

MEMORANDUM OF UNDERSTANDING
CITY OF COLUMBUS, OHIO, a municipal corporation, and
QUARRY HOMEOWNERS' ASSOCIATION, INC. an Ohio nonprofit corporation

Background

In 2003 the Department of Recreation & Parks determined that the "wetlands" adjacent to the "Quarry on the Scioto Subdivision" on Griggs Reservoir is a high quality wetland that ranks among the most valued wetland ecosystems in Ohio. This wetland supports endangered and threatened plant species, provides valuable wildlife habitat, and protects water quality. In order to preserve the quality of this natural system, all paths, structures and other man-made impacts upon such wetlands must be removed in accordance with Columbus City Code §921.202 A(2). Therefore, all previously permitted paths and boat docks within the wetlands shall be removed.

General Understanding

As an accommodation for those people whose paths and floating boat docks must be removed from the wetlands, the City will allow relocation of a limited number of floating boat docks into a 'designated area' immediately north of said 'wetlands', said area being identified on the plat attached hereto. The "Quarry Homeowners' Association, Inc." ("Association") may provide, for the use of "Association" members only, a common floating boat dock with multiple slips. "Association" members who had acceptable and permitted floating boat docks within the 'wetlands' during the 2004 boating season, may relocate their individual floating boat docks to an assigned location in the new area immediately north of the 'wetlands'. Such previously permitted 2004 floating boat docks will be allowed to stay in the relocated area for up to ten (10) years, or until 2014, whichever comes first, after which time the owner(s)/member(s) shall remove such floating boat docks from City reservoir property. Subject to the application process and permit rules and regulations, the right to keep and maintain a previously permitted 2004 floating boat dock until 2014 shall be transferable to subsequent homeowners/"Association" members.

In addition, there are three Quarry on the Scioto Subdivision properties, specifically 6527, 6535, and 6541 Quarry Lane, that are outside the 'wetlands' and therefore the owner-members are eligible to make application for individual floating boat docks. Such members may make application for individual docks or participate in the "Association's" common boat dock, however, an aggregate of no more than fifteen (15) boat slips shall be available for all "Association" members, including members with privately permitted floating boat docks.

For those "Association" members whose boating interests lean toward smaller vessels that do not require docks, the "Association" may install one boat rack provided it fits within an area approved by the Recreation & Parks Department, and no trees may be removed to accommodate the rack. The boat rack may be constructed to hold canoes, kayaks, or rowing shells. The rack with boats may not exceed thirty feet (30') in length, ten feet (10') in width with boats, and six feet (6') in height, without boats.

The "Association" shall be solely responsible and liable for maintenance of the common boat dock and boat rack. The "Association" shall fairly manage the use and distribution of boat dock slip among its members, and shall allow only one boat slip per household/property. There shall be no subleasing of boat slips. The "Association" shall annually provide the City with the names of members assigned boat slip along with copies of the members' current Ohio Boat registration.

Insurance Requirements

The “Association”, for its members utilizing the common boat dock, shall annually provide the City with an insurance policy naming the City of Columbus as an additional insured covering the following specifications:

The Columbus Recreation and Parks Department requires all boat dock applicants under an agreement with, in partnership with, or under permit of the City to carry public liability insurance naming the City of Columbus, Ohio as an additional insured. The policy must provide \$1,000,000 of insurance for general aggregate liability losses, personal injury, property damage, and medical expenses. The coverage shall be written on a per occurrence basis, and include all times that the applicant will be on the City property. The \$1,000,000 is a minimum amount of coverage, and the City reserves the absolute right to require additional reasonable coverage that it deems necessary.

The applicant, not the agent, must submit a copy of the Certificate of Insurance along with the permit, agreement, or other instrument of permission or application. The City contact person must be notified immediately if any insurance policy cancelled. Multiple year policies must be confirmed annually.

In addition to the aforementioned insurance, the “Association” agrees that it shall save harmless and indemnify the City of Columbus, Ohio, from any liability associated with the herein permitted activities, and it shall comply with any and all laws, rules, and regulations of the City, as the same may be applicable to such permitted activities.

Boat Club Lease Agreement

The “Association” shall enter into a boat club lease agreement with the City. The “Association” boat club lease agreement shall be consistent with other City authorized boat clubs, including reasonable rent payment, insurance, conditions, and terms. The first lease shall be for a period of three one-year terms, with the option to renew for a similar period. The lease agreement may be reviewed and revised by the City at the end of any term.

Use Of Reservoir Property

The City, Department of Recreation & Parks, shall designate the location of the access path across City owned reservoir property, the boat rack location, and location of the common floating boat dock, and no other access point or use shall be permitted. The adjacent wetland immediately south of the boat club area shall not be used as an access point into the boat club area. The City of Columbus was willing to negotiate an access easement for the “Association” with adjacent property owners, but such efforts were halted at the request of the “Association”. Therefore, it is and shall remain the responsibility of the “Association” to obtain an easement or permission to cross private property to access the designated boat club area for a land route.

Existing Wetlands Encroachments

“Association” members who presently have boat docks, paths, structures, or any personal property encroaching upon the ‘wetlands’ shall have until June 1, 2005 to remove same. Any private encroachments into the wetlands remaining after said date shall be deemed abandoned property and may be removed and destroyed by the City as part of the ‘wetlands’ restoration under Columbus City Code Chapter 921.

It is the City's intent to provide a wetlands mitigation plan by June 30, 2005 and make every effort to bring said wetlands into compliance shortly thereafter, pending approval of date by applicable State and Federal agencies.

The "Association" has been advised and fully understands that this memo is the basis from which the 'boat club lease agreement' springs and that if this memo is not signed and acknowledged by June 1, 2005, then no floating boat dock permits will be issued except for those properties that are independently eligible to make application for such permits.

The applicable specifics of this memorandum of understanding may be incorporated into the boat club lease agreement. The City reserves the absolute right to terminate this understanding with or without cause upon 180 days written notice to the "Association".

The Quarry Homeowners' Association, Inc., by its duly authorized officer, has hereunto caused this Memorandum Of Understanding to be signed this ____ day of _____ 2005.

QUARRY HOMEOWNERS' ASSOCIATION, INC.

an Ohio non-profit corporation

Print Name: _____

Title: _____

The City of Columbus, Ohio, has hereunto caused this Memorandum Of Understanding to be signed by the following:

CITY OF COLUMBUS, OHIO

a municipal corporation

Wayne A. Roberts, Executive Director

Department of Recreation & Parks

Date: _____

Cheryl Roberto, Director

Department of Public Utilities

Date: _____

This instrument prepared by:

CITY OF COLUMBUS, DEPARTMENT OF LAW

By: Richard A. Pieplow(3/16/05) final(12-15-05)

Real Estate Attorney

Real Estate Division

For: Departments of Public Utilities and Recreation & Parks

Re: Quarry on the Scioto Subdivision