

AMENDED ORDINANCE NO. 43-95

BY: John H. Offenberg

An Ordinance to approve changes to plans and specifications for 465, 485 and 505 South Parkview Avenue, a Planned Unit Residential Development known as Parkview Arms, and to amend Ordinance Nos. 20-62 and 8-72.

WHEREAS, plans and specifications for the Planned Unit Residential Development known as Parkview Arms were approved by Ordinance Nos. 20-62 and 8-72; and,

WHEREAS, 465, 485 and 505 South Parkview Avenue were built in accordance with the approved plans and specifications; and,

WHEREAS, the owners of the project have requested approval for several amendments to the completed buildings; and,

WHEREAS, the amendments, detailed in plans number A1 through A3, dated July 25, 1995, have received a written recommendation for approval from the Planning Commission; and,

WHEREAS, it is further found that the proposed amendments to the plans and specifications are in compliance with Chapter 1264.21 of the Bexley Codified Ordinances regulating approval of Planned Unit Districts. NOW, THEREFORE,

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

Section 1. That the amendments to the plans and specifications for the Planned Unit Residential Development at 465, 485 and 505 South Parkview Avenue, copies of which are attached to this Ordinance and incorporated herein by this reference, are hereby approved. This Ordinance is conditioned upon:

1. The South Parkview Avenue drop-off spaces being signed to prohibit truck parking and to limit the time of parking to a short term as determined by the Mayor.
2. The developers' execution of a Consent and Hold Harmless Agreement which permits the construction of the South Parkview drop-off area and obligates the developer to maintain such area and indemnify the City.
3. The City obtaining the review and non-opposition to the South Parkview drop-off area and other traffic flow aspects of the plan by the City of Columbus Fire Department.

Approved drawings on file in Building Dept.

Section 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: September 26, 1995

John M. Brennan
President of Council

Attest: [Signature]
Clerk of Council

Approved: September 26, 1995

John T. Loehnert
John T. Loehnert, Mayor

pviewarm

July 25, 1995 - 1st reading
Sept. 12, 1995 - 2nd reading
Sept. 26, 1995 - 3rd reading

Adopted as amended

CONSENT AND HOLD HARMLESS AGREEMENT

The undersigned property owners and the City of Bexley, Ohio (the "City") agree as follows:

The property owners have sought and obtained permission from the City of Bexley to install brick masonry pavers in the curb strip parking area and the driveway approach as indicated below on the property described below and in the easement/right-of-way as described. Approval of the pavers and use of an easement/right-of-way area which is public property is conditioned upon this Agreement.

Sunbury Gardens, owner of 465 and 485 S. Parkview Avenue, and Trust Realty Company, owner of 505 S. Parkview Avenue, their successors and assigns (collectively the "Owners"), shall save the City harmless from any and all damages which may arise from, or grow out of, the construction, installation, maintenance, repair, relocation, removal or replacement of the pavers for any reason and shall defend, at their own cost, every suit in which the City of Bexley, Ohio, shall be made a party, brought and prosecuted for the recovery of any such damages, provided, however, the Owners shall not be obligated to hold the City harmless from, nor defend it against, any claim, cause or action arising as a result of the intentional, reckless or negligent acts of the City of Bexley, Ohio, its employees or its agents; that the occupancy of public property is hereby permitted merely as an accommodation to the said grantees and that no right, title or interest of the public is waived or abridged in any way thereby; that the Owners, upon notice from the City of Bexley, Ohio, duly authorized by the Council of Bexley, Ohio, shall forthwith remove said pavers from the public property occupied by them and shall yield to said City all rights to occupy the public property used for such pavers whenever said City shall determine the same to be necessary or desirable; that the Owners release the City, its employees and agents, from any liability for damage to the pavers arising out of or in connection with any cause whatsoever; that said pavers shall be so constructed as to not interfere with or damage any utility facilities or to impede nor interfere with in any way the use of the easement/right-of-way area, streets, alleys, sidewalks, and curbs by the City and the public; and in the event that the City determines changes to the pavers to be necessary or desirable, the Owners shall promptly make any such changes, relocations, or rearrangements solely at their expense.

This Agreement shall not be construed as in any way limiting the rights presently held by the City in the easement/right-of-way areas, or the use thereof for public purposes, except to promote the construction and maintenance of the pavers in the easement/right-of-way area.

485, 486 & 505 S. Parkview Avenue
Address of Properties

Street Right-Of-Way
Type of Easement/Right-Of-Way

Lots No. 3 & 55; Holtzman 2 Addition
Lot Numbers or Other Description

Brick Masonry Pavers
Building or Structure

40 Feet Measured from the Center of S. Parkview Avenue
Easement/Right-Of-Way Width
Property Location

13.00 Feet
Maximum Encroachment Into Easement/Right-Of-Way

Street, Sidewalk & Public Utilities
Services Existing in Easement/
Right-Of-Way

Ordinance No. 43-95
Approving Authority

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 29th day of May, 1996 by David H. Madison, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Veronique Klein
Witness

D. Madison
Mayor

Janice A. Goble
Witness

John W. Hornberger
Auditor

Sharon R. Patterson
Notary Public

SHARON R. PATTERSON
Notary Public, State of Ohio
My Commission Expires Nov. 9, 1998

STATE OF OHIO, COUNTY OF FRANKLIN:
SS:

The foregoing instrument was acknowledged before me this 23rd day of May, 1996 by Jay L. Schottenstein

Janet E. Finley
Witness Janet E. Finley

SUNBURY GARDENS REALTY CO., an OH Partnership
By: The Jerone Schottenstein Realty Co.
By: The Jay L. Schottenstein 1983 Discretionary/
Jay L. Schottenstein Trust
~~Property Owner~~ Jay L. Schottenstein, Trustee

Melita L. Smith
Witness Melita L. Smith

TRUST REALTY CO., an OH PARTNERSHIP
By: The Jay L. Schottenstein 1983 Discretionary/
Jay L. Schottenstein Trust
~~Property Owner~~ Jay L. Schottenstein, Trustee

Melita L. Smith
Notary Public

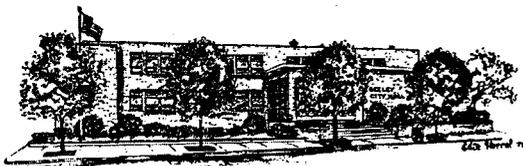
MELITA L. SMITH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES MARCH 26, 2000

PUBLIC NOTICE

This is to inform you that a public meeting will be held by the Engineering and Plats Committee of the Council of the City of Bexley, Ohio, at 5:30pm on Tuesday, September 26, 1995, at Bexley City Hall, 2242 East Main Street to consider adoption of Ordinance No. 43-95. This Ordinance, if approved, will allow changes to plans and specifications for 465, 485 and 505 South Parkview Avenue, a Planned Unit Residential Development known as Parkview Arms.

It is expected that this Ordinance will be brought up for consideration by Bexley City Council at 7:00pm on the same date. All interested parties are invited to attend.

Mailed 09/20/95



2242 EAST MAIN STREET • BEXLEY, OHIO 43209 • PHONE (614) 235-8694