



## Legislation Text

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**File #:** 2040-2012, **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 project.

Ordinance 1366-2009 authorized the Director of Public Service to enter into a cooperative design and right of way acquisition agreement with the City of Dublin in the amount of \$650,000.00.

It was then determined that the City would acquire right of way necessary for the project and ordinance 0351-2010 reduced the agreement amount by \$300,000.00 to \$350,000.00.

Ordinance 1689-2010 then authorized an additional amount of \$60,000.00 to the agreement for additional design work.

In Ordinance 1689-2010, the beginning amount of the agreement was incorrectly stated in the background and body as \$575,000.00 instead of the actual amount of \$650,000.00. With the reduction of \$300,000.00 authorized by ordinance 0351-2010 and addition of the \$60,000.00 added in ordinance 1689-2010 the amount of the agreement should have been listed as \$410,000.00.

Additionally, ordinance 2152-2011 authorized the Director of Public Service to enter into an addendum to the cooperative design and right-of-way acquisition agreement with The City of Dublin, to accept funds in the amount of \$1,000,000.00 provided by the City of Dublin. After the ordinance was passed it was determined that this \$1,000,000.00 would not be contributed by the City of Dublin.

This ordinance amends ordinances 1689-2010 and 2152-2011 in title and body for the purpose of clarifying the agreements with Dublin to represent the correct agreement amount and the determination that Dublin shall not reimburse the City up to \$1,000,000.00 for additional right of way acquisition and/or utility relocation costs.

### **2. FISCAL IMPACT**

This ordinance does not authorize the expenditure of additional funds. The intent of the ordinance is to clarify the correct amount of and obligations in the design and right of way agreement with the City of Dublin for the Roadway Improvements - Emerald Parkway project.

### **3. EMERGENCY DESIGNATION**

Emergency action is requested to ensure proper accounting practices and to accurately reflect the funding associated with this project.

To amend Ordinances 1689-2010 and 2152-2011 to reflect the proper funding and obligations associated with the design and right of way agreement with the City of Dublin for the Roadway Improvements - Emerald Parkway project for the Department of Public Service, Division of Design and Construction; and to declare an emergency. (\$0.00)

**WHEREAS**, ordinance 1366-2009 authorized the Director of Public Service to enter into a cooperative design and right of way acquisition agreement with the City of Dublin in the amount of \$650,000.00; and

**WHEREAS**, it was then determined that the City would acquire right of way necessary for the project and ordinance 0351-2010 reduced the agreement amount by \$300,000.00 to \$350,000.00; and

**WHEREAS**, ordinance 1689-2010 then authorized an additional amount of \$60,000.00 to the agreement for additional

design work; and

**WHEREAS**, the beginning amount of the agreement was incorrectly stated in the background and body of ordinance 1689-2010 as \$575,000.00 instead of the actual amount of \$650,000.00; and

**WHEREAS**, the correct amount of the design and right away agreement with Dublin is \$410,000.00; and

**WHEREAS**, ordinance 2152-2011 authorized the Director of Public Service to enter into an addendum to the cooperative design and right-of-way acquisition agreement with The City of Dublin, and to accept funds in the amount of up to \$1,000,000.00 provided by the City of Dublin; and

**WHEREAS**, after the ordinance was passed it was determined that this \$1,000,000.00 would not be contributed by the City of Dublin; and

**WHEREAS**, this ordinance amends ordinance 1689-2010 and 2152-2011 in title and body for the purpose of clarifying the agreement with Dublin to represent the correct agreement amount and removing language stating the City of Dublin would contribute \$1,000,000.00 for right of way and design expenses.

**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 amend ordinances 1689-2010 and 2152-2011 in order to reflect proper accounting of the project; now, therefore;

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

**SECTION 1.** That ordinance 1689-2010 be and hereby is amended as follows:

(Title)

To authorize the Director of Public Service to modify and increase a reimbursement agreement with The City of Dublin to provide additional funding for the Emerald Parkway project; to amend the 2010 C.I.B; to authorize the transfer of \$60,000.00 within the Build America Bonds Fund; and to declare an emergency. (\$60,000.00)

(Body)

**WHEREAS**, the Department of Public Service currently has a reimbursement agreement with the City of Dublin for the Emerald Parkway project; and

**WHEREAS**, ordinance 1366-2009, passed 11/9/2009 authorized the Director of Public Service to enter into a reimbursement agreement with the City of Dublin for the purpose of designing and acquiring right of way for the Emerald Parkway project in the amount of ~~\$575,000.00~~ \$650,000.00; and

**WHEREAS**, ordinance 0351-2010 reduced the amount of this agreement in the amount of \$300,000.00 in order to allow the City of Columbus to acquire right of way for parcels within the Columbus corporation limits; and

**WHEREAS**, additional funding is required to allow the consultant to complete the plans for this project so construction may begin; and

**WHEREAS**, this legislation authorizes the modification to the agreement to provide for additional design work and funding for that work in the amount of \$60,000.00, for a contract amount of \$410,000.00; and

**WHEREAS**, a satisfactory proposal has been submitted by the consultant, American Structurepoint, Inc; and

**WHEREAS**, an emergency exists in the Department of Public Service in that the funding for this agreement should be authorized immediately so the design of the project can continue without delay; now therefore,

**SECTION 1.** That the Director of the Department of Public Service be and is hereby authorized to modify and increase the reimbursement agreement with the City of Dublin for the Emerald Parkway project, in an amount not to exceed \$60,000.00, to provide additional design work.

