



Legislation Text

File #: 1721-2019, **Version:** 1

To authorize the Director of Recreation and Parks to execute instruments and documents as may be necessary to secure a Covenant Not To Sue (CNS) for Saunders Park including an environmental covenant, an Operation & Maintenance agreement, and any other additional documents and instruments that are necessary.

Background: The City of Columbus is working to obtain a Covenant Not To Sue (CNS) from the Ohio EPA through its Voluntary Action Program (VAP) for Saunders Park. At this time, the City through its consultant Burgess and Niple, is participating in Ohio EPA's VAP to secure a CNS for Saunders Park. As part of the VAP process to obtain a CNS, Burgess and Niple is completing a No Further Action (NFA) letter for approval by the Ohio EPA. The NFA letter will contain an Operation and Maintenance (O & M) agreement that commits the City to maintain and comply with an approved Operation and Maintenance plan for Saunders Park. In order to secure a CNS, the City is required to execute an environmental covenant, which will limit the use of the City-owned property to which this CNS applies to recreational land use pursuant to Ohio Revised Code §§ 5301.82 to 5301.92. This legislation seeks authorization to execute instruments and documents as may be necessary to secure a CNS for Saunders Park including an environmental covenant, an Operation & Management agreement, and any other additional documents and instruments that are necessary and incident thereto.

Fiscal Impact: None

Principal Parties:

The Ohio Environmental Protection Agency
50 West Town St., Suite 700
Columbus, OH 43216
Raymond Moreno, 614.-728-3833

To authorize the Director of Recreation and Parks to execute instruments and documents as may be necessary to secure a Covenant Not To Sue (CNS) for Saunders Park including an environmental covenant, an Operation & Maintenance agreement, and any other additional documents and instruments that are necessary and incident thereto, and to declare an emergency. (\$0.00)

WHEREAS, the City is seeking a Covenant Not to Sue (CNS) from the State of Ohio for the City's Saunders Park property under the Ohio EPA's Voluntary Action Program (VAP); and

WHEREAS, the City has contracted with Burgess and Niple, Inc. to complete a No Further Action (NFA) letter for Saunders Park. Site remediation has taken place under the Ohio EPA's Voluntary Action Program such that a CNS can be obtained; and

WHEREAS, in order to obtain the desired CNS, the City is required to execute an environmental covenant pursuant to Ohio Revised Code §§ 5301.80 to 5301.92 that will limit the acceptable uses of Saunders Park property to recreational use and to execute an Operation and Management agreement that will commit the City to maintain and comply with an approved Operation and Maintenance plan for Saunders Park; and

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 necessary instruments and documents to obtain the Covenant Not to Sue, for the preservation of public health, peace, property and safety; **NOW, THEREFORE**

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

SECTION 1. That the Director of Recreation and Parks is hereby authorized to execute instruments and documents as may be necessary to secure a Covenant Not To Sue (CNS) for Saunders Park including an environmental covenant and Operation and Maintenance Agreement and any other additional documents and instruments that are necessary and incident thereto.

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 10 days after passage if the Mayor neither approves nor vetoes the same.