



Legislation Text

File #: 1620-2009, **Version:** 1

Background: On November 23, 2009 pursuant to Ordinance No. 1504-2009, the City purchased fee title to two tracts of land underlying the city's new parking garage at Front and Rich. The rights of possession to these two tracts belong to Riversouth Holdings under a 99 year, renewable forever, lease which Riversouth purchased from Federated Stores when it bought the Lazarus Building and parking lots. Riversouth Holdings has agreed to assign the lease to the City before the end of calendar year 2009. Assignment of the lease will result in the city owning the property without any other encumbrance and will enable the City to obtain a real estate tax exemption pursuant to Ohio Revised Code Section 717.051 for years beginning 2010.

Fiscal Impact: N/A

Emergency Justification: Emergency action is requested as not to delay the immediate execution of the Assignment and Assumption of Lease Agreement with Riversouth Holdings, LLC and the recording the Assignment before December 31, 2009 in order to allow the filing of the real estate tax exemption for 2010 and subsequent years

To authorize the Director of Finance and Management to execute an Assignment and Assumption of Lease Agreement with Riversouth Holdings, LLC; and to declare an emergency.

WHEREAS, the City purchased fee simple title to two tracts of land for the City's parking garage at Front and Rich Streets; and

WHEREAS, the purchase was subject to a 99 year lease with Riversouth Holdings, LLC as lessee; and

WHEREAS, Riversouth Holdings, LLC has agreed to assign its leasehold interest to the City, thus removing it as encumbrance on the property and permitting the City to file for a tax exemption under Ohio Revised Code Section 717.051; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Finance and Management in that it is necessary to authorize the Director of Finance and Management to execute an Assignment and Assumption of Lease Agreement with Riversouth Holdings, LLC and to record the Assignment before December 31, 2009 in order to allow the filing of the real estate tax exemption for 2010 and subsequent years; now therefore:

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

Section 1. That the Director of Finance and Management be and hereby is authorized to execute an Assignment and Assumption of Lease Agreement with Riversouth Holdings, LCC for the lease of record in the Franklin County Recorder's Office at Instrument No. 200407020154126.

Section 2. That for the reason 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 its passage if the Mayor nether approves nor vetoes the same.