



Legislation Details (With Text)

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Title: To authorize the Director of Recreation and Parks to enter into agreement and execute a Memorandum of Understanding and a Lease Agreement with the Franklin County Metropolitan Park District for the maintenance of the greenway trail system and to provide safety and security services; and to declare an emergency.

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Attachments: 1. Greenway Lease draft 040710.pdf, 2. Greenway MOU Lease Legislation.pdf, 3. mougreenwayagreement04.01.10.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 5/20/2010 | 1 | CITY CLERK | Attest | |
| 5/19/2010 | 1 | MAYOR | Signed | |
| 5/17/2010 | 1 | Columbus City Council | Approved | Pass |
| 5/17/2010 | 1 | COUNCIL PRESIDENT | Signed | |
| 5/10/2010 | 1 | Rec & Parks Drafter | Sent for Approval | |
| 5/10/2010 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 5/10/2010 | 1 | Rec & Parks Drafter | Sent to Clerk's Office for Council | |
| 5/7/2010 | 1 | Rec & Parks Drafter | Sent for Approval | |
| 5/7/2010 | 1 | REC & PARKS DIRECTOR | Reviewed and Approved | |

As part of the city's cost saving efforts, the Franklin County Metro Parks has agreed to take over the maintenance of the greenway trails within the city of Columbus. As the trail system has grown, it has become a regional system and the maintenance of that system fits within the mission of Metro Parks.

Thus, this legislation allows the city to enter into both a Memorandum of Understanding (MOU) and a lease agreement with Metro Parks. The MOU describes the maintenance of the trails and sections of the trails to be maintained. Maintenance will consist of mowing, trash removal, clearing of debris and underbrush, snow removal and routing repairs. However, the Columbus Recreation and Parks Department (CRPD) will still continue to maintain portions of the trails within specific city parks. The lease agreement, in accordance with state law, allows Metro Parks to patrol the trails utilizing their park rangers. The greenway trails within the MOU and lease agreement include the Olentangy Trail, Scioto Trail, Alum Creek Trail, Blacklick Trail, portions of the I-670 Trail, and the Big Walnut Trail. CRPD and Metro Parks will continue to partner on the development of the trail system and construction of new trails. This legislation is supported by the Mayors office, The CRPD Commission and the Metro Parks Board of Trustees.

Emergency Justification: Legislation should be emergency .

Fiscal Impact: N/A.

To authorize the Director of Recreation and Parks to enter into agreement and execute a Memorandum of Understanding and a Lease Agreement with the Franklin County Metropolitan Park District for the maintenance of the greenway trail system and to provide safety and security services; and to declare an emergency.

WHEREAS, through a successful partnership and the vision of a number of agencies, a regional system of multipurpose trails is being developed in Central Ohio that in time may encompass over 160 miles of regional trails connecting communities, neighborhoods, the downtown area, and other destination points; and

WHEREAS, much of this system will follow riparian corridors including the Olentangy and Scioto Rivers, Blacklick Creek, Alum Creek, Big Darby Creek, Big Walnut Creek, Walnut Creek, Hellbranch Run, and Rocky Fork; and

WHEREAS, these trails will be used to meet public fitness, recreational, and transportation needs and will add to the quality of life for the people of Central Ohio; and

WHEREAS, the City of Columbus Recreation and Parks Department (the "CRPD") and the Columbus and Franklin County Metropolitan Park District (the "Metro Parks") have been instrumental in the development of the trail system within each agency's jurisdiction; and

WHEREAS, it is in the best interest of the citizens of Central Ohio to assign operational responsibilities to a single agency in terms of maintenance and administration of the trail system but at the same time it is further recognized that the success of the greenway trail program is dependent on the continued cooperation between the CRPD and Metro Parks; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Recreation and Parks, in that it is immediately necessary so that the Metro Park can begin maintaining the trails as soon as possible for the immediate preservation of the public health, peace, prosperity and safety; now, therefore

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

Section 1. That the Director of Recreation and Parks be and hereby is authorized to enter into agreement and execute a Memorandum of Understanding and a Lease Agreement with the Franklin County Metropolitan Park District for the maintenance of the greenway trail system and to provide safety and security services.

