



Legislation Text

File #: 2815-2015, **Version:** 1

BACKGROUND:

The City is the fee owner of real property located at 333 West Broad Street, Columbus, Ohio {Franklin County Tax Parcel 010-067106} and 52 Starling Street, Columbus, Ohio 43215 {Franklin County Tax Parcel 010-006414} (collectively, "Property"). The City leases ("Lease") portions of the Property to the State of Ohio, acting by and through the Ohio Facilities Construction Commission, which was formerly known as the Ohio Cultural Facilities Commission, and which was formerly known as the Ohio Arts and Sports Facilities Commission ("State"). The State subleases the Property to the Center of Science and Industry (COSI).

The City's Department of Public Service (DPS) is presently engaged in the Broad Street Improvements -Scioto Peninsula (3184 Dr E) Public Improvement Project ("Public Project"). DPS must utilize portions of the Property as public right-of-way in order to complete the Public Project. Accordingly, the Lease will need to be further amended in order to exclude portions of the Property from the Lease, so that DPS may appropriately complete the Public Project.

FISCAL IMPACT:

Not applicable.

EMERGENCY JUSTIFICATION:

Emergency action is requested to allow for DPS to timely complete the Public Project, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Mayor to execute and acknowledge any document(s), as approved by the City Attorney, necessary to amend an existing lease with the State of Ohio regarding real property located downtown at 333 West Broad Street and 52 Starling Street, (COSI), Columbus, Ohio 43215; and to declare an emergency. (\$0.00)

WHEREAS, the City intends to improve and construct certain roadways, sidewalks, and associated appurtenances by allowing the Department of Public Service (DPS) to engage in the Broad Street Improvements -Scioto Peninsula (3184 Dr E) Public Improvement Project (*i.e.* Public Project);

WHEREAS, the City intends to amend an existing lease (*i.e.* Lease) with the State of Ohio, acting by and through the Ohio Facilities Construction Commission, which was formerly known as the Ohio Cultural Facilities Commission, and which was formerly known as the Ohio Arts and Sports Facilities Commission (*i.e.* State), in order for DPS to timely complete the Public Project;

WHEREAS, the City intends for the City Attorney to approve all document(s) associated with this ordinance;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in the it is immediately necessary to authorize the Lease's amendment in order to prevent unnecessary delay in DPS timely completing the Public Project, 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. That the Mayor is authorized to execute any document(s) necessary to amend an existing lease, as amended (*i.e.* Lease), with the State of Ohio, acting by and through the Ohio Facilities Construction Commission, which was formerly known as the Ohio Cultural Facilities Commission, and which was formerly known as the Ohio Arts and Sports Facilities Commission (*i.e.* State), in order to exclude from the Lease the three (3) tracts of real property (*i.e.* 0.056 acre, 0.032 acre & 0.016 acre) described and depicted in the five (5) page attachment, Exhibit-A, which is fully incorporated for reference, which will be public right of way.

SECTION 2. That, except as authorized to be amended pursuant to this ordinance, all other provisions of the Lease remain in full force and effect and continue to be fully binding upon the City and State.

SECTION 3. That the City Attorney is required to approve all document(s) authorized by this ordinance prior to the Mayor executing and acknowledging any of those document(s).

SECTION 4. That for the reasons stated in the preamble of this ordinance, which are fully incorporated into this ordinance as if rewritten, this ordinance is 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 (10) days after its passage if the Mayor neither approves nor vetoes this resolution.