

ORDINANCE NO. 30 -89

BY: Joanne H. Rauft

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 owners at 2859 Powell Avenue (Lot Numbers 439 and 440; Ardmore #2 Addition) regarding improvements to be made upon and within the City owned right-of-way of Powell Avenue and Gould Road.

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

Section 1. That the property owners at 2859 Powell Avenue (Lot Numbers 439 and 440; Ardmore #2 Addition) have requested approval to construct an 18 inch high stone retaining wall in the front yard setback of said property which would encroach a distance of approximately 24 inches upon and within the Powell Avenue right-of-way and approximately 24 inches upon and within the Gould 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 owners, in form and substance satisfactory to the City Solicitor, authorizing the encroachment as proposed in accordance with the submitted request on the condition that the property owners assume all responsibility for damage, 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: 7/11, 1989

Albert Myers
President of Council

Attest: J. H. Haly
Clerk of Courts

Approved: July 11, 1989
D. H. Madison
David H. Madison, Mayor

June 13, 1989 - 1st reading
June 27, 1989 - 2nd reading
July 11, 1989 - 3rd reading
Adopted

C O N S E N T A N D
H O L D H A R M L E S S A G R E E M E N T

The undersigned property owners and the City of Bexley, Ohio (the "City") agree as follows:

The owners have sought and obtained permission from the City to erect an 18 inch high stone retaining wall as indicated below on the property described below and in the easement/right-of-way as described. Approval of the proposed retaining wall and use of the easement/right-of-way area is conditioned upon this Agreement.

Joanne and Edward Merkle, their successors and assigns, shall save the City harmless from any and all damages which may arise from, or grow out of, the construction and installation of the retaining wall, and said grantees, their successors and assigns, shall defend, at their own cost, every suit in which the City 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 grantees and that no right, title or interest of the public is waived or abridged in any way thereby; that said grantees, their successors or assigns, shall at all times maintain the retaining wall in a manner satisfactory to the City; that said grantees, their successors or assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of the City, shall forthwith remove said retaining 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 or desirable; that said structure shall be so constructed as to not interfere with or damage any utility facilities and in the event that changes become necessary to construct and accommodate said retaining wall, the grantees, their successors and assigns, shall pay the entire cost of the necessary changes, relocations or rearrangements thereof.

This Agreement shall not be construed as in any way limiting the rights presently held by the City in the easement/right-of-way area, or the use thereof for public purposes, except to promote the construction and maintenance of the below mentioned structure in the easement/right-of-way.

<u>2859 Powell Avenue</u>	<u>Street Right-Of-Way</u>
<u>Address of Property</u>	<u>Type of Easement/Right-Of-Way</u>
<u>Lots 439 and 440;</u>	
<u>Ardmore #2 Addition</u>	<u>Stone Retaining Wall</u>
<u>Lot No. or Other Description</u>	<u>Building or Structure</u>
<u>30' Measured from Center of Powell Avenue and 25' Measured from Center of Gould Road</u>	
<u>Easement/Right-Of-Way Width - Property Location</u>	<u>2 feet</u>
<u>Street, Sidewalk & Public Utilities</u>	<u>Maximum Encroachment Into Easement/Right-Of-Way</u>
<u>Services Existing in Easement/Right-Of-Way</u>	
<u>Date of Agreement</u>	<u>Ordinance No. 30 -89</u>
	<u>Approving Authority</u>
<u>Date of Agreement</u>	<u>Date of Agreement</u>

This Agreement shall be binding on and for the benefit of the parties hereto and their respective successors and assigns.

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1989, by _____, Mayor of the City of Bexley, Ohio, and _____, Auditor of the City of Bexley, Ohio.

Witness _____ Mayor

Witness _____ Auditor

Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1989, by _____.

Witness _____ Property Owner

Witness _____ Property Owner

Notary Public



City of Bexley, Ohio

BUILDING DEPARTMENT

2242 EAST MAIN STREET, 43209

235-0956

DAVID H. MADISON, MAYOR

NOTICE OF PUBLIC MEETING

This is to inform you that a public meeting will be held by the Council of the City of Bexley, Ohio, at 7:00 p.m., Tuesday July 11, 1989, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 30-89. This Ordinance, if approved, will allow for the construction of a stone retaining wall in the front yard setback of Powell Avenue and the side yard setback of Gould Road at 2859 Powell Avenue. All interested parties are invited to attend.

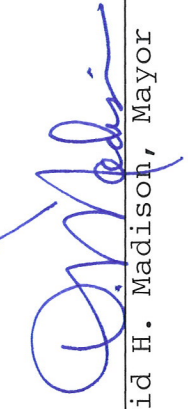
ORDINANCE NO. 31 -89BY: 

An Ordinance to appropriate \$2,875.00 from the Capital Improvements Fund for the renovation of Jeffrey Mansion and to declare an emergency.

Section 1. That \$2,875.00 is hereby appropriated and set aside from the Capital Improvements Fund for the renovation of Jeffrey Mansion as follows:

<u>Item 1:</u>	\$ 300.00	Carpet Sweeper
<u>Item 2:</u>	\$1,200.00	Buffer/Scrubber
<u>Item 3:</u>	\$ 150.00	Rug for Playschool
<u>Item 4:</u>	\$ 500.00	Large rug for Teen Center Room
<u>Item 5:</u>	\$ 100.00	Small desk - custodian area (Pantry)
<u>Item 6:</u>	\$ 125.00	Telephone Recorder
<u>Item 7:</u>	\$ 150.00	5 drawer file cabinet
<u>Item 8:</u>	\$ 200.00	Durastatic painting of files
<u>Item 9:</u>	\$ 150.00	Signs - Recreation Office, Bathroom, Coat Room

Section 2: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation and of the public peace, health and safety, said emergency being the need to conduct the operations of the Jeffrey Mansion and Recreation Department, and shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: , 1989
President of CouncilAttest: 
Clerk of CouncilAPPROVED: , 1989
David H. Madison, MayorJune 13, 1989 - 1st reading