

ORDINANCE NO. 16 -91

BY: Albert J. Myers

An Ordinance authorizing the Mayor and Auditor to sign a Consent and Hold Harmless Agreement on behalf of the City of Bexley with the property owner at 2657 East Broad Street (Lot Numbers 31, 32, 33, 34, 35 and 36; Ardmore #2 Addition) regarding improvements made upon and within the City owned right-of-way of South Remington Road. NOW, THEREFORE,

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

Section 1. That the property owner at 2657 East Broad Street (Lot Numbers 31, 32, 33, 34, 35 and 36; Ardmore #2 Addition) has requested approval to construct a 42 inch high stone wall in the side yard setback of said property which would encroach a distance of approximately 20 feet upon and within the South Remington Road right-of-way owned by the City of Bexley;

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 owner, in form and substance satisfactory to the City Attorney, authorizing the encroachment as proposed in accordance with the submitted request on the condition that the property owner assume all responsibility for damage, loss, and injury arising out of the location of said 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 23, 1991

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Approved: April 23, 1991

[Signature]
David H. Madison, Mayor

*Mar. 19, 1991 - 1st reading
April 9, 1991 - 2nd reading
April 23, 1991 - 3rd reading
adopted*

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 erect a 42 inch high stone wall as indicated below on the property described below and in the easement/right-of-way as described. Approval of the proposed wall and use of the easement/right-of-way area is conditioned upon this Agreement.

Bexley United Methodist Church, its 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 wall, and said grantee, its successors and assigns, shall defend, at their own cost, every suit in which the City 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, its successors or assigns, shall at all times maintain the wall in a manner satisfactory to the City; that said grantee, its successors or assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of the City, shall forthwith remove said wall and shall yield to said City all rights to occupy the space used for such structure, whenever said City shall determine the same to be necessary or desirable; that said structure 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 wall, the grantee, its 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>2657 East Broad Street</u>	<u>Street Right-Of-Way</u>
Address of Property	Type of Easement/Right-Of-Way
 <u>Lots 31, 32, 33, 34, 35 and 36; Ardmore #2 Addition</u>	 <u>Stone Wall</u>
Lot No. or Other Description	Building or Structure
 <u>20 Feet Measured from Center of South Remington Road</u>	 <u>20.0 feet</u>
Easement/Right-Of-Way Width - Property Location	Maximum Encroachment Into Easement/Right-Of-Way
 <u>Street, Sidewalk & Public Utilities</u>	 <u>Ordinance No. 16 -91</u>
Services Existing in Easement/Right-Of-Way	Approving Authority
 _____	 _____
Date of Agreement	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 23rd day of April, 1991, by David H. Madison, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Deborah E. Foulk
Witness

D. Madison
Mayor

Linda J. Cree
Witness

J. W. Hornberger
Auditor

Kathleen Marie Rose
Notary Public

KATHLEEN MARIE ROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES July 2, 1995

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1991, by _____.

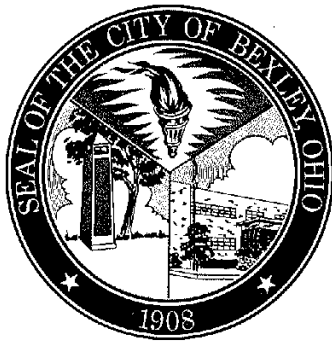
Witness

Property Owner

Witness

Property Owner

Notary Public



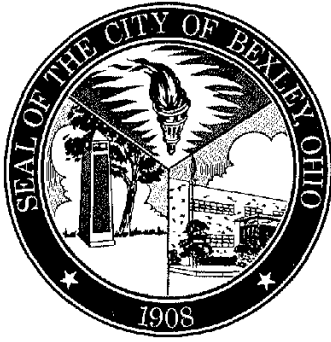
City of Bexley, Ohio

BUILDING DEPARTMENT
2242 EAST MAIN STREET, 43209 235-0956

DAVID H. MADISON, MAYOR

NOTICE OF MEETING

This is to inform you that a meeting will be held by the Engineering and Plats Committee of the City of Bexley, Ohio, at 6:00 p.m., Thursday, April 11, 1991, at Bexley City Hall, 2242 East Main Street to consider adoption of Ordinance # 16-91. This Ordinance, if approved, will allow for the construction of a stone wall, as recommended by the Board of Zoning Appeals, in the side yard setback of South Remington Road for property known as 2657 East Broad Street (The Bexley United Methodist Church). All interested parties are invited to attend.



City of Bexley, Ohio

BUILDING DEPARTMENT
2242 EAST MAIN STREET, 43209 235-0956

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 April 23, 1991, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 16-91. This Ordinance, if approved, will allow for the construction of a stone wall, as recommended by the Board of Zoning Appeals, in the side yard setback of South Remington Road for property known as 2657 East Broad Street (The Bexley United Methodist Church). All interested parties are invited to attend.

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
19th day of September, 1991, by
David H. Madison, Mayor of the City of Bexley,
Ohio, and John W. Thornberger, Auditor of the City
of Bexley, Ohio.

Sarah E. Foulk
Witness

D. Madison
Mayor

Sharon R. Patterson
Witness

John W. Thornberger
Auditor

Kathleen Marie Rose
Notary Public

KATHLEEN MARIE ROSE
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES July 2, 1995

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this
12th day of September,
1991, by Mildred J. Clegg.

Sarah E. Foulk
Witness

Mildred J. Clegg
Property Owner
Chairman, Board of Trustees

Elizabeth Ayres Whiteside
Witness

Property Owner

Elizabeth Ayres Whiteside
Notary Public
My Commission has no Expiration