



Legislation Details (With Text)

File #: 0148-2011 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 1/20/2011 **In control:** Recreation & Parks Committee

On agenda: 2/14/2011 **Final action:** 2/16/2011

Title: To accept 22.80 +/- acres of real property donated to the City of Columbus by Janet Anderson Trustee, Janet Anderson, and Anderson Farms LTD, LLC, an Ohio limited liability company, collectively; to authorize the Director of Recreation and Parks to execute an Agreement Regarding Real Estate Taxes with Schottenstein Homes, LLC, an Ohio Limited Liability Company; to place additional restrictive/environmental covenants on the property in order to preserve its natural environmental value; and to declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Anderson Farms Legals Exhibit A 20110119160738907.pdf, 2. General Warranty 201101130007382.tif, 3. General Warranty Deed 2.tif

Date	Ver.	Action By	Action	Result
2/16/2011	1	CITY CLERK	Attest	
2/15/2011	1	MAYOR	Signed	
2/14/2011	1	Columbus City Council	Approved	Pass
2/14/2011	1	COUNCIL PRESIDENT	Signed	
2/4/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
2/3/2011	1	CITY ATTORNEY	Reviewed and Approved	
2/2/2011	1	Atty Drafter	Sent for Approval	
2/2/2011	1	Atty Reviewer	Reviewed and Approved	
2/2/2011	1	Atty Drafter	Sent for Approval	
1/27/2011	1	REC & PARKS DIRECTOR	Reviewed and Approved	
1/27/2011	1	Rec & Parks Drafter	Sent for Approval	
1/20/2011	1	Atty Drafter	Sent for Approval	

Janet Anderson Trustee, Janet Anderson, and Anderson Farms LTD, LLC, an Ohio limited liability company, collectively as the owner and grantor of approximately 22.8 +/- acres of real property, located in the vicinity of Roberts Road and Alton-Darby Road, desire to donate the land to the City of Columbus, Ohio, Department of Recreation and Parks ("City") to be restored and preserved as parkland and an aquatic ecosystem resource. The City proposes to accept the property with additional environmental covenants necessary to restore and preserve its natural environment value, topography and wetlands pursuant to requirements the Ohio EPA associated with the Clover Groff Stream Restoration project. As a term of the conveyance, the City and Schottenstein Homes, LLC, an Ohio limited liability company, will enter into a Tax Agreement wherein Schottenstein Homes, LLC will be responsible for all tax liabilities associated with the property through the tax year of 2010. It has been determined by the Recreation and Parks Department to be in the City's best interest to accept the donated property. The following legislation authorizes acceptance of title to the donated real property on behalf of the City, and authorizes the Director of Recreation and Parks to execute those documents relating to the allocation of taxes for the property and the placing of additional restrictive/environmental covenants on the property in

order preserve its natural environmental value.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested as not to delay the acceptance, restoration and preservation of the donated property's natural environment value an aquatic ecosystem resource.

To accept 22.80 +/- acres of real property donated to the City of Columbus by Janet Anderson Trustee, Janet Anderson, and Anderson Farms LTD, LLC, an Ohio limited liability company, collectively; to authorize the Director of Recreation and Parks to execute an Agreement Regarding Real Estate Taxes with Schottenstein Homes, LLC, an Ohio Limited Liability Company; to place additional restrictive/environmental covenants on the property in order to preserve its natural environmental value; and to declare an emergency.

WHEREAS, Janet Anderson Trustee, Janet Anderson, and Anderson Farms LTD, LLC, an Ohio limited liability company, collectively as the owner and grantor of approximately 22.8 +/- acres of real property, located in the vicinity of Roberts Road and Alton-Darby Road, desire to donate the land to the City of Columbus, Ohio, Department of Recreation and Parks ("City") to be restored and preserved as parkland and an aquatic ecosystem resource; and

WHEREAS, the City proposes to accept the property with additional environmental covenants necessary to restore and preserve its natural environment value, topography and wetlands pursuant to requirements the Ohio EPA associated with the Clover Groff Stream Restoration project; and

WHEREAS, as a term of the conveyance, the City and Schottenstein Homes, LLC, an Ohio limited liability company, will enter into a Tax Agreement, wherein Schottenstein Homes, LLC, will be responsible for all tax liabilities associated with the property through tax year 2010; and

WHEREAS, it has been determined by the Recreation and Parks Department to be in the City's best interest to accept the donated property; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, Ohio, in that it is immediately necessary to accept the donated real property, as fully described in the body of this legislation; to authorize the Director of the Department of Recreation and Parks to execute an Agreement regarding Real Estate Taxes between the City and the Schottenstein Homes, LLC, an Ohio limited liability company; and to authorize the Director of the Department of Recreation and Parks to place restrictive/environmental covenants on the accepted real property, as approved by the Department of Law, Real Estate Division, for the immediate preservation of the public health, peace, property and safety: **NOW, THEREFORE**

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

Section 1. That the Director of Recreations and Parks, on behalf of the City of Columbus, Ohio, hereby accepts the following described real property, as donated to the City of Columbus, Ohio by Janet Anderson Trustee, Janet Anderson, and Anderson Farms LTD, LLC, an Ohio limited liability company, collectively, by a General Warranty deed substantially similar to the attached, to be used for parkland and conservation of an aquatic ecosystem resource:

*(SEE LEGAL DESCRIPTIONS ATTACHED HERETO
AS EXHIBIT "A" AND MADE A PART HEREOF)

Section 2. That the Director of the Department of Recreation and Parks be, and hereby is, authorized to execute those documents necessary to enter into an "Agreement Regarding Real Estate Taxes, with the Schottenstein Homes, LLC, an Ohio Limited Liability Company as prepared and/or approved by the Department of Law, Division of Real Estate, allocating the payment of real property taxes.

Section 3. That the Director of the Department of Recreation and Parks be and hereby is authorized to execute a Environmental Covenant and/or Restrictive Covenant, as approved by the Real Estate Division, Department of Law, by and between the City of Columbus, Ohio and the Ohio EPA, for that real property as described in "Section 1." of the body of this ordinance, located in Franklin County, State of Ohio, which was conveyed to the City of Columbus through Instrument Numbers 201101130007384 and 201101130007382, Recorder's Office, Franklin County, State of Ohio:

Section 4. 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 10 days after its passage if the Mayor neither approves nor vetoes the same.