

ORDINANCE NO. 35-84

BY: James H. Gross

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 63 South Cassady (lot number 9; Bexley Addition) regarding improvements to be made upon and within the City owned right-of-way of Cassady Avenue.

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

Section 1. That the property owner at 63 South Cassady (lot number 9; Bexley 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 7.5' upon and within the Cassady 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: July 10, 1984

John Bage  
President of Council

Attest: John Bage  
Clerk of Council

Approved: Jul 10, 1984

David H. Madison  
David H. Madison,  
Mayor

June 17, 1984: First reading  
June 26, 1984: Second reading  
July 10, 1984: Third reading  
Adopted