



## Legislation Text

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**File #: 1656-2009, Version: 1**

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### 1. BACKGROUND

This ordinance authorizes The Director of Public Service to enter into a contract with the Ohio Department of Transportation (ODOT) for the Construction of the Rich Street Bridge and Second Street and improvements to the surrounding area. This project includes the following components:

Part 1 - Relocation of the existing U.S. Route 62D structure (Town Street Bridge) over the Scioto River to Civic Center Drive and Rich Street intersection (Eastern Bank). Approach roadway reconstruction at intersections with Washington Boulevard and Civic Center Drive, including 0.24 miles of Town Street and Main Street including Scioto West Bank Park improvement; and

Part 2 - Resurfacing of 0.05 miles and reconstruction of 0.14 miles of Second Street, including reconstruction of sidewalks, traffic control, waterline, sanitary sewer improvements, storm sewer construction and post construction storm water best management practices, lying within the City of Columbus; and

As part of this project approximately 0.25 miles of new bikeway will be added which will allow for a continuous bike path at the rivers edge along the west side of the river. Approximately 0.75 miles of sidewalk will be retained in compliance with the walkability and pedestrian quality of service in the downtown area. Also, 32 curb ramps will be added or retained. This project connects to the Scioto Mile project, and supports downtown festival activities, Bicentennial park, and COSI. Bioretention planters will also be installed along with street trees, and West Bank Park will be rebuilt.

### 2. EMERGENCY DESIGNATION

Emergency action is requested in order to meet ODOT's schedule to bid this project on January 13, 2010. In order to do this paperwork needs to be returned to ODOT by December 31, 2009. The project is scheduled to begin construction in February 2010 and end in August 2011.

### 3. FISCAL IMPACT

There are many components to this project including bridge construction, roadway work, sidewalk and bikeway construction, park construction, reconstruction of waterlines, and sanitary and stormwater sewer lines. The Ohio Department of Transportation will bid and administer the construction of this project. As part of ODOT's construction process, the City share of the project based on an ODOT estimate is required prior to the project being bid. Therefore, the City share of this project will be contributed by the Division of Design and Construction and when actual quantities and costs are known the Division of Design and Construction will seek reimbursement from these other Divisions for their shares. There is no contingency funding included in this estimate and therefore it may be necessary to request additional spending authority from council if warranted. Other sources of funding utilized for this project by ODOT and the City will be Ohio Public Works Commission (OPWC), Federal Earmarks, American Recovery and Reinvestment Act (ARRA), and ODOT capital funds.

The estimated cost of construction for this project is \$29,592,105.70. The total share of the cost for the City is now estimated at \$2,698,118.47, but the estimated amount will be adjusted so that the City's ultimate share of the cost of the improvement shall correspond with the actual cost when said actual costs are determined.

To authorize the Director of Public Service to enter into agreement with the Director of the Ohio Department of Transportation for this Rich Street Bridge Construction project; to amend the 2009 C.I.B.; to authorize the transfer of funds within the Gov'l Build America Bonds (B.A.B.s) Fund and to the Fed-State Highway Engineering Fund; to authorize the expenditure of \$2,698,118.47 from the within the Fed-State Highway Engineering Fund for the Division of Design and Construction; and to declare an emergency. (\$2,698,118.47)

**WHEREAS**, the following ordinance enacted by the City of Columbus, Ohio, hereinafter referred to as the Legislative Authority or Local Public Agency or "LPA", in the matter of the stated described project; and

**WHEREAS**, this project is being funded by the American Recovery and Reinvestment Act ("ARRA") and funds from that Act are

capped at the Federal share amount; and

**WHEREAS**, on the 25th day of June, 2007, the LPA enacted legislation (Ordinance 0712-2007) proposing cooperation with the Director of the Ohio Department of Transportation (Director of Transportation) for the described project:

Part 1 - Relocation of existing U.S. Route 62D structure over the Scioto River to Civic Center Drive and Rich Street intersection (Eastern Bank). Approach roadway reconstruction at intersections with Washington Boulevard and Civic Center Drive, including 0.24 miles of Town Street and Main Street including Scioto West Bank Park improvement; and

Part 2 - Resurfacing of 0.05 miles and reconstruction of 0.14 miles of Second Street, including reconstruction of sidewalks, traffic control, waterline, sanitary sewer improvements, storm sewer construction and post construction storm water best management practices, lying within the City of Columbus; and

**WHEREAS**, the LPA shall cooperate with the Director of Transportation in the above described project as follows:

The City agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid funds, including MORPC, ARRA, and Earmark and State Funds set aside by the Director of Transportation of the State of Ohio for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the City agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering and Right of Way, excluding in-house preliminary engineering and Right-of-Way charges incurred by the State.

