



## Legislation Text

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**File #: 0875-2011, Version: 1**

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### **1. BACKGROUND:**

The Department of Public Service, Division of Design and Construction is engaged in the Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project. This project involves improvements to Emerald Parkway from Rings Road southerly and easterly approximately 2,500 feet to Tuttle Crossing Boulevard. The south leg of the intersection of Emerald Parkway (Britton Parkway) at Tuttle Crossing will be widened for approximately 200 feet south of Tuttle Crossing Blvd.

The improvements shall include widening Emerald Parkway to 5 lanes at intersections with 4 lanes and a median between intersections, curb and gutter, sidewalks, shared use paths, roundabout at Lakehurst Court, street lighting, regulatory road signage, pavement markings, storm drainage, utility relocation, and landscaping, all in compliance with the Americans with Disabilities Act (A.D.A.) criteria.

In the course of effecting roadway improvements, it is sometimes necessary to force the relocation of utilities from privately held easements. These relocations are in areas where the City has previously allowed utilities, but due to this project there is a need to relocate them at the City's expense.

This legislation authorizes payment for utility relocation work by AT&T, Columbus Southern Power Company dba American Electric Power (AEP) and other utilities up to the amount of \$250,000.00

One half mile of 5 foot wide sidewalk (minimum) will be added or reconstructed in this project on the East side of the road and one half mile of shared-use path will be added or reconstructed in this project on the West side of the road. 31 ADA ramps will be added or reconstructed in this project. There is 1 bus stop and 1 transit route within the limits of the project.

This project complies with the recommendation of the Pedestrian Thoroughfare Plan by maximizing sidewalk width and lateral separation from traffic and within the constraints of the ROW limits. Pedestrian generators and destinations impacting the proposed project include Sterling Software and numerous apartment buildings. Pedestrian Quality of Service analyses show a marked improvement in the score by making passable sidewalks for all users. Environmental "Green" materials or processes associated with this project include the encouragement of pedestrian and bicycle travel with the installation of sidewalks, curb ramps and shared-use path.

Searches in the Excluded Party List System (Federal) and the Findings for Recovery list (State) produced no findings against AT&T, Columbus Southern Power Company dba American Electric Power (AEP).

### **2. CONTRACT COMPLIANCE**

AT&T's contract compliance number is 340436390 and expires 5/20/2012

Columbus Southern Power Company dba American Electric Power (AEP) contract compliance number is 314154203 and expires 2/1/12.

### **3. FISCAL IMPACT:**

The amount of Funding needed for this utility relocation expense is \$250,000.00. 56% of this expense is eligible for an OPWC grant for this project. This expense is budgeted in the 2011 Capital Improvement Budget. 56% of the expense is reimbursable by this grant (\$140,000.00). The remaining amount is the local share of \$110,000.00. This expense can be accommodated by appropriating and transferring funds needed in the amount of \$110,000.00 from the Special Income Tax Fund. Bonds have yet to be sold for the whole project, necessitating a certification of \$110,000.00 against the Special Income Tax Fund. Upon sale of bonds, this will be reimbursed. These Funds will then be transferred to the Local Transportation Improvement Fund. \$250,000.00 will then be appropriated and expended from the Local Transportation Improvement Fund.

### **4. EMERGENCY DESIGNATION:**

Emergency action is requested to establish this funding for utility relocation at the earliest possible time to allow these utilities to relocate and be clear of project construction activities and allow the project to proceed as currently scheduled.

To authorize the Director of Public Service to reimburse various utilities for utility relocation expenses associated with the Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project; to authorize and direct the City Auditor to transfer \$110,000.00 from the Special Income Tax Fund to the Streets and Highways G.O. Bonds Fund; to authorize the City Auditor to appropriate \$110,000.00 within the Streets and Highways G.O. Bonds Fund; to authorize the transfer of funds between the Streets and Highways G.O. Bonds Fund and the Local Transportation Improvement Fund; to appropriate \$250,000.00 and expend \$250,000.00 from the Local Transportation Improvement Fund for this purpose; and to declare an emergency. (\$250,000.00)

**WHEREAS**, the City of Columbus, Department of Public Service, Division of Design and Construction, is engaged in the Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project; and

**WHEREAS**, this project consists of improvements to Emerald Parkway from Rings Road southerly and easterly approximately 2,500 feet to Tuttle Crossing Boulevard. The south leg of the intersection of Emerald Parkway (Britton Parkway) at Tuttle Crossing will be widened for approximately 200' south of Tuttle Crossing Boulevard; and

**WHEREAS**, the improvements shall include widening Emerald Parkway to 5 lanes at intersections with 4 lanes and a median between intersections, curb and gutter, sidewalks, shared use paths, roundabout at Lakehurst Court, street lighting, regulatory road signage, pavement markings, storm drainage, utility relocation, and landscaping, all in compliance with the Americans with Disabilities Act (A.D.A.) criteria; and

