



## Legislation Details (With Text)

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

**File created:** 4/26/2007      **In control:** Public Service & Transportation Committee

**On agenda:** 6/25/2007      **Final action:** 6/27/2007

**Title:** To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation; to grant consent and propose cooperation with the State of Ohio for the US62D (Town Street) over the Scioto River Reconstruction Project for the Transportation Division; to repeal ordinance number 1794-00, passed July 31, 2000; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/27/2007	1	CITY CLERK	Attest	
6/26/2007	1	MAYOR	Signed	
6/25/2007	1	Columbus City Council	Approved	Pass
6/25/2007	1	COUNCIL PRESIDENT	Signed	
6/12/2007	1	FINANCE DIRECTOR	Reviewed and Approved	
6/12/2007	1	Service Reviewer	Sent for Approval	
6/12/2007	1	CITY ATTORNEY	Reviewed and Approved	
6/12/2007	1	Service Reviewer	Sent to Clerk's Office for Council	
6/11/2007	1	Finance Reviewer	Reviewed and Approved	
6/11/2007	1	Finance Reviewer	Reviewed and Approved	
6/8/2007	1	SERVICE DIRECTOR	Reviewed and Approved	
6/4/2007	1	Service Reviewer	Reviewed and Approved	
4/26/2007	1	Service Drafter	Sent for Approval	

This is consent legislation with the State of Ohio, Department of Transportation (ODOT) for a Bridge Reconstruction Project on the Town/Rich Street over the Scioto River structure. Project limits extend on US62D (Town Street) from approximately Washington Boulevard to Civic Center Drive. Since this project lies within the City of Columbus, this consent ordinance is necessary. The Consultant for the Preliminary Engineering of this project has been selected and funded by the City and construction of this project is scheduled for 2009. This legislation authorizes the Director of Public Service to enter into the necessary agreements to complete this project.

This ordinance repeals ordinance 1794-00 passed on July 31, 2000. This ordinance was a consent and cooperation ordinance with ODOT for the Town/Rich Street Bridge. Since ordinance 1794-00 was passed, the funding agreement has changed. Ordinance 1794-00 stated that ODOT would assume and bear 100% of the right of way and construction costs of the State's highway improvement project. This new ordinance states that ODOT will contribute \$17,000,000.00 for the construction of this project and up to \$200,000.00 for Right of Way. (FRA-US62D-01.30 PID 17831)

**Emergency Action** is requested to meet the request of ODOT to provide the necessary consent for this project to maintain the project schedule.

**Fiscal Impact:** Funding in the amount not to exceed \$17,200,000.00 will be provided by ODOT for Right of Way and Construction Costs. Franklin County will contribute \$250,000 for Design. An estimated \$1,800,000.00 for construction will be contributed from the Federal Transportation Bill and \$5,000,000.00 for Design and Construction is estimated from OPWC. The City's estimated costs include \$6,769,515.00 for Design and any costs above the funding contributed by ODOT, Franklin County, the Federal Transportation Bill and OPWC. There is no payment required from the City at this time.

To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation; to grant consent and propose cooperation with the State of Ohio for the US62D (Town Street) over the Scioto River Reconstruction Project for the Transportation Division; to repeal ordinance number 1794-00, passed July 31, 2000; and to declare an emergency.

The following is an Ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS**, due to changes in the funding structure of the US62D over Scioto River project it is necessary to repeal ordinance 1794-00 passed July 31, 2000; and

**WHEREAS**, the City has identified the need for the described project:

This project proposes to replace the Town/Rich Street structure over the Scioto River (Structure FRA-US62D-1.30). Project limits extend on US62D (Town Street) from approximately Washington Avenue to Civic Center Drive; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Transportation Division, in that proper agreements need to be in place to ensure the project schedule, thereby preserving the public health, peace, property, safety and welfare; now, therefore

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

#### **SECTION 1 - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

#### **SECTION 2 - Cooperation Statement**

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City will assume and bear one hundred percent (100%) of all costs of preliminary development and preliminary engineering.

The City will assume and bear one hundred percent (100%) of all costs of right of way and construction in excess of the approved ODOT maximum amount from the Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration.

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director.

The City agrees to act as the lead agency for the project.

The City agrees to assume and bear one hundred percent (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.

In the event that the City requests certain features or appurtenances be included within the transportation improvement project's design and construction, and which features and appurtenances are determined by the State and the Federal Highway Administration

to be not necessary for the transportation improvement project, the City shall, prior to the project being advertised for construction contract bidding purposes, provide appropriate documentation that its Council has appropriated, and its Auditor has certified as being available for such specific purposes, funds sufficient in amount to cover one hundred percent of the costs of incorporating such additional features or appurtenances within the project, including preliminary engineering, final design, right-of-way, construction and construction engineering expenses as may be directly related thereto.

### **SECTION 3 - Utilities and Right-of-Way Statement**

The LPA will acquire all necessary right-of-way required for the described project. The LPA agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

### **SECTION 4 - Maintenance**

Upon completion of the described project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

### **SECTION 5 - Consultants and Authority to Sign**

The Public Service Director of said City is hereby empowered on behalf of the City of Columbus to enter into contracts with ODOT prequalified consultants for the preliminary engineering phase of the project and to enter into contracts with the Director of Transportation necessary to complete the above-described project. Upon the request of ODOT, the Director of Public Service is also empowered to assign all rights, title, and interests of the City of Columbus to ODOT arising from any agreements with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

The LPA agrees that if Federal Funds are used to pay the cost of any consultant contract, the LPA shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the LPA agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The LPA agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the project. The LPA agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**SECTION 6** - That ordinance 1794-2000, passed July 31, 2000 is hereby repealed.

**SECTION 7** - 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.