

ORDINANCE NO. 38 -90

BY: Albert J. Myers

An Ordinance to authorize a variance to allow a 14 inch high stone landscape wall to remain in the front yard setback area at 111 N. Roosevelt Avenue (Lot Number 45; Bullitt Park East Addition), premises owned by Ralph H. Rosenblum, Jr. and Gail A. Rosenblum; 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 (stone landscape wall) made upon and within the City owned right-of-way of N. Roosevelt Avenue.

WHEREAS, Ralph H. Rosenblum, Jr. and Gail A. Rosenblum have applied for a variance to allow for a stone landscape wall as part of an overall landscape plan for the front yard setback area of the property owned by them at 111 N. Roosevelt 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 Ralph H. Rosenblum, Jr. and Gail A. Rosenblum dated March 30, 1990, for a variance to authorize and allow a stone landscape wall to remain in the front yard setback area as part of an overall landscaping plan of the premises at 111 N. Roosevelt Avenue (Lot Number 45; Bullitt Park East Addition), complies with the requirements of Ordinance No. 42-85 and it is, therefore, granted and the location of the 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 landscape 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: June 26, 1990

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Approved: June 26, 1990
[Signature]
David H. Madison
Mayor

Apr. 24, 1990 - 1st reading
May 8, 1990 - 2nd reading
May 22, 1990 - 3rd reading - tabled
June 12, 1990 - Motion Pending to reconsider vote.
June 26, 1990 - adopted

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
26th day of June,
1990, by David H. Madison, Mayor of
the City of Bexley, Ohio, and John W. Sporkberger,
Auditor of the City of Bexley, Ohio.

Deborah E. Foulk
Witness

D. Madison
Mayor

Deborah E. Foulk
Witness

John W. Sporkberger
Auditor

Kathleen M. Rose
Notary Public

KATHLEEN MARIE ROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES July 15, 1995

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
26th day of June,
1990, by _____.

Deborah E. Foulk
Witness

[Signature]
Property Owner

Linda J. Hoops
Witness

Gail Rosenthal
Property Owner

Kathleen Marie Rose
Notary Public

KATHLEEN MARIE ROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES July 15, 1995

City of Bexley, Ohio

2242 East Main Street, 43209

235-8694

City Council

Robert K. Schmitz, President
John M. Brennan
John T. Loehnert
Mark R. Masser
Albert J. Myers
John H. Offenber
Richard F. Weber
James H. Gross, City Attorney
John W. Hornberger, Auditor

David H. Madison, Mayor

PUBLIC NOTICE

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, May 22, 1990, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 38-90. This Ordinance, if approved, will allow for a stone wall which was constructed on City right-of-way in the front yard of 111 North Roosevelt Avenue to remain in place. All interested persons are invited to attend.