

ORDINANCE NO. 60-96

BY: Melisa D. Shroyer

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 2143 East Main Street (Part Lot Number 21; Bexley Drive 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 2143 East Main Street (Part Lot Number 21; Bexley Drive Addition) has requested approval to construct a concrete patio and a 36 inch high wrought iron railing in the City right-of-way of said property which would encroach a distance of five feet 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: October 8, 1996

[Signature]  
President of Council

Attest: [Signature]  
Clerk of Council

Approved: 10/8, 1996

[Signature]  
David H. Madison, Mayor

September 10, 1996 1<sup>st</sup> reading  
September 04, 1996 2<sup>nd</sup> reading