



## Legislation Details (With Text)

**File #:** 0567-2015      **Version:** 1

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

**File created:** 2/19/2015      **In control:** Public Service & Transportation Committee

**On agenda:** 3/9/2015      **Final action:** 3/11/2015

**Title:** This legislation authorizes the Director of Public Service to enter into agreements with the Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project and to accept deposits from COTA for right-of-way acquisition services; 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 Cleveland Avenue Bus Rapid Transit (BRT) 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 declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/11/2015	1	CITY CLERK	Attest	
3/10/2015	1	MAYOR	Signed	
3/9/2015	1	COUNCIL PRESIDENT	Signed	
3/9/2015	1	Columbus City Council	Approved	Pass

### 1.BACKGROUND

This legislation authorizes the Director of Public Service to enter into agreements with the Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project; to accept deposits from COTA for acquisition of right-of-way by the Columbus City Attorney's Office, Real Estate Division; and to, as necessary, provide refunds to COTA after acquisition 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 Cleveland Avenue Bus Rapid Transit (BRT) project.

In general, the BRT line will connect commuters from Downtown Columbus with various land uses along the corridor through Franklin County's City of Columbus, Clinton Township, and Village of Minerva Park to the City of Westerville in Delaware County. Starting on High Street downtown, the BRT will connect to Cleveland Avenue via Nationwide Blvd. The BRT shall run north on Cleveland Avenue to OhioHealth Medical Center on Polaris Parkway in Westerville.

Right-of-way acquisition is estimated to begin in summer of 2015.

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

If, at the completion of acquisition, a refund is due to COTA, the Department of Public Service shall process the refund.

**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 COTA’s project schedule.

**3. FISCAL IMPACT**

It is estimated that \$350,000.00 may be deposited for right-of-way acquisition. 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 Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project and to accept deposits from COTA for right-of-way acquisition services; 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 Cleveland Avenue Bus Rapid Transit (BRT) 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 declare an emergency. (\$0.00)

**WHEREAS**, this legislation authorizes the Director of Public Service to enter into agreements with the Central Ohio Transit Authority for the Cleveland Avenue Bus Rapid Transit (BRT) project and to accept deposits from COTA for right-of-way acquisition services; and to, as necessary, provide refunds to COTA after acquisition 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 Cleveland Avenue Bus Rapid Transit (BRT) project.

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, in that it is immediately necessary to authorize execution of agreements with COTA and receipt of deposits in order to maintain COTA’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 Central Ohio Transit Authority (COTA) for the Cleveland Avenue Bus Rapid Transit (BRT) project and to accept deposits from COTA for right-of-way acquisition; and to, as necessary, provide refunds to COTA either after acquisition 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 Cleveland Avenue Bus Rapid Transit (BRT) 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.