



Legislation Text

File #: 0307-2015, Version: 1

1. Background: The City has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties as well as the aesthetic character of the City. The City of Columbus has also made a significant investment for the relocation and burial of previously existing overhead utility lines within the Parson-Livingston Underground. As a result, the Public Service Department is recommending that City Council establish the “Parsons-Livingston Avenue Underground Utility District” in order to protect the City’s investment and perpetually maintain the resulting aesthetic improvement of these roadways. The District is bounded and described as follows:

Beginning at the northwest Right-of-Way of Livingston Avenue and South Front Street;
Thence northerly along South Front Street to Interstate 70;
Thence easterly along the Interstate 70/71 corridor to the centerline of Broad St;
Thence easterly along the centerline of Broad Street to the eastern Right-of-Way of Hamilton Avenue;
Thence southerly to the southern Right-of-Way of East Broad Street;
Thence westerly to the eastern Right-of-Way of Parsons Avenue;
Thence southerly on Parsons Avenue to the northern Right-of-Way of Mooberry Street;
Thence easterly on Mooberry Street to the west Right-of-Way 18th Street;
Thence northerly along the western Right-of-Way of 18th Street to the centerline of Main Street;
Thence easterly along Main to the eastern Right-of Way of 18th Street;
Thence southerly along the eastern Right-of-Way of 18th Street to the southerly right-of way of Livingston Avenue;
Thence westerly along the southerly right-of way of Livingston Avenue to the place of beginning.

The creation of this underground utility district will prohibit the future installation of overhead utility lines, wires, cables, transformers, or other appurtenances, including transverse crossings of the Right-of-Way, and other above ground utility features. This prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of luminaries, safety cameras, streetlight poles and traffic signals. However, the short term temporary installation of overhead and/or above ground utility features will be allowed to provide emergency service, but shall be removed at the earliest moment possible.

Those limited number of existing overhead or above-ground utilities that remain within this district shall be directed to place their facilities underground or be relocated overhead outside of the designated district during construction of various improvement projects in the City of Columbus rights-of way; and further, new poles are not allowed where facilities have been undergrounded.

Those existing overhead utilities providing service to any new customers within this district shall be directed by the City to install these underground. If an existing overhead utility line is available adjacent to the property, a pole can be placed to riser up to the existing lines. Overhead utilities shall be required to be placed underground in the event of construction improvement projects in the City of Columbus rights-of-way. Those utilities not existing overhead but wanting to serve new customers shall be directed to install their infrastructure underground.

The City has adopted similar districts such as the Four Corners Underground Utility District (ord. 1823-2002), High/Street Lane Avenue Underground Utility District (ord. 0558-2005), Pen West Underground Utility District (ord. 0078-2007), Arena Underground Utility District (ord. 0076-2007), and the West Third Avenue - Grandview Yard (ord.

2977-2013).

2. Fiscal Impact: There is no direct fiscal impact associated with the passage of this ordinance; however, the creation of this district will protect the City's previous investment to place utilities underground in the area bounded by the Parsons-Livingston Avenue Underground Utility District.

To establish an underground utilities district to be identified as the "Parsons-Livingston Avenue Underground Utility District". (\$0.00)

WHEREAS, the City of Columbus, Ohio is vitally concerned with the use of the various Right-of-Way areas in the City as such Right-of-Way areas are a valuable and limited resource which must be utilized to promote the public health, safety and welfare including the economic development of the City; and

WHEREAS, changes in the public utilities and communication industries have increased the demand and need for access to Right-of-Way and placement of facilities and structures therein; and

WHEREAS, it is necessary to comprehensively regulate access to, and structures and facilities in, the Right-of-Way to promote efficiency, discourage uneconomic duplication of facilities, minimize the public inconvenience of uncoordinated work in the Right-of-Way, protect the City's investment in relocation of the existing overhead utilities and promote public safety; and

WHEREAS, the City has the right under the laws and Constitution of the State of Ohio, including Article 18, Sections 3 and 4, to regulate public and private entities which use the Right-of-Way; and

WHEREAS, Columbus City Council has determined that the design and implementation of public improvements directly affect the public health, safety and welfare of citizens who are utilizing the streets, roadways and other public properties as well as the aesthetic character of the City; and

WHEREAS, the Public Service Department has recommended that the City consider the creation of specific "Underground Utility Districts" (i.e., Four Corners, Ordinance No. 1823-2002, passed 12/02/2002; High/Street Lane Avenue, Ordinance No. 0558-2005, passed 6/9/2005; Pen West, Ordinance No. 0078-2007, passed 4/25/2007; Arena, Ordinance No.0076-2007, passed 4/25/2007, and West Third Avenue - Grandview Yard, Ordinance No. 2977-2013, passed 2/10/14); and

