

*Drawing in the
Building Dept.*

ORDINANCE NO. 48-95

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 owners at 445 North Parkview Avenue (Part of Lots 3 & 4; Anton Ruhl Addition) regarding improvements to be made upon and within the City-owned right-of-way on North Parkview Avenue.

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

Section 1. That the property owners at 445 North Parkview Avenue (Part of Lots 3 & 4; Anton Ruhl Addition) have requested approval to construct two 24 inch high decorative brick walls as part of an overall landscape plan in the front yard setback of said property which does encroach upon and within the street 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 owners 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 their 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: October 10, 1995

John M. Brennan
President of Council

Attest: [Signature]
Clerk of Council

Approved: October 10, 1995
[Signature]
John T. Loehnert, Mayor

*Sept. 12, 1995 - 1st reading
Sept. 26, 1995 - 2nd reading
Oct. 10, 1995 - 3rd reading
adopted*

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 two 24 inch high decorative brick walls ("Walls") as indicated below on the property described below and in the easement/right-of-way as described. Approval of the Walls and use of an easement/right-of-way area which is public property is conditioned upon this Agreement.

Jay L. & Jean R. Schottenstein, 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 Walls 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; 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 Walls from the public property occupied by them and shall yield to said City all rights to occupy the public property used for such Walls 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 Walls arising out of or in connection with any cause whatsoever; that said Walls 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 Walls 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 Walls in the easement/right-of-way area.

445 N. Parkview Avenue
Address of Property

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

Part of Lots No. 3 & 4;
Anton Ruhl Addition
Lot Number or Other Description

24 Inch High Decorative Brick Walls
Building or Structure

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

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

Streets & Public Utilities
Services Existing in Easement/
Right-Of-Way

Ordinance No. -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 12th day of October, 1995 by John T. Loehnert, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Velma R. Down
Witness

John T. Loehnert
Mayor

Janice D. Yapple
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 19th day of October, 1995 by Jean R. + Jay Schottenstein

Sharon R. Patterson
Witness

Jean R. Schottenstein
Property Owner

Ella Downing
Witness

J. Schottenstein
Property Owner

Carolyn J. Smith
CAROLYN J. SMITH
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES APRIL 30, 1998

Sharon R. Patterson
Notary Public

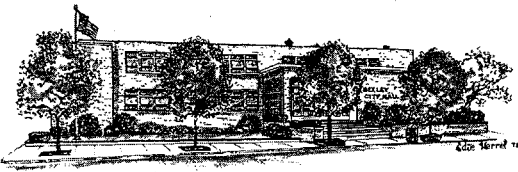
SHARON R. PATTERSON
Notary Public, State of Ohio
My Commission Expires Nov. 9, 1998

PUBLIC NOTICE

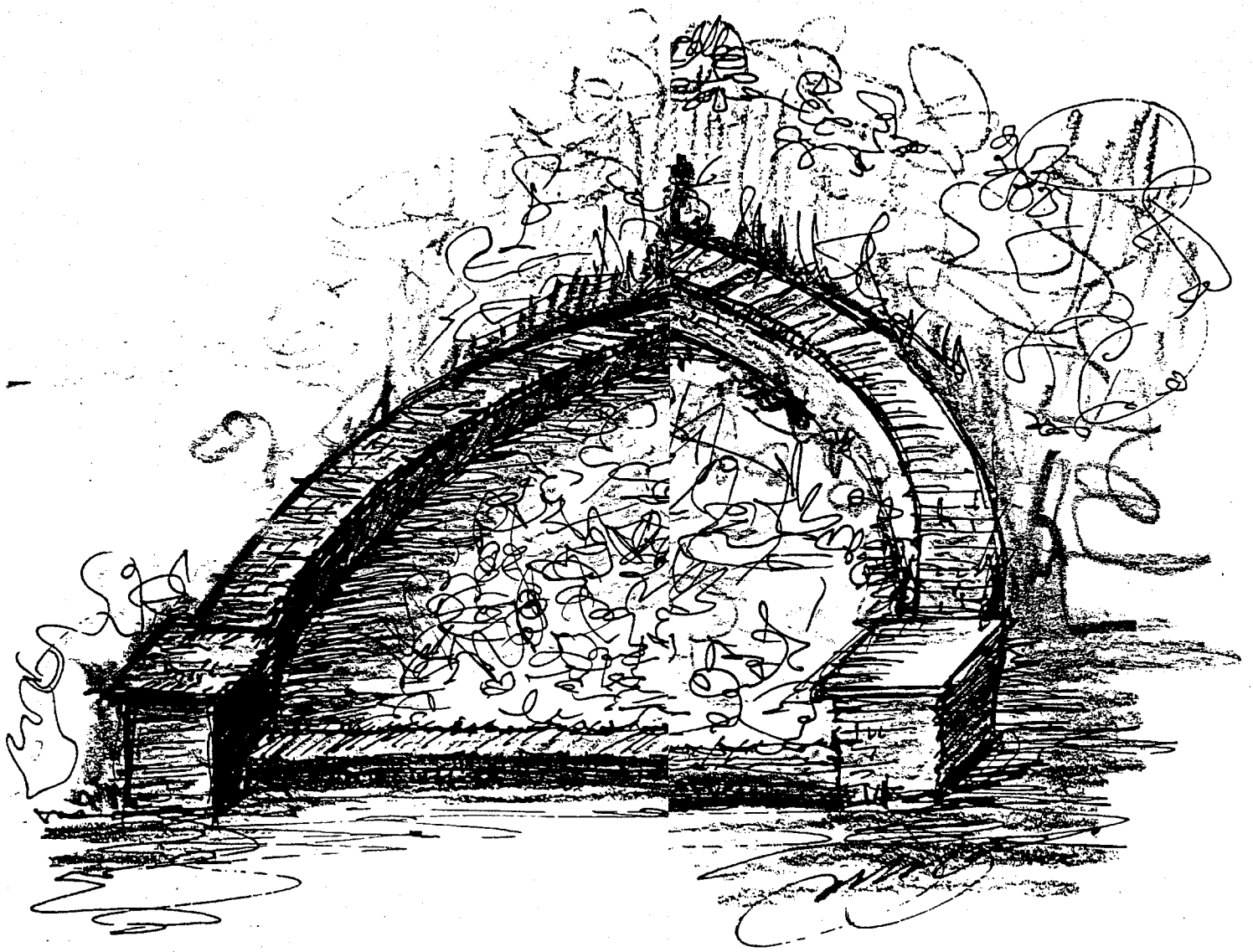
This is to inform you that a public meeting will be held by the Engineering and Plats Committee of the Council of the City of Bexley, Ohio, at 5:00 P.M. on Tuesday October 10, 1995, at Bexley City Hall 2242 East Main Street to consider adoption of Ordinance No. 48-95. This Ordinance, if approved, will permit construction of two 24" high decorative brick walls as part of an overall landscape plan in the front yard setback of 445 North Parkview.

All interested parties are invited to attend.

Mailed Sept. 28, 1995



2242 EAST MAIN STREET • BEXLEY, OHIO 43209 • PHONE (614) 235-0956 • FAX (614) 235-3420



with arch - arch - arch - arch

FRY
NO SCALE
FIN
EXLEY, OHIO