



## Legislation Text

---

**File #: 1800-2008, Version: 1**

---

### **1. BACKGROUND**

This is consent legislation with the Ohio Department of Transportation (ODOT) for a pavement repair project. The project proposes to perform partial depth repairs, plane and resurface pavement with asphalt concrete, and replace pavement marking and loop detectors. Overall Project Limits extend on US 40 (Broad Street) from the US 42 interchange in Madison County to east of Galloway Road in Franklin County (approximately 12 miles). The portion of the project which is located in Columbus is from west of Doherty Road to east of Galloway Road (approximately 0.4 miles). (MAD/FRA-40-7.84/0.00 PID 76356)

This is an Ohio Department of Transportation resurfacing project and there is no new curb ramps, sidewalks or bike paths associated with the City of Columbus portion of this project to be constructed. All existing bus stops will be preserved and/or maintained and maintenance of traffic plans take into account active bus stops for the project throughout construction.

Since a portion of this project lies within the City of Columbus, this consent ordinance is necessary. Construction of this project is scheduled for Summer 2010. This legislation also authorizes the Public Service Director to enter into the necessary agreements to complete this project.

### **2. FISCAL IMPACT**

The estimated total cost of this project is \$4,400,000.00. The estimated cost of the portion of the project within Columbus is \$150,000.00, with The City's share currently estimated at \$30,000. Funding will be legislated in a separate ordinance prior to the beginning of construction.

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 US-40 Resurfacing Project for the Transportation Division. (\$0.00)

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, the State has identified the need for the described project:

On US 40 perform pavement reconstruction and resurfacing.

Overall Project Limits extend from the US 42 interchange in Madison County to east of Galloway Road in Franklin County. The portion of the project which is located in Columbus is from west of Doherty Road to east of Galloway Road; 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.

That prior to the construction commencement date of the above-referenced project, the LPA shall install and/or repair all curb ramps which are necessary to ensure compliance with the Americans with Disabilities Act and the LPA agrees to assume and bear one hundred percent (100%) of the cost of such installation and/or repair of curb ramps.

For the portion of the project within Columbus the City will 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. The City will assume and bear one hundred percent (100%) of the cost of curbs, gutters, utility relocations, partial-and full-depth pavement repairs and other non-surface related items.

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 the 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 (100%) 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 that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions 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 the Director of Transportation necessary to complete the above described project.

**Section 6** - This ordinance shall take effect and be in force from and after the earliest period allowed by law.