

ORDINANCE NO. 23-96

BY: Melisa S. Shroyer

An Ordinance to authorize a variance to allow three 51 inch high brick entrance pillars to be constructed in the front yard setback area at 170 N. Drexel Avenue (Lot Number 4; Bullitt Park Amended Addition), premises owned by Jerome M. & Ina S. Romick.

WHEREAS, Jerome M. & Ina S. Romick have applied for a variance to allow the construction of three 51 inch high brick entrance pillars as part of an overall landscape plan for the front yard setback area of the property owned by them at 170 N. Drexel Avenue.

WHEREAS, the approval of the variance complies with the requirements of Ordinance No. 42-85. NOW, THEREFORE,

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

Section 1. That the application of Jerome M. & Ina S. Romick dated March 6, 1996, for a variance to authorize and allow the construction of three 51 inch high brick entrance pillars in the front yard setback area as part of an overall landscape plan of the premises at 170 N. Drexel Avenue (Lot Number 4; Bullitt Park Amended Addition) complies with the requirements of Ordinance No. 42-85 and it is, therefore, granted and the location of the brick entrance pillars as proposed is approved.

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

Passed: April 9, 1996

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

Mar. 12, 1996 - 1st reading
Mar. 26, 1996 - 2nd reading
April 9, 1996 - 3rd reading; passed

Approved: 4/9, 1996

[Signature]
David H. Madison, Mayor

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 three 51 inch high brick entrance pillars as indicated below on the property described below and in the easement/right-of-way as described. Approval of the entrance pillars and use of an easement/right-of-way area which is public property is conditioned upon this Agreement.

Jerome M. and Ina S. Romick, 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 entrance pillars 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 entrance pillars from the public property occupied by them and shall yield to said City all rights to occupy the public property used for such entrance pillars 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 entrance pillars arising out of or in connection with any cause whatsoever; that said entrance pillars 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 entrance pillars 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 entrance pillars in the easement/right-of-way area.

170 N. Drexel Avenue
Address of Properties

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

Lot Number 4;
Bullitt Park Amended Addition
Lot Numbers or Other Description

Brick Entrance Pillars
Building or Structure

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

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

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

Ordinance No. 23-96
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 6th 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.

Wendy Klein
Witness

[Signature]
Mayor

Jamie H. Goble
Witness

[Signature]
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 24th day of April, 1996 by J.M. Romick

[Signature]
Witness

X [Signature]
Property Owner

Merlyn Cooper
Witness

[Signature]
Property Owner

Susan C. Harper
Notary Public

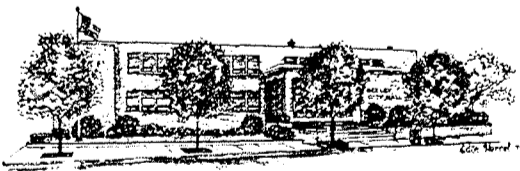
SUSAN C. HARPER
Notary Public, State of Ohio
My Commission Expires Nov. 24, 1996

V E L ' m A

NOTICE OF PUBLIC MEETING

This is to inform you that a public meeting will be held by the Engineering and Plats Committee of the City of Bexley, Ohio at 7:30 P.M., Tuesday March 26, 1996, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 23-96. This Ordinance, if approved, will allow three 51" high brick entrance pillars to be constructed in the front yard setback of 170 North Drexel Avenue as part of an overall landscape plan. All interested parties are invited to attend.

Mailed March 15, 1996



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