

ORDINANCE NO. 23-2013

Authorizing the Construction of Fencing Within a Drainage Easement Through Reserve "A" of the Kenyon Brook Subdivision.

WHEREAS, Ordinance No. 146-86 approved the Final Subdivision Plat for the Kenyon Brook Subdivision, which includes the establishment of a 50-foot drainage easement for Rush Creek; and,

WHEREAS, a request has been made by Timothy Meacham, on behalf of Kelly Meacham, the owner of Lot 15 (143 Lake Ridge Road) and adjacent Reserve "A" of the Kenyon Brook Subdivision, to permit the construction of fencing into the drainage easement; and,

WHEREAS, such encroachment within the drainage easement requires the approval of City Council; and,

WHEREAS, the Architectural Review Board approved placement of the fencing, being split rail and wire mesh, at its May 9, 2013 meeting;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Timothy Meacham be and hereby is authorized to construct fencing within the drainage easement across Reserve "A" of the Kenyon Brook Subdivision as per Drawing No. AR 27-13, dated April 26, 2013, approved by the Architectural Review Board on May 9, 2013, and as more specifically depicted on Exhibit "A", attached hereto and made a part hereof.

SECTION 2. That as a requirement for the issuance of a permit for the construction of fencing in the drainage easement, the property owner and the City of Worthington shall sign an indemnification agreement approved by the Director of Law, in substantially the form of the agreement attached hereto as Exhibit "B", with such changes as may be necessary and not adverse to the City.

SECTION 3. That notice of passage of the Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center, and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed July 15, 2013

[Signature on File]
President of Council

Attest:

[Signature on File]
Clerk of Council

Introduced July 1, 2013
P.H. July 15, 2013
Effective August 7, 2013