; and **now, therefore,**

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

SECTION 1. That the Director of the Department of Finance and Management is hereby authorized to enter into those amendments to the Operation Agreement, Startup Contract, and License Agreement with Columbus Early Learning Centers, as prepared and approved by the Department of Law, Division of Real Estate and the General Counsel Section to modify the effective dates and other corresponding terms as may be necessary due to a change in the construction completion and occupancy date of the Hilltop Early Learning Center.

SECTION 2. That for the reasons stated in the preamble hereto, 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.