

Chapter 901 IMPROVEMENTS AND REPAIRS

901.01 Agreements to improve street areas.

Upon receipt of requests for the right and privilege to cause the improvement of any public street, avenue, boulevard or alley in the city, the ~~D~~director of ~~public service~~ is authorized to enter into agreements, granting such right and privilege, and such agreements shall contain the following provisions and conditions:-

- (a) The pavements so constructed shall be in accordance with plans to be approved by the ~~D~~director of ~~public service~~ and their designee, which plans shall meet the standard minimum requirements as adopted by the city council.
- (b) The ~~D~~director of ~~public service~~ and/or their designee shall furnish detailed specifications, which shall be complied with in every respect.
- (c) The grades of the streets, alleys or other public ways to be so paved shall be as shown on the plans therefor and shall be recorded in the profile books maintained by the ~~D~~department of ~~public service~~.
- (d) The city shall be held free and harmless from any and all claims for damages of every nature arising or growing out of the improvements so agreed to be made.
- (e) The party requesting such right and privilege shall pay the costs of inspection and the cost of fire hydrants and shall deposit, with the ~~C~~city ~~T~~reasurer through the ~~D~~director of ~~public service~~ and/or their designee, the sums of money estimated by the ~~D~~director of ~~public service~~ and/or their designee to be necessary therefor, and in the event that such estimated amounts are found to be insufficient shall deposit such additional amounts as are necessary upon demand. All unexpended monies so deposited shall be refunded.
- (f) Such party shall furnish a surety bond or an irrevocable letter of credit issued by a bank and subject to the provisions of Chapter 1305 of the Ohio Revised Code satisfactory to the ~~D~~director of ~~public service~~, or an escrow agreement acceptable to the ~~C~~city ~~A~~ttorney and ~~D~~director of ~~public service~~, or a certified check upon a solvent bank of the city, in the sum of one hundred (100) percent of the estimated cost of the proposed improvements to guarantee the performance of the agreement.
- (g) Any violation of the terms of the agreement or noncompliance therewith shall constitute a breach of contract and the ~~D~~director of ~~public service~~ and/or their designee shall have the right and privilege to stop the work forthwith.
- (h) Upon completion of the work in accordance with the plans and specifications therefore, the pavements shall become the property of the city at no cost to the city and without encumbrance of any nature.
- (i) City council shall by ordinance establish and periodically amend a schedule of fees for the review of street plans. All fees are for the purpose of defraying costs incurred by the ~~D~~department of ~~public service~~ for reviewing street plans to assure conformance to city specifications. Once the fee has been paid it shall not be refundable. The ~~D~~director of ~~public service~~ and/or their designee shall not release street plans for construction until the fee has been paid in full. All fees shall be paid to the ~~C~~city ~~T~~reasurer for deposit into the

~~D~~evelopment ~~S~~ervices ~~S~~pecial ~~R~~evenue ~~F~~und. The schedule of fees and service charges shall be posted in the ~~D~~epartment's ~~of public service~~ offices.

- (j) All fees collected are for the purpose of paying for services rendered by the ~~D~~epartment of ~~public service~~ for coordinating, directing, inspecting and supervising the construction of streets, highways, bridges, storm sewers, sanitary sewers, street lighting, water distribution lines, traffic control devices and any other city-owned or operated facility and such other related matters as may arise in connection with such construction to assure conformance to city specifications. All fees shall be paid to the ~~C~~eity ~~T~~reasurer for deposit into the ~~B~~uilding ~~S~~ervices ~~S~~pecial ~~R~~evenue ~~F~~und. ~~C~~ity ~~c~~ouncil shall, by separate ordinance, establish and periodically adjust the fees for all types of applications and review provided by the ~~D~~epartment of ~~public service~~, hereinafter referred to as the "Fee Schedule," for the purpose of defraying the costs of providing service. The fee in effect on the date of receipt of any application shall be the fee charged.

901.02 Improvements for purpose of developing subdivisions.

In the event that a street improvement or sewer construction, or any other comparable improvement, made on an assessment basis for the purpose of developing subdivisions, is sought by petition, the following procedure and petitioner requirements are to be in full force and effect for the sole purpose of facilitating an equitable, business-like and timely action by the city council upon such petitions for street improvements or sewer construction or other comparable improvement:

- (a) Each such petitioner shall, at the time of filing a petition with the Ceity Clerk, deposit the sum of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00), as may be determined by the Ceity Attorney, which such deposit shall be for the appraisal services in connection with the proposed improvement or construction, and shall secure the cost of appraisers' fees and cost of the appraisal board's valuation and feasibility report. The Ceity Clerk shall remit any such deposit to the ~~D~~irector of ~~public service~~ and/or ~~their designee~~ who shall credit such deposit to the credit of the Street Construction Maintenance and Repair Fund. Any such part of any such deposit so made as is found to be in excess of the fee charged by appraisers, shall be refunded by the ~~D~~irector of ~~public service~~ and/or ~~their designee~~ to the depositor within a reasonable time after such determination is made.
- (b) There is created a board to be known as the Street Improvement and Sewer Construction Appraisal Board. Such board shall consist of three (3) members, two (2) to be regularly qualified and acting realtor members of the Columbus Real Estate Board, and one (1) member being a duly qualified and practicing Ohio-registered professional civil engineer. Each such board member shall at all times be a freeholder and a bona fide resident of the city. Members of the board shall be appointed by the Ceity Attorney and shall serve for the term of one (1) year from the date of appointment, or until such time thereafter as a qualified successor is appointed. In case of the death, resignation or removal by reason of disqualification, of any member of such board, successor board members shall be appointed by the Ceity Attorney in like manner as the original appointments are made.
- (c) It shall be the duty of the Street Improvement and Sewer Construction Appraisal Board to make a timely survey of each such proposed improvement or construction and an appraisal of the values of each and every parcel of real estate affected, the cost of each street improvement or sewer construction or other improvement project, and forthwith to make a full and complete written report of each such survey and appraisal to the city council. Copies of

such report shall be submitted to the ~~D~~director of public service and/or their designee and ~~C~~city ~~A~~ttorney, such report to contain the board's findings and conclusions as to each such valuation or costs; the feasibility of such improvement or construction, and the board's recommendations to the city council in connection therewith, particularly referable to the justifiable risk or nonjustifiable risk of the city in ordering such proposed improvement or construction. Such original report in each such instance shall be filed with the Ceity Celerk. Such reports of the board shall be considered confidential and the city council shall consider each such report with respect to any such proposed street improvement or sewer construction, or other comparable improvements, together with the ~~D~~director of public service and/or their designee's report as to the estimated cost of such improvement or construction, and each such report shall also be used by the city council to assist it in the determination of its course of action in either approving or disapproving the street improvement, or sewer construction or other comparable improvement, as sought by the petitioners.