



Legislation Text

File #: 0558-2005, Version: 1

Background: The City has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties and impact the aesthetic character of the City. The City of Columbus has also made a significant investment for the relocation and burial of previously existing overhead utilities lines along North High Street and Lane Avenue as a part of various roadway improvement projects completed and/or contemplated within the areas. As a result, the Public Service Department is recommending that City Council create the "North High Street/Lane Avenue Underground Utility District" in order to protect the City's investment and perpetually maintain the resulting aesthetic improvement of these roadways. The District will include the following:

1. North High Street, from Interstate 670 to Arcadia Avenue,
2. Lane Avenue, from Olentangy River Road to the first alley east of North High Street, and
3. The first twenty-five (25) feet of adjoining public alleys and roadways that intersect with North High Street or Lane Avenue within the limits previously described.

The creation of this utility district will prohibit the future installation of overhead utility lines, wires, cables, transformers, or other appurtenances, including transverse crossings of the right-of-way, and other above ground utility features. This prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of traffic signals, streetlight poles, and luminaries. However, the short term temporary installation of overhead and/or above ground utility features will be allowed to provide emergency service, but shall be removed at the earliest moment possible.

Those limited number of existing overhead or above ground utilities that remain within this district after the various roadway improvement projects have been completed may be maintained at their current location and remain indefinitely in their current form. However, any plans for the betterment or replacement of these lines will require that they be installed underground.

The Public Service Department has been working with the owners of utilities within this district as a part of the various roadway improvement projects that have or will be relocating existing overhead utilities underground within, or elsewhere outside, this district. It has also conducted a series of meetings with representatives of these utility companies and affected City Divisions and Departments advising each of our intentions in this regard. During those discussions all concerns were addressed.

Fiscal Impact: There is no direct fiscal impact associated with the passage of this ordinance; however, the creation of this district will protect the City's previous investment of over \$700,000.00 to relocate utilities along Lane Avenue and approximately \$600,000.00 spent to date relocating utilities along North High Street. It will also protect future utility relocation planned along North High Street north of Lane Avenue that is estimated at \$1,100,000.00.

To establish an underground utilities district to be identified as the "North High Street/Lane Avenue Underground Utilities District". (\$0.00)

WHEREAS, the City of Columbus, Ohio is concerned with the use of the various right-of-way areas in the City as such right-of-way areas are a valuable and limited resource which must be utilized to promote the public health, safety and welfare including the economic development of the City; and

WHEREAS, changes in the public utilities and communication industries have increased the demand and need for access to right-of-way and placement of facilities and structures; and

WHEREAS, it is necessary to comprehensively regulate access to, and structures and facilities in, the right-of-way to promote efficiency, discourage uneconomic duplication of facilities, minimize the public inconvenience of uncoordinated work in the right-of-way, protect the City's investment in relocation of the existing overhead utilities and promote public safety; and

WHEREAS, the City has the right under the laws and Constitution of the State of Ohio, including Article 18, Sections 3 and 4, to regulate public and private entities which use the right-of-way; and

WHEREAS, the City has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties as well as the aesthetic character of the City; and

WHEREAS, the Public Service Department has recommended that the City consider the creation of specific "Underground Utility Districts" (i.e., Four Corners, Ordinance No. 1823-2002, passed 12/02/2002); and

WHEREAS, the creation of an "Underground Utility District" will allow the City to protect any investments already incurred to move utilities underground as a part of a roadway or other construction project; and

WHEREAS, the creation of an "Underground Utility District" will prevent future permanent installations of overhead lines, wires cables, transformers or other appurtenances, including transverse crossings, and other above ground utility features, within the area so designated, although the short term temporary placement of overhead or above ground utilities will be allowed to provide emergency service, and

WHEREAS, this prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of traffic signals, streetlight poles, and luminaries; and

WHEREAS, the installation of facilities underground shall be performed in accordance with accepted standards of utility practice for underground construction; and

WHEREAS, this legislation creates an "Underground Utilities District" to be known as the "North High Street/Lane Avenue Underground Utilities District"; and

WHEREAS, the North High Street/Lane Avenue Underground Utilities District shall include the following public rights-of-way:

- 1) North High Street, from Interstate 670 to Arcadia Avenue;
- 2) Lane Avenue, from Olentangy River Road to the first alley east of High Street; and
- 3) The first twenty-five (25) feet of adjoining public alleys and roadways that intersect with North High Street or Lane Avenue within the limits previously described.

WHEREAS, the City has, and is currently continuing its efforts to relocate overhead utilities within this area; and

WHEREAS, the limited number of existing overhead or above ground utilities that remain within this district after the various roadway improvement projects have been completed may be maintained at their current location and remain indefinitely in their current form; however, any plans for the betterment or replacement of these facilities will require that they be installed underground if within this district; and

WHEREAS, with the passage of this ordinance, no new overhead or above ground utilities will be permitted within this area with the exception of traffic signals, streetlight poles, and luminaries; now, therefore

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

Section 1. That an Underground Utility District to be known as the "North High Street/Lane Avenue Underground Utilities District" is hereby established.

Section 2. That this new district shall be comprised of the following public rights-of-way, generally described as follows:

- 1) North High Street, from Interstate 670 to Arcadia Avenue;
- 2) Lane Avenue, from Olentangy River Road to the first alley east of High Street; and

3) The first twenty five (25) feet of adjoining public alleys and roadways that intersect with North High Street or Lane Avenue within the limits previously described.

Section 3. That the creation of this underground utility district will require that all new utilities desiring to locate within these perimeters be placed underground, with the exception of traffic signals, streetlight poles, and luminaries.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.