



## Legislation Details (With Text)

**File #:** 1051-2015      **Version:** 1

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

**File created:** 4/10/2015      **In control:** Recreation & Parks Committee

**On agenda:** 4/27/2015      **Final action:** 4/29/2015

**Title:** To authorize the Director of the Recreation and Parks Department to execute any instrument(s), as approved by the City Attorney, necessary to restrict the use of a portion of Rush Run Park pursuant to the previous issuance of a Section 401 Water Quality Certification from the OEPA; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
4/29/2015	1	CITY CLERK	Attest	
4/28/2015	1	MAYOR	Signed	
4/27/2015	1	COUNCIL PRESIDENT	Signed	
4/27/2015	1	Columbus City Council	Approved	Pass

### BACKGROUND :

The City completed the Department of Public Service Hard Road, Phase C Public Project ("Public Project"). The City applied and received a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (OEPA) on May 14, 2003, while completing the Public Project ("Permit"). Pursuant to OEPA's issuance of the Permit, the City is required to place certain use restrictions in the public land records of real property managed by the Columbus Recreation and Parks Department (CRPD) located in the vicinity of Broad Meadows Boulevard, Columbus, Ohio 43085 {Franklin County Tax Parcel № 100-003171}, which is commonly known as the City's Rush Run Park ("Park"). Specifically, under the Permit the City is required to restrict the Park's use to public recreational use and allow the Park to remain in its natural state. Accordingly, this ordinance authorizes the director of CRPD to execute any instrument(s), as approved by the City Attorney, necessary to restrict the Park's use pursuant to the Permit.

**CONTRACT COMPLIANCE № :** Not applicable.

**FISCAL IMPACT :** Not applicable.

**EMERGENCY JUSTIFICATION :** Emergency action is requested so to allow the City to remain in compliance with the Permit, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Recreation and Parks Department to execute any instrument(s), as approved by the City Attorney, necessary to restrict the use of a portion of Rush Run Park pursuant to the previous issuance of a Section 401 Water Quality Certification from the OEPA; and to declare an emergency. (\$0.00)

**WHEREAS** , it is in the City's best interest to authorize the Director of the Recreation and Parks Department to execute any instrument(s) necessary to restrict the use of a portion of Rush Run Park pursuant to the previous issuance of a Section 401 Water Quality Certification from the OEPA (*i.e.* Permit);

**WHEREAS** , it is in the City's best interest for the City Attorney to review and approve of any instrument(s) authorized under this ordinance prior to the execution of any of those instrument(s) by the director of CRPD;

**WHEREAS** , an emergency exists in the usual daily operation of the Recreation and Parks Department, in that it is immediately necessary to authorize the Director to execute the instrument(s) necessary to restrict the use of Rush Run Park ensures the City will be in compliance with the Permit, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore** :

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

**SECTION 1.** The Director of the Recreation and Parks Department (CRPD) is authorized to execute any instrument(s) necessary to restrict the use of a portion of Rush Run Park to public recreational use and allow Rush Run Park to remain in its natural state pursuant to the previous issuance of a Section 401 Water Quality Certification from the Ohio Environmental Protection Agency (OEPA) - (*i.e.* Permit).

**SECTION 2.** The City Attorney is required to review and approve all instrument(s) authorized under this ordinance prior to the execution of any of those instrument(s) by the Director of CRPD.

**SECTION 3.** For the reasons stated in the preamble of this ordinance, which are made a part of this ordinance, this ordinance is declared an emergency measure and shall take effect and be in force from and after this ordinance's passage and approval by the Mayor, or ten (10) days after this ordinance's passage if the Mayor neither approves nor vetoes this ordinance.