

Ohio, as Second Party, hereinafter referred to as the STATE, and the Federal Highway Administration, as Third Party, hereinafter referred to as FHWA..

Witnesseth: Whereas, the CITY has prepared and received approval of a proposed TOPICS Work Program, which is a list of projects for improvements at fourteen (14) intersections the CITY anticipates initiating with Federal-aid highway fund participation, said list being incorporated into Agreement No. 2414 by reference and made a part thereof, and

Whereas, the parties hereto entered into Agreement No. 2414 on the 12th day of May, 1972, to establish an obligation to implement this TOPICS Work Program for calendar years 1972 and 1973 in the CITY, and

Whereas, due to the lack of matching funds on the part of the CITY, it is desired by the parties hereto to revise the Work Program and eliminate those projects that cannot be completed under the terms of Agreement No. 2414.

Now, Therefore, for and in consideration of the mutual covenants hereinafter stipulated to be kept and performed, it is agreed between the parties that Agreement No. 2414 is hereby amended as follows:

SECTION 1. The approved TOPICS Work Program as listed on Attachment "A" of Agreement No. 2414 is hereby rescinded, and replaced by the TOPICS Work Program, which is attached hereto and made a part of this supplemental agreement.

SECTION 2. Section B STATEMENT OF WORK of Agreement No. 2414 is amended to read as follows:

The CITY shall furnish all personnel, facilities, materials, supplies and such other services as may be required for initiating, designing, constructing and maintaining the Federal-aid TOPICS projects listed in the revised TOPICS Work Program, Attachment "B".

SECTION 3. All other Sections of Agreement No. 2414 not in conflict with this agreement shall remain in full force and effect as originally stated.

In Witness Whereof, the parties hereto have caused this agreement to be duly executed in quadruplicate as of the day and year first above written.

Attest: Secretary CITY OF COLUMBUS By: Director of Public Service

Attest: Secretary OHIO DEPARTMENT OF TRANSPORTATION By: Director of Transportation FEDERAL HIGHWAY ADMINISTRATION

By: Division Engineer AUTHORIZING OFFICIAL Federal Highway Administrator

Date Section 2. 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.

Passed July 29, 1974. M. D. PORTMAN, President of Council. Approved July 29, 1974. TOM MOODY, Mayor. Attest: HELEN M. VAN HEYDE, City Clerk.

ORD. No. 1347-74--To appropriate \$1,212.32 to pay the Penn Central Transportation Company for work performed in connection with the Reconstruction of the Cleveland Avenue Viaduct, South Span; to show under C.I.P. Project 650085; and to declare an emergency. (\$1,212.32)

Whereas, pursuant to proper authority of Council, contract for Reconstruction of the South Span of the Cleveland Avenue Viaduct over the B. & O. and Pennsyl-

vania Railroads was entered into on May 23, 1968, and

Whereas, in connection with the project, the Penn Central Transportation Company had to perform work on its facilities, and

Whereas, the company has submitted invoice for the work performed during the period February, 1968 to June, 1974, in the amount of \$1,212.32, and

Whereas, an emergency exists in the usual daily operation of the Division of Street Maintenance and Repair of the Department of Public Service, in that monies should be provided immediately to pay the invoice, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That for the purpose of paying the Penn Central Transportation Company for force account work performed in rearranging their facilities made necessary by the Reconstruction of the South Span of the Cleveland Avenue Viaduct over the B. & O. and Pennsylvania Railroads, the sum of \$1,212.32 be and the same is hereby appropriated from Expressway and Street Improvement Bond 1-65, Fund 5758, Department 650085, Code 600.

Section 2. 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.

Passed July 29, 1974. M. D. PORTMAN, President of Council. Approved July 29, 1974. TOM MOODY, Mayor. Attest: HELEN M. VAN HEYDE, City Clerk.

