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## **Upper Arlington, Developer Receive Covenant Not to Sue for Kingsdale Property, Allowing Redevelopment and Economic Growth**

Through the voluntary efforts of the city of Upper Arlington and Echo/Continental Kingsdale LLC, another local brownfield is ready for redevelopment after undergoing an investigation and remediation through Ohio EPA's [Voluntary Action Program](#) (VAP).

Ohio EPA has issued a covenant not to sue to the city and developer for the approximately 6.5-acre property located at 1760-1800 Zollinger Rd. and 1798 Kingsdale Center Property in Upper Arlington, Franklin County. Issuance of the covenant completes participation in the VAP.

By entering the VAP, the city and developer assumed responsibility for remediating the property. Following standards developed by Ohio EPA, they hired a certified environmental professional to assess the site, identify any areas of concern and remediate any contamination on the property to a level that allows for certain types of redevelopment. They received a \$750,000 grant from the [Clean Ohio](#) Assistance Fund for this work.

Asbestos-containing materials, lead sheeting and other wastes (i.e., fluorescent lamps and mercury-containing thermostats) were properly abated and/or removed from the former medical office building, city building and grocery store before being disposed and/or recycled. The first two buildings were demolished, with the sites destined for development as a commercial retail and/or office space. A portion of the grocery store was demolished, and the remaining portion has been renovated.

A covenant not to sue protects the property's owners or operators and future owners from being legally responsible to the State of Ohio for further environmental investigation and remediation. This protection applies only when the property is used and maintained in accordance with the terms and conditions of the covenant.

In the 16 years since Ohio EPA issued the first covenant under VAP, more than 6,000 acres of blighted land have been revitalized at more than 300 sites across the state.

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