



## Legislation Details (With Text)

**File #:** 2513-2021      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/27/2021      **In control:** Recreation & Parks Committee

**On agenda:** 11/15/2021      **Final action:** 11/17/2021

**Title:** To authorize the Director of Recreation and Parks to grant a permanent no-build easement, valued at \$90,000.00, and temporary construction easement, valued at \$25,788.00, at Italian Village Park to Parkside on Pearl, LLC; to authorize the Director of Recreation and Parks to enter into a Maintenance Agreement with the Italian Village Society, to authorize the City Auditor, on behalf of the Recreation and Parks Department, to create a new subfund within the City's Special Purpose Fund to account for funds received exclusively for enhancements to Italian Village Park; to authorize the total of \$115,788.00 due for the value of the easements to be deposited into the new subfund being created by this ordinance; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
11/17/2021	1	ACTING CITY CLERK	Attest	
11/16/2021	1	MAYOR	Signed	
11/15/2021	1	COUNCIL PRESIDENT	Signed	
11/15/2021	1	Columbus City Council	Approved	Pass

**Background:** This ordinance authorizes the Director of the Recreation and Parks Department to grant a permanent no-build easement and temporary construction easement at Italian Village Park to Parkside on Pearl, LLC. This ordinance also authorizes the Director of Recreation and Parks to enter into a Maintenance Agreement with the Italian Village Society and authorizes the City Auditor, on behalf of the Recreation and Parks Department, to create a new subfund within the City's Special Purpose Fund to account for funds received exclusively for enhancements to Italian Village Park.

The No-Build Easement is a perpetual easement to be utilized by Parkside on Pearl, LLC for the exclusive purpose of maintaining a twenty (20) foot no-build buffer zone required for fire separation between the new Parkside on Pearl building and other structures. The Parkside on Pearl Project is proposed for development by Parkside on Pearl, LLC at 39 East Hubbard Avenue, currently a surface lot on private property immediately west of Italian Village Park. The project is to be built up to the lot line bordering Italian Village Park. Ohio Building Code 705.5, for Fire-Resistance Ratings, requires a fire protection buffer between buildings. The project, as currently proposed, cannot meet Code unless the City of Columbus, as the adjacent property owner, grants a No-Build Easement for a .074 acre buffer area that is twenty feet in width, running the length of the western park border. This area totals 3,223 square feet of park space. The easement restricts both the City, as grantor, and Parkside on Pearl LLC from building any structures regulated by Ohio Building Code within the easement. The easement also includes canopy encroachment rights for an aerial roof projection of no greater than four (4) feet into the Easement Area, to be approximately one hundred sixty-eight (168) feet long and located approximately eighty-seven and a half (87.5) feet above the surface of the Easement Area (the "Roof").

The temporary easement on the same .074 acre buffer area will be for two years from the start of construction, allowing

for access in order to construct the new residential and/or office building on the adjacent property. The easement includes adherence to a restoration plan that addresses impacts on Italian Village Park and returns the area to pre-construction condition or better. The project is set to begin construction in late 2021 to early 2022. The project is proposed as a nine story mixed-use commercial building with rental units, a fitness center for tenants, office space, and parking.

This ordinance also authorizes the City Auditor, on behalf of the Recreation and Parks Department, to create a new subfund within the City's Special Purpose Fund to account for funds received exclusively for enhancements to Italian Village Park. The new subfund will be called "Recreation and Parks - Italian Village Park" and shall be used exclusively for future improvements in Italian Village Park. The No-Build Easement is valued at \$90,000.00 and the Temporary Construction Easement is valued at \$25,788.00. In total, \$115,788.00 will be deposited into the new subfund. The fee for the No-Build Easement will be due at the time Council passes the ordinance. The fee for the Temporary Construction Easement will be due upon recording of the easement with the Franklin County Recorder's Office. These funds will be used for the purchase of future supplies, services, and construction in conjunction with capital projects and maintenance obligations solely benefiting Italian Village Park.

The ordinance also authorizes the Director of Recreation and Parks Department to enter into a Maintenance Agreement with the Italian Village Society (IVS) which will allow IVS to assist in additional Maintenance Obligations at Italian Village Park and to be reimbursed, pending written preapproval, for those direct expenses, from the Recreation and Parks - Italian Village Park Subfund. A maximum amount of \$30,000.00, over the term of the Maintenance Agreement, will be made available for these Maintenance Obligations. The Italian Village Society is a nonprofit, volunteer-led community organization representing residents and businesses in Italian Village. The Maintenance Agreement authorized by this ordinance will formalize the partnership between Columbus Recreation and Parks and Italian Village Society to allow IVS to assist with certain maintenance obligations above and beyond Recreation and Parks level of service for Neighborhood Parks. The Maintenance Agreement shall be in force for a period of 5 years and may be extended on a year to year basis at the mutual agreement of both parties.

