



## Legislation Text

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**File #:** 1810-2018, **Version:** 1

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**BACKGROUND:** The City is the holder of an Environmental Covenant ("EC"), recorded as Instrument Number 200710120179039, burdening and protecting certain real property located near Rocky Fork Creek and identified as portions of tax parcels 010-2666699 and 010-298015, owned by Casto NA Residual, LLC, an Ohio limited liability company, and HC Office Sub 6, LLC, an Ohio limited liability company, respectively ("Owners"). The Owners are Casto and Daimler Group, Inc. related entities. The protected area under the EC is generally located east of Hamilton Road and south of State Route 161. In the Owners' efforts to redevelop their property, the Owners desire to amend the EC to remove approximately 2.2 +/- acres from the EC in exchange for adding an additional 4.2 +/- acres. As additional consideration for the City agreeing to amend, release, modify or enter into new Environmental Covenants, as may be required by the Ohio Environmental Protection Agency ("OEPA"), the Owners agree to convey by general warranty deed, at no cost to the City, approximately 22.3+/- acres of tax parcel 010-266699 and all of tax parcel 545-175656 (approximately 23 +/- acres), as well as grant a 20' bike trail easement on their remainder portion of tax parcel 010-266699. The bike trail easement will terminate if the City does not build a bike trail within 10 years of the easement being executed. The Recreation and Parks Department ("R&P") has reviewed and supports the request as being in the best interests of the City.

**CONTRACT COMPLIANCE:** Not applicable.

**FISCAL IMPACT:** Not applicable

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to allow R&P's to enter into any agreement(s) as may be required to complete the transaction(s) contemplated herein, thereby allowing the redevelopment to occur without unnecessary delay, and allowing R&P's to timely obtain the real property interests, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Recreation and Parks Department to execute and acknowledge any document(s) or agreements, as approved by the City Attorney, necessary to amend, release, modify or enter into new Environmental Covenants involving real property located near Rocky Fork Creek; to accept fee title to real property; to accept a bike trail easement; and to declare an emergency. (0.00)

**WHEREAS,** the City is the holder of an Environmental Covenant ("EC"), recorded as Instrument Number 200710120179039, burdening and protecting certain real property located near Rocky Fork Creek and identified as portions of tax parcels 010-2666699 and 010-298015, owned by Casto NA Residual, LLC, and HC Office Sub 6, LLC, respectively ("Owners"); and

**WHEREAS,** in the Owners' efforts to redevelop their property, the Owners desire to amend the EC to remove approximately 2.2 +/- acres from the EC in exchange for adding an additional 4.2 +/- acres; and

**WHEREAS,** as additional consideration for the City agreeing to amend, release, modify or enter into new Environmental Covenants, as may be required by the Ohio Environmental Protection Agency ("OEPA"), the Owners agree to convey by general warranty deed, at no cost to the City, approximately 22.3+/- acres of tax parcel 010-266699 and all of tax parcel 545-175656 (approximately 23 +/- acres), as well as grant a 20' bike trail easement on their remainder portion of tax parcel 010-266699; and

**WHEREAS**, the bike trail easement will terminate if the City does not build a bike trail within 10 years of the easement being executed; and

**WHEREAS**, the Recreation and Parks Department (“R&P”) has reviewed and supports the request as being in the best interests of the City; and

**WHEREAS**, the City intends for the director of the R&P’s to execute and acknowledge any document(s) and agreement (s) necessary to complete the transactions contemplated herein; and

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

**WHEREAS**, an emergency exists in the usual daily operations of R&P’s in that it is immediately necessary to enter into any agreement(s) as may be required to complete the transaction(s) contemplated herein, thereby allowing the redevelopment to occur without unnecessary delay and allowing R&P’s to timely obtain the real property interests, 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**

**SECTION 1.** That the Director of the Recreation and Parks Department is authorized to execute and acknowledge any documents or agreements, as approved by the City Attorney, necessary to amend, release, or modify the Environmental Covenant recorded as Instrument Number 200710120179039 and/or enter into a new Environmental Covenant; to accept fee title by general warranty deed, at no cost to the City, approximately 22.3+/- acres of tax parcel 010-266699 and all of tax parcel 545-175656 (approximately 23 +/- acres); and to accept a 20’ bike trail easement on their remainder portion of tax parcel 010-266699, which will terminate if the City does not build the bike trail within ten (10) years.

**SECTION 2.** That the City Attorney is required to preapprove all document(s) and agreement(s) executed by the City pursuant to this ordinance.

**SECTION 3.** 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 adoption and approval by the Mayor or ten (10) days after its adoption if the Mayor neither approves nor vetoes this ordinance.