ORD No. 1348-74--To ratify and confirm action of the City Engineer in purchasing, without advertising for bids, attenuators for use on the interstate system; to appropriate \$2,604.00 to pay the cost thereof; and to declare an emergency

Whereas, installation of attenuators on the interstate system was necessary, and Whereas, the initial installation was made by the Ohio Department of Transportation with the agreement the City of Columbus would maintain, and

Whereas, because of their function, impact absorption by destruction, it was necessary to replace the damaged attenuators to maintain the safety afforded by their installation, and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Street Maintenance and Repair, in that such safety measures had to be replaced immediately, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the action of the City Engineer of the Division of Street Maintenance and Repair in purchasing, without advertising for bids, sixteen each, 1400 pound, attenuators for replacement of damaged attenuators on the interstate system, be and the same is hereby ratified and confirmed.

Section 2. That for the purpose of paying the cost thereof, the sum of \$2,604.00 be and the same is hereby appropriated from Street Maintenance and Repair Fund No. 0265, Department 650, Code 200.

Section 3. 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.

Passed July 29, 1974. M. D. PORTMAN, President of Council. Approved July 29, 1974. TOM MOODY, Mayor. Attest: HELEN M. VAN HEYDE, City Clerk.

ORD. No. 1349-74--To grant Don V. Bodenheimer, employee in the Division of Street Maintenance and Repair, an exten-

sion of sick leave, with pay, retroactive and effective July 22, 1974; and to declare an emergency.

Whereas, Don V. Bodenheimer, Land Map Supervisor, suffered a heart attack, and is now recovering at home, and

Whereas, said employee, at the close of business, July 19, 1974, will have used all accumulated vacation and sick credits, and

Whereas, said employee has been a loyal and conscientious employee of the City of Columbus since March 25, 1968, and

Whereas, it is the sense of this Council additional sick leave should be granted, with the understanding upon his return to duty, Mr. Bodenheimer will pay back from sick leave earned in the future as many days sick leave as advanced at this time, and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Street Maintenance and Repair, in that such leave should be granted immediately to insure payment of the regular salary of said employee, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus: Section 1. That an additional thirty (30) days sick leave with pay, or so much thereof as may be needed, be and the same is hereby granted to Don V. Bodenheimer, Land Map Supervisor in the Division of Street Maintenance and Repair, retroactive and effective as of July 22, 1974.

Section 2. That payment of salary under provisions of Section 1 hereof be and the same is hereby authorized from Maintenance and Repair No. 0265 Fund, Department 650, Code 101.

Section 3. 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.

Passed July 29, 1974. M. D. PORTMAN, President of Council. Approved July 29, 1974. TOM MOODY, Mayor. Attest: HELEN M. VAN HEYDE, City Clerk.

ORD. No. 1350-74--To vacate the alley west of Kelton Avenue, from Mound Street to McCarty Alley; and to declare an emergency.

Whereas, petition, signed by the owner of all lots and lands abutting upon the alley west of Kelton Avenue, from Mound Street to McCarty Alley, was duly presented to this Council, praying for and consenting to the vacation of the alley, between the points named, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacation as prayed for in said petition, that it will not be detrimental to the general interests and ought to be made, and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Street Maintenance and Repair, in that such vacation should be authorized immediately to permit construction of the school facilities, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the alley west of Kelton Avenue, extending from the north line of East Mound Street to the south line of McCarty Alley, be and the same is hereby vacated.

Section 2. That the City of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the City, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alley hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

Section 3. 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.

Passed July 29, 1974.

M. D. PORTMAN,
President of Council.

Approved July 29, 1974.
TOM MOODY, Mayor.

Attest:
HELEN M. VAN HEYDE, City Clerk.

✓ **ORD. No. 1351-74**—To vacate the second alley east of Sunbury Avenue and the first alley north of Fifth Avenue, between specified limits; and to declare an emergency.