**Principal Parties:**

Parkside on Pearl, LLC  
11 Buttles Avenue  
Columbus, Ohio 43215  
Mark Wood, mwood@woodcompanies.com

Italian Village Society  
31 East 5<sup>th</sup> Avenue, Columbus, Ohio 43201  
Jenny Frankart, President, jenny@frankartfilm.com

**Emergency Justification:** Emergency action is requested in order to immediately authorize the necessary easements so that construction for the Parkside on Pearl Project can advance on schedule as future improvements to Italian Village Park will depend on the temporary construction easement area being restored and reopened.

**Benefits to the Public:** Once temporary construction access is completed and the site is restored, residents will benefit from the improved park amenities and ongoing enhancements made possible through the funds received and the Maintenance Agreement with Italian Village Society.

**Community Input/Issues:** Columbus Recreation and Parks Department engaged with the surrounding community and local stakeholders to solicit feedback, address concerns, and validate public benefit throughout 2021. Input was solicited at Italian Village Society membership meetings, from the Italian Village Commission, and from the community at large.

**Area(s) Affected:** Italian Village (47)

**Master Plan Relation:** This project will support the Recreation and Parks Master Plan's by meeting a system-wide strategy of working with neighborhood groups to improve and maintain parks

**Fiscal Impact:** Utilizing the City's Special Purpose Fund will provide the best means for properly tracking and accounting for revenue and expenditures. In total, \$115,788.00 will be deposited into the new subfund once Council passes this ordinance, the new subfund is established, and these fees are paid by Parkside on Pearl, LLC.

To authorize the Director of Recreation and Parks to grant a permanent no-build easement, valued at \$90,000.00, and temporary construction easement, valued at \$25,788.00, at Italian Village Park to Parkside on Pearl, LLC; to authorize the Director of Recreation and Parks to enter into a Maintenance Agreement with the Italian Village Society, to authorize the City Auditor, on behalf of the Recreation and Parks Department, to create a new subfund within the City's Special Purpose Fund to account for funds received exclusively for enhancements to Italian Village Park; to authorize the total of \$115,788.00 due for the value of the easements to be deposited into the new subfund being created by this ordinance; and to declare an emergency. (\$0.00)

**WHEREAS**, it is necessary to authorize the Director of Recreation and Parks to grant a permanent no-build easement, valued at \$90,000.00, and temporary construction easement, valued at \$25,788.00, at Italian Village Park to Parkside on Pearl, LLC.; and

**WHEREAS**, it is necessary to authorize the Director of Recreation and Parks to enter into a Maintenance Agreement with the Italian Village Society; and

**WHEREAS**, there is a need to create a new subfund within the City's Special Purpose Fund to account for funds received and expended exclusively for enhancements to Italian Village Park; and

**WHEREAS**, an emergency exists in the usual daily operation of the Recreation and Parks Department in that it is immediately necessary to authorize the necessary easements so that construction for the Parkside on Pearl Project can advance on schedule as future improvements to Italian Village Park will depend on the temporary construction easement area being restored and reopened, all for the preservation of public health, peace, property, safety and welfare; **NOW, THEREFORE**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Recreation and Parks is hereby authorized to grant a permanent no-build easement and temporary construction easement at Italian Village Park to Parkside on Pearl, LLC. The No-Build Easement is valued at \$90,000.00 and the Temporary Construction Easement is valued at \$25,788.00. In total, \$115,788.00 will be deposited into the new subfund being created by this ordinance. The fee for the No-Build Easement will be due at the time Council passes the ordinance. The fee for the Temporary Construction Easement will be due upon recording of the easement with the Franklin County Recorder's Office. These funds will be used for the purchase of future supplies, services, and construction in conjunction with capital projects and maintenance obligations solely benefiting Italian Village Park.

**SECTION 2.** That the Director of Recreation and Parks is hereby authorized to enter into a Maintenance Agreement with the Italian Village Society.

**SECTION 3.** That the City Auditor, on behalf of the Recreation and Parks Department, is hereby authorized to establish a subfund within the City's Special Purpose Fund 2223, titled "Recreation and Parks - Italian Village Park" in order to properly track and account for the fiscal activities of revenue received for enhancements to Italian Village Park.

**SECTION 4.** Any such future deposits as the City may receive are hereby deemed to be appropriated, and the City Auditor is hereby authorized to pay such amounts thereof, in accordance with payments made toward the City's Special Purpose Fund 2223.

**SECTION 5.** That the City Auditor is hereby authorized to transfer the unencumbered balance in a fund to the unallocated balance account within the same fund upon receipt of certification by the Director of the Department

administering said fund that the fund has been completed and the monies are no longer required for said fund; except that no transfer shall be so made from a fund funded by monies from more than one source.

**SECTION 6.** That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this legislation.

**SECTION 7.** 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.