



## Legislation Details (With Text)

**File #:** 0788-2007      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/9/2007      **In control:** Public Service & Transportation Committee  
**On agenda:** 6/18/2007      **Final action:** 6/20/2007

**Title:** To amend Ordinance 1882-94 to change the projects described for the Alum Creek Widening Project from "Consent for Phases I, II, and III and Environmental Document to "Consent for Phase III and the Environmental Document" for the Transportation Division; and to declare an emergency. (-\$0-)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/20/2007	1	CITY CLERK	Attest	
6/19/2007	1	MAYOR	Signed	
6/18/2007	1	Columbus City Council	Approved	Pass
6/18/2007	1	COUNCIL PRESIDENT	Signed	
6/8/2007	1	City Clerk's Office	Sent back for Clarification/Correction	
6/8/2007	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
6/7/2007	1	SERVICE DIRECTOR	Sent to Clerk's Office for Council	
6/5/2007	1	CITY ATTORNEY	Reviewed and Approved	
6/4/2007	1	Finance Reviewer	Reviewed and Approved	
6/4/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
6/4/2007	1	Service Reviewer	Sent for Approval	
6/1/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
6/1/2007	1	Finance Reviewer	Reviewed and Approved	
5/24/2007	1	Service Reviewer	Reviewed and Approved	
5/9/2007	1	Service Drafter	Sent for Approval	

Background: The Public Service Department, Transportation Division is engaged in the Alum Creek widening project Phase B (Williams Road to SR104) and C (SR104 to Frebis Avenue). Ordinance 1882-94 passed by City Council September 19, 1994 granted consent with ODOT to construct the Alum Creek Widening Project from Frebis Avenue to I-270. This project was to be constructed in three phases and also includes an environmental document phase. The first phase of the project, Phase III, now referred to as Phase A, and the environmental document have been completed.

This legislation amends ordinance 1882-94 to remove the consent language for Phases B and C. Consent ordinance #0404-2007 has been put forth containing language more consistent with current ODOT/City Consent ordinances and also stating the City will be responsible for Right of Way Acquisition, rather than the State, which is the typical process for the City in these acquisitions. This is consent legislation only. Funding for this project is and will be authorized in other ordinances.

Fiscal Impact: This is a consent ordinance only. There is no funding impact in the changes made in this ordinance.

Emergency Action is requested to provide updated paperwork to ODOT so that this project can continue uninterrupted.

To amend Ordinance 1882-94 to change the projects described for the Alum Creek Widening Project from "Consent for Phases I, II, and III and Environmental Document to "Consent for Phase III and the Environmental Document" for the Transportation Division; and to declare an emergency. (-\$0-)

WHEREAS, Ordinance 1882-94, passed by City Council on September 19, 1994 authorized consent for the Alum Creek Widening Project including Phases I, II, and III and an environmental document; and

WHEREAS, the City will acquire Right of Way for Phases I and II of the project instead of ODOT as stated in the ordinance; and

WHEREAS, consent ordinance #0404-2007 has been put forth for Phases I and II of the project containing language consistent with current ODOT/City Consent Ordinances; and

WHEREAS, it is therefore necessary to amend Ordinance 1882-94 to provide for and reflect these changes; and

WHEREAS, an emergency exists in the usual daily operation of the Public Service Department, Transportation Division, in that it is immediately necessary to amend Ordinance 1882-94 as to provide updated documents for this project to ODOT and not interrupt the current project schedule; now, therefore;

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

SECTION 1. That Ordinance 1882-94 be and hereby is amended as follows:

(title)

To grant consent and propose cooperation with the State of Ohio to administer a project to widen Alum Creek Drive to a five-lane roadway from ~~Frebis Avenue~~ Williams Road to I-270, for the Engineering and Construction Division. (-\$0-)

(body)

WHEREAS: the City has identified the need for and proposes the improvement of a portion of public highway which is described as follows:

