

**RESOLUTION NO. 4 , 2020**

**A RESOLUTION AMENDING AND EXTENDING RESOLUTION NO. 31, 2019  
AUTHORIZING A CONTINUING REIMBURSEMENT AGREEMENT TO PURCHASE  
CERTAIN DESIGN AND ENGINEERING SERVICES FOR THE DEVELOPMENT OF  
THE MONTGOMERY QUARTER PROJECT**

**WHEREAS**, on October 4, 2017, Council did approve Resolution No. 34, 2017, which authorized a contract with Gateway Partners, LLC to purchase professional services related to the Gateway Redevelopment Area Project now known as the Montgomery Quarter Project to enable all parties to proceed to develop Criteria Drawings and ultimately design and engineering drawings to move forward the development of the Montgomery Quarter; and

**WHEREAS**, Resolution No. 34, 2017 was amended by Resolution No. 31, 2019 to properly reflect that the Reimbursement Agreement should be re-executed with Gateway Development Partners, LLC, the correct entity for the Development Team at that time; and

**WHEREAS**, by separate Resolution, Gateway Partners Montgomery, LLC was recognized as a reformatted development partnership to move forward with the Montgomery Quarter Project; and

**WHEREAS**, while continuing to negotiate with Gateway Partners Montgomery, LLC to finalize the terms and conditions for the development of the project, Gateway Partners Montgomery, LLC continued to authorize work with the engineers to coordinate Criteria Drawings and engineering and site plan drawings for both the development of the public and private improvements; and

**WHEREAS**, the Administration believes it is appropriate to purchase such additional design and engineering drawings which have been progressively prepared at the direction of Gateway Partners Montgomery, LLC consistent with the earlier Reimbursement Resolution and Agreement to give the City the engineering drawings and specifications necessary to complete its portion of the site public improvements; and

**WHEREAS**, this Resolution will authorize the Administration, similar to the prior Reimbursement Agreement, to reimburse Gateway Partners Montgomery, LLC as the successor development partnership for those portion of the design and engineering plans prepared in cooperation with their private improvements which represents drawings necessary for the City to properly contract for the construction of public improvements.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** The terms and conditions of a previous Reimbursement Agreement shall continue in a new agreement with Gateway Partners Montgomery, LLC to allow the City to acquire Criteria Drawings and engineering and constructions drawings which have been prepared under the direction of Gateway Partners Montgomery, LLC with MKSK Studios and McGill Smith Punshon, Inc. The City Manager is authorized to either reimburse Gateway Partners Montgomery, LLC for such costs incurred or to pay directly on behalf of Gateway Partners Montgomery, LLC funds to McGill Smith Punshon, Inc. and MKSK Studios for past work performed up to an amount not to exceed \$200,000, which currently includes \$50,302.60 due McGill Smith Punshon, Inc. and approximately \$76,000 due MKSK Studios. With such payment, the City shall acquire and Gateway Partners Montgomery, LLC shall assign to the City all plans, reports, engineering drawings, concepts

and designs prepared by McGill Smith Punshon, Inc. and/or MKSK Studios ("Stage 1 Deliverables") for use in the planning, design and development of the public site improvements for the Montgomery Quarter. Such assignment shall include all copyrights to such Stage 1 Deliverables, the right to use such Stage 1 Deliverables or modify such Stage 1 Deliverables, and all derivative work developed from such Stage 1 Deliverables in the planning and design of the project improvements.

**SECTION 2.** The City Manager is authorized, consistent with his authority under the Charter, to contract for such continuing services with McGill Smith Punshon, Inc. and MKSK Studios for professional services to complete such design and engineering plans as necessary to begin construction and to complete construction of Stage 1 of the Montgomery Quarter Project.

**SECTION 3.** This Resolution shall be in full force and effect from and after its passage.

PASSED: January 8 , 2020

ATTEST: Connie M. Gaylor  
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozsi  
Christopher P. Dobrozsi, Mayor

APPROVED AS TO FORM:

Terrence M. Donnellon  
Terrence M. Donnellon, Law Director