**SECTION 2.** That the 2010 Capital Improvement Budget be amended to provide sufficient authority for this project as follows:

<u>Fund / Project Number / Project / Current CIB Amount / Amendment Amount / CIB Amount</u>
746 / 530282-100057 / Resurfacing - Resurfacing 2010 Project 6 / \$441,294.00 / (\$60,000.00) / \$381,294.00
746 / 530161-100003 / Roadway Improvements - Emerald Parkway / \$275,000.00 / \$60,000.00 / \$335,000.00

**SECTION 3.** That the City Auditor be and hereby is authorized to transfer \$60,000.00 within Fund 746, the Build America Bonds Fund, Dept-Div 59-12, Division of Design and Construction as follows:

TRANSFER FROM

<u>Fund / Project / Project Name / OL 01-03 Codes / OCA Code / amount</u>
746 / 530282-100057 / Resurfacing - Resurfacing 2010 Project 6 / 06-6600 / 768257 / \$60,000.00

TRANSFER TO

<u>Fund / Project / Project Name / O.L. 01-03 / OCA Code / Amount</u>
746 / 530161-100003 / Roadway Improvements - Emerald Parkway / 06-6600 / 743161 / \$60,000.00

**SECTION 4.** That the expenditure of \$60,000.00, or so much thereof as may be necessary be authorized from Fund 746, the Build America Bonds Fund, Dept./Div. 59-12; OCA Code 743161; Object Level 01-03 Codes 06-6682, for the purpose of providing funding for this modification.

**SECTION 5.** 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 6.** 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.

**SECTION 2.** That ordinance 2152-2011 be and hereby is amended as follows:

(title)

To authorize the Director of Public Service to enter into a construction agreement ~~and an addendum to the cooperative design and right-of-way acquisition agreement~~ with The City of Dublin, for the ~~design,~~ construction, ~~right of way acquisition,~~ and utility relocation necessary for the Roadway Improvements - Emerald Parkway Project; to accept funds provided by the City of Dublin; and to declare an emergency. (\$0.00)

(body)

~~**WHEREAS,** ordinance 1366-2009 authorized the Director of Public Service to enter into a reimbursement agreement with the City of Dublin for the Emerald Parkway Improvement project up to \$650,000.00 for design and costs incurred for the Roadway Improvements – Emerald Parkway Improvement project for the Division of Design and Construction; and~~

~~**WHEREAS,** on May 19, 2010 the Cooperative Design and Right of Way Acquisition Agreement between Columbus and Dublin was executed to provide for the design and acquisition necessary for the construction of the various roadway and associated infrastructure improvements for this project; and~~

~~**WHEREAS,** it was then determined that the City would acquire right of way necessary for the project and ordinance 0351-2010 reduced the agreement amount by \$300,000.00 to \$350,000.00; and~~

~~WHEREAS, ordinance 1689-2010 authorized a modification to the reimbursement agreement with the City of Dublin for the design of the Emerald Parkway project to provide additional funding for the project in the amount of \$60,000.00, increasing the agreement amount to \$410,000.00; and~~

~~WHEREAS, this ordinance authorizes the Director of Public Service to enter into construction reimbursement agreement and addendum to the cooperative design and right-of-way acquisition agreement with The City of Dublin for the Roadway Improvements - Emerald Parkway project; and~~

~~WHEREAS, this ordinance also authorizes the Director of Public Service to accept funds for the construction reimbursement agreement provided by the City of Dublin for this project; 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 immediately necessary to authorize said agreements to maintain the project schedule, fulfill OPWC requirements, and meet community commitments; thereby immediately 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 hereby is authorized to enter into a construction agreement, ~~an addendum to the cooperative design and right-of-way acquisition agreement~~, and other agreements, as necessary, with The City of Dublin, for the ~~design, construction, right-of-way acquisition,~~ and utility relocation necessary for the Roadway Improvements - Emerald Parkway project and to accept funds provided by the City of Dublin for the project.~~

~~SECTION 2. 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 3. 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.~~

SECTION 3. That prior existing Ordinances 1689-2010 and 2152-2011 are hereby repealed.

SECTION 3. 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.