To widen Alum Creed Drive to a five-lane roadway from ~~Frebis Avenue~~ Williams Road to I-270. ~~This is a three phase project. Phase I is the widening of Alum Creek Drive from Frebis Avenue to Refugee Road. Phase II is the widening of Alum Creek Drive from Refugee Road to Williams Road. Phase III is the widening of Alum Creek Drive from Williams Road to I-270. An environmental document will also be prepared covering all three phases~~ the Alum Creek Drive from Frebis Avenue to I-270 with portions of said highway within the municipal corporation limits being hereinafter referred to as the improvement; and

WHEREAS: the City further desires cooperation from he Director of Transportation (ODOT) in the planning, design and construction of said improvement; now, therefore;

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

Section 1. That the City hereby requests the cooperation of the Director of Transportation of the State of Ohio in the cost of the above described improvement as follows:

The City agrees to assume and bear 100% of the total cost of the preliminary engineering, within its corporation limits.

The City agrees to assume and bear 100% of the total cost of the environmental document, within its corporation limits.

The City agrees to assume and bear 100% of the total cost of right of way acquisition, within its corporate limits, less the amount of federal funds set aside by the Director of Transportation.

The City agrees to assume and bear 100% of the total construction, within its corporate limits, less the amount of Federal

Aid Funds set aside by the Director of Transportation and the City further agrees to assume and bear 100% of the total cost of those features requested by the City which are not necessary for the improvement as determined by the State and Federal Highway Administration.

The City agrees to authorize the Village of Obetz as its agent for the Environmental Phase and Phase S III. ~~The City will be the lead agent for Phases I and II.~~

This is consent legislation only. No financial participation is required at this time.

SECTION 2. That it is declared to be in the public interest that the consent of the City be and such consent is hereby given to the Director of Transportation of the State of Ohio to construct the above-described improvement, in accordance with plans, specifications and estimates as approved by the Director.

SECTION 3. That the Director of Public Service of the City of Columbus is hereby authorized and directed on behalf of the city to enter into agreements with the Director of Transportation of the State of Ohio necessary to complete the planning and construction of this improvement.

SECTION 4. That traffic control devices installed within the limits of the project will conform with Section 4511 of the Ohio Revised Code.

SECTION 5. That upon completion of the said improvement, the City will thereafter keep the said highway open to traffic at all times, and

(a) Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance; and

(b) Maintain the right of way and keep it free of obstructions in a manner satisfactory to the State of Ohio and hold said right-of-way inviolate for the public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and

(c) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code.

(d) Regulate parking in the following manner:

Prohibit parking in accordance with section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

SECTION 6. That the following provisions with regard to right-of-way, utility rearrangement and saving the State of Ohio harmless of damages shall apply herein:

(a) That all existing street and public right-of-way within the City, which is necessary for the aforesaid improvement, shall be made available therefor.

(b) That the State will acquire any additional right-of-way required for the construction of the aforesaid improvement.

(c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the improvement, and the companies have agreed to make any and all necessary plant removals or rearrangements in such a manner as to be clear of any construction called for by the plans of the improvement and the companies have agreed to make such necessary rearrangements immediately after notification by the City or the Department of Transportation.

(d) That it is hereby agreed that the City shall, at its own expense, make all rearrangements of water mains, service lines, fire hydrants, valve boxes sanitary sewers, or other municipally owned utilities and/or any appurtenances thereto, which do not comply with the provisions of directive H-P-508 inside or outside the corporate limits as may be necessary to conform to the improvement and the rearrangements shall be done at such time as requested by the Department of Transportation Engineer.

(e) That the construction, reconstruction, and/or rearrangement of both publicly and privately owned utilities, referred to in Subsections (c) and (d) above, shall be done in such a manner as not to interfere unduly with the operation of the contractor

constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State.

(f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of the Federal Highway Administration's Policy and Procedure Memorandum 30-4 "Utility Relocation and Adjustments" and the Department of Transportation's rules on Utility Accommodation.

(g) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in Sections (a), (b), (c), (d), damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e), and (f) hereinabove.

SECTION 7. That the Clerk of this Council be and is hereby directed to transmit to the Director of Transportation a certified copy of this ordinance immediately upon its passage.

SECTION 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

SECTION 2. 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.