Whereas, petition, signed by the owner of all lots and lands abutting upon the second alley east of Sunbury Avenue, second alley north of the alley north of Fifth Avenue, and the first alley north of Fifth Avenue, from the first alley east of Sunbury Avenue to the second alley east of Sunbury Avenue, was duly presented to this Council, praying for and consenting to the vacation of the alleys, between the points named, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacations as prayed for in said petition, that they will not be detrimental to the general interests and ought to be made, and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Street Maintenance and Repair, in that such vacations should be authorized immediately to permit construction of the school facilities, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the second alley east of Sunbury Avenue, extending from the north line of Fifth Avenue to the south line of the first alley north of Fifth Avenue, and first alley north of Fifth Avenue, extending from the east line of the first alley east of Sunbury Avenue to the east line of the second alley east of Sunbury Avenue, be and the same are hereby vacated.

Section 2. That the City of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the City, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alleys hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

Section 3. 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.

Passed July 29, 1974.

M. D. PORTMAN,
President of Council.

Approved July 29, 1974.
TOM MOODY, Mayor.

Attest:
HELEN M. VAN HEYDE, City Clerk.

✓ **ORD. No. 1352-74**—To vacate the alley north of Myrtle Avenue and Linden Park Drive, between specified limits; and to declare an emergency.

Whereas, petition, signed by the owners of all lots and lands abutting upon the alley north of Myrtle Avenue, from Linden Park Drive to Dresden Street, and Linden Park Drive, from Myrtle Avenue to Arlington Avenue, was duly presented to this Council, praying for and consenting to the vacation of the alley and street, between the points named, and

Whereas, Council, upon hearing, is satisfied that there is good cause for such vacations as prayed for in said petition, that they will not be detrimental to the general interests and ought to be made, and

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Street Maintenance and Repair, in that such vacations should be authorized immediately to permit construction of the school facilities, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the alley north of Myrtle Avenue, extending from the east line of Linden Park Drive to the west line of Dresden Street; and Linden Park Drive, extending from the north line of Myrtle Avenue to the south line of Arlington Avenue, be and the same are hereby vacated.

Section 2. That the City of Columbus reserves the right to operate and maintain any and all sewers, water lines and any other public utilities owned by the City, and that the right is reserved to operate and maintain any other public utilities, if any, now existing on or in said alley and street hereby vacated, and shall have the right to enter thereon at any time for the purpose of replacing, operating and maintaining the same.

Section 3. 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.

Passed July 29, 1974.

M. D. PORTMAN,
President of Council.

Approved July 29, 1974.
TOM MOODY, Mayor.

Attest:
HELEN M. VAN HEYDE, City Clerk.

✓ **ORD. No. 1353-74**—To accept the plat of Dedication of Bethel Road and Hayden Road; and to declare an emergency.

Whereas, an emergency exists in the usual daily operation of the Department of Public Service, Division of Engineering and Construction, in that the plat should be accepted immediately, thereby preserving the public health, peace and safety; now, therefore,

Be it ordained by the Council of the City of Columbus:

Section 1. That the plat of Dedication of Bethel Road and Hayden Road, on file in the Office of the City Engineer, Division of Engineering and Construction, situated in the State of Ohio, County of Franklin, in the City of Columbus, and being part of City of Columbus, and being part of Quarter Township 3, Township 2, Range 13, United States Military Lands, also being part of that certain 74.954 acre tract conveyed to Robert L. White Company by deed of record in Deed Book 2628, page 572, and part of that certain 19.0 acre tract conveyed to Banning and Pickett Corp. by deed of record in Deed Book 3394, page 864, each of the aforementioned references being to records of the Recorder's Office of Franklin County, Ohio, and containing 7.862 acres of which 5.256 acres are part of premises shown of record in Deed Book 2628, page 572, and 2.606 acres which is a part of premises of record in Deed Book 3394, page 864, and lying north of Bethel Road and east of Riverside Drive (U.S. 33), be and the same is hereby accepted.

Section 2. That the roads shown thereon and not heretofore dedicated be and the same are hereby dedicated to public use as such, when the plat is recorded.

Section 3. 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.

Passed July 29, 1974.

