



## Legislation Details (With Text)

**File #:** 1534-2013      **Version:** 1

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

**File created:** 6/14/2013      **In control:** Public Service & Transportation Committee

**On agenda:** 7/1/2013      **Final action:** 7/3/2013

**Title:** To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to appropriate \$80,277.00 within the Street and Highway Improvements Fund; to authorize the City Auditor to transfer cash and appropriation between projects with the Street and Highway Improvements Fund; to authorize the Columbus City Auditor to increase the Roadway Improvement - Lazelle Road existing Auditor's Certificate, AC034066, by \$80,277.00 from the Street and Highway Improvement Fund; to authorize the Director of Public Service to enter into engineering review agreements with CSX Transportation, Inc., and the Norfolk Southern Railway Company; to correct the contract compliance number for Norfolk Southern Railway Company in Ordinance No. 1859-2012; to authorize the expenditure of \$80,277.00 from the Street and Highway Improvement Fund; and to declare an emergency. (\$80,277.00)

### Sponsors:

### Indexes:

### Code sections:

### Attachments:

Date	Ver.	Action By	Action	Result
7/3/2013	1	CITY CLERK	Attest	
7/2/2013	1	MAYOR	Signed	
7/1/2013	1	COUNCIL PRESIDENT	Signed	
7/1/2013	1	Columbus City Council	Approved	Pass

### BACKGROUND:

The City of Columbus, Ohio, Department of Public Service, Division of Design and Construction ("City"), is engaged in the Roadway Improvement - Lazelle Road ("Project"). This project requires cooperation with CSX Transportation, Inc., and the Norfolk Southern Railway Company, which are both Virginia corporations ("Railroads"), within the Project's limits. Columbus City Ordinance No. 1859-2012 previously authorized the City to enter into engineering review agreements ("Agreements") with the Railroads. In order to complete the Project, the City needs additional funds to enter into the engineering review agreements with the Railroads for the Project. Therefore, this ordinance authorizes the Columbus City Auditor to increase the Project's existing Auditor's Certificate, AC034066, by Eighty Thousand, Two Hundred Seventy-seven, and 00/100 U.S. Dollars (\$80,277.00) from the Street and Highway Improvement Fund, Fund No. 766.

**CONTRACT COMPLIANCE No.:** CSX Transportation, Inc. is 546000720; & Norfolk Southern Railway Company is 536002016. Ordinance No. 1859-2012 listed the incorrect contract compliance number for Norfolk Southern Railway Company. It was listed as 487569384. It should have been listed as 536002016. The contract compliance number in Ordinance 1859-2012 needs to be corrected with the correct number.

**FISCAL IMPACT:** Funding for the Project's Agreements with the Railroads is available from the Street and Highway Improvement Fund, Fund No. 766. A transfer and an amendment to the 2013 Capital Improvements Budget is

necessary to provide for sufficient cash and authority for this Project for the Department of Public Service.

**EMERGENCY DESIGNATION:** Emergency action is requested in order to allow the Project to proceed without delay, which will preserve the public peace, property, health, safety, and welfare of those individuals living and traveling within the area of the Project.

To amend the 2013 Capital Improvements Budget; to authorize the City Auditor to appropriate \$80,277.00 within the Street and Highway Improvements Fund; to authorize the City Auditor to transfer cash and appropriation between projects with the Street and Highway Improvements Fund; to authorize the Columbus City Auditor to increase the Roadway Improvement - Lazelle Road existing Auditor's Certificate, AC034066, by \$80,277.00 from the Street and Highway Improvement Fund; to authorize the Director of Public Service to enter into engineering review agreements with CSX Transportation, Inc., and the Norfolk Southern Railway Company; to correct the contract compliance number for Norfolk Southern Railway Company in Ordinance No. 1859-2012; to authorize the expenditure of \$80,277.00 from the Street and Highway Improvement Fund; and to declare an emergency. (\$80,277.00)

**WHEREAS**, the City of Columbus, Ohio, Department of Public Service, Division of Design and Construction ("City"), is engaged in the Roadway Improvements - Lazelle Road ("Project");

**WHEREAS**, this project requires cooperation with CSX Transportation, Inc., and the Norfolk Southern Railway Company, which are both Virginia corporations ("Railroads"), within the Project's limits;

