



Legislation Details (With Text)

File #: O-535-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 11/1/2019 **In control:** Public Utilities Department
On agenda: 11/12/2019 **Final action:** 11/12/2019
Title: Authorizing an Agreement with Columbia Gas of Ohio to accept its Right of Way permit fees in bulk, annually, and to settle existing pre-suit claims between the City of Toledo and Columbia Gas of Ohio for various instances of alleged damage to each other's infrastructure within the City's Right of Way; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Audio: Agenda Review 11/6/2019, 2. Audio: City Council November 12, 2019

Date	Ver.	Action By	Action	Result
11/12/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
11/12/2019	1	City Council	declare emergency	Pass
11/12/2019	1	City Council	passage	Pass

Columbia Gas Agreement
Department of Public Utilities
Doug Stephens (x1006)

Authorizing an Agreement with Columbia Gas of Ohio to accept its Right of Way permit fees in bulk, annually, and to settle existing pre-suit claims between the City of Toledo and Columbia Gas of Ohio for various instances of alleged damage to each other's infrastructure within the City's Right of Way; and declaring an emergency.

SUMMARY & BACKGROUND:

This ordinance authorizes entering into an Agreement that performs two functions. The first is to allow Columbia Gas of Ohio to pay for its Right of Way permit fees in bulk, annually, for a five-year term. Columbia Gas of Ohio will still abide by all safety and procedural requirements contained within the Toledo Municipal Code as well as Toledo's Engineering Division's internal practice and procedure guidelines. Columbia Gas of Ohio will pay a lump sum of \$350,000 per year for each year in the five-year term. The second function is to settle existing claims of damage to each other's infrastructure within the Right of Way which will forego the need to litigate a resolution for these claims.

The fiscal impact of this ordinance is as follows:

- The total amount of funds requested: \$0
- The expenditure budget line item: n/a
- New revenue generated (operational revenue, grants, if any): No
- Revenue budget line item (if any): 1001-35000-406440- 5651003STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? : estimated revenue amount is budgeted in the current year

- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? n/a
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) yes
 - o Workplace Culture & Customer Service (yes/no) yes
 - o Environment (yes/no) no

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into an Agreement with Columbia Gas of Ohio that encompasses the terms as outlined, above.

SECTION 2. That the Director of Finance is authorized to deposit \$350,000 in Right of Way permit fees into the General Fund, Account Code 1001-35000-406440- 5651003STDSTD.

SECTION 3. That this Ordinance, being an emergency measure, shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this must be immediately effective in order to receive Columbia Gas of Ohio's fees for 2019 and to effectuate the terms of the Agreement expeditiously.

Vote on emergency clause: yeas 12, nays 0.

Passed: November 12, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

November 12, 2019
Wade Kapszukiewicz
Mayor