

Likewise, the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to in Sections (a), (b), (c), (d), (e) and (f) hereinabove.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.

JERRY HAMMOND,

President of Council.

Approved May 22, 1985.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 938-85—To accept the plat of Shannonbrook #2.

Be it ordained by the Council of the City of Columbus:

Section 1. That the following plat, on file in the office of the City Engineer, Division of Engineering and Construction, be and the same is hereby accepted:

Shannonbrook #2, located north of Davidson Road and West of Dublin Road, containing 17.484 acres of land, more or less.

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

Passed May 20, 1985.

JERRY HAMMOND,

President of Council.

Approved May 22, 1985.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

✓ **ORD. No. 939-85**—To accept a Quit-Claim Deed from Schottenstein Trustees for real estate to be used for road right-of-way purposes and to name premises so deeded and dedicated Main Street and McNaughten Road.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Quit-Claim Deed from Schottenstein Trustees, dated March 23, 1985, recorded in Official Records Volume 05525H04 and 05525H05, for real estate described in the attached deed, be and the same is hereby dedicated to public use for road right-of-way purposes.

Section 2. That the premises so deeded and dedicated be and the same is hereby named Main Street and McNaughten Road.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.

JERRY HAMMOND,

President of Council.

Approved May 22, 1985.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 940-85—To accept a Quit-Claim Deed from Schottenstein Trustees for real estate to be used for storm sewer easement in connection with the widening of E. Main Street east of McNaughten Road.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Quit-Claim Deed from Schottenstein Trustees, dated April 8, 1985, recorded in Official Records Volume 05566G02 and 05566G03, as described in the attached deed, be and the same is hereby accepted and the premises so deeded be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for the purpose of constructing, using and maintaining a storm sewer and appurtenant works, within said easement area, including the right to clean, repair and care for said sewer and access to said easement for said purpose.

Section 2. Grantor, its successors and assigns, hereby releases the City of Columbus from any further claims for compensation or claims for damages resulting from these grants or the construction of said project, except that the City of Columbus and contractors for the City of Columbus

shall not be released from liability for damages caused by their negligence.

In the event that the herein described easement overlaps parts of existing easements, such existing easements shall not be limited in use by such easement in any manner.

This instrument shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.

JERRY HAMMOND,

President of Council.

Approved May 22, 1985.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

ORD. No. 941-85—To accept a Quit-Claim Deed from Schottenstein Trustees for real estate to be used for storm sewer easement north of Main Street and east of McNaughten Road.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Quit-Claim Deed from Schottenstein Trustees, dated March 28, 1985, recorded in Official Records Volume 05525H02 and 05525H03, as described in the attached deed, be and the same is hereby accepted and the premises so deeded be and the same is hereby accepted and the premises so deeded be and the same are hereby granted for the purpose of constructing, using and maintaining a storm sewer and appurtenant works, within said easement area, including the right to clean, repair and care for said sewer and access to said easement for said purpose.

Section 2. Grantor, its successors and assigns, hereby releases the City of Columbus from any further claims for compensation or claims for damages resulting from these grants or the construction of said project, except that the City of Columbus and contractors for the City of Columbus shall not be released from liability for damages caused by their negligence.

In the event that the herein described easement overlaps parts of existing easements, such existing easements shall not be limited in use by such easement in any manner.

This instrument shall be binding on, and shall inure to the benefit of, the successors and assigns of the parties hereto.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.

JERRY HAMMOND,

President of Council.

Approved May 22, 1985.

DANA G. RINEHART, Mayor.

Attest:

FRANCINE C. RYAN, City Clerk.

✓ **ORD. No. 942-85**—To accept a Deed for Public Way from Stefac Inc.; to accept a deed of Partial Release of Assignment from Bankers Trust Company, as Trustee; and to accept a deed of Partial Release of Lease from Shell Oil Company, for real estate to be used for road right-of-way purposes and to name premises so deeded and dedicated Morse Road.

Be it ordained by the Council of the City of Columbus:

Section 1. That the Deed for Public Way from Stefac Inc., dated November 30, 1984, recorded in Official Records Volume 05550F18 and 05550F19; and the Partial Release of Assignment from Bankers Trust Company, as Trustee, dated December 10, 1984, recorded in Official Records Volume 05550F14 and 05550F15; and the Partial Release of Lease, dated December 4, 1984, recorded in Official Records Volume 05550F08 and 05550F09, as described in the attached deeds, be and the same are hereby accepted and the premises so deeded and the same is hereby dedicated to public use for road right-of-way purposes.