Section 2. Scope of the Memorandum of Understanding. This MOU covers the following trails and unless specified herein only includes the trail and a reasonable shoulder berm of 10' +/- either side of the pavement of the trail. This MOU does not include private trails connecting private developments to the Greenway Trail System, trails that are internal to either a CRPD park or Metro Park, bike lanes on streets, or bicycle boulevards or non-paved trails that connect to the regional trail system, with the exception of the non-paved sections of the Darby Creek Greenway. Maps of the existing included trails are attached as part of Appendix A to this agreement and include:

- a. Blacklick Greenway Trail
- b. Big Walnut Greenway Trail
- c. Alum Creek Greenway Trail
- d. Scioto River Greenway Trail
- e. Darby Creek Greenway Trail
- f. Olentangy Greenway Trail
- g. I-670 Connector Trail

This MOU is also applicable to future trails that are to be developed as part of the regional greenway system including but not limited to the Walnut Creek Greenway Trail and the Camp Chase Trail. Other trails may be included in this MOU in the future as agreed by both parties and this MOU may be extended to include other jurisdictions that operate trails consistent with the terms outlined in this MOU.

Section 3. Maintenance and Administration Defined. Metro Parks will take on the responsibility to maintain and administer the included trails effective May 1, 2010 consistent with the terms of this MOU. Maintenance includes keeping the trails in repair, mowing and pruning within a reasonable trail corridor, plowing snow in the winter as needed to keep the trails passable, providing adequate signage, and other actions that will aid in the public enjoying these resources. Administration includes patrolling

the trail system with ranger staff, developing a volunteer program to help with visitor usage and maintenance, issuing permits as outlined in Section 9, addressing visitor complaints and concerns, and other related items as well. Details on maintenance and administration follow in Sections 5, 6, 7, and 8.

Section 4. Future Expansion of the Regional Greenway Trail System. Over the next several years the greenway trail system will expand and both the CRPD and Metro Parks will provide capital improvement funding for such expansion with target areas including extension of the Scioto River Greenway Trail both to the north and south, extension of the Big Walnut Greenway Trail, development of additional trails along Walnut Creek and development of the Camp Chase Trail. CRPD capital improvement funds may be used for trail construction and major reconstruction efforts as outlined in the City's Capital Improvement Plan and appropriated annually by Columbus City Council, and is attached as exhibit A. It is understood that these funds are dependent upon numerous factors and are provided only for planning purposes and to demonstrate the continued commitment of the City of Columbus to the Greenway Trail System. Metro Parks will continue to allocate funds in its capital improvement budget on an annual basis to support construction and major renovation efforts as needed. Metro Parks shall also budget appropriate operating funds for personnel and operational needs to keep the trails well-maintained consistent with Metro Parks' standards. Funding for trail construction and major reconstruction by both parties shall continue in years following FY2014 at similar levels until the Greenway Trail System is complete, subject to future appropriations by Columbus City Council .

Section 5. Major Project Definition. In July of each year, representatives of Metro Parks and CRPD will meet and outline a plan for expansion and major improvements for the trail system for the upcoming year. The plan will be contingent upon available funds and will generally focus on projects with a cost in excess of \$100,000. In addition, a five-year plan will be developed and/or updated at that time looking at longer term projects and allowing for fiscal planning.

Section 6. Maintenance and Ongoing Operations. Metro Parks shall be responsible for day-to-day operations and maintenance including mowing of berms, crack sealing and managing trail surfaces, drainage, pruning, litter removal, maintenance of signage, repair of vandalism, and related items. Level of maintenance will be consistent with Metro Parks' Maintenance Standards Manual. In the event of natural disasters or storms, CRPD may assist Metro Parks in attempting to get trails opened as quickly as possible consistent with other priorities.

Section 7. Trail Operations. Trails will be open 365 days a year. For trails that pass through either Metro Parks or a CRPD park, the hours of operation will be consistent with the hours that the parks are open to the public with the exception that "commuters" may utilize the trails for transportation purposes at any time of the day. Greenway trails will not be gated, however access points within CRPD or Metro Park parks may be controlled consistent with the applicable agency's hours of operation. Trails will be plowed in the winter in accordance with other Metro Parks priorities with a goal of plowing being completed within 12 hours after a snowfall event.

Section 8. Trail Volunteer Program. Metro Parks may develop a trail volunteer program to assist in patrolling, maintaining, and providing information and other services to trail users. If a volunteer program is implemented, details of the program will be provided to CRPD.

