

ORDINANCE NO. 13-2012  
(As Amended)

To Authorize and Direct the City Manager to Execute an Agreement to Dedicate Public Utilities and to Accept and Record Sanitary Sewer Easements Dedicated to the City by the Kroger Company and Worthington Place.

WHEREAS, Worthington Place, LLC is developing the Shops at Worthington Place; and,

WHEREAS, Worthington Place hereby agrees to dedicate an easement to the City to operate a public sanitary sewer and to convey such easement rights as are necessary to achieve its purpose; and,

WHEREAS, The Kroger Company owns, maintains and operates a sanitary sewer in an easement on its property adjacent to the Shops at Worthington Place; and,

WHEREAS, The Kroger Company, pursuant to the provisions of said Sanitary Sewer Easement (attached hereto) has the right to and hereby does assign all of its rights and obligations under said Sanitary Sewer Easement to the City of Worthington which was recorded in the Office of the Franklin County Recorder on July 7, 2006; and,

WHEREAS, the development of the Shops at Worthington requires that certain of its property must be located in a public easement;

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

SECTION 1. That the City hereby accepts the dedication by The Kroger Company of its easement for the purpose of operating, maintaining and repairing a public sanitary sewer and to provide access across property owned by Worthington Place for the operation, maintenance and repair of the sewer.

SECTION 2. That the City hereby accepts the dedication by Worthington Place of its easement for the purpose of operating, maintaining and repairing a public sanitary sewer and provide access across property owned by the Property Owner for access. Said easement shall be described and contain all provisions of the easement granted by Worthington Place to Kroger.

SECTION 3. That the City Manager be and hereby is authorized and directed to execute and, thereafter, record the attached "Agreement to Dedicate Public Utilities" together with its attachments including, but not limited to, the Sanitary Sewer Facilities and Easements dedicated to the City as attached.

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SECTION 4. 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 together with 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 21, 2012

[Signature on File]  
President Pro-Tem of City Council

Attest:

[Signature on File]  
Clerk of City Council

Introduced May 7, 2012  
P.H. May 14, 2012  
Tabled  
Effective June 13, 2012