



## Legislation Details (With Text)

**File #:** 2967-2016      **Version:** 1

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

**File created:** 11/10/2016      **In control:** Public Service & Transportation Committee

**On agenda:** 12/5/2016      **Final action:** 12/7/2016

**Title:** To authorize the Director of Public Service to modify a right-of-way acquisition agreement with the Central Ohio Transit Authority (COTA) concerning the FRA-COTA Cleveland Avenue Bus Rapid Transit (BRT) project and to accept additional deposits from COTA for the completion of right-of-way acquisition attributable to the BRT project; to authorize the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the City for that purpose; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/7/2016	1	CITY CLERK	Attest	
12/7/2016	1	MAYOR	Signed	
12/5/2016	1	COUNCIL PRESIDENT	Signed	
12/5/2016	1	Columbus City Council	Approved	Pass

### 1. BACKGROUND

This legislation authorizes the Director of Public Service to modify an existing right-of-way acquisition agreement with the Central Ohio Transit Authority (COTA) relative to the FRA-COTA Cleveland Avenue Bus Rapid Transit (BRT) project; to accept additional monies from COTA for acquisition of right-of-way by the Columbus City Attorney's Office, Real Estate Division; and to, as necessary, provide refunds to COTA after construction of the project has been completed.

The BRT is a 15.6-mile high capacity transit project comprised of a combination of BRT services operating in mixed traffic primarily along Cleveland Avenue between downtown Columbus and SR-161, with enhanced bus service continuing north to Polaris Parkway and Africa Road, connecting commuters with various land uses along the corridor through the City of Columbus, Clinton Township, and the Village of Minerva Park in Franklin County, terminating in the City of Westerville in Delaware County. The BRT line will utilize "an operational strategy that facilitates the movement of in-service transit vehicles through traffic-signal controlled intersections" known as the Traffic Signal Priority (TSP) System, which endeavors to reduce transit vehicle travel times and transit schedule variability while minimizing the impact to "conventional" traffic using the same road network.

Pursuant to Ordinance 0567-2015, the Director of Public Service and COTA entered into a right-of-way acquisition agreement, whereby COTA agreed to deposit \$350,000.00 with the Department of Public Service for the acquisition of various property rights attributable to the BRT project by the City Attorney's Office, Real Estate Division. This legislation provides for the completion of right-of-way acquisition by authorizing the Director of Public Service to modify the aforementioned agreement and the acceptance and expenditure of additional deposits currently estimated to be in the amount up to \$100,000.00 from COTA for that purpose. COTA will contribute additional funds if it should be necessary to exceed this amount.

## **2. EMERGENCY DESIGNATION**

Emergency action is requested to allow for the immediate execution of the aforementioned modification and the timely receipt of additional monies for right-of-way acquisition so as to avoid delaying construction of the BRT project.

## **3. FISCAL IMPACT**

There is no anticipated cost to the City as COTA has agreed to deposit up to \$100,000.00 with the City for additional right-of-way acquisition costs incurred by the Columbus City Attorney's Office, Real Estate Division relative to the BRT project. COTA will deposit additional money if it is required to complete right-of-way acquisition.

To authorize the Director of Public Service to modify a right-of-way acquisition agreement with the Central Ohio Transit Authority (COTA) concerning the FRA-COTA Cleveland Avenue Bus Rapid Transit (BRT) project and to accept additional deposits from COTA for the completion of right-of-way acquisition attributable to the BRT project; to authorize the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the City for that purpose; and to declare an emergency. (\$0.00)

**WHEREAS**, the Central Ohio Transit Authority (COTA) intends to construct or cause to be constructed a 15.6-mile high capacity transit project comprised of a combination of BRT services operating in mixed traffic primarily along Cleveland Avenue between downtown Columbus and SR-161, with enhanced bus service continuing north to Polaris Parkway and Africa Road, known as the FRA-COTA Cleveland Avenue Bus Rapid Transit (BRT) project; and

**WHEREAS**, Ordinance 0567-2015 authorized the Director of Public Service to enter into agreements with COTA in connection with the BRT project, to accept deposits in the amount of \$350,000.00 from COTA for right-of-way acquisition by the City Attorney's Office, Real Estate Division, for the BRT project, and to, as necessary, provide refunds to COTA after the construction of the project has been completed;

**WHEREAS**, the final cost of right-of-way acquisition is expected to exceed \$350,000.00; and

**WHEREAS**, it is necessary for the Director of Public Service and COTA to execute a contract modification, whereby COTA agrees to make additional immediate deposits of up to \$100,000.00 with the Department of Public Service for the completion of right-of-way acquisition attributable to the BRT project; and

**WHEREAS**, this legislation also authorizes the City Attorney's Office, Real Estate Division, to expend funds from deposits received by the Department of Public Service for additional right-of-way acquisition costs; and

**WHEREAS**, right-of-way acquisition costs are estimates and additional funds may be needed to complete the acquisition costs; and

**WHEREAS**, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to modify the contract with COTA and the receipt and expenditure of deposits from the same so as not to delay right-of-way acquisition and to maintain the current project schedule, thereby 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 modify a right-of-way acquisition agreement with the Central Ohio Transit Authority (COTA) for the FRA-COTA Cleveland Avenue Bus Rapid Transit (BRT) project to accept an immediate deposit in the amount of \$100,00.00, and to accept additional deposits if necessary, from COTA for that purpose; and to, as necessary, provide refunds to COTA after construction of the project has been completed.

**SECTION 2.** That the City Attorney's Office, Real Estate Division, be and hereby is authorized to expend funds from deposits received by the Department of Public Service for right-of-way acquisition, to acquire fee simple title and lesser

interests in and to certain parcels of real estate, to contract for professional services, and to negotiate with property owners to acquire various property rights attributable to the BRT project.

**SECTION 3.** 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 4.** 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 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 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.