



Legislation Text

File #: 0145-2018, **Version:** 1

1. BACKGROUND:

This legislation authorizes payment for railroad right-of-way improvements performed by Norfolk Southern Corporation and CSX Transportation, Inc., up to the amount of \$5,200,000.00 for the Roadway Improvements - Lazelle Road Phase B project.

The Public Service Department is engaged in the Roadway Improvements - Lazelle Road Phase B project. Project improvements include: widening the road to five lanes to include a center turn lane with a roundabout at the intersection of Old South State Road at Lazelle Road; realigning Old South State Road with Storrow Drive; and reconstructing two railroad bridges. Improvements along Lazelle Road also include the addition of sidewalk along the south side, addition of a shared use path along the north side, and public and private utility work as needed.

In the course of effecting roadway improvements it is necessary to contract with any railroads involved, in this case Norfolk Southern Corporation and CSX Transportation, to perform railroad right-of-way improvements. The railroads previously named are preparing for track work, flagging, engineering and final review of the plans. The City Attorney's office will work with each railroad to get a construction agreement signed and to get the right-of-way required for this project. This is at the City's expense as the City is initiating the improvements to be performed within the railroad right-of-way.

The funding request for the aforementioned railroad right-of-way improvements work is based upon estimates from the railroads. The railroads will invoice the City for actual costs incurred in performing the improvements. The amount needed may exceed the amount requested in this ordinance. Additional legislation will be submitted by the Department of Public Service if additional funds are needed to complete the relocations.

2. FISCAL IMPACT:

Eighty percent of the funding for this project will be provided by the Mid-Ohio Regional Planning Commission (MORPC) through the Ohio Department of Transportation (ODOT) in the form of a reimbursement grant, with the City of Columbus contributing 20% of the project cost. This is a reimbursable budgeted expense of \$4,160,000.00 within the Federal Transportation Grants Fund, Fund 7765. The City's 20% match requirement is available within the Polaris TIF Fund, Fund 4402. Any funds received from MORPC that are in excess of allowable project expenses will be refunded to MORPC following final project accounting.

3. EMERGENCY DESIGNATION

Public Service is requesting emergency designation so as to provide funding for railroad right-of-way improvement costs at the earliest possible time to maintain the project construction schedule.

To authorize the City Auditor to appropriate funds within the Polaris TIF Fund and within the Federal Transportation Grants Fund; to authorize the City Auditor to transfer cash and appropriation between the Polaris TIF Fund and the Roadway Improvements - Lazelle Road Phase B Fund; to authorize the City Auditor to appropriate funds within the Roadway Improvements - Lazelle Road Phase B Fund; to authorize the City Attorney's Office and the Director of Public Service to execute agreements with Norfolk Southern Corporation and CSX Transportation Incorporated for railroad right-of-way improvements for the Roadway Improvements - Lazelle Road Phase B Project; to authorize the Director of Public Service to reimburse railroad right-of-way improvement costs to Norfolk Southern Corporation and CSX Transportation for the project; to authorize the expenditure of up to \$5,200,000.00 from the Polaris Interchange Fund and the Federal Transportation Grants Fund; and to declare an emergency. (\$5,200,000.00)

WHEREAS, the Department of Public Service is engaged in the Roadway Improvements - Lazelle Road Phase B Project; and

WHEREAS, railroad right-of-way improvements must be completed before construction can begin; and

WHEREAS, it is necessary to contract with Norfolk Southern Corporation and CSX Transportation to perform railroad right-of-way improvements for this project; and

WHEREAS, the Department of Public Service requires funding to be available for railroad right-of-way improvements expenses for the Roadway Improvements - Lazelle Road Phase B Project; and

WHEREAS, funds must be appropriated in Fund 7765 Federal Transportation Grants Fund and in Fund 4402 Polaris TIF Fund for the purposes of funding this project; and

WHEREAS, cash and appropriation must be transferred for Department of Public Service use from the Polaris TIF Fund 4402 to the Polaris Interchange Fund 7770 in order to allow Public Service to administer financial requirements of this project within fund 7770; and

WHEREAS, Norfolk Southern Corporation and CSX Transportation must be reimbursed for railroad right-of-way improvements costs for the Roadway Improvements - Lazelle Road Phase B Project; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize payment for utility relocation expenses for the Roadway Improvements - Lazelle Road Phase B Project at the earliest possible time to prevent construction delays, 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. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2018, the sum of \$4,160,000.00 is appropriated in Fund 7765 (Federal Transportation Grants Fund), Dept-Div. 5912 (Division of Design and Construction), Project G591505 (Lazelle Road Phase B 90406) in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

SECTION 2. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2018, the sum of \$1,040,000.00 is appropriated in Fund 4402 (Polaris TIF Fund), Dept-Div. 4402 (Economic Development), per the account codes in the attachment to this ordinance.

SECTION 3. That the transfer of \$1,040,000.00, or so much thereof as may be needed, is hereby authorized from Fund 4402 (Polaris TIF Fund), Dept-Div 4402 (Economic Development) to Fund 7770 (Roadway Improvements - Lazelle Road Phase B), Dept-Div 5912 (Division of Design and Construction), Project P530161-100147 (Roadway Improvements - Lazelle Road Phase B) per the account codes in the attachment to this ordinance.

SECTION 4. That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2018, the sum of \$1,040,000.00 is appropriated in Fund 7770 (Roadway Improvements - Lazelle Road Phase B), Dept-Div 5912 (Division of Design and Construction), per the account codes in the attachment to this ordinance.

SECTION 5. That the City Attorney's Office and the Director of Public Service are authorized to execute agreements with Norfolk Southern Corporation and CSX Transportation Incorporated for railroad right-of-way improvements for the Roadway Improvements - Lazelle Road Phase B Project.

SECTION 6. That the Director of Public Service be and hereby is authorized to reimburse Norfolk Southern Corporation and CSX Transportation, Inc., for railroad right-of-way improvements for the Roadway Improvements - Lazelle Road Phase B Project (aka FRA-Lazelle Road PID 90406).

SECTION 7. That the expenditure of \$1,040,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7770 (Roadway Improvements - Lazelle Road Phase B Fund), Dept-Div 5912 (Division of Design and Construction), Project P530161-100147 (Roadway Improvements - Lazelle Road Phase B) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

SECTION 8. That the expenditure of \$4,160,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7765 (Federal Transportation Grants Fund), Dept-Div 5912 (Division of Design and Construction), Project P530161-100147 (Roadway Improvements - Lazelle Road Phase B) in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance..

SECTION 9. That, at the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

SECTION 10. 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 11. 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 12. 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 13. That for the reasons stated in this ordinance's preamble, which are made a part of this ordinance, this ordinance is declared to be an emergency measure and is effective and 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 this ordinance.