



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 2158-2015, **Version:** 1

Background:

The City of Columbus ("City") is the owner of certain real property that collectively is known as the Franklin Park Conservatory, herein after referred to as the Conservatory. The City leases the property to the Franklin Park Conservatory and Botanical Gardens ("Conservatory"). The Conservatory and the Ohio Cultural Facilities Commission ("OCFC") wish to provide for the construction and operation of a new exhibit on the Conservatory premises known as the Barn ("Exhibit"). The Exhibit is to be located on the leased Conservatory property, which is solely owned by the City. The OCFC will support the Exhibit, provided that the City enters into a Non-Disturbance and Estoppel Agreement by and between the OCFC, Conservatory and the City. The agreement proposes to establish certain rights, safeguards, obligations and priorities with respect to all parties' respective interests. The following legislation authorizes the Director of the Department of Recreation and Parks to execute the Non-Disturbance and Estoppel Agreement, after review and approval by the City Attorney's office, on behalf of the City.

Fiscal Impact: N/A

Principal Parties:

Franklin Park Conservatory
Ohio Cultural Facilities Commission

Emergency Justification: Emergency action is requested to allow for the immediate execution of the Non-Disturbance and Estoppel Agreement, as not to delay the resulting improvement to the City owned, Conservatory Leased property.

To Authorize the Director of the Department of Recreation and Parks to execute an Agreement with the Ohio Cultural Facilities Commission and the Franklin Park Conservatory in order to assist the Franklin Park Conservatory in receiving a State Government grant in support of its new Exhibit; and to declare an emergency.

WHEREAS, the City is the owner of certain real property that collectively is known as the Conservatory; and

WHEREAS, the City leases the property to the Franklin Park Conservatory and Botanical Gardens ("FPC"); and

WHEREAS, the FPC and the Ohio Cultural Facilities Commission ("OCFC") wish to provide for the construction and operation of a new exhibit on the Conservatory premises known as the Farm; and

WHEREAS, the new exhibit will be located on Conservatory property, which is solely owned by the City; and

WHEREAS, the OCFC will give a State Government grant to the FPC for the exhibit, provided that the City enters into a Non-Disturbance and Estoppel Agreement by and between the OCFC, the FPC, and the City; and

WHEREAS, the Agreement will be reviewed and approved by the City Attorney's office; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Recreation and Parks in that it is

immediately necessary to authorize the Director to execute a Non-Disturbance and Estoppel Agreement by and between the OCFC, the FPC, and the City to allow the FPC to receive a grant from the Ohio Cultural Facilities Commission in support of its new exhibit, thereby preserving the public health, peace, safety and welfare; now therefore,

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

Section 1. That Director of the Department of Recreation and Parks is hereby authorized to execute a Non-Disturbance and Estoppel Agreement, as reviewed and approved by the City Attorney's office, with the OCFC, the Franklin Park Conservatory (FPC) and Botanical Gardens and the City, to allow the FPC to receive a State Government grant from the Ohio Cultural Facilities Commission in support of its new exhibit to be built on city property known as the Conservatory.

Section 2. That for the reasons stated in the preamble hereto, 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 its passage if the Mayor neither approves nor vetoes the same.