

# Real Estate Agreement No. 05-0010

January 28, 2005

Mr. Henry Guzman,  
Director of the Department of Public Service  
City of Columbus  
90 W. Broad Street  
Columbus, Ohio 43215

Re: **CRS: FRA-Cota Sidewalks**  
**FPN: FAN E036312**  
**SJN: 46586(1)**  
**PID No: 76251**

Dear Mr. Guzman,

Pursuant to both Federal and State law, 49 CFR Part 24 and ORC 163 et.seq., the Ohio Department of Transportation is required to monitor all highway development projects receiving funds from the Federal Highway Administration. The rights of way acquired for the above referenced project will be incorporated into a Federally-assisted project and the following provisions must be set forth and agreed upon between the City of Columbus and ODOT.

Ordinance No.(Resolution No.) 0409-2004, passed on 6/21/04 by the City of Columbus, and subsequently accepted and journalized by the Director of Transportation, provides for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

**Provide continuous sidewalk pathways for pedestrians to COTA bus stops at several locations.**

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree to the following facts and stipulations, please sign all copies of this agreement and return them to the ODOT District Office.

The **ESTIMATED** right of way cost pertinent to this agreement based upon the right of way plans and work plan is \$400,000 (Four Hundred Thousand and 00/100). This amount is inclusive of the cost of utility relocation, which is to be performed by the City of Columbus.

This is composed of the following:

<u>Title &amp; Title Updates</u>	<u>Acquisition</u>
<u>Appraisals</u>	<u>Acquisition Relocation</u>
<u>Appraisal Reviews</u>	<u>Utility Relocation</u>
<u>Closings &amp; Recordings</u>	<u>Labor</u>

This project as programmed, provides for participation in project right of way costs as follows:

<u>Federal Participation of 80%</u>
<u>Local Participation of 20%</u>

With federal funds being utilized in the right of way phase of this project, the City of Columbus must have environmental clearance and authorization from the Federal Highway Administration. The City of Columbus will work through the District Real Estate Office to secure the Federal Authorization.

Regardless of the right of way funding source, the City of Columbus must have authorization from the ODOT District Real Estate Office to begin any phase of the acquisition process.

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The Federal Participation in this project has a cap of \$352,000 (Three Hundred Fifty Two Thousand and 00/100), which will not be exceeded or revised.

The City of Columbus agrees that it will acquire the right of way necessary in accordance with sections 163.51 through 163.62, inclusive of the revised code of Ohio, sections 5501:2-5-01 et. seq. of the Ohio Administrative Code and any future amendments thereto which supplement and support Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and Federal Highway regulations and directives on Relocation Assistance and Real Property Acquisition, as well as full compliance with Title VI of the Civil Rights Act of 1964. The City of Columbus, in accordance with 23 CFR, Part 710, Subpart B., Sec. 710.203, paragraph (c), certifies it is adequately staffed, equipped and organized to manage the Real Estate functions through its own ODOT pre-approved staff and/or pre-approved contractual agents. The City of Columbus will comply with the Ohio Department of Transportation Real Estate Administration's Policies and Procedures Manual and all applicable State and Federal laws, rules and regulations.

The City of Columbus shall maintain all files, accounting records, and other evidence pertaining to costs incurred and agrees to make such materials available at their respective offices at all reasonable times during the contract period and for three (3) years from the date of final payment under the contract for inspection by the Ohio Department of Transportation, Federal Highway Administration or their authorized representatives and copies thereof shall be furnished if requested.

The City of Columbus shall submit a letter to ODOT identifying the prequalified individuals for the following items pertaining to specific real estate functions, along with a Fee Schedule and must comply with ODOT policies and procedures and are incorporated herewith:

**Title**

The City of Columbus will provide or arrange to provide for a search of title for each property required for the project's right of way.

**Appraisal**

The City of Columbus will be responsible for the appraisals and will execute any necessary contracts with private fee appraisers in accordance with ODOT's approved list of appraisers.

