

CITY OF OBERLIN, OHIO

ORDINANCE NO. 17- 34 AC CMS

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF OBERLIN AND DUNROBIN ASSOCIATES, LLC FOR RIGHT-OF-WAY ACQUISITION SERVICES FOR THE CITY OF OBERLIN SAFE ROUTES TO SCHOOL PROGRAM, OHIO DEPARTMENT OF TRANSPORTATION PID 90937 AND DECLARING AN EMERGENCY

WHEREAS, by Ordinance 10-74 AC CMS, enacted on October 18, 2010, Oberlin City Council authorized the City Administration to apply to the Ohio Department of Transportation for Safe Routes to School funding and, if approved, to enter into a contract with the Ohio Department of Transportation to complete the project; and

WHEREAS, by letter dated March 11, 2011, the Ohio Department of Transportation announced the City's Safe Routes to School project award in the amount of \$445,581; and

WHEREAS, the Ohio Department of Transportation subsequently contracted with the M-E/IBI Group to prepare engineering plans and specifications for the project; and

WHEREAS, the M-E/IBI Group has completed the required plans and specifications and, in so doing, has determined that it is necessary to acquire permanent right-of-way and temporary right-of-way in order to construct the project; and

WHEREAS, the City of Oberlin Public Works Department has completed an ODOT-approved qualification-based selection process to identify Dunrobin Associates, LLC as the preferred consultant to provide said Right-of-Way Acquisition services in accordance with the requirements of the Uniform Relocation Act; and

WHEREAS, the Ohio Department of Transportation has prepared Agreement No. 19682 between Dunrobin Associates, LLC and the City of Oberlin, a copy being attached hereto and incorporated herein by reference; and

WHEREAS, in the course of completing said Right-of-Way Acquisition services, , ownership of a single parcel transferred three times, necessitating Dunrobin Associates, LLC repeat efforts on behalf of the City to acquire said parcel; and

WHEREAS, said additional work has been necessary to properly complete said right-of-way acquisitions services, the necessity for such additional work could not have been foreseen prior to commencement of said services, and that the cost of such additional work will not exceed \$4,900.00.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the Public Works Director is hereby authorized and directed to execute an amendment to said Agreement 19682 between Dunrobin Associates, LLC and the City of Oberlin for Right-of-Way Acquisition services in the form attached hereto and incorporated herein as Exhibit "A".

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

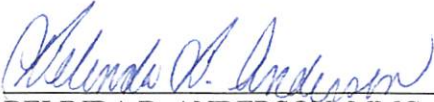
SECTION 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to authorize said Amendment to allow for timely payment for work completed in the timely acquisition of the necessary rights-of-way required for the Safe Routes to School project which will expedite the public safety by providing safe, active transportation options for school children and all pedestrians”, and shall take effect immediately upon passage.

PASSED: 1st Reading: July 3, 2017 (E)

2nd Reading: _____

3rd Reading: _____

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


RONNIE J. RIMBERT
PRESIDENT OF COUNCIL

POSTED: 07/04/2017

EFFECTIVE DATE: 07/03/2017

I Belinda B. Anderson, the duly appointed, qualified and acting Clerk of Council, for said City of Oberlin of Lorain County, Ohio, do hereby certify that the foregoing ordinance is a true and correct copy of Ordinance No. 17-34 AC CMS, and its attachment adopted in a Regular Meeting of the Oberlin City Council, held on July 3rd, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Seal:


BELINDA B. ANDERSON, OBERLIN CLERK OF COUNCIL

ORIGINAL

CITY OF OBERLIN
69 SOUTH MAIN STREET
OBERLIN, OHIO 44074

L. Beth Sutherland
Dunrobin Associates, LLC
10132 Kenwood Road
Cincinnati, Ohio 45242

Re: Modification (19682_1)
D03 SRTS Oberlin Inf.
PID No. 90937
Federal Project No. E110(771)
(Right of Way Acquisition Services and Project Management)

Dear Ms. Sutherland:

Reference is made to your proposal letter dated April 26, 2017, requesting compensation for the additional services required for Right of Way Acquisition Services and Project Management.

The City agrees that additional services are required and further agrees that this Modification represents an adjustment of prime compensation for an increase of Four Thousand, Nine Hundred Dollars (\$4,900.00), allocated to the following work items:

<u>Item</u>	<u>Maximum Fee</u>
Part 1: Right of Way Acquisition Services and Project Management	\$4,900.00

Now, therefore, Clause III - Prime Compensation of the Prime Agreement, is modified to read as follows:

"Part 1: Right of Way Acquisition Services.

Unit of Work Compensation per parcel as established on Attachment A and Attachment B. The maximum prime compensation shall not exceed Seventy-Two Thousand Nine Hundred Forty-Eight Dollars (\$72,948.00).

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Seventy-Two Thousand Nine Hundred Forty-Eight Dollars (\$72,948.00).

