

SUBSTITUTE ORDINANCE NO. 61-92

BY: John H. Offenberg

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 2556 Sherwood Road (Lot Number 301; Bexley Park Addition) regarding improvements to be made upon and within the City owned right-of-way of Sherwood Road.

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

Section 1. That the property owner at 2556 Sherwood Road (Lot Number 301; Bexley Park Addition) has requested approval to construct a 24 inch high brick retaining wall, four 48" high brick columns, and two entry lights at the driveway in the front yard setback of said property which would encroach a distance of approximately 24 inches upon and within the Sherwood Road right-of-way.

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 Solicitor, 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 retaining 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: November 10, 1992

Robert K. Schmitz
 President of Council
Pro Tem

Attest: John J. [Signature]
 Clerk of Council

Approved: 11/10, 1992

David H. Madison
 David H. Madison, Mayor

Oct. 13, 1992 - 1st reading
 Oct. 27, 1992 - 2nd reading
 Nov. 10, 1992 - 3rd reading
 Substit. adopted