

AMENDED ORDINANCE NO. 17 -94

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 2376 East Main Street (Lot Number 383; Bexley Park Addition) regarding improvements to be made upon and within the City owned right-of-way of East Main Street.

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

Section 1. That the property owner at 2376 East Main Street (Lot Number 383; Bexley Park Addition) has requested approval to construct a 36 inch high stone retaining wall and a 42 inch high wrought iron railing in the City right-of-way of said property which would encroach a distance of 60 inches upon and within the East Main Street right-of-way owned by the City of Bexley.

Section 2. That the property owner will request and receive Environmental Review Approval from the Bexley Planning Commission for the landscape plan and patio furniture associated with the encroachment.

Section 3. That the Mayor and 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 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 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: April 26, 1994

John M. Brennan  
President of Council

Attest: [Signature]  
Clerk of Council

*Mar. 22, 1994 - 1st reading*  
*Apr. 12, 1994 - 2nd reading*  
*Amended & adopted*  
*April 26, 1994*

Approved: 4/27/94, 1994  
[Signature]  
David H. Madison, Mayor  
2376Main



STATE OF OHIO, COUNTY OF FRANKLIN:  
SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1994 by David H. Madison, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Dorothy Subkhan  
Witness

[Signature]  
Mayor

Sharon R. Patterson  
Witness

[Signature]  
Auditor

STATE OF OHIO, COUNTY OF FRANKLIN:  
SS:

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of April, 1994 by Michael Bellisari

[Signature]  
Witness

Michael J. Bellisari  
Property Owner

Dorothy Subkhan  
Witness

\_\_\_\_\_  
Property Owner

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 29th day of June, 1994 by David H. Madison, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Dorothy Jukhaed  
Witness

D. Madison  
Mayor

Alma R. Daves  
Witness

John W. Hornberger  
Auditor

STATE OF OHIO, COUNTY OF FRANKLIN:  
SS:

The foregoing instrument was acknowledged before me this 29th day of June, 1994 by Donald S. Katz & Phyllis Katz

Kim Schmiedlin  
Witness

Donald S. Katz  
Property Owner

Jane A. Cooner  
Witness

Phyllis Katz  
Property Owner

Sarah A. Cory  
Notary Public  
SARAH A. CORY  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION EXPIRES FEB. 26, 1996