



## Legislation Text

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**File #: 2110-2007, Version: 1**

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Background: This is consent legislation with the Ohio Department of Transportation (ODOT) for a bridge deck replacement project on the eastbound I-70 structure over Harper Road. (FRA-70-10.17 PID 77567)

Since a portion of this project lies within the City of Columbus, this consent ordinance is necessary. Construction of this project is scheduled for State Fiscal Year 2009. This legislation authorizes the Public Service Director to enter into the necessary agreements to complete this project.

Fiscal Impact: The estimated total cost of this project is \$800,000.00. There is no cost to the City for 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 for this bridge deck and approach slab replacement project on the eastbound I-70 structure over Harper Road for the Transportation Division; and to declare an emergency. (\$0 ) **(REPEALED BY ORD. 0273-2009 PASSED 3/9/2009)**

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 has identified the need for the described project:

Deck replacement on the FRA-70-10.17 structure (Eastbound I-70 over Harper Road), and

**WHEREAS**, an emergency exists in the usual 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, OHIO:**

### **SECTION 1 - Consent Statement**

Being in the public interest, the LPA gives consent to the Director of The Ohio Department 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.

The Ohio Department of Transportation shall assume and bear one hundred percent 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 (100%) 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 will 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 resources, 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.