The share of the cost of the LPA is now estimated in the amount of Two Million Six Hundred Ninety Eight Thousand One Hundred Eighteen and 47/100 Dollars, (\$2,698,118.47), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

**WHEREAS**, the LPA recognizes that it is responsible for all change orders and that the Department recommends the LPA set aside at least 6% of the total project cost to pay for potential change orders and cost overruns; and

**WHEREAS**, the Director of the Ohio Department of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

**WHEREAS**, the LPA desires the Director of Transportation to proceed with the aforesaid highway improvement; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is the sense of this Council that the Director of the Ohio Department of Transportation must proceed with the aforesaid highway improvement, thereby preserving the public health, peace, property, and safety; now, therefore

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

**Section 1.** That the estimated sum of Two Million Six Hundred Ninety Eight Thousand One Hundred Eighteen and 47/100 Dollars, (\$2,698,118.47) or so much thereof as may be needed be and is hereby authorized to be expended from the Fed-State Highway Engineering Fund, Fund 765, Division of Design and Construction, Department No. 59-12, O.L 01-03 Codes 06-6631, OCA Code 591291, Grant 565186 in the Rich Street Bridge Grant for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of the Ohio Department of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.

**Section 2.** That the 2009 Capital Improvements Budget established within ordinance 0806-2009 be and hereby is amended to provide funding for this project as follows:

Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount

530103 - 100017 / Arterial Street Rehabilitation - Lockbourne Road / \$3,720,000.00 / (\$1,023,505.00) / \$2,696,495.00

530301-100004 / Bridge Rehabilitation - Rich St Bridge / 1,674,614.00 / \$1,023,505.00 / \$2,698,119.00 (Carryover)

**Section 3.** To move cash and appropriation between projects within Fund 746, the Gov'l Build America Bonds (B.A.B.s) Fund as follows:

FROM:

Fund / Project # / Project / Object Level Three Codes / OCA Code / Amount

Move cash and appropriation

746 / 530103 - 100017 / Arterial Street Rehabilitation - Lockbourne Road / 0-6600 / 528246 / \$1,023,504.47

Move Appropriation

746 / 530301-100004 / Bridge Rehabilitation - Rich St Bridge / 06-6600 / 528301 / \$1,674,614.00

TO:

Fund / Project # / Project / Object Level Three Codes / OCA Code

746 / 530301-100004 / Bridge Rehabilitation - Rich St Bridge / 10-5501 / 528301 / \$2,698,118.47

**Section 4.** To authorize the transfer of funds between the Gov'l Build America Bonds (B.A.B.s) Fund and the Fed-State Highway Engineering Fund as follows:

FROM:

Fund / Project # / Project / Object Level Three Codes / OCA Code

746 / 530301-100004 / Bridge Rehabilitation - Rich St Bridge / 10-5501 / 528301 / \$2,698,118.47

TO:

Fund / Grant# / Grant /Grant Name/ OCA Code/OL01-03/Amount

765 / 565186 / Rich Street Bridge / 591291 / 80-0886 / \$2,698,118.47

**Section 5.** That the sum of \$2,698,118.47 be and hereby is appropriated from the unappropriated balance of Fund 765, the Fed-State Highway Engineering Fund, 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 ending December 31, 2009 to the Rich Street Bridge Grant, number 565186 as follows:

**Division of Design and Construction, Dept-Div 59-12:**

Fund / Project # or Grant# / Grant /Grant Name/ OCA Code/OL3/Amount

765 / Fed-State Highway Eng. / 565186 / Rich Street Bridge / 591291 / 6631 / \$2,698,118.47

**Section 6.** That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.

**Section 7.** That the LPA enter into a contract with the State, and that the Director of Public Service be and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth herein above for improving the described project.

**Section 8.** 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 9.** 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.