**WHEREAS**, it is necessary to establish funding to reimburse various utility companies for needed utility relocation expenses that are required for this project; and

**WHEREAS**, this ordinance authorize the Director of Public Service to reimburse these companies for utility relocation expenses incurred; and

**WHEREAS**, it is necessary to transfer funds from the Special Income Tax Fund to this project; and

**WHEREAS**, the City will sell notes or bonds to fund this project and will reimburse the Special Income Tax Fund; and

**WHEREAS**, this transfer should be considered as a temporary funding method; and

**WHEREAS**, the aggregate principal amount of obligations which the city will issue to finance this project is presently expected not to exceed \$110,000.00; and

**WHEREAS**, the City anticipates incurring certain Original Expenditures (as defined in Section 1.150-2(c) of the Treasury Regulations (the "Treasury Regulations") promulgated pursuant to the Internal Revenue Code of 1986, as amended) with respect to the project described in this ordinance (the "Project").

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service, Division of Design and Construction, in that it is immediately necessary to authorize this expenditure to provide for reimbursement to these companies as scheduled 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 the Director of Public Service be and is hereby authorized to reimburse AT&T, American Electric Power (AEP) and other utility companies up to \$250,000 for the Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project.

**SECTION 2.** The sum of \$110,000.00 be and is hereby appropriated from the unappropriated balance of the Special Income Tax Fund, Fund 430, 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, 2011 to the City Auditor, Department 22-01, Object Level One 10, OCA Code 902023, Object Level Three 5502.

**SECTION 3.** That the City Auditor is hereby authorized to transfer said funds to the Streets and Highways G.O. Bonds Fund, No. 704, at such time as it is deemed necessary by the City Auditor and to expend said funds or so much thereof as may be necessary.

**SECTION 4.** That \$110,000.00 is hereby appropriated within Fund 704, the Streets and Highways G.O. Bonds Fund, Dept-Div. 59-

12, Division of Design and Construction as follows:

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530161-100003 / Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project / 10-5501 / 746103 / \$110,000.00

**SECTION 5.** That the monies appropriated in the foregoing Section 4 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**SECTION 6.** That upon obtaining other funds for this capital improvement, the City Auditor is hereby authorized and directed to repay the Special Income Tax Fund the amount transferred under Section 3 above.

**SECTION 7.** That the City Auditor is authorized to establish proper accounting project numbers, and to make any accounting changes to revise the funding source for any contract or contract modification associated with the expenditure of funds transferred in Section 3, above.

**SECTION 8.** That the City intends that this ordinance constitute an "official intent" for purposes of Section 1.150-2(e) of the Treasury Regulations, and that the City reasonably expects to reimburse itself for certain Original Expenditures incurred with respect to the Project from the proceeds of obligations to be issued by the City in a principal amount currently estimated to be \$110,000.00 (the "Obligations").

The City intends to make a reimbursement allocation on its books for the Original Expenditures not later than eighteen months following the later to occur of the date of the Original Expenditure to be reimbursed or the date the Project for which such Original Expenditures were made is "placed in service" within the meaning of Treasury Regulations Section 1.150-2(c). Upon the issuance of the Obligations, the proceeds of such Obligations shall be used to reimburse the fund from which the advance for costs of the Project will be made.

**SECTION 9.** All funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated.

**SECTION 10.** That the Transfer of monies between the following funds be authorized as follows:

**Transfer From:**

Fund / Project / Project Name / O.L. 01-03 Codes / OCA / Amount

704 / 530161-100003 / Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project / 10-5501 / 746103 / \$110,000.00

Transfer to:

Fund / Grant / Grant Name / O.L. 01-03 Codes / OCA / Amount

763 / 591183 / Emerald Parkway / 80-0886 / 591183 / \$110,000.00

**SECTION 11.** That the sum of \$250,000.00 be and hereby is appropriated from the unappropriated balance of Fund 763, the Local Transportation Improvement 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, 2011 to Dept-Div. 59-12, the Division of Design and Construction as follows:

Fund / Grant / Grant Name / O.L. 01-03 Codes / Amount

763 / 591183 / Emerald Parkway / 06-6600 / 591183 / \$250,000.00

**SECTION 12.** That the monies appropriated in the foregoing Section 11 shall be paid upon order of the Director of Public Service and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

**SECTION 13.** That for the purpose of paying utility relocation expenses for the Roadway Improvements - Emerald Parkway/Tuttle Crossing Blvd - Rings Road Improvement Project, the sum of \$250,000.00 or so much thereof as may be needed, is hereby authorized to be expended from the Local Transportation Improvement Fund, No. 763 as follows:

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

Fund / Grant / Grant Name / O.L. 01-03 Codes / Amount

763 / 591183 / Emerald Parkway / 06-6631 / 591183 / \$250,000.00

**SECTION 14.** 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 15.** 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.