



CITY OF PATASKALA

RESOLUTION 2016-028

Passed March 7, 2016

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AND EXECUTE A REAL ESTATE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE MINK STREET PHASE IV RECONSTRUCTION PROJECT.

WHEREAS, the City of Pataskala received a MORPC Attributable Grant, being administered by the, Ohio Department of Transportation, for the Mink Street Phase IV Reconstruction Project; and

WHEREAS, the grant requires execution of a real estate agreement between the City of Pataskala and the Ohio Department of Transportation; and

WHEREAS, the real estate agreement is attached as Exhibit A.


NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF MEMBERS PRESENT CONCURRING THAT:

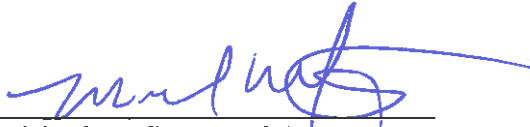
Section 1: The City Administrator is hereby authorized to enter into and execute a real estate agreement, in substantially the same form and content as the Agreement attached hereto as Exhibit A and incorporated by reference, with the Ohio Department of Transportation for the Mink Street Phase IV Reconstruction Project.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements of the City of Pataskala, Licking County, Ohio.

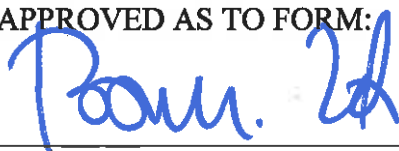
Section 3: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Brian M. Zets", written over a horizontal line.

Brian M. Zets, Law Director

Real Estate Agreement No. 95233

September 21, 2015

BJ King
City of Pataskala Administrator
621 W. Broad Street
Pataskala, Ohio 43062

Re: LIC-CR41-7.47
FPN: E130553
SJN: 457852
PID No. 95233

Dear Mr. King:

Pursuant to both Federal and State law, 49 CFR Part 24 and ORC 163 et.seq., the Ohio Department of Transportation is required to monitor all highway development projects receiving funds from the Federal Highway Administration. The rights of way acquired for the above referenced project will be incorporated into a Federally-assisted project and the following provisions must be set forth and agreed upon between the City of Pataskala and the ODOT.

Ordinance No.(Resolution No.) _____, passed on _____, by the City and subsequently accepted and journalized by the Director of Transportation, provides for cooperation with the State on the acquisition of right of way on the above referenced project, which is described as follows:

Reconstruction of Mink Road (CR41) from SR 16 North to bridge just North of Havens Corner Road.

Discussions and understandings between representatives from our organizations in reference to the acquisition of rights of way must now be officially set forth and agreed upon. If you agree to the following facts and stipulations, please sign all copies of this agreement and return them to the ODOT District Five Office.

The **ESTIMATED** right of way cost for the project based upon the right of way plans submitted and the work plan is \$2,669,677.00.

The **ESTIMATED** right of way cost breakdown is as follows:

| | |
|--------------------|---------------------|
| Right of Way Costs | \$ 2,087,000.00 |
| Labor Costs | \$ 582,677.00 (POC) |
| Total | \$ 2,669,677.00 |

The project as programmed provides for participation in project right of way acquisition costs at 80% (MORPC) Federal and 20% Local Funds.

The project as programmed provides for participation in project right of way labor costs at 80% (MORPC) Federal and 20% Local Funds.

The City of Pataskala must have authorization from the ODOT District Real Estate Office to begin any phase of the acquisition process. ODOT will authorize acquisition of right of way after this agreement has been executed, deposit money is received, and right of way plans with legal descriptions are completed. The actual authorization must be approved by FHWA. It is agreed and understood that all cost figures contained herein are preliminary estimates, and represent the best estimate for the property to be acquired, and/or work to be performed for the project. City of Pataskala further agrees that it shall participate at the same percentage as stated in this agreement, for all final costs which may exceed this estimate and resulting deposit. If future billing is required for costs which exceed this estimate, City of Pataskala will be invoiced referencing this Real Estate Agreement. Any excess deposit by City of Pataskala will be returned to the City by ODOT.

The City of Pataskala has selected Three consultants from the ODOT list of prequalified RW acquisition consultants available through Central Office Real Estate. OR Colan shall provide the turnkey right of way acquisition services and Martin & Wood, shall provide the appraisal review services, Peerless R/W Acquisition Services, LLC shall provide relocation review services. All consultants are required to complete the acquisition of the right of way necessary in accordance with sections 163.51 through 163.62, inclusive of the revised code of Ohio, Sections 5501:2-5-01 et. seq. of the Ohio Administrative Code and any future amendments thereto which supplement and support Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and Federal Highway regulations and directives on Relocation Assistance and Real Property Acquisition, as well as full compliance with Title VI of the Civil Rights Act of 1964.

