



## Legislation Text

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**File #:** 1980-2007, **Version:** 1

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**Background:** This is consent legislation with the State of Ohio, Department of Transportation (ODOT) for a bridge reconstruction project on two structures: SR104 over the American Aggregate Road/Haul Road and SR104 over 6<sup>th</sup> Street. Work consists of concrete deck overlay on these structures. This state-sponsored bridge project is being added to another bridge project that includes SR104 over US-33 and SR104 over C&O RR and Parsons Avenue for which consent legislation was previously approved by City Council in ordinance 0400-2006 on March 13, 2006. This project is scheduled for construction in State Fiscal Year 2008. (FRA-33-22.98 PID 79944)

**Fiscal Impact:** The estimated construction cost of the project for these two structures is \$1,500,000.00, which will be funded by ODOT. There is no cost to the City of Columbus for this project. This legislation also authorizes the Director of Public Service to enter into the necessary agreements to complete this project.

Emergency action is requested to proceed with this consent in order to maintain ODOT's schedule for the construction of this project.

To authorize the Public Service Director to enter into an agreement with the Director of the Ohio Department of Transportation to grant consent and propose cooperation with the State of Ohio for the rehabilitation of the two structures; SR104 over the American Aggregate Road/Haul Road and SR104 over 6<sup>th</sup> Street; and to declare an emergency. (\$0 )

The following is an Ordinance enacted by the City of Columbus, Franklin County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

**WHEREAS,** the State of Ohio has identified the need for the described project:

This project proposes to perform bridge rehabilitation on the following structures:

Concrete deck overlay on the SR104 structure over American Aggregate Road/Haul Road. (FRA-104-8.52)

Concrete deck overlay on the SR104 structure over 6<sup>th</sup> Street. (FRA-104-9.29), and

**WHEREAS,** an emergency exists in the usually daily operation of the Transportation Division, Public Service Department, in that it is immediately necessary to proceed with this consent in order to maintain ODOT's schedule for the construction of this project for the Transportation Division, 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 - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above-described project.

### SECTION 2 - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above-described project as follows:

The City hereby agrees to cooperate with the Director of Transportation of the State of Ohio in the planning, design and construction of the identified highway improvement project and grants consent to the Ohio Department of Transportation for its development and construction of the project in accordance with plans, specifications and estimates as approved by the Director of Transportation of the State of Ohio.

The Ohio Department of Transportation shall assume and bear one hundred percent (100%) of the necessary costs of the State's highway improvement project.

In the event that the City requests certain features or appurtenances be included within the highway improvement project's design and construction, and which features and appurtenances are determined by the State and the Federal Highway Administration to be not necessary for the State's highway improvement project, the City shall, prior to the project being advertised for construction contract bidding purposes, provide appropriate documentation that its Council has appropriated, and its Auditor has certified as being available for such specific purposes, funds sufficient in amount to cover one hundred percent of the costs of incorporating such additional features or appurtenances within the State's project, including preliminary engineering, final design, right-of-way, construction and construction engineering expenses as may be directly related thereto.

### **SECTION 3 - Utilities and Right-of-Way Statement**

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

### **SECTION 4 - Maintenance**

Upon completion of the project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the project in accordance with all applicable state and federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the project; (3) maintain the right-of-way, keeping it free of obstructions, and (4) hold said right-of-way inviolate for public highway purposes.

### **SECTION 5 - Authority to Sign**

The Public Service Director of said City is hereby empowered on behalf of the City of Columbus to enter into contracts with the Director of Transportation necessary to complete the above-described project.

**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.