



## Legislation Details (With Text)

**File #:** 1113-2008      **Version:** 1

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

**File created:** 6/20/2008      **In control:** Public Service & Transportation Committee

**On agenda:** 7/21/2008      **Final action:** 7/23/2008

**Title:** To authorize the Public Service Director to enter into agreements setting forth financial and maintenance responsibilities for certain enhancements to the public rights-of-way as a part of a roadway and/or neighborhood revitalization project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/23/2008	1	CITY CLERK	Attest	
7/22/2008	1	MAYOR	Signed	
7/21/2008	1	Columbus City Council	Approved	
7/21/2008	1	COUNCIL PRESIDENT	Signed	
7/14/2008	1	Columbus City Council	Read for the First Time	
7/7/2008	1	Service Reviewer	Sent to Clerk's Office for Council	
6/30/2008	1	CITY ATTORNEY	Reviewed and Approved	
6/27/2008	1	SERVICE DIRECTOR	Reviewed and Approved	
6/25/2008	1	Service Reviewer	Reviewed and Approved	
6/20/2008	1	Service Drafter	Sent for Approval	

**Background:** From time to time the City of Columbus constructs roadway improvement and neighborhood revitalization projects which include, as an amenity, enhancements to the right of way such as planters, lawn areas, trees, irrigation systems, bio-retention basins, landscape walls, fences, litter receptacles, benches, and bicycle racks. These right of way amenities are often added to the project at the request of local neighborhood groups, civic associations, abutting property owners and businesses who agree to pay for and/or maintain these amenities. While Columbus City Code defines an adjacent property owner's responsibility with regard to numerous features within the public right-of-way, it does not place responsibility on abutting property owners for maintenance associated with these types of right of way amenities. This ordinance will authorize the Public Service Director to enter into agreements that set forth financial and maintenance responsibilities of the City and those groups seeking these types of enhancements to the right of way.

Fiscal Impact: None

To authorize the Public Service Director to enter into agreements setting forth financial and maintenance responsibilities for certain enhancements to the public rights-of-way as a part of a roadway and/or neighborhood revitalization project.

WHEREAS, local neighborhood groups, civic associations, abutting property owners and businesses occasionally request the City to install, as part of a proposed street improvement or neighborhood revitalization project, enhancements not customarily included as part of a City street improvement, such as, planters, lawn areas, trees, irrigation systems, bio-retention basins, landscape walls, fences, litter receptacles, benches, and bicycle racks within the public right-of-way; and

WHEREAS, the City is often willing to include these enhancements to the public right-of-way, but is unable or unwilling to finance and/or maintain them in a manner compatible with the expectations of the groups requesting them; and

WHEREAS, prior to including such site amenities in its right of way plans, an agreement with requesting entities regarding the financial and/or maintenance responsibilities is desired; and

WHEREAS, it is necessary to authorize the Director of the Public Service Department to execute agreements that define and detail the financial and maintenance responsibilities of the City and entities seeking to have enhancements to the right of way installed and owned by the City as a part of a roadway and/or neighborhood revitalization project; now, therefore

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

SECTION 1. That the Public Service Director be and is hereby authorized to execute agreements that define and detail the financial and maintenance responsibilities of the City and entities seeking to have enhancements to the right of way installed and owned by the City as a part of a roadway and/or neighborhood revitalization project. Such agreements shall provide for:

1. maintenance of the enhancements by the requesting entity at no cost to the City;
2. contributions to the capital cost of the enhancements in such amounts as the Director of Public Service in his or her discretion may provide;
3. termination of the agreement if the entity does not maintain the enhancements and removal of the enhancement if directed by the Director;
4. removal of any enhancement which in the opinion of the Director presents potential safety issues; and
5. provisions for public liability insurance and/or indemnity protecting the City from liability for negligent maintenance of the enhancements;

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.