The City of Pataskala shall maintain all files, accounting records, and other evidence pertaining to costs incurred and agrees to make such materials available at their respective offices at all reasonable times during the contract period and for three (3) years from the date of final payment under the contract for inspection by the Ohio Department of Transportation, Federal Highway Administration or their authorized representatives and copies thereof shall be furnished if requested.

The City of Pataskala shall submit a letter to ODOT identifying the prequalified individuals for the following items pertaining to specific real estate functions and must comply with ODOT policies and procedures and are incorporated herewith:

Title

The City of Pataskala will provide or arrange to provide for a search of title for each property required for the project's right of way.

Appraisal

The City of Pataskala will be responsible for or will work with ODOT District 5 for the contracting for appraisals and will execute any necessary contracts with private fee appraisers in accordance with ODOT's approved list of appraisers, in the event a separate contract is necessary for this project.

Appraisal Review

The City of Pataskala will be responsible for or will work with ODOT District 5 for the contracting with a review appraiser in accordance with ODOT's approved list of review appraisers who will be responsible for approving and/or disapproving the appraisals submitted by the fee appraiser. This contract must be held by the City of Pataskala and cannot be part of a City of Pataskala Prime Consultant's contract if they are responsible for the appraisals. Just compensation must be authorized by an appropriate official of City of Pataskala.

Negotiations

In compliance with State policies and procedures, negotiations shall not commence until the City of Pataskala is in possession of an approved Fair Market Value Estimate. Negotiations and the settlement shall be governed by said approved fair market value. The City of Pataskala shall negotiate with the owners for the purchase of real property and the conveyance of fee simple title by warranty deed or whatever lesser interest is required for the needs of the project. Such title will be taken in the name of the City of Pataskala. The City of Pataskala shall utilize negotiators in accordance with ODOT's approved list of negotiators.

Warrants for payment of all expenditures incurred in the acquisition of right of way will be issued by the ODOT, DISTRICT 5 REAL ESTATE ON BEHALF OF CITY OF PATASKALA.

City of Pataskala will retain 20% responsibility for actual acquisition costs for all right of way parcels.

Relocation

The City of Pataskala will administer the Relocation Assistance Program (RAP), using ODOT pre-approved relocation agents, if displacement is caused by the project.

Relocation Review

The City of Pataskala will be responsible for all Relocation Reviews. Relocation reviews will consist of approving and/or disapproving all relocation determinations before offers are made to the displacee. Reviews will also consist of approving and/or disapproving all relocation claims and supporting documentation prior to presenting the claim(s) to the displacee. The City of Pataskala shall utilize Relocation Reviewers in accordance with ODOT's approved list of Relocation Reviewers. This contract must be held by the City of Pataskala and cannot be part of City of Pataskala Prime Consultants contract if they are responsible for relocation.

Administrative and/or Case Settlement Review:

The City of Pataskala will be responsible for administrative and/or case settlement reviews which must be maintained in the parcel file in writing, containing all the appropriate documentation to support the request up to the authority established by ODOT's Policy and Procedure Manual for Right of Way.

Appropriations

The City of Pataskala will appropriate properties that it is unable to negotiate for the project in accordance with Chapter 163 of the Revised Code of Ohio.

Utility Relocation

The City of Pataskala will be responsible for the relocation and accommodation of all affected utilities. If needed, the State can provide assistance in this matter. Please contact Edward Schmelzer, ODOT District 5 Utility Coordinator at 740-323-5126 for assistance. Complete relocation/accommodation plans must be included with the Right of Way Certification in order for the project to be eligible for advertisement and sale.

Right of Way Certification

Upon completion of the acquisition process, the City of Pataskala will certify to the District that the right of way has been fully acquired. The District will then certify the right of way to the Federal Highway Administration. The City of Pataskala will coordinate this certification with the District Real Estate Office. This certification will include the utility note, encroachment removals and all applicable notes and exhibits.

The City of Pataskala will provide the **PROPERTY MANAGEMENT, BUILDING DISPOSITION and ASBESTOS TESTING & ABATEMENT** functions, if necessary.

Disadvantaged Business Enterprise (DBE) Obligation: The City of Pataskala or its contractor agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided in conjunction with this agreement. The City and its contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for, receive and perform such contracts/subcontracts. The City of Pataskala and its contractors shall not discriminate on the basis of race, color, national origin, age or sex in the award and performance of USDOT-assisted contracts.

City of Pataskala

Attest: _____

By _____

Its _____

Attest: _____

By _____

Its _____

Date: _____

Ohio Department of Transportation

Laura Philabaum
District 5 REA

Jerry Wray, Director
By: Dave Ray, P.E., P.S.
District 5 Deputy Director

Date: _____

