



Legislation Details (With Text)

File #: 1452-2023 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 5/9/2023 **In control:** Public Utilities Committee
On agenda: 6/26/2023 **Final action:** 6/28/2023

Title: To authorize the Director of the Department of Public Utilities to modify an existing utility cooperative agreement among the City of Columbus, the Marble Cliff Quarry Community Authority, and the Marble Cliff Canyon, LLC to update the utility service boundaries, and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Utility Cooperative Agreement 2020-05-01, 2. Marble Cliff Quarry utility coop ag modification

Date	Ver.	Action By	Action	Result
6/28/2023	1	CITY CLERK	Attest	
6/27/2023	1	MAYOR	Signed	
6/26/2023	1	COUNCIL PRESIDENT	Signed	
6/26/2023	1	Columbus City Council	Approved	Pass

BACKGROUND: This legislation authorizes the Director of Public Utilities to modify the Marble Cliff Quarry Cooperative Agreement. The City of Columbus, the Marble Cliff Quarry Community Authority (the “Authority”) and the Marble Cliff Canyon, LLC (the “Developer”), pursuant to Ordinance No. 3095-2019, entered into the Marble Cliff Quarry Utility Cooperative Agreement (the “Agreement”) on May 1, 2020. This agreement set forth the cooperative arrangements for water and sewer service to certain real property comprising the Authority’s new community district (the “NCD”).

Additional area was added to the New Community Authority by the passage of Resolution No. 0227X-2022 to include Quarry Trails Metro Park properties, causing the need for the modification; therefore it is necessary to modify the Agreement to adjust the boundaries as delineated on Exhibit A to align with the modified boundaries of the Authority’s New Community District.

EMERGENCY DESIGNATION: This ordinance is being submitted as an emergency in order to avoid delays in park facility services that are contingent upon the boundary adjustment.

FISCAL IMPACT: Not applicable

To authorize the Director of the Department of Public Utilities to modify an existing utility cooperative agreement among the City of Columbus, the Marble Cliff Quarry Community Authority, and the Marble Cliff Canyon, LLC to update the utility service boundaries, and to declare an emergency. (\$0.00)

WHEREAS, the City of Columbus, Department of Public Utilities, the Marble Cliff Quarry Community Authority (the “Authority”) and the Marble Cliff Canyon, LLC (the “Developer”), entered into the original Marble Cliff Quarry Cooperative Agreement on May 1, 2020, pursuant to Ordinance No. 3095-2019; and

WHEREAS, additional area was added to the New Community Authority by the passage of Resolution No. 0227X-2022 to include Quarry Trails Metro Park properties, causing the need for the modification to the Agreement to adjust the boundaries as delineated on Exhibit A to align with the modified boundaries of the Authority's New Community District; and

WHEREAS, it is further understood and agreed by and between the City of Columbus, Ohio, the Marble Cliff Quarry Community Authority (the "Authority") and the Marble Cliff Canyon, LLC (the "Developer"), that as to all other sections under the existing utility cooperative agreement entered into on May 1, 2020, the covenants, provisions, terms and conditions thereof shall be binding, and the only purpose of this modification of contract is to adjust the boundaries as delineated on Exhibit A; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities, in that it is immediately necessary to authorize the Director of Public Utilities to modify an existing utility cooperative agreement with the Marble Cliff Quarry Community Authority (the "Authority") and the Marble Cliff Canyon, LLC (the "Developer"), to avoid delays in providing water and sewer services to park facilities that are contingent upon the boundary adjustment all 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 Public Utilities is authorized to modify the existing utility cooperative agreement entered into on May 1, 2020 between the City of Columbus, Ohio, the Marble Cliff Quarry Community Authority (the "Authority") and the Marble Cliff Canyon, LLC (the "Developer"), and to update the existing boundaries to align with the modified boundaries of the Authority's New Community District.

SECTION 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this Ordinance is 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.