

ORDINANCE NO. 89 -90BY: Albert J. Myers

An Ordinance to amend Sections 1022.01, 1022.04 and 1022.05 of the Codified Ordinances of the City of Bexley to permit the use of materials other than concrete to be used in the construction of public sidewalks.

WHEREAS, currently it is required that all public sidewalks in the City shall be constructed of concrete; and,

WHEREAS, it has been determined that certain alternate materials function as well as concrete and should be permitted. NOW, THEREFORE,

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

Section 1. That Sections 1022.01, 1022.04 and 1022.05 of the Codified Ordinances be, and the same hereby are, amended to read as follows:

1022.02 CONSTRUCTION REQUIREMENTS.

All sidewalks constructed in any street in the City shall be of concrete OR SUCH OTHER MATERIALS AS SHALL BE APPROVED IN WRITING BY THE CITY PRIOR TO CONSTRUCTION. CONDITIONS FOR APPROVAL MAY BE IMPOSED BY THE CITY INCLUDING, BUT NOT LIMITED TO, A CONSENT HOLD HARMLESS AGREEMENT. and SIDEWALKS shall be of a uniform width of four feet, unless a different width is provided in any resolution of Council hereafter ordering sidewalks to be constructed in any one or more streets, or unless a different width is ordered by the Mayor in order to conform to existing sidewalks.

Sidewalks shall be constructed in accordance with the plans and specifications for sidewalks ~~heretofore adopted by Council and now~~ on file in the ~~office of the Mayor~~ BUILDING DEPARTMENT, which shall at all times be so kept on file and open to public examination. They shall be constructed with a cross-slope of three-eighths of an inch per foot and shall be placed with the inside edge, being the edge next to the lot line, two feet from the lot line, and at an elevation above the curb grade of three-eighths of an inch for each foot that the sidewalk is distant from the curb, plus one inch rise at the curb, provided, however, that in order to conform to existing sidewalks or to meet special conditions, Council may, in its resolution ordering the construction of sidewalks, or the Mayor by special order may, direct a different location with reference to lot lines, or a different elevation for any sidewalk, which resolution or special order shall prevail. SIDEWALKS ON A CORNER SHALL INCLUDE HANDICAP RAMPS WHICH HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS ON FILE IN THE BUILDING DEPARTMENT.

1022.04 PERMIT REQUIRED; FEE.

No person shall construct a sidewalk OR REPLACE 50% OR MORE OF EXISTING SIDEWALK ON ANY ONE PROPERTY, in any street in the City, either by himself or by private or public contract or agreement, until he has first obtained a permit from the ~~Superintendent of Buildings~~ CITY to do so, and thereafter such sidewalk shall be made and constructed under the supervision and control of, and to the satisfaction and approval of, the ~~Superintendent of Buildings; or the City Engineer~~ CITY, and no person shall be required to pay the cost and expense of making and constructing such sidewalks until the same have been accepted and approved by the ~~Superintendent of Buildings; or the City Engineer~~; CITY in writing. A fee of ~~two dollars (\$2.00)~~ TWENTY DOLLARS (\$20.00) shall be paid for such permit to the ~~Superintendent of Buildings~~ CITY OF BEXLEY, which fee shall be deposited with the City Auditor to the credit of the General Fund.

1022.05 PERMIT APPLICATION.

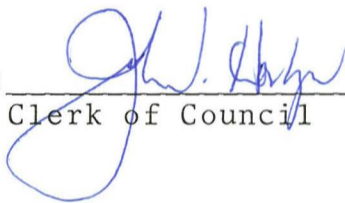
Applications for the permits required by Section 1022.04 shall be made to the Superintendent--of--Buildings BUILDING DEPARTMENT on blanks furnished by the--Superintendent for that purpose and shall be signed by the owner of the property involved or the construction contractor. However, when the sidewalks involved are being constructed in connection with building improvements being constructed upon any premises, such application may be made upon the same blanks upon which the building permits are applied for and issued.

