



Legislation Text

File #: 1899-2022, Version: 1

BACKGROUND:

The City previously entered into a Water Resource Restoration Sponsor Program ("WRRSP") with the State of Ohio acting through its Ohio Environmental Protection Agency ("OEPA") pursuant to the passage of Ordinance Number 0575-2011 on July 28, 2011. The WRRSP provided funding for the Lower Olentangy River Ecosystem Restoration (5th Ave. Dam Removal & Riparian Restoration - CIP 650706; WRRSP No. WR390274-0150) Public Project ("Public Project"). Pursuant to accepting WRRSP funding from the OEPA according to Ordinance Number 0951-2012, which passed on May 21, 2012, the City executed an "Environmental Covenant, Ohio Water Pollution Control Loan Fund, Water Resource Restoration Sponsor Program, Lower Olentangy River Watershed, Columbus 5th Avenue Dam Removal and Riparian Restoration Project," as a holder, with OEPA, The Ohio State University ("OSU"), and the State of Ohio acting through its Department of Administrative Services ("DAS"), which is described and recorded in the public land records in Instrument Number 201206280092869, Recorder's Office, Franklin County, Ohio ("Covenant").

The Covenant was first amended according to Ordinance Number 0918-2015, which passed on April 20, 2015, and described and recorded in the public land records in Instrument Number 201504300055240, Recorder's Office, Franklin County, Ohio ("First Amendment"). The Covenant's second amendment was recorded on May 23, 2017, which is described and recorded in the public land records in Instrument Number 201705230069092 ("Second Amendment").

Pursuant to Section 10 of the Covenant, OSU has requested the Covenant be amended in order to replace Exhibit B Addendum 2 of the Second Amendment to address current and future encumbrances within the conservation limits, including a new proposed sanitary sewer CIP 650902-100000 Clinton Sewer District Number 3 Trunk Sewer Siphon Upgrade (CC-19496). Furthermore, the Department of Public Utilities also reviewed OSU's request to amend the Covenant and determined that amending the Covenant is appropriate. Accordingly, this ordinance authorizes the Director of the Department of Public Utilities to execute an amendment instrument, as approved by the City Attorney, necessary to amend the Covenant.

CONTRACT COMPLIANCE No.: Not applicable.

FISCAL IMPACT: Not applicable.

EMERGENCY JUSTIFICATION: Emergency action is requested so to not delay or hinder OSU's installation of the public improvements, which will preserve the public peace, health, property, safety, and welfare.

To authorize the Director of the Department of Public Utilities to execute a third amendment instrument, as approved by the City Attorney, necessary to amend an Environmental Covenant, described and recorded in Instrument Number 201206280092869, Recorder's Office, Franklin County, Ohio; and to declare an emergency. (\$0.00)

WHEREAS, it is in the City's best interest to authorize the Director of the Department of Public Utilities to execute an amendment instrument ("Amendment") necessary to amend the "Environment Covenant, Ohio Water Pollution Control Loan Fund, Water Resource Restoration Sponsor Program, Lower Olentangy River Watershed, Columbus 5th Avenue Dam Removal and Riparian Restoration Project" described and recorded in the public land records in Instrument Number 201206280092869, Recorder's Office, Franklin County, Ohio (*i.e.* Covenant);

WHEREAS, the City Attorney shall review and approve the Amendment prior to the Amendment's execution by the Director of Public Utilities;

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Utilities in that it is immediately necessary to amend the environmental covenant so as to not delay or hinder OSU's installation of public improvements, 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 Director of the Department of Public Utilities is authorized to execute an amendment to the "Environmental Covenant, Ohio Water Pollution Control Loan Fund, Water Resource Restoration Sponsor Program, Lower Olentangy River Watershed, Columbus 5th Avenue Dam Removal and Riparian Restoration Project" described and recorded in the public land records in Instrument Number 201206280092869, Recorder's Office, Franklin County, Ohio (*i.e.* Covenant).

SECTION 2. That the City Attorney is required to review and approve of the Amendment prior to the execution of the Amendment by the Director of the Department of Public Utilities.

SECTION 3. That 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.