

ORDINANCE NO. 50 -99

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 694 South Remington Road (Lot #407; Zimmer & Manley Amended Addition) regarding improvements to be made upon and within the City-owned right-of-way on South Remington Road.

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

Section 1. That the property owner at 694 South Remington Road (Lot #407; Zimmer & Manley Amended Addition) has requested approval to allow for the construction of a 24" high block and limestone retaining wall, which would encroach upon and within the Remington Road right-of-way owned by the City of Bexley, as shown on the drawing which is attached to and made a part of this Ordinance.

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 owner, in form and substance satisfactory of 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 retaining 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: 7/27, 1999

Jeff Brumfield
President of Council

Attest: *Richard A. Levin*
Clerk of Council

Approved: 7/27, 1999

David H. Madison
David H. Madison, Mayor

*7/13/99 First reading
7/27/99 Second reading.
Third Reading Suspended.
Passed*

CONSENT AND HOLD HARMLESS AGREEMENT

The undersigned property owner and the City of Bexley, Ohio (the "City") agree as follows:

Ronald K. Bezouska has sought and obtained permission from the City of Bexley to construct a 24" high block and limestone wall, as indicated below, on the property described below, and in the easement/right-of-way area, which is public property, is conditioned upon this Agreement.

Ronald K. Bezouska, his 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 wall for any reason, shall defend, at his 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 grantee and that no right, titles or interest of the public is waived or abridged in any way thereby; that the Owner, upon notice from the City of Bexley, Ohio, duly authorized by the Council of Bexley, Ohio, shall forthwith remove said wall from the public property occupied by it and yield to said City all rights to occupy the public property used for such wall whenever said City shall determine the same to be necessary or desirable; that arising out of or in connection with any cause whatsoever; that said wall 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 wall to be necessary or desirable, the Owner shall promptly make any such changes, relocations or rearrangements solely at his 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 retaining wall in the easement/right-of-way area.

<u>694 S. Remington Road</u> Address of Property	<u>Street Right-Of-Way</u> Type of Easement/Right-of-Way
<u>Lot #407</u> <u>Zimmer & Manley Amended Addition</u> Lot Numbers or Other Description	<u>24" high block and limestone wall</u> Building or Structure
<u>25 feet measured from the center of S. Remington Road</u> Easement/Right-Of-Way Width Property Location	<u>3 Feet</u> Maximum Encroachment Into Easement Right-Of-Way
<u>Street and Public Utilities</u> Services Existing in Easement/ Right-Of-Way	<u>Ordinance No.</u> 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 _____ day of _____, 1999 by David H. Madison, Mayor of the City of Bexley, Ohio, and Richard A. Levin, Auditor of the City of Bexley, Ohio.

Witness

Mayor

Witness

Auditor

Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN:

SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1999 by the undersigned, Ronald K. Bezouska.

