



Legislation Details (With Text)

File #: 0483-2005 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 3/1/2005 **In control:** Safety Committee

On agenda: 4/11/2005 **Final action:** 4/13/2005

Title: To authorize the Mayor to execute the First Amendment to the Lease Agreement between the City of Columbus and the State of Ohio, acting through the Ohio Cultural Facilities Commission, for the lease of the property formerly known as Central High School, and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. COSI -First Amendment to Agrmt w changes clean3-2-05.rev. 1.pdf

Date	Ver.	Action By	Action	Result
4/13/2005	1	ACTING CITY CLERK	Attest	
4/12/2005	1	ACTING MAYOR	Signed	
4/11/2005	1	Columbus City Council	Approved	Pass
4/11/2005	1	Columbus City Council	Taken from the Table	Pass
4/11/2005	1	COUNCIL PRESIDENT	Signed	
4/4/2005	1	Columbus City Council	Tabled to Certain Date	Pass
4/4/2005	1	Columbus City Council	Taken from the Table	Pass
3/21/2005	1	Columbus City Council	Tabled to Certain Date	Pass
3/3/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
3/3/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
3/2/2005	1	CITY ATTORNEY	Reviewed and Approved	
3/2/2005	1	Atty Drafter	Sent to Clerk's Office for Council	
3/1/2005	1	Atty Drafter	Sent for Approval	
3/1/2005	1	Atty Reviewer	Reviewed and Approved	
3/1/2005	1	Atty Drafter	Sent for Approval	

Background: In 1995, the City and the State of Ohio, acting through the Ohio Arts and Sports Facilities Commission, now known as the Ohio Cultural Facilities Commission ("OCFC") entered into a lease agreement for the property formerly known as Central High School for the purpose of operating a museum of science and industry. Subsequently, OCFC entered into an Funding and Management Agreement with COSI-Columbus to operate and maintain the museum. COSI-Columbus is desirous of renting excess space available in the building for the uses other than but related to a public museum of science and industry. In order to permit such uses it is necessary to amend the lease agreement with OCFC to permit additional uses as meet the definition of an "cultural facility" under Chapter 3383 of the Ohio Revised Code and as may be consented to by the Mayor. The current lease requires a Council ordinance to approve any additional uses. In addition, OCFC has requested some additional lease changes which will eliminate the necessity of obtaining the consent of the Mayor for any alterations or improvement requiring consent only where the improvement involves structural alterations in excess of \$50,000.00. OCFC has also requested the elimination of a 90 day prior notice of lease termination if the Funding

and Management Agreement is terminated.

Fiscal Impact: None

Emergency Justification: COSI-Columbus has a proposed arrangement with WOSU to locate its production facilities in the building. In order to meet the planned timeframes for commencement of Operations by WOSU it is necessary for this ordinance to take effect immediately after passage and approval by the Mayor.

To authorize the Mayor to execute the First Amendment to the Lease Agreement between the City of Columbus and the State of Ohio, acting through the Ohio Cultural Facilities Commission, for the lease of the property formerly known as Central High School, and to declare an emergency.

WHEREAS, on September 15, 1995, pursuant to Ordinance No. 1491-94, the City and the State of Ohio, acting by and through the Ohio Arts and Sports Facilities Commission, now known as the Ohio Cultural Facilities Commission, ("OCFC"), entered into a long term lease for the property formerly known as Central High School; and

WHEREAS, the Lease Agreement (the "Agreement"), provided that the OCFC would incorporate the existing school structure into a new building to house a science and industry museum; and

WHEREAS, OCFC subsequently entered into an Funding and Management Agreement (the "Management Agreement") with COSI Building Development & Financial Resources Corporation ("CBD") to construct, operate and maintain a public museum of science and industry; and

WHEREAS, the Franklin County Historical Society d/b/a COSI ("COSI") as successor to CBD by merger assumed all obligations of CBD under the Management Agreement and

WHEREAS, there is currently unused space in the building which could be rented to other entities to defer some of the expense of maintaining the building; and

WHEREAS, in order to permit COSI and OCFC to utilize the lease premises efficiently, it is necessary to expand the permitted uses under the Agreement as long as the use meets the definition of a cultural facility under Chapter 3383 of the Ohio Revised Code and to make other adjustment to the Agreement; and

WHEREAS, an emergency exists in the usual daily operation of the Office of the Mayor in that it is immediately necessary to authorize the Mayor to execute a First Amendment to Lease Agreement thereby preserving 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 Mayor is hereby authorized to execute a First Amendment to Lease Agreement in substantially the form as on file with the City Clerk at the time of passage of this ordinance.

Section 2. 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 its passage if the Mayor neither approves nor vetoes the same.