

AMENDED ORDINANCE NO. 38-87

BY: Albert J. Meyers

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 729 S. Cassingham Road (lot number 73; Bexley Plaza Addition) regarding improvements to be made upon and within the City owned right-of-way of S. Cassingham Road.

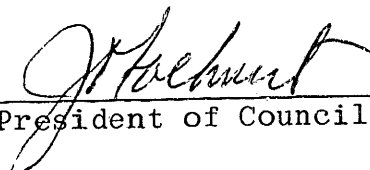
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the property owner at 729 S. Cassingham Road (lot number 73; Bexley Plaza Addition) has requested approval to construct a landscape timber wall in the front yard setback of said property, which, as proposed, would encroach a distance of approximately 1.5 feet upon and within the S. Cassingham Road right-of-way owned by the City of Bexley;

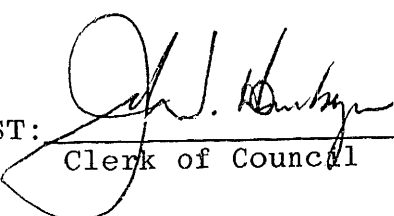
Section 2. That the Mayor and the Auditor be, and they hereby are, authorized to enter into a Consent and Hold Harmless Agreement with the property owner, a copy of which is attached hereto and made a part hereof as if fully rewritten, authorizing the encroachment as proposed in accordance with the submitted 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; and on further condition that the landscape timber wall does not exceed twenty-four (24) inches in height.

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

Passed: June 9, 1987

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

APPROVED: June 9, 1987

  
\_\_\_\_\_  
David H. Madison, Mayor

June 9, 1987 - 3rd reading  
Adopted



STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of June, 1987, by David H. Madison, Mayor of the City of Bexley, Ohio, and, John W. Hornbarger, Auditor of the City of Bexley, Ohio.

Marianna McCullough  
Witness

D. Madison  
Mayor

Robert C. Fulk  
Witness

John W. Hornbarger  
Auditor

**MARIANNA McCULLOUGH**  
Notary Public State of Ohio  
My Commission Expires 6-8-90

Marianna McCullough  
Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of June, 1987, by Jane H. Knight,  
Property Owner(s).

Jane H. Knight  
Witness

Dandra L. Gullerger  
Property Owner

Dwight L. Ruff  
Witness

Robert E. Furbey  
Property Owner

Jane H. Knight  
Notary Public

Commission expires 03/07/89

JANE H. KNIGHT  
Notary Public, State of Ohio

Robert Jessberger  
729 South Cassingham Rd.  
Columbus, Ohio 43209

Honorable Members of the Council;

I sincerely ask your permission to complete the landscaping of our front yard. Unknown to me at the time I started to landscape, I am required to receive your permission to erect a 15" landscape wall in front of my house.

The landscape wall consists of 3" x 5" landscape timbers laid horizontally with vertical timbers as retainers at the joints and corners. The timbers are pinned together with 5/8" rebar extending into the ground about 6". The wall is to be stained earth brown upon completion. The landscaping consists of various flowers (tulips, daffodils, phlox and various annuals) along with shade loving ground cover and 6"-8" flat limestone laid flat between the sidewalk and the landscape wall. The front yard is to be reseeded, shade loving ground cover like vinca planted around the bushes, and the bushes trimmed.

I had completed about 95% of the landscape wall when the requirement was brought to my attention by a jogger.

Please see the attached sketch and plan view for various dimensions and general design.

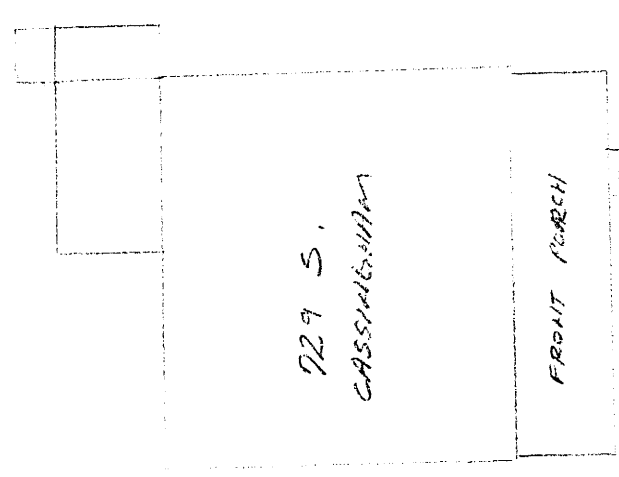
I request your permission to leave the landscape wall intact and complete the landscaping as outlined.

