

AMENDED ORDINANCE NO. 61 -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 tenant at 2418 East Main Street (Lot Number Acreage; Nelson Heirs Addition) regarding improvements to be made upon and within the City owned right-of-way of Cassady Avenue and to declare an emergency.

WHEREAS, the tenant at 2418 East Main Street, Todd Appelbaum, owner and operator of Cup O' Joe, has requested permission to occupy City of Bexley right-of-way alongside 2418 East Main Street adjacent to South Cassady Avenue for the purpose of creating a patio for outside seating for his business, a coffee house known as Cup O' Joe; and,

WHEREAS, the Main Street Redevelopment Commission will review the proposed project including the use, the building, and the patio design for appropriateness. NOW, THEREFORE,

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

Section 1. That the property tenant at 2418 East Main Street (Lot Number Acreage; Nelson Heirs Addition) has requested approval to occupy the City right-of-way of said property which would encroach a distance of 14.50 feet upon and within the South Cassady Avenue right-of-way owned by the City of Bexley for the purpose of a patio seating area for the business known as Cup O' Joe.

Section 2. That the property tenant will request and receive Environmental Review approval from the Bexley Main Street Redevelopment Commission for the proposed project including the use, the building, and the patio design.

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 tenant, 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 tenant assume all responsibility for damage, loss, and injury arising out of the location of said patio 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 patio.

AND  
PROPERTY  
OWNER

Section 4. That this Ordinance is an emergency Ordinance necessary for the immediate preservation of the public peace, health, and safety, said emergency being the need to begin construction during the August recess of Bexley City Council and shall take effect and be in force from and after the earliest period allowed by law.

Passed: August 18, 1998

[Signature]  
President of Council

Attest: Rich A. Lewis  
Clerk of Council

Approved: 8/18, 1998

[Signature]  
David H. Madison, Mayor

1<sup>st</sup> reading - July 14, 1998

CupO'Joe

8-18-98 - 3<sup>rd</sup> reading, passed