

ORDINANCE NO. 70 -89

BY: Jeanne H. Grant

An Ordinance to authorize a variance to allow an 18 inch high stone retaining wall in the front yard setback area at 928 Chelsea Avenue (Lot Number 272; Eastlawn Addition), premises owned by Joseph L. and Agnes M. Mackinnon; to authorize the Mayor and Auditor to sign a Consent and Hold Harmless Agreement on behalf of the City of Bexley with the property owners regarding improvements (stone retaining wall) made upon and within the City owned right-of-way of Chelsea Avenue; and to declare an emergency.

WHEREAS, Joseph L. and Agnes M. Mackinnon have applied for a variance to allow for a stone retaining wall as part of an overall landscape plan for the front yard setback area of the property owned by them at 928 Chelsea Avenue; and,

WHEREAS, the approval of the variance would not be detrimental to the character of the surrounding residential neighborhood and complies with the requirements of Ordinance No. 42-85; NOW, THEREFORE,

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

Section 1. That the application of Joseph L. and Agnes M. Mackinnon, dated December 5, 1989, for a variance to authorize and allow a stone retaining wall to remain in the front yard setback area as part of an overall landscaping plan of the premises at 928 Chelsea Avenue (Lot Number 272; Eastlawn Addition), complies with the requirements of Ordinance No. 42-85 and it is, therefore, granted and the location of the stone retaining wall as proposed is approved.

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 is an emergency measure necessary for the immediate preservation of the public peace, health and safety, said emergency being the need to complete construction of the wall prior to the onset of severe weather. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: January 23, 1990

Art L. Schmitz  
President of Council

Attest: [Signature]  
Clerk of Council

Approved: Jan. 23, 1990  
David H. Madison  
David H. Madison, Mayor

*Dec. 12, 1989 - 1st reading*  
*Dec. 26, 1989 - 2nd reading*  
*Jan. 9, 1990 - 3rd reading - tabled*  
*Jan. 23, 1990 - Adopted*



STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this  
28th day of March,  
19~~89~~<sup>90</sup>, by David H. Madison, Mayor of  
the City of Bexley, Ohio, and John W. Hornberger,  
Auditor of the City of Bexley, Ohio.

Sherah E. Foulk  
Witness

D. Madison  
Mayor

Linda J. Hoops  
Witness

John W. Hornberger  
Auditor

Karen Marie Sluder  
Notary Public  
KAREN MARIE SLUDER  
Notary Public, State of Ohio  
My Commission Expires 7-1-90

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this  
21st day of AUGUST,  
19~~89~~<sup>90</sup>, by JOSEPH L. MACKINNON AND AGNES M. MACKINNON.

Marion Tolbow  
Witness

Joseph L. MacKinnon  
Property Owner

Robert G. Lape  
Witness

Agnes M. MacKinnon  
Property Owner

John J. Mackinnon  
Notary Public  
JOHN J. MACKINNON, Attorney-At-Law  
Notary Public, State of Ohio  
My Commission Has No Expiration Date  
Section 147.03 R.C.



December 5th, 1989

City of Bexley  
City Council Members

The Sullivan Landscape Company is requesting an emergency approval on the completion of the Ottawa cut dry stone wall at the MacKinnon residence of 928 Chelsea Ave.

Enclosed is the design of the wall and the landscaping plans. Note: the back of the wall is four feet off the sidewalk eighteen inches high. The wall angles in toward the sidewalk with tapering ends, minimizing the quantity of stone on the City easement.

In discussion with the homeowner of the situation that has evolved, Mr. Mackinnon does recognize and accepts the responsibility that if the city deem necessary to disturb the ground within the two foot easement that the expense of any repair of that two foot section would be that of the homeowner.

Because of the time of the year we would appreciate your approval of the wall as designed so that we may expedite the completion of the project and avoid any extreme weather conditions.

We at the Sullivan Landscape do recognize the need for approval of such projects being constructed on city property and in the future we now knowingly will submit any further construction plans for approval by council.

Thank you.

Sincerely yours,

Mark A. Sullivan  
Owner, President

7950 Clark State Road • Blacklick, Ohio 43004 • (614) 855-1098

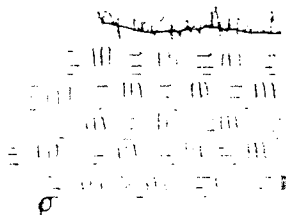


ARBOREVIÆ

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DRAIN TILE  
TO STREET

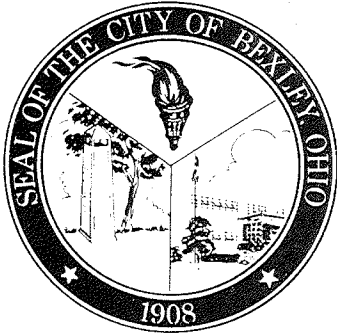
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SOIL

ACKILION  
#57 SEA AVE  
OHIO 43209

VAL LANDSCAPE CO.



# *City of Bexley, Ohio*

**BUILDING DEPARTMENT**

2242 EAST MAIN STREET, 43209

235-0956

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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, January 9, 1990, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 70-89. This Ordinance, if approved, will allow for the construction of a stone retaining wall in the front yard setback of 928 Chelsea Avenue. All interested parties are invited to attend.