ORIGINAL

L. Beth Sutherland
Re: Modification (19682_1)
D03 SRTS Oberlin Inv.
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The following documents, or specified portions thereof, are hereby incorporated into and made a part of this Modification as though expressly rewritten herein:

- (a) The attached Attachment A and Attachment B for per parcel Unit of Work Compensation.

The total maximum prime compensation of all Parts which may be authorized for the subject Agreement is Seventy-Two Thousand, Nine Hundred Forty-Eight Dollars (\$72,948.00).

If your firm accepts this Modification and agrees that the aforementioned compensation shall constitute full compensation for the provision of the professional services proposed herein, and further agrees that all other terms and provisions of the prime Agreement, not in conflict herewith, shall remain unaltered and in full force and effect, please sign this letter-modification and return to the City.

Any person executing this Modification in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this Modification on such principal's behalf.

Additionally, it is expressly understood by the parties that none of the rights, duties and obligations described in this Modification shall be binding on either party until such time as the expenditure of funds is certified by the Director of Budget and Management, pursuant to Section 126.07 of the Ohio Revised Code.

IN WITNESS WHEREOF, the parties hereto have caused this Modification to be executed as of the day and year first above written by affixing the signature of the duly authorized officer of Consultant and the signature of the Public Works Director.

Your authorization to proceed shall be given by separate letter.

Respectfully,



Jeff Baumann
Public Works Director

7-5-2017

APPROVED AS TO FORM:

By: 

Title: CITY OF OBERLIN LAND DIRECTOR

RW ACQUISITION SERVICES COST PROPOSAL

Company Name: Dunrobin Associates, LLC

District: 3

Date: November 3, 2015

PID NO.: 90937

Task No.:

Project CRS: LOR D03-SRTS - City of Oberlin

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management for Title Researches, Appraisal, Appraisal Review	parcel	19	\$250.00	\$4,750.00
SECTION SUBTOTAL				\$4,750.00
2. Appraisal				
a. RE 95 Preparation	parcel			\$0.00
b. Summary R/W Appraisal (RE 25-17)	parcel			\$0.00
c. Limited Scope Summary Appraisal (RE 25-17)	parcel			\$0.00
d. Value Finding (RE 90)	parcel			\$0.00
e. Value Analysis	parcel	19	\$575.00	\$10,925.00
f. Project Data Book	parcel			\$0.00
SECTION SUBTOTAL				\$10,925.00
3. Appraisal Review				
a. Summary R/W Appraisal (RE 25-16)	parcel			\$0.00
b. Limited Scope Summary Appraisal (RE 25-16)	parcel			\$0.00
c. Value Finding (RE 25-14)	parcel			\$0.00
d. Value Analysis (RE 25-13)	parcel			\$0.00
e. USPAP Review (RE 25-12)	parcel			\$0.00
f. Parcel Impact Note	parcel			\$0.00
g. Appraisal Problem Analysis	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
4. Title Researches				
a. Abbreviated Titles	parcel	19	\$450.00	\$8,550.00
b. Full Title (42 year)	parcel			\$0.00
c. Title Update	parcel	5	\$150.00	\$750.00
SECTION SUBTOTAL				\$9,300.00

Attachment A

SECTION TOTAL	\$24,975.00
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Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Project Management for Negotiations, Closings	parcel	19	\$250.00	\$4,750.00
SECTION SUBTOTAL				\$4,750.00
6. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel	19	\$1,500.00	\$28,500.00
b. Bill of Sale Negotiation	Per BS Parcel	0		\$0.00
c. Negotiation Trainee	parcel	0		\$0.00
SECTION SUBTOTAL				\$28,500.00
7 Closings				
a. Mail Out	parcel			\$0.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel	19	\$425.00	\$8,075.00
c. Formal - structure parcels	parcel			\$0.00
d. Title Update for Appropriation	parcel			\$0.00
e. Mortgage Release	per release			\$0.00
SECTION SUBTOTAL				\$8,075.00
8. Relocation Assistance Services				
a. Project Management for Relocation/Relocation Review	parcel			\$0.00
b. Residential offer made	parcel			\$0.00
c. Residential final billing	parcel			\$0.00
d. Commercial Offer made	parcel			\$0.00
e. Commercial final billing	parcel			\$0.00
f. Personal Property final billing	parcel			\$0.00
g. Pre-Acquisition Survey/Interview	parcel			\$0.00
h. Pre-Acquisition Report	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
9. Relocation Review				
a. Residential Review	parcel			\$0.00
b. Commercial Review	parcel			\$0.00

Attachment A

c. Personal Property Review	parcel			\$0.00
SECTION SUBTOTAL				\$0.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
10. Asbestos				
a. Collection	parcel			\$0.00
b. Testing	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
11. Miscellaneous				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations	parcel			\$0.00
c. Property Management	parcel			\$0.00
d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel	19	recording fees = \$988 copy cost = \$760	\$1,748.00
f. R/W Cost Estimate (RE-101)	parcel			\$0.00
SECTION SUBTOTAL				\$1,748.00
SECTION TOTAL				\$43,073.00
GRAND TOTAL				\$68,048.00

