



Legislation Text

File #: 2868-2016, **Version:** 1

Background: This ordinance authorizes the Director of Recreation and Parks to sign as a holder of an Environmental Covenant on two tracts of property along the Rocky Fork corridor in the far northeast side of the city. The natural areas will be split from a larger parcel to be privately developed into multi-family units. The Covenant Areas possess substantial value in conserving and protecting the physical, biological and chemical integrity of Rocky Fork Creek.

The two Covenant Areas are approximately a 7.506 acre and a 6.667 acre tracts of real property, located at north of State Route 161, east of Hamilton Road and west of Rocky Fork Creek, in Franklin County, Ohio.

The city supports the development of the site, pending the permanent protection of the important natural heritage features under an environmental covenant with the Ohio Environmental Protection Agency.

The private owner has proposed to construct a certain project which will impact certain surface water features located on the Owner's Property and the approvals for which the project requires that the Owner obtain a water quality certification pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341 from the Ohio EPA and Nationwide Permit ("NWP") coverage from the Army Corps of Engineers.

In order to mitigate these impacts on the private development of the property, and as a condition of being issued the 401 water quality certification, Ohio EPA ID No. 144470 (the "401 Certification") and the NWP, the Army Corps and the Ohio EPA have required that the Owner obtain mitigation property and to protect two specific areas of this property in perpetuity with an environmental covenant.

Upon recording of the Environmental Covenants, the owner of the sites will subsequently donate these two tracts of land and additional acreage to the City of Columbus Recreation and Parks Department. The Department will be the perpetual holder of the Environmental Covenant restrictions.

Principal Parties:

Casto Development
250 Civic Center Drive, Columbus, OH 43215
Charlie Fraas 614-227-3485

Emergency Justification: The legislation is requested to be emergency. There is an urgency to convey ownership of these tracts to record the environmental restrictions to be reserved, which is tied to the pending multi-family development project.

Benefits to the Public: Significant public input was involved in the development planning for the site. The surrounding community placed the highest priority on permanent protection of the riparian corridor, wetlands, and native habitat of Rocky Fork. An adjacent city natural area is a locally rare heron rookery, and these parcels are considered key habitat protection sites for wildlife. The protection of water quality is also a primary component of the neighborhood area plan.

Area(s) Affected: Northeast Area (Rocky Fork Creek) Planning Area 4

Master Plan Relation: This project will support the mission of the Recreation and Parks Master Plan by protecting water quality, preservation of critical stream corridor areas, improve access to trails and greenways corridors, and provide safe connections for nearby neighborhoods to the regional trail network.

Fiscal Impact:

To authorize the Director of Recreation and Parks to sign as a holder of an Environmental Covenant on two tracts of property and to accept fee title to certain real property along the Rocky Fork corridor in the far northeast side of the city; and to declare an emergency. (\$0.00)

WHEREAS, it is necessary to authorize and direct the Director of Recreation and Parks to sign as a holder of an Environmental Covenant on two tracts of property and to accept fee title to certain real property along the Rocky Fork corridor in the far northeast side of the city; and

WHEREAS, the city supports the development of the site, pending the permanent protection of the important natural heritage features under an environmental covenant with the Ohio Environmental Protection Agency; and

WHEREAS, upon recording of the Covenants, the owner of the sites will donate these two tracts of land and additional acreage to the City of Columbus Recreation and Parks Department; the Department will be the perpetual holder of the Environmental Covenant restrictions; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Recreation and Parks in that it is immediately necessary to authorize the Director to sign as holder and accept real property in order to environmental restrictions to be reserved, for the public health, safety and welfare; **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 sign as a holder of an Environmental Covenant, as approved by the City Attorney's Office, on two tracts of property and to accept fee title to certain real property along the Rocky Fork corridor in the far northeast side of the city.

SECTION 2. That for the reasons stated in the preamble hereto, which is 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.