

ORDINANCE NO. 23 -98

BY: William J. Schottenstein

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.

WHEREAS, Amended Ordinance No. 17-94 granted approval for construction of a 36 inch high stone retaining wall and a 42 inch high wrought iron railing which would encroach 60 inches upon and within the City owned right-of-way at this location; and,

WHEREAS, said retaining wall and iron railing were never constructed; and,

WHEREAS, the current tenant has requested approval for construction of a 36 inch high concrete patio and railing which would encroach 96 inches upon and within the City owned right-of-way at this location.

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 concrete patio and a railing, the design and height to be determined by the Planning Commission in accordance with all applicable codes, in the City right-of-way of said property which would encroach a distance of 96 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, the railing, 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 That the previous approval granted by Amended Ordinance No. 17-94 should be, and hereby is, repealed.

Section 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 1998

President of Council

Attest: Richard A. Levin
Clerk of Council

3-10-98 first reading
3-31-98 second reading

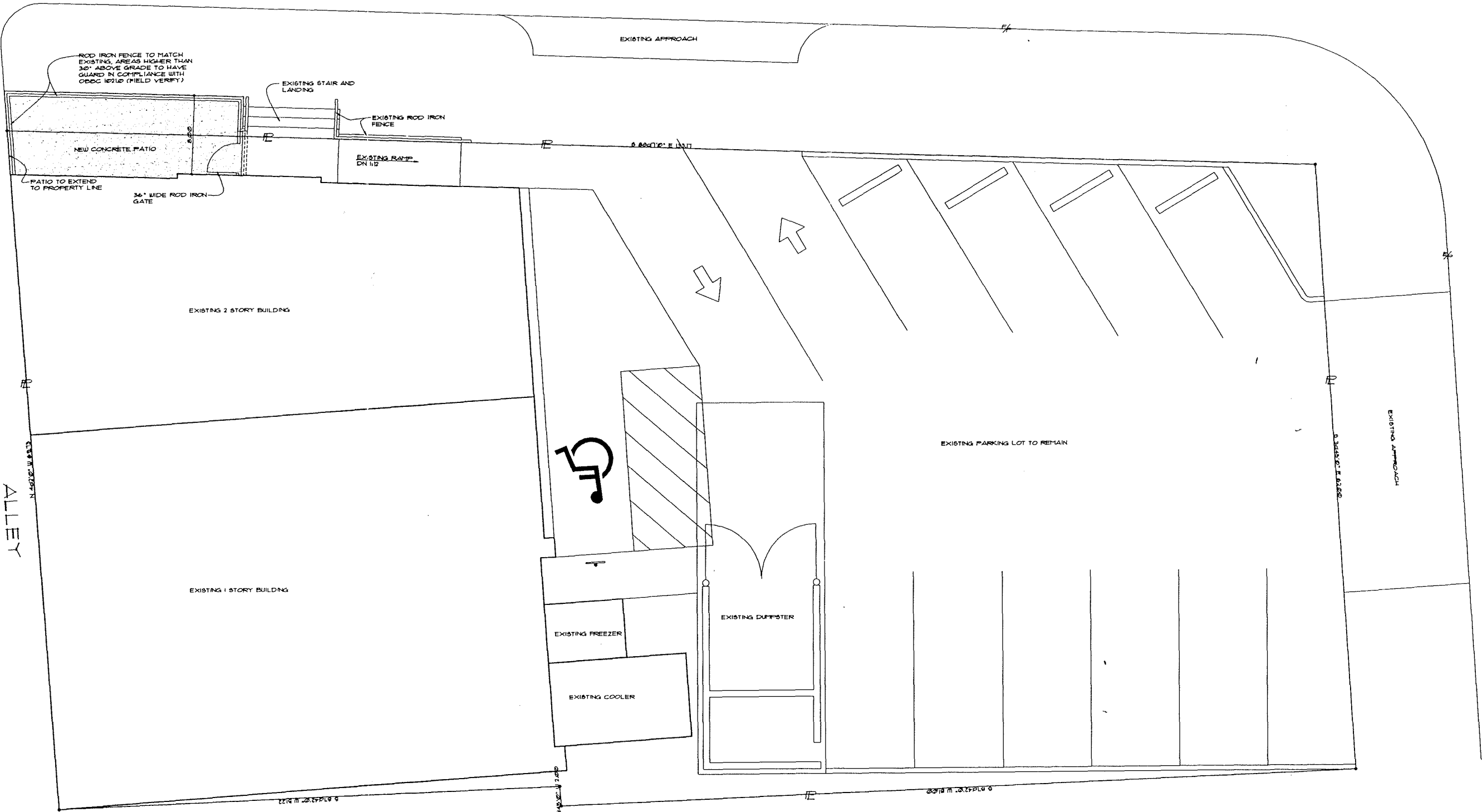
Approved: _____, 1998

David H. Madison, Mayor

2376Main

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EAST MAIN STREET



EXISTING 2 STORY BUILDING

EXISTING 1 STORY BUILDING

EXISTING PARKING LOT TO REMAIN

EXISTING FREEZER

EXISTING COOLER

EXISTING DUFFSTER

NOTE:
THE GENERAL CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES INVOLVED IN THE SITE NO MORE THAN TEN DAYS AND NO LESS THAN 48 HOURS IN ADVANCE OF EXCAVATION. (ORC 31826)

2
WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE 1-800-362-2764
OHIO UTILITIES PROTECTION SERVICE

SITE PLAN



<p>HAROLD S. SCHOFIELD & ASSOCIATES ARCHITECTS ENGINEERS 12220 DUBLIN ROAD, COLUMBUS, OHIO OFFICE 614-481-8151 HOMER APT. BLDG. C&E NPTA BLDG.</p>	
<p>FISHERMAN'S WHARF REMODEL OF EXISTING RESTAURANT FACILITY 2743 EAST MAIN ST. BEXLEY, OHIO</p>	
<p>DATE 2-23-98</p>	<p>SHEET NO. 1</p>
<p>SCALE NO. 5725</p>	<p>SHEETS</p>