M. D. PORTMAN,
President of Council.

Approved July 29, 1974.
TOM MOODY, Mayor.

Attest:
HELEN M. VAN HEYDE, City Clerk.

ORD. No. 1354-74—Adopting plans, proposing to cooperate and requesting the Director of Ohio Department of Transportation to proceed with the improvement of FRA-270-0.39S, Fisher Road, County Road No. 22, Section B Part; appropriation \$402,520.37 for the City's portion of cost; showing under C.I.P. Project 650026; and declaring an emergency. (\$402,520.37)

Whereas, at a meeting of the legislative authority of Columbus, Ohio, held in the office of said legislative authority on this

29th day of July, 1974, a quorum being present, the construction of Interstate Route No. 270 and Fisher Road, under the provisions of Chapter 5521, Ohio Revised Code, and Amended Senate Bill 428, Code, and Amended Senate Bill 428, Code, and in accordance with the Ohio Department of Highways Procedure Manual "State Issue No. 1 Funds", came on for further consideration; said portion of highways, as described in the legislation proposing cooperation with the Director of Transportation, enacted on the 7th day of February, 1966 and the 18th day of September, 1972, being as follows:

The improvement of Fisher Road from the Hilliard-Rome Road eastwardly to Phillipi Road, including the structure over Interstate Route No. 270, total length of work being approximately 2.069 miles and more fully shown on Ohio Department of Transportation Plans designated as:

FRA-270-0.39S

Fisher Road
County Road No. 22—Section B Part
Federal Aid Project No. I-270-4(17)93
State Issue No. 1, and

Whereas, in said legislation proposing cooperation, said legislative authority proposed to cooperate with the Director of Transportation in the construction of the above described highways, by assuming the payment of and contributing an amount of money, which is to be applied toward the total cost of said improvement, which amount is determined by and equal to the following:

(1) Five percent (5%) of the cost of preliminary engineering incurred by the State, construction and rights-of-way for those parts of the project approved for participation in Federal Interstate Funds; and

(2) One hundred percent (100%) of the remaining costs of the project.
Construction costs shall include cost of construction, construction engineering, checking of shop drawings, advertising and other legal and contingent expenses. Right-of-way costs shall include costs of property, and rights in property, damage to the residue, relocation assistance and payments and other legal and contingent expenses.

The Director of Transportation notwithstanding the percentage basis of contribution may allocate the money contributed in whatever manner he may deem necessary in financing the cost of construction, rights-of-way, engineering and incidental expenses.

The total share of the cost for the City of Columbus is now estimated in the amount of One Million One Hundred Fifty-One Thousand Five Hundred Six and 00/100 Dollars (\$1,151,506.00), less the lump sum amount of Seven Hundred Forty-eight Thousand, Nine Hundred Eighty-five and 63/100 Dollars (\$748,985.63), available and eligible for participation from State Issue No. 1 Funds, leaving an estimated balance presently due the State from the City in the amount of Four Hundred Two Thousand, Five Hundred Twenty and 37/100 Dollars (\$402,520.37), but said estimated amount is to be adjusted when final actual costs are determined, and

Whereas, the City further resolves:

(1) To make all existing street and public right-of-way within the municipality, which is necessary for the project, available therefor; and

(2) To arrange for the relocation of any other utilities occupying existing street and public way right-of-way, without cost to the State and shall cause such relocations or rearrangements to be done in such manner as not to interfere unduly with the operations of the contractor constructing the project, and all backfilling of trenches made necessary by such utility relocations and rearrangements shall be performed in accordance with the provisions of the Ohio Department of Transportation Construction and Material Specifications and shall be subject to approval by the State; and

(3) That all altered utility installations shall be made in such manner as to be serviced or maintained without access from the through-traffic roadways or ramps; and

(4) To save the State harmless from any and all claims or damages arising from or growing out of utility alteration involved in the project; and

(5) That no traffic control signals will be installed on the through-traffic roadways and ramps of the improvement and