

ORDINANCE NO. 37 -80

By: John W. Edge

To grant a special permit to the Bexley Public Library.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Bexley Public Library is hereby granted permission to construct and maintain a stone retaining wall along the East foundation wall of the existing Library building. Said retaining wall shall not encroach onto the fifteen foot wide paved alley which is directly contiguous to the Library building.

Section 2. That this permission is granted on the condition that if the City of Bexley should ever decide that the interest of the City requires the removal of said wall, it shall be removed immediately by the Bexley Public Library or the current owner of the wall, at no cost to the City of Bexley.

Section 3. That this permission is granted on the condition that the Bexley Public Library shall execute a hold-harmless agreement with the City of Bexley, said agreement to be approved by the City Solicitor.

Section 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: July 8, 1980

John H. Kelly
President of Council

Attest: John W. Edge
Clerk of Council

Approved: July 8, 1980
David H. Madison
Mayor

*1st reading - July 8, 1980
Suspended and adopted*

A G R E E M E N T

To permit the occupancy of a portion of public property for the construction of a stone retaining wall, subject to the acceptance of the terms and conditions stipulated herein.

1. That the Bexley Public Library, its successors and assigns, be and is hereby granted the right and privilege of occupancy of a portion of public property in connection with its planned construction of a stone retaining wall, said wall to be constructed along the east foundation wall of the existing library building.
2. The location of the stone retaining wall shall be on City property on the west side of the unnamed alley, approximately 30 feet south of the intersection of East Main Street.
3. Such wall shall be constructed and repaired at no cost to the City of Bexley, Ohio.
4. The Bexley Public Library, its successors and assigns shall save the City harmless from any and all damages which may arise from or grow out of the construction and repair of the wall, and said grantee, its successors and assigns, shall defend, at its own cost, every suit in which the City of Bexley, Ohio shall be made a party, brought and prosecuted for the recovery of any such damages; that the occupancy of public property is hereby permitted merely as an accommodation to the said grantee and that no right, title or interest of the public is waived or abridged in any way thereby; that said grantee, its successors and assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of Bexley, Ohio, shall forthwith remove said wall and shall yield to said City all rights to occupy the space used for such structure, whenever said City shall determine the same to be necessary; that said structure shall be so constructed as not to interfere with or damage any utility facilities and in the event that changes become necessary to construct and accommodate said wall, the grantee, its successors and assigns, shall pay the entire cost of the necessary changes, relocations or rearrangements thereof.

5. The Bexley Public Library, may at its discretion, remove such stone retaining wall. Such removal shall be completed at no cost or expense to the City of Bexley, Ohio.
6. This Agreement is effective immediately upon its signed acceptance.

Accepted:
THE BEXLEY PUBLIC LIBRARY

BY: J. J. DeLong - Clerk/Treas.

Accepted:
CITY OF BEXLEY, OHIO

BY: David H. Madison