



## Legislation Details (With Text)

**File #:** 0225-2011      **Version:** 1

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

**File created:** 2/2/2011      **In control:** Recreation & Parks Committee

**On agenda:** 2/28/2011      **Final action:** 3/2/2011

**Title:** To authorize the Director of the Recreation and Parks Department to execute those documents, on behalf of the City, necessary to enter into an "Agreement Regarding Lease" by and among the City, Franklin County, the Huntington National Bank, and the Zoo to provide security for a loan to Zoombezi Bay LLC for the construction of a new water slide at Zoombezi Bay Water Park; and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/2/2011	1	MAYOR	Signed	
3/2/2011	1	CITY CLERK	Attest	
2/28/2011	1	Columbus City Council	Approved	Pass
2/28/2011	1	COUNCIL PRESIDENT	Signed	
2/18/2011	1	Atty Drafter	Sent for Approval	
2/18/2011	1	CITY ATTORNEY	Reviewed and Approved	
2/18/2011	1	Atty Drafter	Sent to Clerk's Office for Council	
2/16/2011	1	Rec & Parks Drafter	Sent for Approval	
2/14/2011	1	Atty Reviewer	Reviewed and Approved	
2/14/2011	1	Atty Drafter	Sent for Approval	
2/14/2011	1	Rec & Parks Drafter	Sent for Approval	
2/14/2011	1	REC & PARKS DIRECTOR	Reviewed and Approved	
2/8/2011	1	Atty Drafter	Sent for Approval	

The Columbus Zoological Park Association ("Zoo"), leases land from the City and Franklin County ("County") to operate the Columbus Zoo. The Zoo subleases a portion of that land to Zoombezi Bay LLC ("Zoombezi") for a water park. In 2008, the City entered into an "Agreement Regarding Lease" by and among itself the Franklin County Board of Commissioners ("County"), Huntington National Bank ("Huntington"), and the Zoo, to secure the bank's loan of \$20,000,000.00 to Zoombezi to construct a water park. As part of its operation, the Zoombezi is preparing for the construction of a new water slide. The Huntington has agreed to loan Zoombezi \$2,500,000.00 to fund construction of the slide, contingent upon the City's and County's agreement to secure the bank's loan by entering into an entirely separate, independent second priority leasehold mortgage lien on the sublease agreement. The following legislation authorizes the Director of the Recreation and Parks Department to execute those documents, on behalf of the City, necessary to enter into an "Agreement Regarding Lease" by and among the City, County, Huntington and Zoo to allow for the construction of a new water slide.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested to authorize the immediate execution of the subject agreements as not to delay the construction of the water park's new water slide.

To authorize the Director of the Recreation and Parks Department to execute those documents, on behalf of the City, necessary to enter into an "Agreement Regarding Lease" by and among the City, Franklin County, the Huntington National Bank, and the Zoo to provide security for a loan to Zoombezi Bay LLC for the construction of a new water slide at Zoombezi Bay Water Park; and to declare an emergency.

**WHEREAS**, the Columbus Zoological Park Association ("Zoo"), leases land from the City and Franklin County ("County") to operate the Columbus Zoo; and

**WHEREAS**, the Zoo subleases a portion of that land to Zoombezi Bay LLC ("Zoombezi") for a water park; and

**WHEREAS**, in 2008, the City entered into an "Agreement Regarding Lease" by and among itself the Franklin County Board of Commissioners ("County"), Huntington National Bank ("Huntington"), and the Zoo, to secure the bank's loan of \$20,000,000.00 to Zoombezi to construct a water park; and

**WHEREAS**, as part of its operation, the Zoombezi is preparing for the construction of a new water slide; and

**WHEREAS**, the Huntington has agreed to loan Zoombezi \$2,500,000.00 to fund construction of the slide, contingent upon the City's and County's agreement to secure the bank's loan by entering into an entirely separate, independent second priority leasehold mortgage lien on the sublease agreement; and

**WHEREAS**, the following legislation authorizes the Director of the Recreation and Parks Department to execute those documents, on behalf of the City, necessary to enter into an "Agreement Regarding Lease" by and among the City, County, Huntington and Zoo to allow for the construction of a new water slide; and

**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 Recreation and Parks Department to execute those documents, on behalf of the City, necessary to enter into an "Agreement Regarding Lease" by and among the City, County, Huntington and Zoo, 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 the Recreation and Parks Department be and hereby is authorized to execute those documents, as approved by the Department of Law, Real Estate Division, necessary to enter into an "Agreement Regarding Lease" by and among The Huntington National Bank, The Columbus Zoological Park Association, the Franklin County Board of Commissioners and the City to provide security for a loan to Zoombezi Bay LLC, an Ohio limited liability company for the construction of a new water slide at Zoombezi Bay Water Park.

**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 passage and approval by the Mayor or 10 days after passage if the Mayor neither approves nor vetoes the same.