WHEREAS, the creation of an "Underground Utility District" will allow the City to protect any investment incurred to move utilities underground as a part of a roadway or other construction project; and

WHEREAS, the creation of an "Underground Utility District" will prevent future permanent installations of overhead utility lines, wires, cables, transformers, or other appurtenances, including transverse crossings, and other above ground utility features, within the area so designated, although the short term temporary placement of overhead or above ground utilities we be allowed to provide emergency service; and

WHEREAS, those limited number of existing overhead or above-ground utilities that remain within this district shall be directed to place their facilities underground or be relocated overhead outside of the designated district during construction of various improvement projects in the City of Columbus rights-of way; and further, new poles are not allowed where facilities have been undergrounded; and

WHEREAS, those existing overhead utilities providing service to any new customers within this district shall be directed by the City to install these underground. If an existing overhead utility line is available adjacent to the property, a pole can be placed to riser up to the existing lines. Overhead utilities shall be required to be placed underground in the event of construction improvement projects in the City of Columbus rights-of-way. Those utilities not existing overhead but

wanting to serve new customers shall be directed to install their infrastructure underground; and

WHEREAS, this prohibition shall be extended to all parties intending to install utilities within this district, including those owned and operated by the City of Columbus, with the exception of luminaries, safety cameras, streetlight poles and traffic signals; and

WHEREAS, installation of facilities underground shall be performed in accordance with accepted standards of utility practice for underground construction; and

WHEREAS, the following legislation creates an “Underground Utilities District” to be known as the “Parsons-Livingston Avenue Underground Utility District” for the purpose of converting all above ground utilities located within this area to underground utilities; and

WHEREAS, the perimeters of the Parsons-Livingston Avenue Underground Utility District are described generally as follows:

Beginning at the northwest Right-of-Way of Livingston Avenue and South Front Street;
Thence northerly along South Front Street to Interstate 70;
Thence easterly along the Interstate 70/71 corridor to the centerline of Broad St;
Thence easterly along the centerline of Broad Street to the eastern Right-of-Way of Hamilton Avenue;
Thence southerly to the southern Right-of Way of East Broad Street;
Thence westerly to the eastern Right-of-Way of Parsons Avenue;
Thence southerly on Parsons Avenue to the northern Right-of-Way of Mooberry Street;
Thence easterly on Mooberry Street to the west Right-of Way 18th Street;
Thence northerly along the western Right-of-Way of 18th Street to the centerline of Main Street;
Thence easterly along Main to the eastern Right-of Way of 18th Street;
Thence southerly along the eastern Right-of-Way of 18th Street to the southerly right-of way of Livingston Avenue;
Thence westerly along the southerly right-of way of Livingston Avenue to the place of beginning.

WHEREAS, the City has, and is currently continuing its efforts to relocate overhead utilities underground within this area; and

WHEREAS, the limited number of existing overhead or above ground utilities that remain within this district after the various improvement projects have been completed may be maintained at their current location and remain indefinitely in their current form; however, new poles are not allowed where facilities have been undergrounded; and

WHEREAS, with the passage of this ordinance, no new overhead or above ground utilities will be permitted within this area with the exception of luminaries, streetlight poles, safety cameras and traffic controls; now, therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That an Underground Utility District to be known as the “Parsons-Livingston Avenue Underground Utility District” is hereby established.

Section 2. That the perimeters of this new district are described generally as follows:

Beginning at the northwest Right-of-Way of Livingston Avenue and South Front Street;
Thence northerly along South Front Street to Interstate 70;
Thence easterly along the Interstate 70/71 corridor to the centerline of Broad St;
Thence easterly along the centerline of Broad Street to the eastern Right-of-Way of Hamilton Avenue;
Thence southerly to the southern Right-of-Way of East Broad Street;
Thence westerly to the eastern Right-of-Way of Parsons Avenue;

Thence southerly on Parsons Avenue to the northern Right-of-Way of Mooberry Street;
Thence easterly on Mooberry Street to the west Right-of-Way 18th Street;
Thence northerly along the western Right-of-Way of 18th Street to the centerline of Main Street;
Thence easterly along Main to the eastern Right-of Way of 18th Street;
Thence southerly along the eastern Right-of-Way of 18th Street to the southerly right-of way of Livingston Avenue;
Thence westerly along the southerly right-of way of Livingston Avenue to the place of beginning.

Section 3. That the creation of this underground utility district will require that all new utilities desiring to locate within these perimeters be placed underground, with the exception of luminaries, streetlight poles, safety cameras and traffic signals;

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.