

AMENDED ORDINANCE NO. 1 -93

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 841 Montrose Avenue (Lot Number 199; Bexley Plaza Addition) regarding improvements to be made upon and within the City owned right-of-way of Astor Avenue.

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

Section 1. That the property owner at 841 Montrose Avenue (Lot Number 199; Bexley Plaza Addition) has requested approval to construct a 24 inch high stone retaining wall in the side yard setback of said property which would encroach a distance of approximately 36 inches upon and within the Astor Avenue 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 owners, 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 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: February 9, 1993

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Approved: Feb. 9, 1993

[Signature]
David H. Madison, Mayor

070/Yoder

1st reading - January 12, 1993
2nd reading - January 26, 1993
3rd reading - February 9, 1993

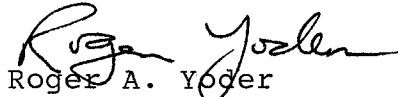
Mrs. Dorothy Prichard
City of Bexley
2242 East Main Street
Bexley, Ohio 43209

Dear Mrs. Prichard:

Recently, we had an existing wall replaced on our property. It is a wall that runs along our property on the Astor side as well as the front portion of the property facing Montrose. The original wall was built in 1930, when the house was built, and was badly deteriorated.

In replacing the wall we replicated exactly the dimensions of the original wall as to height depth, and width. It has, I believe, enhanced the property immensely.

Sincerely,


Roger A. Yoder

841 Montrose Ave.
Bexley, Ohio 43209

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 26th day of February, 1992, by DAVID H. MADISON, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Robert E. Foulk
Witness

D. Madison
Mayor

Sharon R. Patterson
Witness

John W. Hornberger
Auditor

Anita S. Hughes
Notary Public

ANITA S. HUGHES
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 21, 1993

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 2nd day of March, 1992, by Roger Yoder.

Walter Zunt
Witness

Roger A. Yoder
Roger A. Yoder
Property Owner

Mary L. Norton
Witness

Jenise M. Yoder
Property Owner

Mary L. Norton
Notary Public

MARY L. NORTON
NOTARY PUBLIC, STATE OF OHIO
COUNTY OF FRANKLIN
MY COMMISSION EXPIRES OCTOBER 20, 1996