

ORDINANCE NO. 51 -90

BY: John H. Offenburger
Albert J. Myers

An Ordinance to authorize a variance to permit a 6 inch high brick landscape wall in the front yard setback area and to allow a public sidewalk constructed of brick to remain in place at 726 Chelsea Avenue (Lot Number 11, Eastlawn Addition), premises owned by David W. and Anne M. Wentworth; 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 landscape wall and brick sidewalk) made upon and within the City owned right-of-way of Chelsea Avenue.

WHEREAS, David W. and Anne M. Wentworth have applied for a variance to allow for a brick landscape wall and brick sidewalk as part of an overall landscape plan for the front yard setback area of the property owned by them at 726 Chelsea Avenue;

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 David W. and Anne M. Wentworth dated April 23, 1990, for a variance to authorize and allow for a brick landscape wall in the front yard setback area and a brick sidewalk as part of an overall landscaping plan of the premises at 726 Chelsea Avenue (Lot Number 11, Eastlawn 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. Approval of the brick sidewalk is conditioned upon removal and replacement with concrete sidewalk in accordance with City specifications when the condition of the brick sidewalk is such that it must be repaired.

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 or injury arising out of the location of said brick landscape wall and brick sidewalk 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: July 10, 1990

Bo H. Schmitz
President of Council

Attest: J. W. Hays
Clerk of Council

Approved: July 10, 1990
D. H. Madison
David H. Madison
Mayor

June 12, 1990 - 1st reading
June 26, 1990 - 2nd reading
July 10, 1990 - 3rd reading
Adopted

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
10th day of July, 1990, by David H. Madison, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Robert E. Fulk
Witness

D. Madison
Mayor

Robert E. Fulk
Witness

John W. Hornberger
Auditor

Kathleen Marie Rose
Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

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

The foregoing instrument was acknowledged before me this
10th day of July, 1990, by _____.

Linda J. Hoops
Witness

David Wentworth
Property Owner

Linda J. Hoops
Witness

Ann Marie Wentworth
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

David H. Madison, Mayor

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

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, July 10, 1990, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 51-90. This Ordinance, if approved, will allow for a 6" brick wall and a brick sidewalk which was constructed on City right-of-way in the front yard of 726 Chelsea Avenue to remain in place. All interested persons are invited to attend.