



## Legislation Text

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**File #:** 2113-2021, **Version:** 1

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### **1. BACKGROUND**

The following ordinance 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 Arterial Street Rehabilitation - Cassady Avenue Widening PID105732 project.

The Department of Public service is engaged in the Arterial Street Rehabilitation - Cassady Avenue Widening project. The project will consist of improvements to the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue. This is the first of multiple phases to reconstruct the Cassady Avenue corridor with complete street improvements.

The cost to acquire the right-of-way needed to complete the project is estimated at \$2,142,657.00. 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**

A reimbursement grant from the Ohio Department of Transportation will partially fund right-of-way acquisition from the Federal Transportation Grants Fund, Fund 7765, Grant #G592105 (Cassady Avenue 105732), in the amount of \$1,542,657.00. The entire amount of \$1,542,657.00 will need to be appropriated into the grant.

Public Service will contribute the local share for right-of-way acquisition in the amount of \$600,000.00 which is available in the Streets and Highway Bonds Fund, Fund 7704. An amendment to the 2020 Capital Improvements Budget, and a transfer of cash and appropriation, is necessary for the purpose of providing sufficient spending authority for the aforementioned project expenditure.

### **3. EMERGENCY DESIGNATION**

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

To amend the 2020 Capital Improvement Budget; to authorize the City Auditor to transfer funds between projects within the Streets and Highways Bond Fund; to authorize the City Auditor to appropriate \$1,542,657.00 within the Federal Transportation Grants 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 Arterial Street Rehabilitation - Cassady Avenue Widening 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 \$1,542,657.00 from the Federal Transportation Grants Fund and up to \$600,000.00 from the Streets and Highways Bond Fund; and to declare an emergency. (\$2,142,657.00)

**WHEREAS**, the City of Columbus is engaged in the Arterial Street Rehabilitation - Cassady Avenue Widening PID105732 project; and

**WHEREAS**, the project will include improvements to the Cassady Avenue corridor from the City of Bexley Corporation line to 7th Avenue; 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 \$2,142,657.00; and

**WHEREAS**, Federal Transportation grant funds will be used to pay for a portion of this project; and

**WHEREAS**, this ordinance authorizes funding in the amount of \$2,142,657.00 for that purpose; and

**WHEREAS**, it is necessary to authorize an amendment to the 2020 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**, it is necessary to authorize the City Auditor to appropriate \$1,542,647.00 within the Federal Transportation Grants Fund; and

**WHEREAS**, this ordinance authorizes the City Attorney's Office Real Estate Division to expend \$2,142,657.00, 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 Arterial Street Rehabilitation - Cassady Avenue Widening PID105732 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 City Attorney's Office to negotiate all necessary right-of-way acquisitions for the project to prevent unnecessary delays in the Department of Public Service's Capital Improvement Program, to ensure the safety of the traveling public 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 2020 Capital Improvements Budget authorized by ordinance 2521-2020 be amended as follows to establish sufficient authority for this project:

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

7704 / P530103-100014 / Arterial Street Rehabilitation - James Road (Livingston to Main) (Voted SIT 2019 Supported) / \$572,000.00 / (\$572,000.00) / \$0.00

7704 / P540006-100000 / Traffic Maintenance - Commodities (Voted Carryover) / \$161,050.00 / (\$28,000.00) / \$133,050.00

7704 / P530103-100060 / Arterial Street Rehabilitation - Cassady Avenue Widening (Bexley Corp to 7<sup>th</sup> Av) (Voted SIT 2019 Supported) / \$0.00 / \$572,000.00 / \$572,000.00

7704 / P530103-100060 / Arterial Street Rehabilitation - Cassady Avenue Widening(Bexley Corp to 7<sup>th</sup> Av) (Voted Carryover) / \$1,266,190.00 / \$28,000.00 / \$1,294,190.00

**SECTION 2.** That the transfer of \$28,000.00, or so much thereof as may be needed, is hereby authorized within Fund 7704 (Streets and Highways Bond Fund), from Dept-Div 5913 (Traffic Management), Project P540006-100000 (Traffic Maintenance - Commodities), Object Class 06 (Capital Outlay) to Dept-Div 5912 (Design and Construction), Project P530103-100060 (Arterial Street Rehabilitation - Cassady Avenue Widening (Bexley Corp to 7<sup>th</sup> Av)), Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 3.** That from the unappropriated monies and from all monies estimated to come into said fund from any and all sources and unappropriated for any other purpose during the fiscal year ended December 31, 2021, the sum of \$1,542,657.00 is appropriated in Fund 7765 (Federal Transportation Grants), Div 5912 (Design and Construction), Grant #G592105 (Cassady Avenue 105732), in Object Class 06 (Capital Outlay) per the account codes in the attachment to this ordinance.

**SECTION 4.** 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 Arterial Street Rehabilitation - Cassady Avenue Widening project in an amount up to \$2,142,657.00.

**SECTION 5.** That the expenditure of \$1,542,657.00, or so much thereof as may be needed, is hereby authorized in Fund 7765 (Federal Transportation Grants Fund) in Dept-Div 5912 (Design and Construction), Project G592105 (Cassady Avenue 105732), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 6.** That the expenditure of \$600,000.00, or so much thereof as may be needed, is hereby authorized in Fund 7704 (Streets & Highways Bond Fund) in Dept-Div 5912 (Design and Construction), Project P531003-100060 (Arterial Street Rehabilitation - Cassady Avenue Widening (Bexley Corp to 7<sup>th</sup> Av)), in Object Class 06 (Capital Outlay) per the accounting codes in the attachment to this ordinance.

**SECTION 7.** 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 8.** 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 9.** 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 10.** At the end of the grant period, any repayment of unencumbered balances required by the grantor is hereby authorized and any unused City match monies may be transferred back to the City fund from which they originated in accordance with all applicable grant agreements.

**SECTION 11.** 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.