

ORDINANCE NO. 17-2021

Authorizing the Construction of a Basketball Court  
Over and Above a Utility Easement Containing a  
Sanitary Sewer Operated and Maintained by the City  
of Worthington on the Property Located at 271  
Kertess Avenue.

WHEREAS, Chris Gast wishes to construct a basketball court in an area of property at 271 Kertess Avenue where that is an existing utility easement containing a sanitary sewer operated and maintained by the City of Worthington, and,

WHEREAS, Chris Gast agrees to execute an agreement approved as to form by the Law Director of the City of Worthington to be recorded with the Franklin County Recorder agreeing that the basketball court will not in any way now or in the future interfere with the reconstruction, maintenance or operation of said sanitary sewer in said easement; and,

WHEREAS, Worthington City Council wishes to accommodate the construction of the basketball court at 271 Kertess Avenue;

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

SECTION 1. That the Council of the City of Worthington does hereby grant the necessary authorization to allow the construction of a basketball court at 271 Kertess Avenue conditioned upon the property owner providing to the Chief Building Inspector of the City of Worthington with a copy of an agreement approved as to form by the Law Director of the City of Worthington, recorded with the Franklin County, Ohio Recorder containing the following provisions:

1. The employees City of Worthington and any contractors hired by the City of Worthington shall have access to the property as necessary for reconstruction, maintenance and operation of the sanitary sewer.
2. Should it be determined by the Director of Public Service of the City of Worthington that removal of the basketball court is necessary for the reconstruction, maintenance or operation of the sanitary sewer, said removal and or replacement will be the sole cost of the owner of the property owner.
3. The property owner will hold harmless the City of Worthington and its employees for any damage to the property and present or future improvements resulting from the presence of the sanitary sewer or operation, maintenance or reconstruction of the sewer.

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4. The obligations herein contained shall be binding on the owners, their heirs and assigns for as long as the basketball court exists on the above premises.

SECTION 2. That notice of passage of this 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 May 17, 2021

/s/ Bonnie D. Michael  
President of Council

Attest

/s/ D. Kay Thress  
Clerk of Council

Introduced May 3, 2021  
P.H. May 17, 2021  
Effective June 9, 2021