



## Legislation Details (With Text)

**File #:** 2089-2016      **Version:** 1

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

**File created:** 8/10/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 9/19/2016      **Final action:** 9/22/2016

**Title:** To amend the 2016 Capital Improvements Budget; to authorize the City Auditor to appropriate funds within the Street & Highway Improvements Fund, Fund 7766; to authorize the Director of the Department of Public Service to enter into a construction agreement with CSX Transportation, Inc. in connection with the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project; to authorize the expenditure of up to \$1,008,897.00 within the Street & Highway Improvements Fund, Fund 7766; and to declare an emergency. (\$1,008,897.00).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. CSXT Construction Agreement Account Codes REV

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 9/22/2016 | 1    | CITY CLERK            | Attest   |        |
| 9/21/2016 | 1    | MAYOR                 | Signed   |        |
| 9/19/2016 | 1    | COUNCIL PRESIDENT     | Signed   |        |
| 9/19/2016 | 1    | Columbus City Council | Approved | Pass   |

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to enter into a construction agreement with CSX Transportation, Inc. ("CSXT") in association with the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project.

Ordinance No. 1196-2016 authorized the City to enter into a Guaranteed Maximum Reimbursement Agreement and Construction Contribution Agreement with NRI and to accept funding in the amount of \$1,008,897.00 from NRI for the City to fund improvements to the Grandview Yard - Third Ave Railroad Bridge.

This legislation authorizes the Department of Public Service to enter into agreement with CSXT to facilitate the construction of the railroad bridge improvements.

### 2. CONTRACT COMPLIANCE INFORMATION

The contract compliance number for CSX Transportation, Inc. is 54-6000720.

### 3. FISCAL IMPACT

Funding in the amount of \$1,008,897.00 is available in the Street & Highway Improvements Fund, Fund 7766, for this project expenditure. An amendment to the 2016 Capital Improvements Budget is necessary to establish sufficient cash and authority in the proper project.

### 4. EMERGENCY DESIGNATION

The Department of Public Service is requesting this Ordinance to be considered an emergency measure in order to allow for immediate execution of this construction agreement, which is necessary to facilitate the construction of these

improvements in order to maintain the current project schedule and to meet community commitments.

To amend the 2016 Capital Improvements Budget; to authorize the City Auditor to appropriate funds within the Street & Highway Improvements Fund, Fund 7766; to authorize the Director of the Department of Public Service to enter into a construction agreement with CSX Transportation, Inc. in connection with the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project; to authorize the expenditure of up to \$1,008,897.00 within the Street & Highway Improvements Fund, Fund 7766; and to declare an emergency. (\$1,008,897.00).

**WHEREAS**, the City and NRI Equity Land Investments, LLC (“NRI”) are engaged in the construction of the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project; and

**WHEREAS**, as part of the construction of that Project, it is necessary for the City to enter into a construction agreement with CSX Transportation, Inc. (“CSXT”) to pay for costs incurred by CSXT during the completion of necessary improvements to the Grandview Yard - Third Avenue Railroad Bridge; and

**WHEREAS**, the cost of those improvements is estimated to be \$1,008,897.00, and includes costs for flagging and materials for temporary track realignment and final track alignment in coordination with the construction of the aforementioned project; and

**WHEREAS**, under the authority of Ordinance No. 1196-2016, NRI has deposited funding with the City in the amount of \$1,008,897.00 to pay for costs associated with the CSXT construction agreement; and

**WHEREAS**, this Ordinance authorizes the Director of Public Service to enter into a construction agreement with CSXT to facilitate and provide payment for the completion of those improvements; and

**WHEREAS**, it is necessary to authorize an amendment to the 2016 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service to in that it is immediately necessary to enter into agreement with CSXT in order to maintain the current project schedule and to 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 2016 Capital Improvements Budget, authorized by Ordinance 0960-2016, be amended to establish sufficient authority for this project as follows:

**Fund / Project / Project Name / Current C.I.B. / Amendment Amount / C.I.B. as Amended**  
7766 / P530164-100000 / Third Avenue Railroad Bridge / \$0.00 / \$1,008,897.00 / \$1,008,897.00

**SECTION 2.** That from the unappropriated monies 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, 2016, the sum of \$1,008,897.00 is appropriated in Fund 7766 Street & Highway Improvements Fund in Object Class 06 Capital Outlay, per the accounting codes in the attachment to this Ordinance.

**SECTION 3.** That the Director of Public Service be and hereby is authorized to enter into agreement with CSX Transportation, Inc. (“CSXT”), 500 Water Street, J-301, Jacksonville, Florida 32202, relative to the Grandview Yard - Third Ave Railroad Bridge: Roadway Improvements - Third Ave Phase 2, Rail St Phase 3 and 5th/Edgehill Signal Improvements project and to pay costs incurred by CSXT during the completion of necessary improvements to the Grandview Yard - Third Avenue Railroad Bridge.

**SECTION 4.** That the expenditure of \$1,008,897.00 or so much thereof as may be needed, is hereby authorized in the Fund 7766 Street & Highway Improvements Fund, per the accounting codes in the attachment to this Ordinance.

**SECTION 5.** That the funds necessary to carry out the purpose of this Ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 6.** 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 7.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a project account to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department administering said project that the project has been completed and the monies are no longer required for said project.

**SECTION 8.** 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.