

ORDINANCE NO. 47- 85

BY: Carolee Thomas Christy

An Ordinance authorizing the Mayor and Auditor to sign a Consent and Hold Harmless Agreement on behalf of the City of Bexley with the property owner at 854 Montrose Avenue (lot number 278; Riders Addition) regarding improvements to be made upon and within the City owned right-of-way of Montrose Avenue.

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

Section 1. That the property owner at 854 Montrose Avenue (lot number 278; Riders Addition) has requested approval to construct a stone retaining wall in the front yard setback of said property, which, as proposed, would encroach a distance of approximately 2.5 feet upon and within the Montrose Avenue right-of-way owned by the City of Bexley;

Section 2. That the Mayor and the Auditor be, and they are hereby, authorized to enter into a Consent and Hold Harmless Agreement with the property owner, a copy of which is attached hereto and made a part hereof as if fully rewritten, authorizing the encroachment as proposed in accordance with the submitted site plan on the condition that the property owner assume all responsibility for damages, loss, and injury arising out of the location of said retaining wall including any additional cost to the City of Bexley incurred in connection with its use of the right-of-way occasioned by the location of the structure.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 12, 1985

John Huber  
President of Council

Attest: John Huber

Approved: Nov. 12, 1985

David H. Madison  
David H. Madison  
Mayor

Oct. 8, 1985 - 1<sup>st</sup> reading  
Oct. 22, 1985 - 2<sup>nd</sup> reading  
Nov. 12, 1985 - passed



STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, Mayor of the City of Bexley, Ohio, and, \_\_\_\_\_ Auditor of the City of Bexley, Ohio.

Witness

[Signature]  
Mayor

Witness

[Signature]  
Auditor

Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 3rd, Day of November, 1985, by Sandra F. Stewart and Mark C. Stewart.

Witness

[Signature]

Property Owner

[Signature]

Witness

[Signature]

Property Owner

[Signature]

Notary Public

[Signature]

CHRISTY A. KRUSZYNSKI  
Notary Public, State of Ohio  
My commission expires August 28, 1990