



City of Columbus

Office of City Clerk
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Legislation Text

File #: 0404-2007, **Version:** 1

Background: This is consent legislation with the Ohio Department of Transportation (ODOT) for Alum Creek Phase B PID 23953, the widening of Alum Creek Drive from 2 to 5 lanes from Williams Road to SR104 and ALUM CREEK PHASE C for the widening of Alum Creek Drive from 2 to 5 lanes from SR104 to Frebis Avenue. The City of Columbus will be the lead agency for these projects.

Since a portion of this project lies within the City of Columbus, this consent ordinance is necessary. Right of Way acquisition for phase B of this project is scheduled for 2007. This legislation authorizes the Public Service Director to enter into the necessary agreements to complete these projects.

Ordinance 1882-94 contained consent language for these two phases of the Alum Creek Project but is being amended to remove these two phases. This previous ordinance also stated ODOT would acquire the right of way for these projects. This ordinance indicates that the City of Columbus will be responsible for acquiring the right of way for these projects which is the typical process for the City in these acquisitions.

Phase B is scheduled to start construction in the fall of 2011 and be completed by fall of 2012. Phase C of this project is not yet programmed by the City.

Emergency action is requested in order to provide this updated ordinance requested by ODOT and to meet ODOT's schedule for this project and to continue the current right of way acquisition and project schedule.

Fiscal Impact: Ordinance 0386-2007 recently passed authorizing the expenditure of \$1,200,000.00 for acquisition related activities for Phase B of this project. The City will seek reimbursement as the acquisition progresses at a rate of 80%. ODOT will administer the construction of the project and the City will provide its share of funding to ODOT, now estimated at \$3,000,000.00. The construction of Phase B is scheduled to begin in State Fiscal Year 2012 and the current estimated construction cost is \$15,000,000.00.

To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation and to grant consent and propose cooperation with the State of Ohio for the Alum Creek Drive Widening project for Phase B (Williams Road to SR104) and Phase C (SR104 to Frebis Avenue) for the Transportation Division; and to declare an emergency. (\$0)

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 projects.

WHEREAS, the City has identified the need for the described projects:

This project proposes to widen Alum Creek Drive to a five lane roadway from Williams Road to Frebis Avenue. FRA-CR122-4.41, PID Number 23953 (Alum Creek Phase B) is for the Widening of Alum Creek Drive from Williams Road to SR104. The City of Columbus will serve as the lead agency for this project. FRA-CR122-6.22, (Alum Creek Phase C), is for the widening of Alum Creek Drive from SR104 to Frebis Avenue. The City of Columbus will also serve as the lead agency for this project.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:

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 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 assume and bear one hundred percent (100% of the cost of preliminary engineering for FRA-CR122-4.41 (Alum Creek Phase B - Williams Road to SR104), PID Number 23953 and FRA-CR122-6.22 (Alum Creek Phase C - SR104 to Frebis Avenue);

The City agrees to assume and bear one hundred percent (100%) of the cost of right of way less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration for FRA-CR122-4.41 (Alum Creek Phase B - Williams Road to SR104), PID Number 23953 and FRA-CR122-6.22 (Alum Creek Phase C - SR104 to Frebis Avenue);

The City agrees to assume and bear one hundred percent (100%) of the cost of construction less the amount of Federal and State funds set aside by the Director of Transportation and the Federal Highway Administration for FRA-CR122-4.41 (Alum Creek Phase B - Williams Road to SR104), PID Number 23953 and FRA-CR122-6.22 (Alum Creek Phase C - SR104 to Frebis Avenue);

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 for FRA-CR122-4.41 (Alum Creek Phase B - Williams Road to SR104), PID Number 23953 and FRA-CR122-6.22 (Alum Creek Phase C - SR104 to Frebis Avenue).

In the event that the City requests certain features or appurtenances be included within the highway improvement project's design and construction, and which features and appurtenances are determined by the State and Federal Highway Administration to be not necessary for the State's Highway 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 State's 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 agrees to acquire and/or make available to ODOT, in accordance with current State and Federal regulations, all necessary right-of-way required for the described project. The LPA also understands that right-of-way costs include eligible utility costs. The LPA agrees to be responsible for all utility accommodations, relocations, and reimbursement and agrees that all such accommodations, relocation, and reimbursements shall comply with the current provision of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4 - Maintenance

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the 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 resources, as necessary, for the maintenance of the 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 - Authority to Sign

The Director of Public Service of said City is hereby empowered on behalf of the City of Columbus to enter into contracts with ODOT pre-qualified 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 agreement 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 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 day after passage if the Mayor neither approves nor vetoes the same.