



## Legislation Text

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**File #:** 0109X-2005, **Version:** 1

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### **BACKGROUND:**

This resolution declares the necessity of the improvement of public streets and easements by improving the approaches and intersection of Lancaster Avenue and East Broad Street and constructing a collector road between Lancaster Avenue and East Broad Street under the assessment procedure. Property owners have submitted a petition for the improvement of public streets and easements by improving the approaches and intersection of Lancaster Avenue and East Broad Street and constructing a collector road between Lancaster Avenue and East Broad Street by excavating, grading, paving and installing traffic signalization, street lighting, conduit, traffic pavement markings, street signs, loop detectors, and controllers together with all necessary and related appurtenances. This petition has been submitted to the Columbus City Council through the City Clerk's office.

### **FISCAL IMPACT:**

No funding is required for this legislation.

A Resolution declaring the necessity of improvement of public streets and easements by improving the approaches and intersection of Lancaster Avenue and East Broad Street and constructing a collector road between Lancaster Avenue and East Broad Street by excavating, grading, paving and installing traffic signalization, street lighting, conduit, traffic pavement markings, street signs, loop detectors, and controllers together with all necessary and related appurtenances under the assessment procedure. (\$0)

**WHEREAS**, the owners of 100% of the lots and lands to be assessed for the Improvement (described in Section 2) have petitioned this Council (that Petition for Special Assessments and Affidavit is attached hereto as Exhibit A and incorporated herein by reference and is referred to herein as the "*Petition*") for the construction of the Improvement, and further, that there be assessed against the real property described in the Petition certain costs of the Improvement; and

**WHEREAS**, this Council has heretofore directed that the plans, specifications, profiles and estimate of cost be prepared for the Improvement; and

**WHEREAS**, this Council has determined to adopt this Resolution to accept the Petition and approve the plans, specifications, profiles and estimate of cost of the Improvement, as approved by the City Engineer and to further provide for such other terms and provisions relating to the Improvement as are set forth in this Resolution; **NOW, THEREFORE**,

### **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**Section 1.** This Council hereby finds that the Petition has been signed by the owners of 100% of the lots and lands to be assessed for the Improvement.

**Section 2.** It is declared necessary to improve public streets and easements by: the improvement of Lancaster Avenue, a public road; the improvement of East Broad Street, a public road; the improvement of the approaches and intersection of Lancaster Avenue and East Broad Street; the improvement of the approaches and intersection of East Broad Street and Brannockburn Boulevard; the construction of Tatum Way, a new road; the construction of Shallotte Drive, a new road; and the construction of Reynolds Crossing Drive, a new 2600 foot collector road connecting Lancaster Avenue and East Broad Street (beginning from Lancaster Avenue approximately 1000 feet south of the intersection, continuing in a northeasterly direction, and ending at East Broad Street approximately 2400 feet east of the intersection), by excavating, grading, and paving the public streets and parking areas, planting of hedges and trees

including street trees, installing drainage, street and parking area lighting, decorative street lamps, conduit, curbs and gutters, sidewalks, bicycle parking, ADA compliant handicapped ramps, traffic pavement markings, street signs, traffic signalization, loop detectors, and controllers together with all necessary and related appurtenances (the "Improvement").

- Section 3.** The plans, specifications, profiles and estimate of cost of the Improvement, which have been prepared by the City Engineer, Bauer Davidson & Merchant, Inc., consulting engineers, and R.D. Zande & Associates, Inc., consulting engineers, and which are now on file in the office of the Clerk of Council, are approved. The Improvement shall be made in accordance with, and the grade of the Improvement and of any street shall be the grade as shown on, the plans, specifications and profiles for the Improvement.
- Section 4.** This Council finds and determines that (a) the Improvement is conducive to the public health, convenience and welfare of this City and the inhabitants thereof and (b) the lots and lands to be assessed as described in Section 5 hereof and in the Petition are specially benefited by the Improvement.
- Section 5.** This Council hereby accepts the Petition. Subject to the provisions of and limitations set forth in the Petition, \$2,022,060.80 of the costs of the Improvement (plus any interest on the special assessments to be computed at a rate of 5%) shall be assessed against the real property described in and pursuant to the Petition. Any additional costs of the Improvement shall be paid by Dominion Homes, Inc. (the "Developer").
- Section 6.** The Director of Public Service is authorized and directed to execute that Guaranteed Maximum Price Agreement For Lancaster Avenue, East Broad Street, and New Collector Road Improvements attached hereto as Exhibit B and incorporated herein by reference.
- Section 7.** The cost of the Improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of any damages resulting from the Improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring any real estate or interest therein required for the Improvement, expenses of legal services including obtaining legal opinions, cost of labor and material and interest on securities issued in anticipation of the levy and collection of the special assessments, together with all necessary expenditures.
- Section 8.** The City Engineer is authorized and directed to prepare and file, or cause to be prepared and filed, in the office of the Clerk of Council the estimated special assessments of the cost of the Improvement described in this Resolution. Those estimated special assessments shall be based upon the estimate of cost of the Improvement now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Resolution and the Petition.
- Section 9.** The special assessments to be levied shall be paid in 20 annual installments (each annual installment to be payable semi-annually at the time real estate taxes in Franklin County, Ohio are payable), together with interest on the unpaid principal amount of each special assessment as provided for by law or in the ordinance levying the final special assessments.
- Section 10.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.
- Section 11.** That this resolution shall take effect and be in force from and after the earliest period allowed by law.