



## Legislation Details (With Text)

**File #:** 2034-2013      **Version:** 1

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

**File created:** 8/21/2013      **In control:** Recreation & Parks Committee

**On agenda:** 9/16/2013      **Final action:** 9/19/2013

**Title:** To authorize the Director of the Recreation and Parks Department to execute and enter into a 99-year lease agreement which is forever renewable, a Memorandum of Understanding, and any ancillary documents between the Franklin County Metropolitan Park District and/or Camp Chase Railroad Company, as needed to extend the City’s public multi-purpose trail system; to authorize the expenditure of \$510,000.00 for costs related to acquiring the lease from the Recreation and Parks Voted Bond Fund; and to declare an emergency (\$510,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
9/19/2013	1	ACTING CITY CLERK	Attest	
9/18/2013	1	MAYOR	Signed	
9/16/2013	1	COUNCIL PRESIDENT	Signed	
9/16/2013	1	Columbus City Council	Approved	Pass

**BACKGROUND:**

On March 20, 2009, the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District (“Metro-Parks”), a park district organized under Ohio Revised Code, Chapter 1545, acquired perpetual easements from the Camp Chase Railroad Company (“Camp Chase”), an Ohio corporation, as described and recorded in Instrument Number 200904130051766, Recorder’s Office, Franklin County, Ohio, and Official Record Book 247, Page 221, Recorder’s Office, Madison County, Ohio, for the purpose of constructing a public multi-purpose trail running eastward from Lilly Chapel, Ohio, to approximately the intersection of Sullivant Avenue and Georgesville Road, in Franklin County, Ohio.

The City of Columbus, Ohio, which is acting through its Recreation and Parks Department (“City”), Metro-Parks, and Camp Chase (collectively, “Parties”), desires to extend the multi-purpose trail further eastward as close as reasonably possible to the City’s existing trail system in the general area of Eureka Avenue. In order for the Parties to extend the multi-purpose trail, Metro-Parks entered into an option agreement with Camp Chase on October 1, 2012, giving Metro-Parks the right to acquire additional perpetual easement rights from Camp Chase.

The City and Metro-Parks subsequently signed a Memorandum of Understanding (“MOU”) on October 5, 2012, which contemplates the City paying the costs associated with Metro-Parks acquiring the additional perpetual easement from Camp Chase, in exchange for Metro-Park’s leasing its easement rights to the City, pursuant to 99-year lease, renewable forever.

Therefore, this legislation authorizes: the Director of the Recreation and Parks Department to execute and enter into a 99-year lease agreement, renewable forever, a MOU, and any ancillary documents between the Parties as needed to extend

the multi-purpose trail; and the transfer and expend up to \$510,000.00 for costs related to acquiring the lease.

**FISCAL IMPACT:** \$510,000.00 contingent on August 20, 2013 bond sale; Recreation and Parks Voted Bond Fund.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to provide for the immediate acquisition of real property interests necessary for the extension of the City's public multi-purpose trail system, which will preserve the public health, peace, property, and safety.

To authorize the Director of the Recreation and Parks Department to execute and enter into a 99-year lease agreement which is forever renewable, a Memorandum of Understanding, and any ancillary documents between the Franklin County Metropolitan Park District and/or Camp Chase Railroad Company, as needed to extend the City's public multi-purpose trail system; to authorize the expenditure of \$510,000.00 for costs related to acquiring the lease from the Recreation and Parks Voted Bond Fund; and to declare an emergency (\$510,000.00)

**WHEREAS**, on March 20, 2009, the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District ("Metro-Parks"), a park district organized under Ohio Revised Code, Chapter 1545, whose principle place of business is 1069 West Main Street, Westerville, Ohio 43081, acquired perpetual easements from the Camp Chase Railroad Company ("Camp Chase"), an Ohio corporation, recorded in Instrument Number 200904130051766, Recorder's Office, Franklin County, Ohio, and Official Record Book 247, Page 221, Recorder's Office, Madison County, Ohio, for the purpose of constructing a public multi-purpose trail running eastward from Lilly Chapel, Ohio, to approximately the intersection of Sullivant Avenue and Georgesville Road, in Franklin County, Ohio;

**WHEREAS**, the City of Columbus, Ohio, which is acting through its Recreation and Parks Department ("City"), Metro-Parks, and Camp Chase (collectively, "Parties"), desires to extend the trail further eastward as close as reasonably possible to the City's existing trail system in the general vicinity of Eureka Avenue;

**WHEREAS**, in order for the Parties to extend the multi-purpose trail, Metro-Parks entered into an option agreement with Camp Chase on October 1, 2012, giving Metro-Parks the right to acquire additional perpetual easement rights from Camp Chase;

**WHEREAS**, the City and Metro-Parks subsequently signed a Memorandum of Understanding ("MOU") on October 5, 2012, which contemplates the City paying the costs of Metro-Parks acquiring the additional perpetual easement from Camp Chase, in exchange for Metro-Park's leasing its' easement rights to the City, pursuant to a 99-year lease, renewable forever;

**WHEREAS**, an emergency exists in the usual daily operation of the City, because it is immediately necessary to authorize the Director of the Recreation and Parks Department to execute and enter into a 99-year lease agreement, renewable forever, the MOU, and any ancillary documents between the Parties as needed to extend the City's public multi-purpose trail system; and the transfer and expend \$510,000.00 for costs related to acquiring the lease, which are for the immediate preservation of the public health, peace, property, and safety; and **NOW, THEREFORE:**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**SECTION 1.** On behalf of the City of Columbus, Ohio ("City"), the Director of the Columbus Recreation and Parks Department is authorized to execute those documents necessary to enter into a 99-year lease agreement, renewable forever, between the City and the Board of Park Commissioners of the Columbus and Franklin County Metropolitan Park District ("Metro-Parks"), a park district organized under Ohio Revised Code, Chapter 1545, whose principle place of business is 1069 West Main Street, Westerville, Ohio 43081, and/or Camp Chase Railroad Company, ("Camp Chase") an Ohio corporation, to lease Metro-Park's easement and rights granted therein, to certain portions of real property owned by Camp Chase, for a public multi-purpose trail.

**SECTION 2.** The terms and conditions of the documents necessary for the City to enter into the lease agreement and any renewal lease agreements, or assignment with Metro-Parks and/or Camp Chase are required to be in a form approved by the Columbus City Attorney.

**SECTION 3.** The expenditure of \$510,000.00 for the costs to acquire the lease agreement and any ancillary documents related thereto, or as much as may be necessary, are from the Recreation and Parks Voted Bonds Fund, Fund № 702, Project № 510316-100125, OCA № 716125, Object Level 3, № 6601.

**SECTION 4.** The Columbus City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

**SECTION 5.** The Columbus City Auditor is authorized and directed to transfer any unencumbered balance in the project account to the unallocated balance within the same fund upon receipt of certification by the director of the department administering this project when the project is completed and the monies are no longer required for this project, except that no transfer shall be made from a project account by monies from more than one source.

**SECTION 6.** The Columbus City Auditor is authorized to establish proper project accounting numbers as appropriately needed.

**SECTION 7.** For the reasons stated in this ordinance's preamble, which are made apart of this ordinance, 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 City's Mayor or 10 days after its passage if the City's Mayor neither approves nor vetoes the same.