Section 9. Law Enforcement. In accordance with ORC 1545.131 and ORC 2744, Metro Parks' law enforcement officers appointed under ORC 1545.13 and other park rangers shall have law enforcement jurisdiction on all portions of the trail system subject to this agreement including portions of the trail that are owned or leased by Metro Parks and those portions of the trail managed under this agreement. Metro Parks' officers may enforce Metro Park rules and regulations as adopted by CRPD which shall be in effect for all sections of the trail covered by this MOU and on land owned or leased by Metro Parks and may also enforce applicable sections of the Ohio Revised Code, Wildlife Orders, and Watercraft Laws and other sections of the law that fall within their statutory authority. Metro Parks' officers may also enforce Ohio Revised Code criminal statutes on areas of the CRPD parks that are immediately adjacent to the trails consistent with ORC 1545.13(B). Similarly, Columbus Division of Police Officers shall have jurisdiction on all portions of the Greenway Trail System identified in the Section 1 of this MOU including those portions of the trail system outside of Columbus City limits. Within the trail system, Columbus Police Officers may enforce Metro Parks Rules and Regulations Columbus Police shall continue to regularly patrol the trail system along with other priorities. Metro Parks may contract with City Police Officers for special duty dedicated to patrolling the trails if needed and may also contract with groups such as the Community Crime Patrol to enhance safety and security. Metro Parks and Columbus Division of Police shall maintain a cooperative approach to safety and security on the Greenway Trail System.

Section 10. Special Events. Special event permits shall be issued for proposed activities that interfere with either normal usage of the greenway trails or city parks or Metro Parks through which the trails pass. Event sponsors shall only need to obtain one permit as follows: 1) a determination will be made by whichever agency receives a request for a special event regarding whether

proposed events will have the greatest impact on the applicable park or trail; 2) if a proposed event will have a greater impact on the park involved and the park is a Metro Park, Metro Parks will take the lead on processing the permit request and will obtain input from CRPD prior to making a decision on whether to issue a permit or not; 3) if a proposed event will have a greater impact on the park involved and it is a city park, CRPD will take the lead on processing the permit request and will obtain input from Metro Parks prior to making a decision on whether to issue a permit or not; 4) if the event will primarily impact the trail with only minor impact on a city park that the trail runs through, Metro Parks will take the lead on processing the permit but will coordinate a decision with CRPD; 5) permit fees and other practices will be consistent with the practices of the agency taking the lead on the permit request; and 6) if the event is a major community event that involves multiple agencies beyond CRPD and Metro Parks, applicants may need to obtain permits from both CRPD and Metro Parks.

Section 11. Construction, Building, and Other Permits. In construction and major renovation projects undertaken on the Regional Greenway Trail System, Metro Parks shall obtain applicable City permits on sections of the trails within City limits or on sections of the trail owned by CRPD. In addition, the City shall create a "permit team" of representatives from affected City departments to expedite these permits and the City will further recognize Metro Parks as a political subdivision of the State of Ohio and not as a "private developer" thus escrow accounts, performance bonds, and similar instruments shall not be required of Metro Parks during construction of trail improvements. Permits shall not be unduly delayed nor shall unnecessary burdens be placed on Metro Parks. Metro Parks commits to working cooperatively with the City departments on issues of mutual concern. Permits shall be issued within 30 days of submission unless major issues develop during the plan review process.

Section 12. Recognition of Partnership. As appropriate, signage will be displayed throughout the trail system recognizing the partnership between CRPD and Metro Parks on the Greenway Trail System. Signage shall be consistent with the Central Ohio Greenways Standards developed by MORPC on newly constructed portions of the Greenway Trail System and signage on existing trails will be converted to meet the Central Ohio Greenways Standards as funds and other priorities allow. Metro Parks and/or CRPD may install additional signage as necessary for user orientation and displaying rules and regulations.

Section 13. Cooperation. In addition to the other areas outlined in this agreement, the CRPD and Metro Parks shall cooperate on obtaining grants for expansion and maintenance of the Greenway Trail System. The CRPD and Metro Parks shall cooperate in the event of lawsuits and other complaints from the public.

Section 14. Termination. This MOU may be terminated by either party with 60 days written notice to the other. If termination occurs, management responsibility for sections of the trail will revert to the current trail managing agency prior to the enactment of this MOU.

Section 15. That for 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 passage if the Mayor neither approves nor vetoes the same.