



## Legislation Text

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**File #:** 1705-2020, **Version:** 1

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### **1. BACKGROUND**

This ordinance authorizes the Director of Public Service to execute agreements with Columbus & Ohio River Rail Road Company, a subsidiary of Genessee & Wyoming, Inc., relative to the Arterial Street Rehabilitation - Cassady Avenue Widening project.

The aforementioned project encompasses various improvements to Cassady Avenue from the Bexley corporate limit to East 7<sup>th</sup> Avenue, including widening the road to accommodate a 3-lane section and reconstructing it as a complete street with pedestrian and bikeway facilities, lighting, curb and gutter, water line improvements, and closed drainage. Other planned improvements include extending East 5<sup>th</sup> Avenue at the Cassady Avenue intersection.

Ordinance 2680-2017 authorized the Director of Public Service to enter into a professional services contract with Woolpert for the provision of surveying and design services necessary to the successful completion of the design phase of the project. The aforementioned scope of work includes surveying railroad facilities within the project limits, which is predicated on the consent and participation of the impacted rail carrier.

It is necessary for the Director of Public Service to execute agreements with Columbus & Ohio River Rail Road Company, which presently is owned and operated by Genessee & Wyoming, Inc., to facilitate the completion of work to be performed on or near its facilities. Services to be rendered by the railroad may include: 1) the review and approval of engineering plans, design plans, construction specifications, and drawings, and other documents to identify and mitigate potential conflicts between rail operations and public infrastructure in proximity to railway corridors and 2) the provision of flagmen, watchmen, and other protective services and devices necessary to the safety and continuity of rail operations.

The funding requested by this ordinance is based upon an estimate provided by the Columbus & Ohio River Rail Road Company. Additional funding may be required. If so, a separate ordinance requesting the additional funding will be submitted for Council's consideration.

### **2. FISCAL IMPACT**

Funding in the amount of \$25,190.00 is available and appropriated within the Streets and Highways Bond Fund. An amendment to the 2019 Capital Improvement Budget is necessary for the purpose of providing sufficient budget authority for the expenditure. A transfer of cash and appropriation within the Streets and Highways Bond Fund, Fund 7704, is required to align cash with the proper project.

### **3. EMERGENCY DESIGNATION**

Emergency action is requested in order to facilitate the timely execution of the requisite agreements so as to maintain the current project completion schedule.

To amend the 2019 Capital Improvement Budget; to authorize the transfer of cash and appropriation between projects within the Streets and Highways Bond Fund; to authorize the Director of Public Service to enter into agreements with Columbus & Ohio River Rail Road Company relative to the Arterial Street Rehabilitation - Cassady Avenue Widening project; to authorize the expenditure of \$25,190.00 from the Streets and Highways Bond Fund to pay the railroad for their services; and to declare an emergency. (\$25,190.00)

**WHEREAS**, the Department of Public Service is administering the Arterial Street Rehabilitation - Cassady Avenue Widening project, which encompasses various improvements to Cassady Avenue from the Bexley corporate limit to East 7<sup>th</sup> Avenue and the intersection of Cassady Avenue and East 5<sup>th</sup> Avenue; and

**WHEREAS**, Ordinance 2680-2017 authorized the execution of a professional services contract between the Department of Public Service and Woolpert for the provision of surveying and design services necessary to the successful completion of that project; and

**WHEREAS**, the performance of the aforementioned scope of work will require the consent and cooperation of the Columbus & Ohio River Rail Road Company, which operates within the project limits; and

**WHEREAS**, this ordinance authorizes the Director of Public Service to execute agreements with Columbus & Ohio River Rail Road Company, a subsidiary of Genessee & Wyoming, Inc., relative to that effort; and

**WHEREAS**, it is necessary to authorize an amendment to the 2019 Capital Improvements Budget for the purpose of providing sufficient budget authority for the aforementioned project expenditure; and

**WHEREAS**, a transfer of cash and appropriation between projects within the Streets and Highways Bond Fund is required to align cash with the proper project; and

**WHEREAS**, it is necessary to expend funds to pay the Columbus & Ohio River Rail Road Company for work performed in relation to this 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 Director to execute the aforementioned agreements so as to maintain the current project completion 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 2019 Capital Improvement Budget authorized by Ordinance 1326-2019 be and is hereby amended to provide sufficient budget authority for the expenditure as follows:

**Fund / Project / Project Name / Current / Change / Amended**

7704 / P440005-100000 / UIRF - Urban Infrastructure Recovery Fund (Voted Carryover) / \$90,794.00 / (\$25,190.00) / \$65,604.00

7704 / P530103-100060 / Arterial Street Rehabilitation - Cassady Avenue Widening (Voted Carryover) / \$1,241,000.00 / \$25,190.00 / \$1,266,190.00

**SECTION 2.** That the transfer of \$25,190.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 59-12 (Design and Construction), Project P440005-100000 (UIRF - Urban Infrastructure Recovery Fund), Object Class 06 (Capital Outlay), to Dept-Div 59-12 (Design and Construction), Project P530103-100060 (Arterial Street Rehabilitation - Cassady Avenue Widening), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 3.** That the Director of Public Service be and is hereby authorized to execute agreements with Columbus & Ohio River Rail Road Company, a subsidiary of Genessee & Wyoming, Inc., for the purpose of authorizing those entities to review and approve engineering and design plans, construction specifications and drawings, and other documents and to perform work necessary to the completion of the Arterial Street Rehabilitation - Cassady Avenue Widening project.

**SECTION 4.** That the expenditure of \$25,190.00, or so much thereof as may be needed, be and is hereby authorized in Fund 7704 (Streets and Highways Bond Fund), Dept-Div 59-12 (Design and Construction), Project P530103-100060 (Arterial Street Rehabilitation - Cassady Avenue Widening), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 5.** That the 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 made a part hereof, this Ordinance is 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 (10) days after passage if the Mayor neither approves nor vetoes this Ordinance.