



## Legislation Details (With Text)

**File #:** 0715-2012      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 3/21/2012      **In control:** Public Utilities Committee

**On agenda:** 4/16/2012      **Final action:** 4/19/2012

**Title:** To authorize the Director of the Department of Public Utilities to enter into an Access Agreement by and between the City and The State of Ohio, in order to grant ODOT, and it's contractors reasonable ingress and egress access to certain City owned real property located across the street from the City's facility at 910 Dublin Road for a specified period of time for the sole and exclusive purposes of constructing and monitoring the establishment of a compensatory storage area necessary to and to declare an emergency.

### Sponsors:

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**Attachments:** 1. ACCESS AGREEMENT - CLEAN COPY DPU and ODOT FRA - Scioto Bikeway Connector 3-21-2012

Date	Ver.	Action By	Action	Result
4/19/2012	1	CITY CLERK	Attest	
4/18/2012	1	MAYOR	Signed	
4/16/2012	1	COUNCIL PRESIDENT	Signed	
4/16/2012	1	Columbus City Council	Approved	Pass

The State of Ohio, Department of Transportation ("ODOT"), is completing construction of the Scioto Bikeway Connector Project, PID that runs parallel to Riverside Drive into downtown Columbus, Ohio. In order for ODOT to complete the project, it is necessary to fill a portion of the floodway and ODOT is required to establish a compensatory storage area at a location near or adjacent to the project. ODOT proposed construction of the compensatory storage area on certain City owned real property across the street from the City's facility at 910 Dublin Rd, Columbus, OH 43215. ODOT requested the City to provide ODOT access to its property to permit the construction of the Compensatory Area. The City has agreed to enter in an Access Agreement in order to grant ODOT, and it's contractors, the right of reasonable ingress and egress access to, in, on, upon, under, over, and through the property for a specified period of time for the sole and exclusive purposes of constructing, excavating, removing, disposing, operating, and monitoring the establishment of the Compensatory Area. The following legislation authorizes the Director of The Department of Public Utilities to execute an Access Agreement by and between the City of Columbus, Ohio, and The State of Ohio, Department of Transportation.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested as not to delay the State of Ohio, Department of Transportation's Scioto Bikeway Connector Project.

To authorize the Director of the Department of Public Utilities to enter into an Access Agreement by and between the City and The State of Ohio, in order to grant ODOT, and it's contractors reasonable ingress and egress access to certain City

owned real property located across the street from the City's facility at 910 Dublin Road for a specified period of time for the sole and exclusive purposes of constructing and monitoring the establishment of a compensatory storage area necessary to and to declare an emergency.

**WHEREAS**, The State of Ohio, Department of Transportation ("ODOT"), is completing construction of the Scioto Bikeway Connector Project, PID that runs parallel to Riverside Drive into downtown Columbus, Ohio; and

**WHEREAS**, In order for ODOT to complete the project, it is necessary to fill a portion of the floodway, and consequently ODOT is required to establish a compensatory storage area at a location near or adjacent to the project; and

**WHEREAS**, ODOT proposed construction of the compensatory storage area on certain City owned real property across the street from the City's facility at 910 Dublin Rd, Columbus, OH 43215; and

**WHEREAS**, ODOT requested the City provide ODOT access to its property and permission to construct the Compensatory Area; and

**WHEREAS**, The City agreed to enter in an Access Agreement in order to grant ODOT, and it's contractors, the right of reasonable ingress and egress access to, in, on, upon, under, over, and through the property for a specified period of time for the sole and exclusive purposes of constructing, excavating, removing, disposing, operating, and monitoring the establishment of the compensatory area; and

**WHEREAS**, an emergency exists in the usual daily operation of the City of Columbus, Ohio, because it is immediately necessary to authorize the Director of the Department of Public Utilities to enter into an Access Agreement by and between the City and The State of Ohio, Department of Transportation for the immediate preservation of the public peace, property, health, and safety; now, therefore:

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

**Section 1.** That the Director of the Department of Public Utilities be and hereby is authorized to execute those documents necessary to enter into an Access Agreement by and between the City and The State of Ohio, Department of Transportation, in order to grant the state agency, and it's contractors, the right of reasonable ingress and egress access to, in, on, upon, under, over, and through certain City owned real property across the street from the City's facility at 910 Dublin Rd, Columbus, OH 43215 for a specified period of time for the sole and exclusive purposes of constructing, excavating, removing, disposing, operating, and monitoring the establishment of a compensatory storage area.

**Section 2.** 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 its passage if the Mayor neither approves nor vetoes the same.