Section 2. That the premises so deeded and dedicated be and the same are hereby named Morse Road.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.
JERRY HAMMOND,
 President of Council.
 Approved May 22, 1985.
DANA G. RINEHART, Mayor.
 Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 943-85—To accept the plat of Dedication of Skywae Drive, Harvester Lane and Easements.
 Be it ordained by the Council of the City of Columbus:
Section 1. That the following plat, on file in

ORD. No. 944-85—To amend the General Salary Ordinance No. 1020-84, as amended, by amending Section 5(D)-L116, Budget Officer (U) (Secretary Council); and 5(E)-A221, Manager-Legislative Research Office (U) (Secretary Council).

Ord. Sec.	Class Code	Class Title	Range
5(D)-L116	0835	Legislative Analyst I (U) (Secretary Council)	25 to 28
5(E)-B057	0838	Budget Officer (U) (Secretary Council)	37 to 38
5(E)-M042	0834	Manager-Legislative Research Office (U) (Secretary Council)	37 to 41

Section 2. That existing Section 5(D)-L116 and 5(E)-A221 of Ordinance No. 1020-84, as amended, is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed May 20, 1985.
JERRY HAMMOND,
 President of Council.
 Returned unsigned by Mayor Rinehart
 May 22, 1985.
 Attest:
FRANCINE C. RYAN, City Clerk.

ORD. No. 990-85—To authorize and direct the Director of Public Utilities and Aviation to modify and amend Contract No. CT03293 between the City of Columbus and Melvin D. Hatch, d/b/a M. D. Hatch Investment Properties to provide for the lease of additional land, extension of term, add two additional sections reflecting mortgagee rights and assignments, and adjustment of rental rates, at Port Columbus International Airport; to repeal Ordinance No. 631-85 passed March 18, 1985; and to declare an emergency.

Whereas, Ordinance No. 2700-80 was passed by City Council on November 10, 1980, and amended by Ordinance No. 1048-81 passed by City Council on May 18, 1981, and said Ordinance provided for authority to enter into a Land Lease Agreement with Melvin D. Hatch, d/b/a M. D. Hatch Investment Properties; and

Whereas, the size of the area leased has become inadequate for the intended purpose; and

Whereas, M. D. Hatch Investment Properties desires to modify the existing Lease Agreement with the Division of Airports by adding approximately two thousand twenty seven (2,027) square feet of land for the purpose of expanding the existing facilities; and

Whereas, the additional construction cost is expected to approximate \$700,000.00 and M. D. Hatch Investment Properties has requested a five year extension of the Contract Term to provide sufficient time for amortization of capital investment costs; and

Whereas, M. D. Hatch Investment Properties has agreed to change the rental rates from separate rates for improved and unimproved land, to a single rate for all land, and an increased rental rate to become effective on June 1, 1985; and

Whereas, M. D. Hatch Investment Properties requires the addition of two (2) new sections to the lease reflecting mortgagee rights and assignments to satisfy requirements of his banker; and

Whereas, terms have been negotiated which are satisfactory to the City; and

the office of the City Engineer, Division of Engineering and Construction, be and the same is hereby accepted:

Dedication of Skywae Drive, Harvester Lane and Easements, located north of Schrock Road and east of Karl Road, containing 1.635 acres of land, more or less.

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

Passed May 20, 1985.
JERRY HAMMOND,
 President of Council.
 Approved May 22, 1985.
DANA G. RINEHART, Mayor.
 Attest:
FRANCINE C. RYAN, City Clerk.

Be it ordained by the Council of the City of Columbus:

Section 1. That Ordinance No. 1020-84, as amended, be amended by amending Section 5(D)-L116 and 5(E)-A221 to read as follows:

Whereas, it is the recommendation of the Columbus Metropolitan Airport and Aviation Commission that a lease modification be entered into for the aforementioned purpose; and

Whereas, an emergency exists in the usual daily operation of the Division of Airports, Department of Public Utilities and Aviation, in that it is immediately necessary to enter into this modification with M. D. Hatch Investment Properties for the immediate preservation of the 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 Public Utilities and Aviation be and he is hereby authorized and directed to enter into a modification of Contract No. CT03293 with Melvin D. Hatch, d/b/a M. D. Hatch Investment Properties for the lease of an additional area of approximately two thousand twenty seven (2,027) square feet of land at Port Columbus International Airport for the sole purpose of expanding existing structures and operating facilities provided for in said contract.

Section 2. That the term for the lease of additional land shall begin on June 1, 1985, at which time rental rates shall be established for a period of three years; thereafter, the rates shall be adjusted triennially based on the percentage of change in the Consumer Price Index (C.P.I.).