Section 2. That the existing Sections 1022.01, 1022.04 and 1022.05 of the Codified Ordinances be, and the same hereby are, repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: Dec. 19, 1990

  
\_\_\_\_\_  
President of Council

Attest:   
\_\_\_\_\_  
Clerk of Council

Approved: Dec. 19, 1990

  
\_\_\_\_\_  
David H. Madison  
Mayor

*Dec. 11, 1990 - 1<sup>st</sup> reading  
Dec. 18, 1990 - 2<sup>nd</sup> reading  
Dec. 19, 1990 - 3<sup>rd</sup> reading  
Adopted*

1THE COLUMBUS DISPATCH  
PROOF OF PUBLICATION

STATE OF OHIO, FRANKLIN COUNTY, SS.:

Carla Daniel  
Classified Adv. Training Supervisor

The Columbus Dispatch, a newspaper published at Columbus, Franklin County, Ohio, with a daily paid circulation of more than 25,000 copies, personally appeared and made oath that the notice of which a true copy is hereunto attached was published in The Columbus Dispatch for 1 time(s) to-wit, on

December 5, 1990

and that the rate charged therefore is the same as that charged for commercial advertising for like services.

Carla K. Daniel

Subscribed and Sworn to this 14th day of January, 1991 as witness my hand and seal of office.

Donna K. Thompson

Notary Public in and for The State of Ohio

Donna K. Thompson  
Notary Public-State of Ohio  
My commission expires January 2nd, 1996

NOTICE OF PUBLIC  
HEARING

In accordance with Ohio Revised Code Section 713.12, a public hearing will be held by the Council of the City of Bexley, Ohio at 7:00 pm, Tuesday, January 8, 1991, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 85-90.

This Ordinance, if approved, will amend Chapter 1260 of the Bexley Codified Ordinances relating to procedures for amendment of the Zoning Code. A copy of the proposed legislation is on file at the office of the Mayor, 2242 E. Main Street, Bexley, Ohio, and is available for public inspection during regular business hours.  
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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 owner and the City of Bexley, Ohio (the "City") agree as follows:

The owner has sought and obtained permission from the City to construct a concrete paver sidewalk as indicated below on the property described below and in the easement/right-of-way as described. Approval of the proposed concrete paver sidewalk and use of the easement/right-of-way area is conditioned upon this Agreement.

Terry and Susan Tobin, their successors and assigns, shall save the City harmless from any and all damages which may arise from, or grow out of, the installation of the concrete paver sidewalk, and said grantee, their successors and assigns, 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 grantee and that no right, title or interest of the public is waived or abridged in any way thereby; that said grantee, successors or assigns, shall at all times maintain the concrete paver sidewalk in a manner satisfactory to the City; that said grantee, successors or assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of the City, shall forthwith remove and replace to City specifications said concrete paver sidewalk and shall yield to said City all rights to occupy the space used for such structures, whenever said City shall determine the same to be necessary or desirable; that said structures 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 concrete paver sidewalk, the grantee, 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 structures in the easement/right-of-way.

<u>2783 Bryden Road</u> Address of Property	<u>Street Right of Way</u> Type of Easement/Right-Of-Way
<u>18; Bexley Highlands</u> Lot No. or other description	<u>Concrete Paver Sidewalk</u> Building or Structure
80 feet measured from center of Bryden Road	13'
<u>Easement/Right-Of-Way Width</u> Property Location	<u>Maximum Encroachment Into</u> Easement/Right-Of-Way
<u>Street, Sidewalk &amp;</u> <u>Public Utilities</u> Services Existing in Easement/Right-Of-Way	<u>Ordinance No. 89 -90</u> Approving Authority
<u>October 1, 1992</u> Date of Agreement	<u>October 1, 1992</u> Date of Agreement

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

First day of October,  
1992, by Terry Tobin & Susan Tobin.

Heather Wieland  
Witness

Terry Tobin  
Property Owner

Heather Wieland  
Witness

Susan Tobin  
Property Owner

Penni R. Robbins  
Notary Public  
PENNI R. ROBBINS  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES SEPT. 30, 1994