

ORDINANCE NO. 28 -90

BY: Albert J. Myers

An Ordinance to authorize a variance to allow a 32 inch high brick wall to remain in the front yard setback area at 2580 Maryland Avenue (Lot Number 35; Anton Ruhl Amended Addition), premises owned by Neil and Linda Lichtman; and 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 (brick wall) made upon and within the City owned right-of-way of Maryland Avenue.

WHEREAS, Neil and Linda Lichtman have applied for a variance to allow for a brick wall as part of an overall landscape plan for the front yard setback area of the property owned by them at 2580 Maryland 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 Neil and Linda Lichtman, dated September 20, 1989, for a variance to authorize and allow a brick wall to remain in the front yard setback area as part of an overall landscaping plan of the premises at 2580 Maryland Avenue (Lot Number 35; Anton Ruhl Amended Addition), complies with the requirements of Ordinance No. 42-85 and it is, therefore, granted and the location of the brick 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 brick 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: April 11, 1990

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Approved: April 11, 1990
[Signature]
David H. Madison, Mayor

Mar. 13, 1990 - 1st reading
Mar. 27, 1990 - 2nd reading
Apr. 11, 1990 - 3rd reading
Adopted

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
13th day of April,
1990, by David H. Madison, Mayor of
the City of Bexley, Ohio, and John W. Hornberger,
Auditor of the City of Bexley, Ohio.

Deborah E. Fouch
Witness

David H. Madison
Mayor

Deborah E. Fouch
Witness

John W. Hornberger
Auditor

Kathleen Marie Rose
Notary Public
KATHLEEN MARIE ROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 7-29-95

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

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

Deborah A. Powell
Witness

Sonda Lichtman
Property Owner

Debra Rose
Witness

Neil P. Lichtman
Property Owner

Bertha M. Fouch
Notary Public

BERTHA M. FOUCH
Notary Public, State of Ohio
My commission expires 1-23-93