

**Passed February 5, 1996**

JOHN P. KENNEDY, President of Council

**Approved February 6, 1996**

GREGORY LASHUTKA, Mayor

**Attest**

TIMOTHY McSWEENEY, City Clerk

**ORD. No. 96-96** - To accept the plat titled SUNNY DELLS, II, PART ONE.

WHEREAS, the plat titled SUNNY DELLS, II, PART ONE, (hereinafter "Plat"), has been submitted to the City Engineer's Office for approval and acceptance; and

WHEREAS, BELPER COMPANY, owner of the platted land, desires to dedicate to the public use all or such parts of the Drives and Place shown on said plat and not heretofore so dedicated; and

WHEREAS, after examination, it has been found to be in the best interest of the City to accept said Plat; now, therefore,

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

**Section 1.** That the Plat titled SUNNY DELLS, II, PART ONE, on file in the office of the City Engineer, Division of Engineering and Construction, be and the same hereby is accepted.

**Section 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**Passed February 5, 1996**

JOHN P. KENNEDY, President of Council

**Approved February 6, 1996**

GREGORY LASHUTKA, Mayor

**Attest**

TIMOTHY McSWEENEY, City Clerk

**ORD. No. 113-96** - To authorize the Director of the Department of Finance to execute those documents related to City owned property at the southeast corner of High and State Streets as are necessary to release and transfer various property interest to 21 East State Street Limited Partnership and to declare an emergency.

WHEREAS, the City of Columbus, ("City"), is the owner of that property located at the southeast corner of High Street and State Street, (the "State/High Parcel"); and

WHEREAS, the State/High Parcel is currently leased for 99 years to Capitol South Community Urban Redevelopment Corporation ("Capitol South"), which sub-leases the State/High Parcel to TL-Columbus Associates ("TL", an affiliate of The Taubman Company); and

WHEREAS, 21 East State Street Limited Partnership ("Partnership"), desires to obtain said leasehold interest from Capitol South and TL; to obtain the underlying fee interest and various appurtenant easements in the State/High Parcel from the City and to subsequently develop said property with a 21 story, 180,000 square foot office tower; and

WHEREAS, as part of the transfer of the State/High Parcel the City, Capitol South, TL and the Partnership must execute various documents necessary to enter into new agreements and modify existing agreements; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Finance

in that it is immediately necessary to authorize the Director to execute various documents necessary to this transfer thereby 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 Director of the Department of Finance be and hereby is authorized to execute those documents, including, but not limited to:

- A) an Agreement between the City, Capitol South, TL and the Partnership as to the entire transaction;
- B) a quit claim deed for the State/High Parcel from the City to the Partnership;
- C) the Four Party Restriction and Easement Agreement between the City, Capitol South, TL and the Partnership;
- D) the Amendment to the Financial Agreement between the City and Capitol South;
- E) the Termination of First Amended and Restated Lease Agreement between the City and Capitol South for the State/High Parcel;
- F) the Termination of the Lease Agreement among the City, Capitol South and TL for the State/High Parcel;
- G) the Second Amendment of Lease Agreement among the City, Capitol South and TL for the Centrum Site;
- H) the Amendment to Parking Agreement among the City, Capitol South and TL;
- I) the Third Amendment to Easement Agreement among the City, Capitol South and TL;
- J) the Fourth Amendment to First Amended and Restated Lease Agreement among the City, Capitol South and TL;
- K) if necessary, the Third Amendment to First Amended and Restated Loan Agreement between the City and Capitol South (Mall Lease);
- L) the Escrow Agreement among the City, Capitol South, TL and the Partnership;
- M) such other documents as are necessary to effectuate the transfer of the State/High Parcel to the Partnership.

**Section 2.** That each of the above referenced documents shall be contingent upon the execution and delivery thereof and, except as to the Escrow Agreement, closing thereon by all other parties thereto; and that upon such execution, if all parties to the transaction so elect, such documents may be placed in escrow pursuant to the terms of the Escrow Agreement, in which case, any closing of the subject transactions will be contingent upon satisfaction of the conditions specified in the Escrow Agreement.

**Section 3.** That for 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.

**Passed February 5, 1996**

JOHN P. KENNEDY, President of Council

**Approved February 6, 1996**

GREGORY LASHUTKA, Mayor

**Attest**

TIMOTHY McSWEENEY, City Clerk

**ORD. No. 142-96** - To authorize the Director of the Department of Public Service to execute those documents required to transfer the City owned right-of-way known as Bunker Alley, an easement in portions of Pearl Street and various encroachment easements in State Street and High Street to 21 East State Street Limited Partnership at no charge; to waive the competitive bidding provisions of Columbus City Codes, and to declare an emergency.

WHEREAS, the City of Columbus, Department of Public Service, is the owner of that right-of-way known as Bunker Alley, Pearl Street, High Street and State Street; and

WHEREAS, 21 East State Street Limited Partnership, (the "Partnership"), desires to construct a 21 story, 180,000 square foot office tower on the property located at the southeast corner of High and State Streets, (the "State/High Parcel"); and

WHEREAS, the development of this office tower will require the transfer of the State/High Parcel, the transfer of Bunker Alley and an easement to a portion of Pearl Street, along with encroachment easements into both High Street and State Street; and

WHEREAS, the Department of Law, Real Estate Division, has estimated the value of these property interests to be in the range of \$485,000.00 to \$565,000.00; and

WHEREAS, the Partnership has requested the City mitigate the cost of these property interests in consideration of the impact of this development on the downtown area; and

WHEREAS, the Land Review Commission has taken all things into consideration and has voted to recommend the transfer of the above referenced City owned property interests to the Partnership at no charge; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Public Service in that it is immediately necessary to authorize the Director to execute those documents required to transfer the required City owned right-of-way and grant the required encroachment easements to the Partnership so that the project may proceed thereby 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 Director of the Department of Public Service be and hereby is authorized to execute those documents required to transfer the required interests in Bunker Alley, Pearl Street, and the encroachment easements in High and State Streets, more fully described in the attached Exhibits to the Partnership, at no charge.

**Section 2.** That the above referenced transfers are contingent upon the Director of the Department of Finance being authorized and executing those documents required to enter into and amend various existing agreements by and among the City of Columbus, Capitol South Community Urban Redevelopment Corporation, TL-Columbus Associates and the Partnership, which documents are enumerated and described in Ordinance No. 113-96.

**Section 3.** That the above referenced transfers shall be expressly contingent upon the prior execution and delivery of the documents authorized by Ordinance No. 113-96 by all other parties and the closing of the transaction contemplated thereby, and the documents for