Section 3. That all references in the existing contract to rental rates for improved and unimproved land shall be amended to reflect a single rate for all land encompassed by the Agreement, and that for the period beginning June 1, 1985, and ending May 31, 1986, the land rental rate shall be 14 cents per square foot per year; for the period beginning June 1, 1986, and ending May 31, 1987, the land rental rate shall be 15 cents per square foot per year; and for the period beginning June 1, 1987, and ending May 31, 1988, the land rental rate shall be 16 cents per square foot per year.

Section 4. That the term of the Agreement shall be for a period of thirty (30) years, having commenced on June 1, 1981 and terminating on May 31, 2011.

Section 5. That the following two (2) Sections reflecting mortgagee rights and assignments shall be added to the Agreement:

"SECTION 32—Assignment to Mortgagee
 Subject to the provisions of Section 33 of this Agreement (in particular Section 33 B4), the City as Lessor hereby consents to:

A. The assignment of this Lease or any interest herein by Lessee to any holder of any mortgage on the leasehold estate created hereby or any interest herein given to secure

a loan made to finance the Initial Leasehold Improvements, or any portion thereof, by reason of foreclosure of such mortgage or transfer in lieu thereof; or

B. The assignment of this Lease or any interest herein acquired by such mortgage holder or other holder pursuant to this Section or by a purchaser of such interest in foreclosure proceedings, to any assignee which has assumed the liabilities and obligations of Lessee hereunder, except with respect to any prior obligations or liabilities which cannot be remedied by the payment of money, provided that promptly after such transfer such assignor shall give City written notice thereof, and upon giving such notice the assignor shall be relieved and released of all obligations under this Lease.

Prior to any assignment of this Lease under the terms of this Section 32, the City shall have the option of making mortgage payments on behalf of Lessee to cure and remedy Lessee's default of any mortgage contemplated by this Agreement, provided, however, that the assumption of Lessee's position by the City does not result in the merger of Lessor's and Lessee's interest under this Agreement. Lessee's nonpayment of any such mortgage shall constitute a default of this Agreement. The City has the prerogative to make mortgage payments and recover the payments, together with interest, costs of collection, and attorney fees from Lessee.

SECTION 33—Mortgages

A. **Rights of Mortgagees.** Lessee shall have the right to mortgage all or any part or parts of its interests in the Leased Premises or any part thereof to one or more of the mortgagees stipulated herein or approved by the City or otherwise assign, pledge or hypothecate the same as security for but only for any bona fide loan given to finance the Initial Leasehold Improvements of the Leased Premises or any portion thereof. So long as any such mortgage, of which City shall have received written notice, remains outstanding and unsatisfied, City and Lessee agree that there shall be no amendment of this Lease or Agreement made to cancel or otherwise modify the term hereof, without the prior written consent to the holder of any such mortgage, for whose benefit this covenant is expressly made. The City, by its execution hereof, acknowledges notice of the mortgagee Buckeye Federal Savings, 36 E. Gay St., Columbus, Ohio, 43215.

B. No mortgage, assignment, pledge or hypothecation authorized in this section shall extend beyond the Lease Term (or the renewal option term). Prior to the executing of any such mortgage, assignment, pledge or hypothecation, Lessee shall furnish to City written notice thereof, and Lessor shall not be chargeable with notice of any such mortgage, assignment, pledge or hypothecation until written notice thereof, together with the name and address of the mortgagee, is given Lessor. So long as any such loan is outstanding:

(1) When giving any demand, request for consent, or any notice to Lessee with respect to any default under this Lease, Lessor also shall give a copy of the same to each mortgagee, and no such demand, request, or notice to Lessee shall be effective unless a copy thereof is given to each mortgagee;

(2) If Lessee does not cure a default within the period provided therefor under this Lease, Lessor shall give notice to that effect to each mortgagee, who shall thereupon have a period of 180 days to cure or cause such default to be cured;

(3) Each mortgagee shall have the right, but not the obligation, to cure or cause to be cured, any default of Lessee under this Lease whether the same consists of the failure to pay rental, taxes or other charges or the failure to perform any act hereunder to be performed by Lessee, and Lessor shall accept such payment or performance by any mortgagee as though the same had been made or performed by Lessee; and

(4) At any time and from time to time upon written request of the other party or any mortgagee, Lessor or Lessee, as the case may be, shall execute, acknowledge and deliver to the party or to the mortgagee requesting the same, a certificate in recordable form evidencing whether or not (i) this Agreement is in full force and effect; (ii) this