



## Legislation Text

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**File #:** 3122-2018, **Version:** 1

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### **1. BACKGROUND**

The following legislation authorizes the City Attorney's Office, Real Estate Division, to hire professional services and to negotiate with property owners to acquire the various property rights necessary to complete the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project.

The Department of Public service is engaged in the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project. The project consists of roadway improvements to Livingston Avenue from just east of High Street to just east of Fifth Street. The roadway will be reconstructed, widened, and converted to two-way. Additional improvements include bike lanes, curb extensions, new sidewalk, intersection upgrades, and streetscape improvements. New storm sewer, street lighting, and waterline will be installed. All aerial utilities will be relocated underground.

The cost to acquire the right-of-way needed to complete the project is estimated at \$250,000.00. If the cost to acquire the needed right-of-way should exceed this estimate, additional legislation will be submitted to Council requesting the needed funding.

The Department of Public Service is currently finalizing construction plans and is prepared to authorize right-of-way acquisition pending passage of this funding legislation.

### **2. FISCAL IMPACT**

Funds in the amount of \$250,000.00 are available for this project in Fund 7704, the Streets and Highways Bond Fund. An amendment to the 2018 Capital Improvements Budget is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure. A transfer of funds within the Streets and Highways Bond Fund is necessary to align cash with the proper project.

### **3. EMERGENCY DESIGNATION**

Emergency action is requested to provide necessary right-of-way acquisition funding and prevent delays in the Department of Public Service's Capital Improvement Program.

To amend the 2018 Capital Improvement Budget; to authorize the City Auditor to transfer funds between projects within the Streets and Highways Bond Fund; to authorize the City Attorney's Office to contract for professional services relative to the acquisition of fee simple title and lesser interests in and to property needed for the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project; to authorize the City Attorney's Office to negotiate with property owners to acquire the additional rights of way necessary to complete this project; to authorize the expenditure of up to \$250,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$250,000.00)

**WHEREAS**, the City of Columbus is engaged in the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project; and

**WHEREAS**, the project will make roadway improvements to Livingston Avenue from High Street to Fifth Street including bike lanes, curb extensions, new sidewalk, intersection upgrades, streetscape improvements, new storm sewer, street lighting, new waterlines, and all aerial utilities will be relocated underground; and

**WHEREAS**, successful completion of this project necessitates the City acquire fee simple title and lesser interests in and to various properties located along the project corridor as additional rights-of-way; and

**WHEREAS**, right-of-way acquisition cost, including professional services, staff and land costs, have been estimated to total \$250,000.00; and

**WHEREAS**, this ordinance authorizes funding in the amount of \$250,000.00 for that purpose; and

**WHEREAS**, it is necessary to authorize an amendment to the 2018 Capital Improvements Budget for the purpose of providing sufficient spending authority for the aforementioned project expenditure; and

**WHEREAS**, it is necessary to authorize a transfer of funds within Fund 7704, the Streets and Highways Bond Fund, to establish sufficient cash to pay for the project; and

**WHEREAS**, this ordinance authorizes the City Attorney's Office, Real Estate Division, to expend \$250,000.00, or so much thereof as may be necessary, to hire professional services and to negotiate with property owners to acquire the various property rights necessary to complete the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project; 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 necessary right-of-way acquisition for the project to prevent delays in the Department of Public Service's Capital Improvement Program, 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 2018 Capital Improvements Budget authorized by Ordinance 1010-2018 be amended as follows to establish sufficient authority for this project:

**Fund / Project / Project Name / Current / Change / C.I.B. as Amended**

7704 / P 530103-100054 / Arterial Street Rehabilitation - Hamilton Road - SR161 to Morse Road - Phase A (Voted Carryover) / \$709,291.00 / (\$250,000.00) / \$459,291.00

7704 / P530161-100176 / Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street (Voted Carryover) / \$0.00 / \$250,000.00 / \$250,000.00

**SECTION 2.** That the transfer of \$250,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5912 (Design and Construction), Project P530103-100054 (Arterial Street Rehabilitation - Hamilton Road - SR161 to Morse Road - Phase A), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530161-100176 (Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That the City Attorney's Office, Real Estate Division, be, and hereby is, authorized 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 the additional rights of way needed to complete the Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street project in an amount up to \$250,000.00.

**SECTION 4.** That the expenditure of \$250,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets and Highways Bond Fund) in Dept-Div 5912 (Design and Construction), Project P 530161-100176 (Roadway Improvements - Livingston Avenue Phase B - High Street to Fifth Street), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** Funds are hereby deemed appropriated and expenditures and transfers authorized to carry out the purposes of this ordinance 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