



## Legislation Details (With Text)

**File #:** 0297-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 1/22/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 2/9/2015      **Final action:** 2/10/2015

**Title:** This legislation authorizes the Director of Public Service to enter into agreements with the City of Westerville (Westerville) for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to accept deposits from Westerville and to expend funds from said deposits for inspection services provided by the Department of Public Service; to provide refunds, as necessary, to Westerville; to authorize the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the Department of Public Service for right-of-way acquisition; to contract for professional services relative to the acquisition of fee simple title and lesser interests in and to property needed for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to authorize the City Attorney's Office, Real Estate Division, to negotiate with property owners to acquire the additional rights of way necessary to complete this project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
2/10/2015	1	CITY CLERK	Attest	
2/10/2015	1	MAYOR	Signed	
2/9/2015	1	COUNCIL PRESIDENT	Signed	
2/9/2015	1	Columbus City Council	Approved	Pass

### 1.BACKGROUND

This legislation authorizes the Director of Public Service to enter into agreements with the City of Westerville (Westerville) for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to accept deposits from Westerville for acquisition of right-of-way by the Columbus City Attorney's Office, Real Estate Division, and for inspection services provided by the Department of Public Service; and to, as necessary, provide refunds to Westerville either after each phase of the project is complete or after the project is complete and final accounting is done.

This legislation also authorizes the City Attorney's Office, Real Estate Division to hire professional services and to negotiate with property owners to acquire the various property rights necessary to complete the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project.

The scope of improvements of the joint project includes improvements to Cleveland Avenue (from 450' West of Schrock Hill Court to 150' East of Cleveland Avenue), Schrock Road (2,000' north of Schrock Road [northern entrance of Mount Carmel/St Ann's Hospital] to 900' south of Schrock Road and includes the southbound Cleveland Avenue entrance to westbound I-270), and I-270 ramps, including asphalt pavement widening and resurfacing, sidewalks, storm sewer, water works, street lighting, traffic control, and traffic signal replacement.

Widening Cleveland Avenue will provide a third northbound lane, new southbound right turn lane, extend existing southbound left turn lane, adding an additional eastbound left and right turn lanes. Widening the southbound Cleveland

Avenue entrance ramp to I-270 and will provide new pedestrian facilities to include a shared-use-path.

Right-of-way acquisition is estimated to begin in March 2015, with the goal of construction beginning in summer of 2016 and concluding in the fall of 2017. Westerville shall advertise for and own the construction contract.

The Director of the Department of Public Service shall enter into an original agreement with Westerville, which will include right-of-way acquisition. If the original right-of-way funding from Westerville is not enough, Westerville and Columbus shall enter into a contract modification(s) and Westerville shall deposit the additional funds. If it is determined that Westerville shall deposit funds for Department of Public Service inspection services, Westerville and Columbus shall enter into a contract modification and Westerville shall deposit inspection funds.

If, at the completion of each phase or at the completion of the project, a refund is due to Westerville, the Department of Public Service shall process the refund.

The Departments of Public Service and Westerville are currently finalizing construction plans and are prepared to authorize right-of-way acquisition pending passage of this legislation

## **2. EMERGENCY DESIGNATION**

The Department of Public Service is requesting this ordinance to be considered an emergency measure in order to allow for immediate execution of agreements and receipt of deposits in order to maintain Westerville's project schedule.

## **3. FISCAL IMPACT**

The estimated project cost is \$15.2 million, of which \$5 million may be deposited for right-of-way acquisition and \$1 million may be deposited for inspection services. The estimated total deposit from Westerville is \$6 million. If additional deposits are needed, the Director of Public Service shall seek Council's approval to receive additional funds.

This legislation authorizes the Director of Public Service to enter into agreements with the City of Westerville (Westerville) for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to accept deposits from Westerville and to expend funds from said deposits for inspection services provided by the Department of Public Service; to provide refunds, as necessary, to Westerville; to authorize the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the Department of Public Service for right-of-way acquisition; to contract for professional services relative to the acquisition of fee simple title and lesser interests in and to property needed for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to authorize the City Attorney's Office, Real Estate Division, to negotiate with property owners to acquire the additional rights of way necessary to complete this project; and to declare an emergency. (\$0.00)

**WHEREAS**, this legislation authorizes the Director of Public Service to enter into agreements with the City of Westerville (Westerville) for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project (the "Project"); to accept deposits from Westerville and to expend funds from said for inspection services provided by the Department of Public Service; and to provide refunds, as necessary, to Westerville either after each phase of the project is complete or after the project is complete and final accounting is done.

**WHEREAS**, this legislation also authorizes the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the Department of Public Service for right-of-way acquisition and to hire professional services and to negotiate with property owners to acquire the various property rights necessary to complete the Project.

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director enter into agreements with Westerville in order to maintain Westerville's project schedule for the preservation of public health, peace, property and safety; now, therefore

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

**SECTION 1.** That the Director of Public Service be and hereby is authorized to enter into agreements with the City of Westerville (Westerville) for the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project; to accept deposits from Westerville for right-of-way acquisition and inspection services; to expend funds from said deposits for inspection services provided by the Department of Public Service; and to provide refunds, as necessary, to Westerville either after each phase of the project is complete (right-of-way acquisition and construction) or after the project is complete and final accounting is done.

**SECTION 2.** That the City Attorney's Office, Real Estate Division, be and hereby is, authorized to expend funds from deposits received by the Department of Public Service for right-of-way acquisition; acquire fee simple title and lesser interests in and to certain parcels of real estate; to contract for professional services; and to negotiate with property owners to acquire the additional rights of way needed to complete the Arterial Street Rehabilitation - Cleveland Avenue at Schrock Road project.

**SECTION 3.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 4.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 5.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 6.** 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.