



Legislation Details (With Text)

File #: 1462-2009 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/23/2009 **In control:** Finance & Economic Development Committee

On agenda: 11/2/2009 **Final action:** 11/4/2009

Title: To authorize the Director of the Department of Finance and Management to execute a second amendment to the Sale/Lease Agreement with the County Commissioners of Franklin County for the property located 2460 and 2655 Jackson Pike; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/4/2009	1	CITY CLERK	Attest	
11/3/2009	1	MAYOR	Signed	
11/2/2009	1	Columbus City Council	Approved	Pass
11/2/2009	1	COUNCIL PRESIDENT	Signed	
10/23/2009	1	Finance Drafter	Sent for Approval	
10/23/2009	1	Atty Reviewer	Reviewed and Approved	
10/23/2009	1	Finance Drafter	Sent for Approval	
10/23/2009	1	Finance Reviewer	Reviewed and Approved	
10/23/2009	1	FINANCE DIRECTOR	Reviewed and Approved	
10/23/2009	1	Finance Drafter	Sent for Approval	
10/23/2009	1	CITY ATTORNEY	Reviewed and Approved	
10/23/2009	1	Finance Drafter	Sent to Clerk's Office for Council	

Background: In September 1981, the City entered into a certain Sale/Lease Agreement with the County Commissioners of Franklin County, Ohio ("County") and as amended September 24, 1985, Addendum to Sale/Lease Agreement as approved by Council Ordinance Nos. 2002-81 and 2573-83 respectively, for the purchase of the City's buildings and personal property known as the Men's Workhouse located at 2460 Jackson Pike and the Women's Correctional Institute located at 2655 Jackson Pike and for the lease of the land under these buildings, for use by Franklin County as correctional facilities. The Sale/Lease Agreement did not provide a specific provision to allow for the sublease of the property. As the City and County wished to modify sale/lease terms, to allow for a sublease of the property and to clarify other terms in the Sale/Lease Agreement, the parties have agreed to enter into a second modification of the agreement.

Fiscal Impact: There is no cost to the City for this amendment.

To authorize the Director of the Department of Finance and Management to execute a second amendment to the Sale/Lease Agreement with the County Commissioners of Franklin County for the property located 2460 and 2655 Jackson Pike; and to declare an emergency.

WHEREAS, the City desires to enter into a second amendment to a certain sale/lease agreement with the County Commissioners of Franklin County, Ohio to allow for the sublease of that certain real property located at 2460 and 2655 Jackson Pike, Columbus Ohio; and

WHEREAS, the second amendment to the sale/lease agreement will contain a provision to allow the County to sublease the property with the City's consent as defined in the second amendment and to clarify that the City retains certain mining and mineral rights to the real property;

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary to authorize the Director of the Department of Finance and Management to execute those documents necessary to enter into a "Second Amendment to Sale/Lease Agreement" by and between the City and the County to allow for the sublease of the property for the purpose of housing prisoners in a diversion program and other correctional facilities activities thereby preserving the public health, peace, property and safety; now, therefore:

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

SECTION 1. That the the Director of the Department of Finance and Management is hereby authorized to execute those documents approved by the Department of Law, Division of Real Estate, necessary to enter into a second amendment of a sales/lease agreement by and between the City of Columbus, Ohio and the County Commissioners of Franklin County, Ohio for the real property located at 2460 and 2655 Jackson Pike, Columbus, Ohio 43215.

SECTION 2. That the terms and conditions of the second amendment shall be in a form approved by the City Attorney's office and shall include the following terms:

- a) The sales/lease agreement shall be modified to allow for subleasing of the property, subject to the approval of the Director of Finance and Management.
- b) The sales/lease agreement shall be modified to clarify that the City retains certain mining and mineral rights to the real property, including but not limited to, rights to the oil, gas and mineral resources underlying the land for the purposes of exacting oil, gas and mineral resources, provided such exactions shall not otherwise interfere with the County's use.
- c) Such other terms and conditions as are required and/or approved by the City Attorney's Office.

SECTION 3. That for the reasons state 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 its passage if the Mayor neither approves nor vetoes the same.