



## Legislation Details (With Text)

**File #:** 2270-2023      **Version:** 1

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

**File created:** 7/19/2023      **In control:** Finance Committee

**On agenda:** 7/31/2023      **Final action:** 8/2/2023

**Title:** To authorize the Director of the Department of Finance and Management to execute a Fifth Amendment to Lease Agreement with KA Restaurant Concepts LLC to reduce the rent during the period of the construction project to replace the Scioto Mile Fountain; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
8/2/2023	1	ACTING CITY CLERK	Attest	
8/2/2023	1	MAYOR	Signed	
7/31/2023	1	COUNCIL PRESIDENT	Signed	
7/31/2023	1	Columbus City Council	Approved	Pass

**Background:** The closing of the Scioto Mile Fountain and the construction of the new fountain and park amenities at Bicentennial Park has negatively effected the operation of the Milestone 229 restaurant, located adjacent to the Fountain. The closing of the Fountain and the construction activity have contributed to a significant reduction in the number of guests visiting the restaurant. The following legislation authorizes the Director of the Department of Finance and Management, to execute a Fifth Amendment to Lease Agreement necessary to grant KA Restaurant Concepts LLC a reduction in rent for its Milestone 229 restaurant during the period of this construction project to support the continued operation of the restaurant as part of the amenities of Bicentennial Park..

**Fiscal Impact:** The City’s rental income will be reduced during the term of the construction that is presently estimated to be completed by June 1, 2024.

**Emergency Action:** This legislation is presented as emergency in order for the rent reduction to be effective at the earliest date possible to support the continued operation of the restaurant as part of the amenities of Bicentennial Park.

To authorize the Director of the Department of Finance and Management to execute a Fifth Amendment to Lease Agreement with KA Restaurant Concepts LLC to reduce the rent during the period of the construction project to replace the Scioto Mile Fountain; and to declare an emergency.

**WHEREAS,** the City is the owner of certain real property, commonly known as Bicentennial Park, containing a restaurant facility located at 229 Civic Center Drive; and

**WHEREAS,** the City leases the restaurant facility to KA Restaurant Concepts, LLC by that Lease Agreement effective January 1, 2020; and

**WHEREAS,** the closing of the Scioto Mile Fountain and the construction of the new fountain and park amenities at

Bicentennial Park has significantly reduced the number of guests patronizing the restaurant; and

**WHEREAS**, it is in the best interest of the City to grant a reduction in rent to KA Restaurant Concepts, LLC during the term of the construction project to help offset the reduction in revenue due to the loss of guest traffic; and

**WHEREAS**, an emergency exists in the usual daily operation of the City in that it is immediately necessary to authorize the Director of Finance and Management to enter into a Fifth Amendment to Lease Agreement by and between the City of Columbus and KA Restaurant Concepts, LLC to immediately provide for a reduction in rent for the term of the Scioto Fountain construction project to support the continued operation of the restaurant as part of the amenities of Bicentennial Park and for the immediate preservation of the 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 the Department of Finance be, and hereby is, authorized to execute those documents necessary to enter into a Fifth Amendment to Lease Agreement by and between the City of Columbus and KA Restaurant Concepts, LLC for the restaurant facility located in Bicentennial Park at 229 Civic Center Drive.

**SECTION 2.** That the terms and conditions of the Fifth Amendment to Lease Agreement shall be in a form approved by the Department of Law, Division of Real Estate.

**SECTION 3.** 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.