



# City of Columbus

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

## Legislation Text

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**File #:** 0296-2009, **Version:** 1

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**BACKGROUND:** To authorize termination of the restrictive covenants contained in each deed of the two parcels of land known as tax parcels 010-002760 and 010-273419 comprising the existing and future phase of Liberty Place Apartments both being owned by Liberty Place LLC, an Ohio limited liability company. The purpose of the deed restrictions was to require that the parcels only be transferred as a single parcel, notwithstanding that each is identified as a separate and distinct tax parcel. The restriction was necessary to provide compliance with the building code as it would be applied to the developed parcel and the anticipated building permits for the undeveloped parcel. The construction of the second phase of the project has been delayed and the restrictions are not necessary at this time. The lender for the parcel where existing units are located has subsequently required termination of the deed restrictions as a requirement for the project financing. The restriction requires that it shall terminate only upon consent of the City through a duly enacted ordinance of Council.

**Emergency Designation:** Emergency legislation is required so that the project financing will be maintained and be in compliance with the lender's current standards and requirements.

**FISCAL IMPACT:** No funding is required for this legislation.

To authorize Liberty Place LLC, the owners of Liberty Place apartments, to terminate deed restrictions requiring that adjoining parcels be transferred as a single unit; and to declare an emergency.

**WHEREAS,** deed restrictions were placed on the two parcel that comprise Liberty Place apartments which is owned by Liberty Place LLC; and

**WHEREAS,** the deed restrictions were placed on the deeds to require that both parcels be transferred as a single parcel in order to comply with the building code for the development and design plans that were in place at that time; and

**WHEREAS,** the construction of the second phase has been delayed and therefore, applicable building code requirements are unknown as this time; and

**WHEREAS** the owner of the property is in the process of extending the financing of the first phase of the project; and

**WHEREAS,** the lender for Liberty Place apartments has required that a deed restriction placed on the two parcels that comprise the project be terminated; and

**WHEREAS,** the property owner wants to maintain the financing for the first phase of the project which contains the existing units and needs to comply with the requirements in a timely manner; and

**WHEREAS,** pursuant to the deed the restrictions may be terminated only upon consent of the Columbus City Council through a duly enacted ordinance; and

**WHEREAS,** an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to terminate the deed restrictions in that the property owner must comply as quickly as possible in order to maintain the viability of a housing complex in the city of Columbus, thereby preserving the public health, peace, property, safety, and welfare, **and NOW, THEREFORE,**

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

**Section 1.** That consent is given to Liberty Place LLC, an Ohio limited liability company to terminate the deed restrictions on the deeds for tax parcels 010-002760 and 010-273419 requiring that each parcel comprising Liberty Place apartment be transferred as a single parcel.

**Section 2.** That for reasons stated in the preamble hereto, which is hereby made a part thereof, 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.