




Office of the City Manager
5200 Emerald Parkway • Dublin, OH 43017-1090
Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager 
Date: May 19, 2016
Initiated By: Paul A. Hammersmith, PE, Director of Engineering/City Engineer
Barbara Cox, PE, Engineering Manager
Re: Resolution 31-16 - Authorizing the City Manager to Enter into a Letter of Agreement with Ohio Power Company for the Design and Construction of an AEP Overhead to Underground Relocation Project, in Conjunction with the Crosby Court Business Park Project

Summary

The City of Dublin created the Crosby Court Business Park on City-owned land at the southwest corner of SR 161 and Houchard Roads. American Electric Power (AEP, aka Ohio Power Company) had overhead power lines along the southern right of way of SR 161. The City requested that AEP place these lines underground in the area of the business park (see attached location map). Therefore, the City must reimburse AEP for this work. AEP estimated that the work would cost approximately \$600,000.

Attached is a Letter of Agreement that outlines the terms of the project and reimbursement. This Letter of Agreement has been reviewed by staff (including Legal) and is consistent with previous agreements with AEP for the burial of overhead lines.

Recommendation

Staff recommends approval of Resolution 31-16 to authorize the City Manager to Enter into a Letter of Agreement with Ohio Power Company for the Design and Construction of an AEP Overhead to Underground Relocation Project, in Conjunction with the Crosby Court Business Park Project.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 31-16 Passed _____, 20____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LETTER OF AGREEMENT WITH OHIO POWER COMPANY FOR THE DESIGN AND CONSTRUCTION OF AN AEP OVERHEAD TO UNDERGROUND RELOCATION PROJECT, IN CONJUNCTION WITH THE CROSBY COURT BUSINESS PARK PROJECT

WHEREAS, the City of developed the Crosby Court Business Park to provide developable properties in the West Innovation District; and

WHEREAS, the City of Dublin has worked closely with AEP on design and construction drawings to bury the overhead power lines that are located along the southern right of way of SR 161 in the area of Crosby Court Business Park; and

WHEREAS, Dublin has agreed to reimburse AEP to bury the overhead power lines along the frontage of Crosby Court Business Park.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, _____ of its elected members concurring, that:

Section 1. The City Manager is hereby authorized to enter into a Letter of Agreement with the Ohio Power Company for the reimbursement of the portion of the cost of the total project to relocate the overhead power lines located along the frontage of the Crosby Court Business Park, which is located within the City of Dublin, in substantially the same form as attached, with changes not inconsistent with the Resolution and not substantially adverse to the City and which shall be approved by the City Manager and Director of Finance. The approval of changes thereto by those officials, and their character as not being substantially adverse to the City, shall be evidenced conclusively by their execution thereof.

Section 2. The City Manager, the Clerk of Council, the Director of Law, the Director of Finance, or other appropriate officers of the City are hereby authorized to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution. The City Manager and the Director of Finance are also authorized, for and in the name of the City, to execute any amendments to the Letter of Agreement, which amendments are not inconsistent with the Resolution and not substantially adverse to this City.

Section 3. This Resolution shall take effect upon adoption in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____, 2016.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

Letter of Agreement

This Letter of Agreement is entered into as of May ____, 2016 (the "Effective Date"), between Ohio Power Company, an Ohio corporation ("AEP Ohio") and the City Of Dublin, Ohio, a political subdivision of the State of Ohio (the "City").

Background Information

- A. The City has awarded contracts to Stantec, Inc. and George J. Igel Construction Company (the "City Contractors") to design and construct Crosby Court Project (the "Project").
- B. The City requested AEP Ohio lower the overhead electric facilities to underground facilities. AEP Ohio contracted with Danbert, Inc. (the "AEP Ohio Contractor") to install the duct bank along the southern right of way of SR 161 from Houchard Road to a point approximately XXXX feet to the west (as depicted on the attached Exhibit A)(the "AEP Work").
- C. The estimated cost of the AEP Work is \$600,000 (the "AEP Work Cost").
- D. The City acknowledges that it shall be responsible for the AEP Work Cost.
- E. The parties hereto desire to set forth the terms upon which the City will reimburse AEP Ohio the AEP Work Cost.

Statement of Agreement

The parties hereto acknowledge the accuracy of the above background information and agree as follows:

1. The Project. AEP Ohio shall proceed with AEP Work, pursuant to their plans and specifications. The City shall pay AEP Ohio all expenses associated with the AEP Work, upon AEP Ohio's presentation of all invoices and proof of payment of such invoices that are associated with the AEP Work. The City shall reimburse AEP Ohio for all payments made by AEP Ohio that are associated with the AEP Work within thirty (30) days of receipt of such invoices.
2. Supervision of Contractors. The City shall supervise the City Contractors pursuant to the Project contracts with such City Contractors. AEP Ohio shall supervise the AEP Ohio Contractor pursuant to the AEP Work contracts with such AEP Ohio Contractor.
3. Contractor Warranties. No warranty assignments or transfers will be made.

4. Cost Overruns. The City shall not be responsible for any expenses related to the AEP Ohio Work that exceed \$600,000, unless the City pre-approves such cost increase in writing, executed by the parties hereto and makes reference to this Letter of Agreement.

5. Insurance. The Parties to this Agreement shall have in effect sufficient insurance to cover the work and activities contemplated by this Letter of Agreement.

6. Jurisdiction. This Letter of Agreement shall be governed by the laws of Ohio. Any disputes arising herein shall be adjudicated at the Court of Common Pleas of Franklin County, Ohio.

This Letter of Agreement is accepted by the parties hereto and executed as of the date set forth above.

OHIO POWER COMPANY

By: _____ Date: _____

Title: _____

CITY OF DUBLIN, OHIO

By: _____ Date: _____
City Manager

APPROVED AS TO FORM

By: _____
Law Director

*Location of Overhead to
Underground Burial of
Electric Lines*

*Crosby Court
Business Park*

AEP Substation

Jerome Twp
SR 161



HOUCHARD RD

FISHEL DR N

COSGRAY RD

Washington Twp

FISHEL DR S

*Resolution 31-16
Location Map for Letter of Agreement with AEP
at Crosby Court Business Park*

COSGR