**WHEREAS**, Columbus City Ordinance No. 1859-2012 previously authorized the City to enter into engineering review agreements ("Agreements") with the Railroads;

**WHEREAS**, the incorrect contract compliance number for Norfolk Southern Railway Company was listed in Ordinance No. 1859-2013;

**WHEREAS**, in order to complete the Project, the City needs additional funds to enter into the engineering review agreements with the Railroads for the Project;

**WHEREAS**, it is necessary for the City to spend up to an additional Eighty Thousand, Two Hundred Seventy-seven, and 00/100 U.S. Dollars (\$80,277.00) from the Street and Highway Improvement Fund, Fund No. 766;

**WHEREAS**, it is necessary to add Eighty Thousand, Two Hundred Seventy-seven, and 00/100 U.S. Dollars (\$80,277.00) to the Project's present Auditor's Certificate, AC034066;

**WHEREAS**, it is necessary to authorize an amendment to the 2013 Capital Improvements Budget for purposes of providing sufficient funding and expenditure authority for the Project;

**WHEREAS**, an emergency exists in the City's usual daily operation, because it is immediately necessary to authorize the Columbus City Auditor to increase the Project's funding so that the City may enter into the Agreements with the Railroads, which are for the immediate preservation of the public health, peace, property, and safety; and now, therefore:

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

**SECTION 1.** The Columbus City Auditor is authorized to increase Auditor's Certificate, AC034066-001, Eighty Thousand, Two Hundred Seventy-seven, and 00/100 U.S. Dollars (\$80,277.00) for the Director of the Department of Public Service to enter into engineering review agreements with CSX Transportation, Inc., and the Norfolk Southern Railway Company, which are both Virginia corporations, for the Department of Public Service, Division of Design and Construction, Roadway Improvement - Lazelle Road Project ("Project") and to correct the contract compliance number for Norfolk Southern Railway Company in Ordinance No. 1859-2012.

**SECTION 2.** That the 2013 Capital Improvements Budget authorized by ordinance 0645-2013 be amended to provide sufficient authority in the appropriate project detail number for this project as follows:

Fund / Project / Project Name / Current C.I.B. / Change / C.I.B. as amended

766 / 766999-100000 / Unallocated Balance (Street & Highway Carryover) / \$460,170.00 / (\$80,277.00) / \$379,893.00

766 / 530161-100081 Roadway Improvements - Lazelle (Street & Highway Carryover) / \$0.00 / \$80,277.00 / \$80,277.00

**SECTION 3.** The sum of \$78,276.00 be and is hereby appropriated from the unappropriated balance of the Street and Highway Improvement Fund, Fund 766, 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, 2012 as follows:

Fund / Project / Project Name / O.L. 01/03 Codes / OCA Code / amount

766 / 766999-100000 / Unallocated Balance / 06-6600 / 766999 / \$80,277.00

**SECTION 4.** That the transfer of cash and appropriation within the Street and Highway Improvement Fund, No. 766, be authorized as follows:

Transfer from:

Fund / Project / Project Name / O.L. 01/03 Codes / OCA Code / amount

766 / 766999-100000 / Unallocated Balance / 06-6600 / 766999 / \$80,277.00

Transfer to:

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

766 / 530161-100081 Roadway Improvements - Lazelle / 06-6682 / 716181 / \$80,277.00

**SECTION 5.** That for the purpose of paying for the work included in this agreement with CSX Transportation, Inc. and Norfolk Southern Corporation the sum of up to \$78,276.00, or so much thereof as may be necessary, be and hereby is authorized to be expended from the Street and Highway Improvement Fund, Fund 766, Department No. 59-12, Division of Design and Construction as follows:

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

766 / 530161-100081 Roadway Improvements - Lazelle / 06-6682 / 716181 / \$80,277.00

**SECTION 6.** The funds necessary to carry out the purpose of this ordinance are deemed appropriated and the City Auditor shall establish necessary accounting codes.

**SECTION 7.** 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 8.** The City Auditor is authorized to transfer the unencumbered balance in a project account to the unallocated balance within the same fund upon receipt of certification by the Director of the Department administering the Project that the Project is completed and the monies are no longer required for the Project.

**SECTION 9.** For the reasons stated in this ordinance's preamble, which are made apart of this legislation, this ordinance is declared to be an emergency measure and takes effect and is 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 this legislation.