



## Legislation Details (With Text)

**File #:** 0515-2011      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/22/2011      **In control:** Public Utilities Committee  
**On agenda:** 4/11/2011      **Final action:** 4/13/2011  
**Title:** To authorize the Director of the Department of Public Utilities to enter into a License Agreement on behalf of the City with Shelly Materials, Inc. an Ohio corporation, for the construction and utilization of a haul road over certain City property for the removal and disposal of materials excavated as part of the OARS Project and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Shelly Material Haul Road Alignment 2.pdf

Date	Ver.	Action By	Action	Result
4/13/2011	1	CITY CLERK	Attest	
4/12/2011	1	MAYOR	Signed	
4/11/2011	1	Columbus City Council	Approved	Pass
4/11/2011	1	COUNCIL PRESIDENT	Signed	
4/1/2011	1	Utilities Reviewer	Sent for Approval	
4/1/2011	1	Atty Drafter	Sent for Approval	
4/1/2011	1	CITY ATTORNEY	Reviewed and Approved	
4/1/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
3/31/2011	1	Utilities Reviewer	Sent for Approval	
3/31/2011	1	UTILITIES DIRECTOR	Reviewed and Approved	
3/24/2011	1	Atty Drafter	Sent for Approval	
3/23/2011	1	Atty Drafter	Sent for Approval	
3/23/2011	1	Atty Reviewer	Reviewed and Approved	

The City of Columbus is engaged in the Olentangy Scioto Intercepting Sewer Augmentation and Relief Sewer Combined Sewer Tunnel Project ("OARS Project") for the purpose of mitigating sewage overflow in the downtown area. As a part of the sewer tunnel's construction, rock fragment excavated from the tunnel shafts will be removed from the premises. The City desires to enter into a License Agreement with Shelly Materials, Inc., an Ohio corporation ("Shelly Materials") to permit Shelly Materials to construct a road, over City owned property east of the Jackson Pike Waste Water Treatment Plant, to haul excavated materials to the Shelly Materials quarry and processing plant. This proposed License Agreement is for a term of five (5) years commencing on the date of execution of the agreement by Shelly Materials. The proposed haul road will eliminate the need for large quarry trucks to use Jackson Pike for spoils hauling operations, which will benefit the City by increasing public traffic safety and therefore should be allowed at no charge. The following legislation authorizes the Director of the Department of Public Utilities to enter into a License Agreement on behalf of the City with Shelly Materials, for the construction and utilization of a haul road to remove and dispose of materials excavated as a part of the OARS project

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to enable Shelly Materials to proceed with this work at the earliest possible time as not to delay the project's construction schedule.

To authorize the Director of the Department of Public Utilities to enter into a License Agreement on behalf of the City with Shelly Materials, Inc. an Ohio corporation, for the construction and utilization of a haul road over certain City property for the removal and disposal of materials excavated as part of the OARS Project and to declare an emergency.

WHEREAS the City of Columbus is engaged in the Olentangy Scioto Intercepting Sewer Augmentation and Relief Sewer Combined Sewer Tunnel Project ("OARS Project") to mitigate sewage overflow in the downtown area; and

WHEREAS, as a part of the sewer tunnel's construction, rock fragment excavated from the tunnel shafts will need to be removed from the tunnel; and

WHEREAS, the City desires to enter into a License Agreement with Shelly Materials, Inc., an Ohio corporation ("Shelly Materials") for the construction and utilization of a road, over City owned property, to haul the excavated materials to the Shelly Materials quarry and processing plant, located just south of the Jackson Pike Waste Water Treatment Plant property; and

WHEREAS, this proposed License Agreement is to be for a term of five (5) years commencing on the date of execution of the agreement by Shelly Materials; and

WHEREAS, the proposed haul road will eliminate the need for large quarry trucks to use Jackson Pike for spoils hauling operations which will increase public traffic safety and therefore should be allowed at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Public Utilities to execute those documents, as approved by the Division of Real Estate, necessary to grant a License Agreement to Shelly Materials for the immediate preservation of the public peace, property, health and safety; now, therefore:

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

Section 1. That the Director of the Department of Public Utilities be and hereby is authorized to execute those documents, as approved by the Division of Real Estate, necessary to enter into a License Agreement with Shelly Materials, Inc., an Ohio corporation, in order to construct, maintain, repair, and use a gravel road and for the removal and disposal of excavation materials in, over, under, across and through the following described real property, as necessary to OSIS Augmentation and Relief Sewer (OARS) Phase I project.

SEE PLAT ATTACHED HERETO  
AS EXHIBIT "A" AND MADE A PART HEREOF

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 (10) days after its passage if the Mayor neither approves nor vetoes the same.