Sincerely,

*Bob Jessberger*  
Bob Jessberger

Right-of-way 7 1/2'

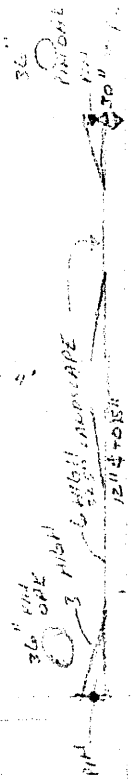
R



729 S.  
CASSINGHAM

FRONT PORCH

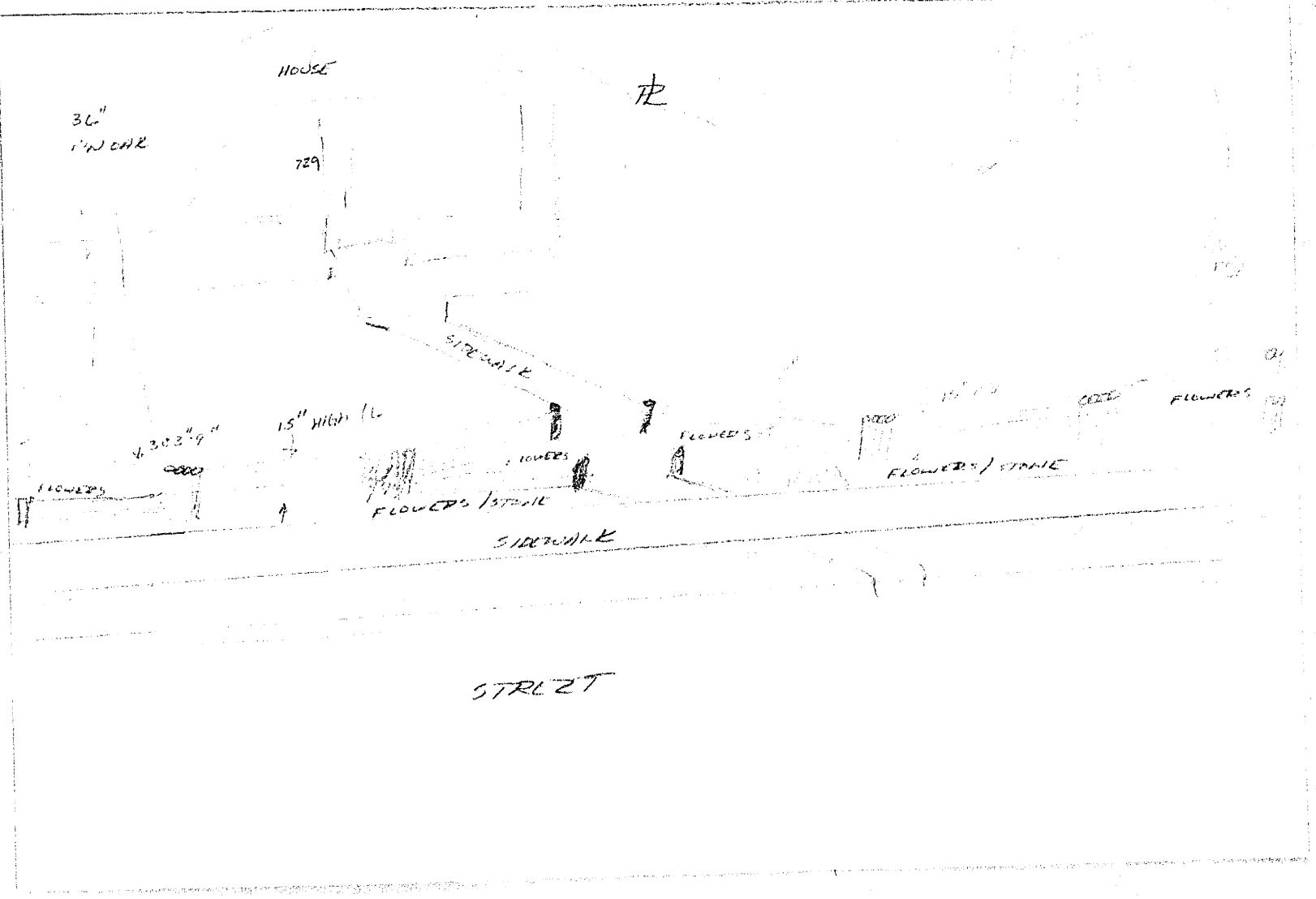
CONCRETE WALK 4"



SIDEWALK  
WALK 4"

NELSONS DENE

Parcel # 632 Mr. Jessberger  
 729 S. CASSINGHAM RD. 200-6992  
 Lot # 73; Bexley Plaza Addition. 460-8149



36"  
1" WALK

HOUSE

729

SIDEWALK

6' 303" 9"

15" HIGH

SIDEWALK

STREET

FLOWERS

FLOWERS

FLOWERS / STONE

FLOWERS

*City of Bexley, Ohio*  
2242 East Main Street, 43209 235-8694

*David K. Madison, Mayor*

*City Council*

John T. Loehnert, President  
John H. Offenberg  
William N. Bellamy  
Albert J. Myers  
Joanne H. Ranft  
Robert K. Schmitz  
Mark R. Masser  
James H. Gross, City Attorney  
John W. Hornberger, Auditor

NOTICE OF PUBLIC HEARING

This is to inform you that a public hearing will be held by the Council of the City of Bexley, Ohio, at 7:00 P.M., Tuesday, June 9, 1987, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 38-87. This Ordinance, if approved, will allow for the construction of a 15" high landscape timber wall in the front yard of 729 S. Cassingham Road. All interested persons are invited to attend.