



City of Columbus

Office of City Clerk
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columbuscitycouncil.org

Legislation Text

File #: 1366-2015, **Version:** 1

Background: Ordinance 1080-2010, passed by City Council July 12, 2010 and as amended, authorized the Director of the Department of Finance and Management to enter into an Underground Limestone Mining Lease with Columbus Limestone, Inc. (CLI), a subsidiary of Shelly Materials, Inc., for subsurface (underground) mining of limestone and other minerals under that City-owned property, containing approximately 52 acres, located at 2500 Jackson Pike, Columbus Ohio. Exhibit D of the Lease, dated September 22, 2010, contains the Mining Plan approved by the City governing the mining activities for the underground mine.

Recently, during mining activities conducted by CLI under the approved terms of the Lease, certain subsidence incidents occurred that were unanticipated by the parties at the time of execution of the Lease. Mining activity was temporarily suspended to allow for thorough investigation and research to identify solutions and modified procedures to alleviate the probability of future similar occurrences. The identified solutions and modified procedures have been agreed upon by the City and CLI which now require modification of the Mining Plan and mining activities set forth in Exhibit D of the Lease. The amendment will modify Exhibit D to replace the original North Projections Maps in the Lease with new North Projections Maps that will govern and restrict areas of future mining under the Lease and will amend the Roof Control Plan to add new requirements and obligations for future mining activities and add additional requirements for the monitoring of seismic data.

Fiscal Impact: N/A.

Emergency Justification: Emergency action is requested to allow for the immediate resumption of mining activities, in order that the City may continue to receive credit against the prepaid royalty income at the earliest date possible.

To authorize the Director of Finance and Management to execute an amendment to the Underground Limestone Mining Lease with Columbus Limestone, Inc.; and to declare an emergency.

WHEREAS, the City and Columbus Limestone, Inc. (CLI) entered into an Underground Limestone Mining Lease dated September 22, 2010 with certain terms and conditions; and

WHEREAS, it is now necessary to amend Exhibit D of the Underground Limestone Mining Lease to modify the Mining Plan to govern and restrict areas of future mining under the Lease, amend the Roof Control Plan to add new requirements and obligations for future mining activities, and to add additional requirements for the monitoring of seismic data; and

WHEREAS, an emergency exists in the usual daily operation of the City of Columbus, in that it is immediately necessary authorize the Director of the Department of Finance and Management to execute of those documents necessary to amend an Underground Limestone Mining Lease with Columbus Limestone, Inc., thereby immediately preserving the public health, peace, property, safety, and welfare; now, therefore:

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

SECTION 1. That the Finance and Management Director be and is hereby authorized to execute those documents as

approved by the Department of Law, Real Estate Division, necessary to modify the existing Underground Limestone Mining Lease, dated September 22, 2010, with Columbus Limestone, Inc. to govern and restrict areas of future mining under the Lease, amend the Roof Control Plan to add new requirements and obligations for future mining activities, and add additional requirements for the monitoring of seismic data.

SECTION 2. That for the reasons 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 passage if the Mayor neither approves nor vetoes the same.