Attachment B
RW ACQUISITION SERVICES COST PROPOSAL

Company Name: Dunrobin Associates, LLC

District: 3

Date: April 26, 2017

PID NO.: 90937

Task No.:

Project CRS: LOR D03-SRTS - City of Oberlin

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
1. Project Management for Title Researches, Appraisal, Appraisal Review	parcel	2	\$250.00	\$500.00
SECTION SUBTOTAL				\$500.00
2. Appraisal				
a. RE 95 Preparation	parcel			\$0.00
b. Summary R/W Appraisal (RE 25-17)	parcel			\$0.00
c. Limited Scope Summary Appraisal (RE 25-17)	parcel			\$0.00
d. Value Finding (RE 90)	parcel			\$0.00
e. Value Analysis	parcel			\$0.00
f. Project Data Book	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
3. Appraisal Review				
a. Summary R/W Appraisal (RE 25-16)	parcel			\$0.00
b. Limited Scope Summary Appraisal (RE 25-16)	parcel			\$0.00
c. Value Finding (RE 25-14)	parcel			\$0.00
d. Value Analysis (RE 25-13)	parcel			\$0.00
e. USPAP Review (RE 25-12)	parcel			\$0.00
f. Parcel Impact Note	parcel			\$0.00
g. Appraisal Problem Analysis	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
4. Title Researches				
a. Abbreviated Titles	parcel	2	\$450.00	\$900.00
b. Full Title (42 year)	parcel			\$0.00
c. Title Update	parcel			\$0.00
SECTION SUBTOTAL				\$900.00

SECTION TOTAL	\$1,400.00
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Table split for Federal Authorization for Right of Way Acquisition

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
5. Project Management for Negotiations, Closings	parcel	2	\$250.00	\$500.00
SECTION SUBTOTAL				\$500.00
6. Negotiation				
a. Negotiation (includes letters, packets, negotiations, billings, document preparation, plan revision coordination, etc.)	parcel	2	\$1,500.00	\$3,000.00
b. Bill of Sale Negotiation	Per BS Parcel			\$0.00
c. Negotiation Trainee	parcel			\$0.00
SECTION SUBTOTAL				\$3,000.00
7 Closings				
a. Mail Out	parcel			\$0.00
b. Formal (includes forms RE 30, 31, 44, 45 & 57 and etc.)	parcel			\$0.00
c. Formal - structure parcels	parcel			\$0.00
d. Title Update for Appropriation	parcel			\$0.00
e. Mortgage Release	per release			\$0.00
SECTION SUBTOTAL				\$0.00
8. Relocation Assistance Services				
a. Project Management for Relocation/Relocation Review	parcel			\$0.00
b. Residential offer made	parcel			\$0.00
c. Residential final billing	parcel			\$0.00
d. Commercial Offer made	parcel			\$0.00
e. Commercial final billing	parcel			\$0.00
f. Personal Property final billing	parcel			\$0.00
g. Pre-Acquisition Survey/Interview	parcel			\$0.00
h. Pre-Acquisition Report	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
9. Relocation Review				
a. Residential Review	parcel			\$0.00
b. Commercial Review	parcel			\$0.00

Attachment B

c. Personal Property Review	parcel			\$0.00
SECTION SUBTOTAL				\$0.00

Pay Item	Type of Unit	No. of Units	Fee Per Unit	Total Amount
10. Asbestos				
a. Collection	parcel			\$0.00
b. Testing	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
11. Miscellaneous				
a. Red Books	parcel			\$0.00
b. Meetings and Testimony for appropriations	parcel			\$0.00
c. Property Management	parcel			\$0.00
d. Specialty Appraisal Studies (Parking, Rent, Architectural etc.)	parcel			\$0.00
e. Copies and Recording fees (reimbursable based on actual cost for Titles and Closings - receipts necessary)	parcel			\$0.00
f. R/W Cost Estimate (RE-101)	parcel			\$0.00
SECTION SUBTOTAL				\$0.00
SECTION TOTAL				\$3,500.00
GRAND TOTAL				\$4,900.00

Dunrobin Associates, LLC
Re: Modification (19682_1)
D03 SRTS Oberlin Inf.
PID No. 90937

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ACCEPTANCE

The undersigned, Dunrobin Associates, LLC, does hereby approve and accept the proposed terms of this Modification as set forth in the foregoing letter.

IN WITNESS WHEREOF, I have hereunto affixed my own signature, as a duly authorized member of said firm, this 15th day of JUNE, 20 17.

DUNROBIN ASSOCIATES, LLC

By: J Butcher
Title: Managing Member