**Appraisal Review**

The City of Columbus will be responsible for contracting with a review appraiser in accordance with ODOT's approved list of review appraisers who will be responsible for approving and/or disapproving the appraisals submitted by the fee appraiser. This contract must be held by the City of Columbus and cannot be a part of a City of Columbus' Prime Acquisition Consultant contract if they are responsible for the appraisals.

**Negotiations**

In compliance with State policies and procedures, negotiations shall not commence until the City of Columbus is in possession of an approved Fair Market Value Estimate. Negotiations and the settlement shall be governed by said approved fair market value. The City of Columbus shall negotiate with the owners for the purchase of real property and the conveyance of fee simple title by warranty deed or whatever lesser interest is required for the needs of the project. Such title will be take in the name of the City of Columbus. The City of Columbus shall utilize negotiators in accordance with ODOT's approved list of negotiators.

Warrants for payment of all expenditures incurred in the acquisition of right of way will be issued by the City of Columbus. The City of Columbus will issue invoices, with supporting documentation, to ODOT for their 80% reimbursement of eligible acquisition costs.

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**Administrative and/or Case Settlement Review:**

The City of Columbus must contact the District for any settlement authority over \$500. All request for administrative reviews and case settlement reviews must be in writing and contain all the appropriate documentation to support the request. The City of Columbus shall have the authority to approve administrative reviews and case settlement reviews up to \$500 over the original offer. Any settlement in excess of the approved administrative review or case settlement review will be the responsibility of the City of Columbus and approved by the District 6 Real Estate Administrator.

**Appropriations**

The City of Columbus will appropriate properties that it is unable to negotiate for the project in accordance with Chapter 163 of the Revised Code of Ohio.

**Relocation**

There will be no displacements on the project.

**Utility Relocation**

The City of Columbus will be responsible for the relocation and accommodation of all affected utilities, if necessary. If needed, the State can provide assistance in this matter.

**Right of Way Certification**

Upon completion of the acquisition process, the City of Columbus will certify to the District that the right of way has been fully acquired. The District will then certify the right of way to the Federal Highway Administration. The City of Columbus will coordinate this certification with the District Real Estate Office. This certification will include the utilities, encroachment removals and all applicable notes and exhibits. The City of Columbus' right of way certification date to the District is 3/1/07.

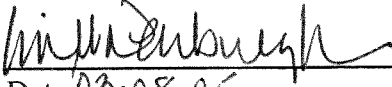
The City of Columbus will provide the **PROPERTY MANAGEMENT, BUILDING DISPOSITION and ASBESTOS TESTING & ABATEMENT** functions, if necessary.

It is understood by the City of Columbus that disposal of unneeded portions of highway rights of way or limited access rights will be subject to State and Federal Highway Administration approval.

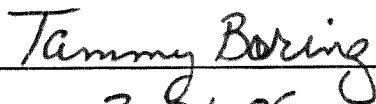
Disadvantaged Business Enterprise (DBE) Obligation: The City of Columbus or its contractor agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this agreement. The City of Columbus and its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for, receive and perform such contracts/subcontracts. The City of Columbus and its contractors shall not discriminate on the basis of race, color, national origin, age or sex in the award and performance of USDOT-assisted contracts.

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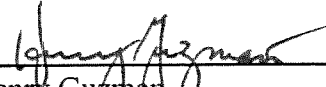
Attest:

  
Date: 03-08-05

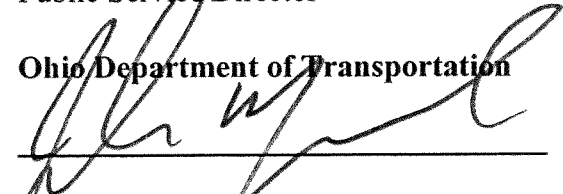
Attest:

  
Date: 3-21-05

**City of Columbus**

 3-8-05  
Henry Guzman,  
Public Service Director

**Ohio Department of Transportation**

  
John Maynard,  
District Real Estate Administrator