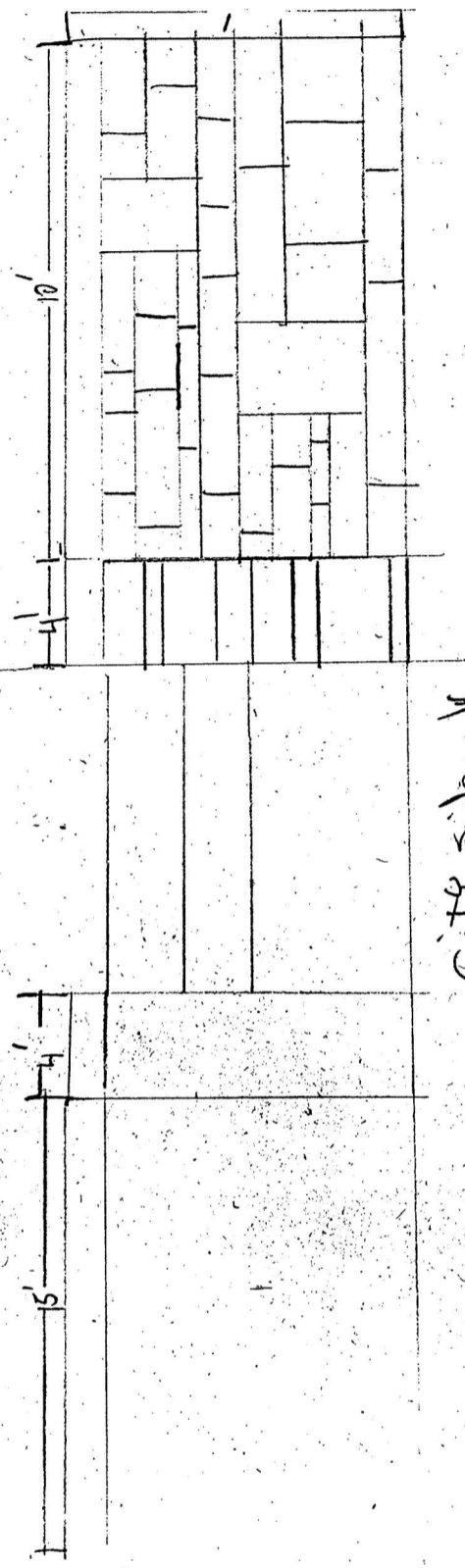
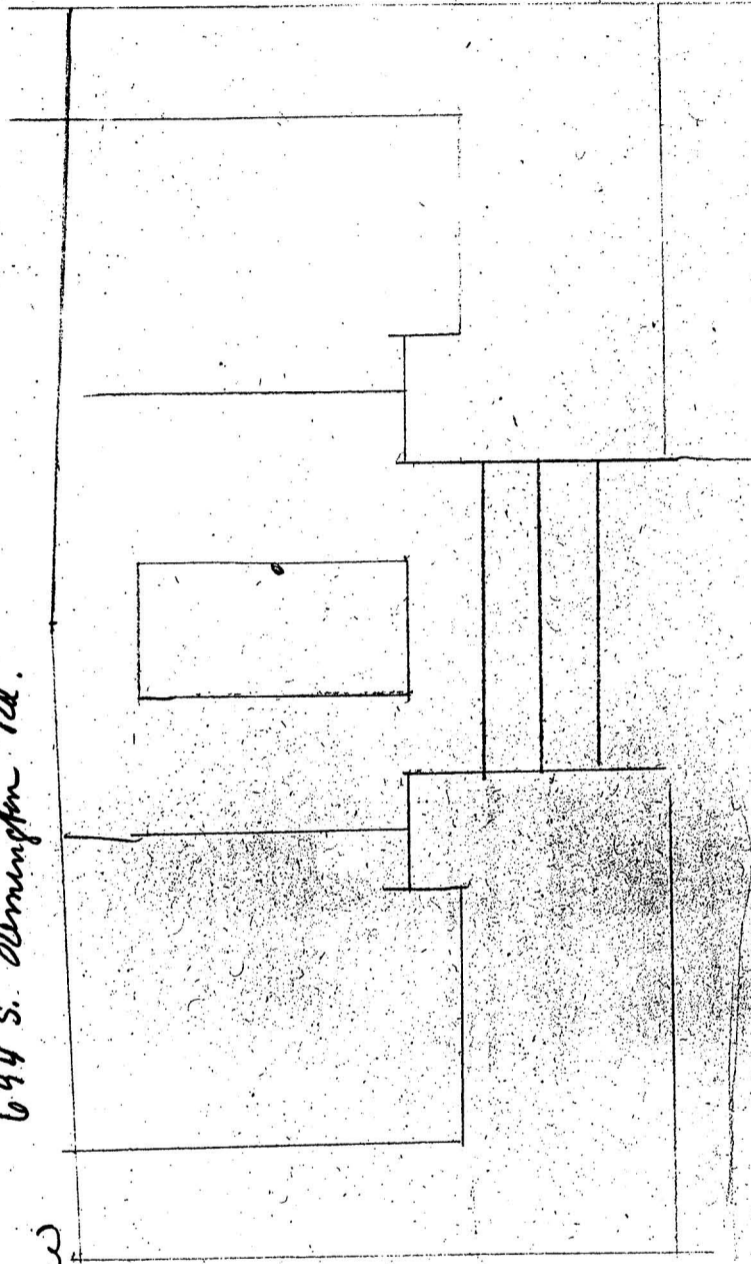
Witness

Ronald K. Bezouska, Owner

Notary Public

694 S. Remington Rd.

Front view

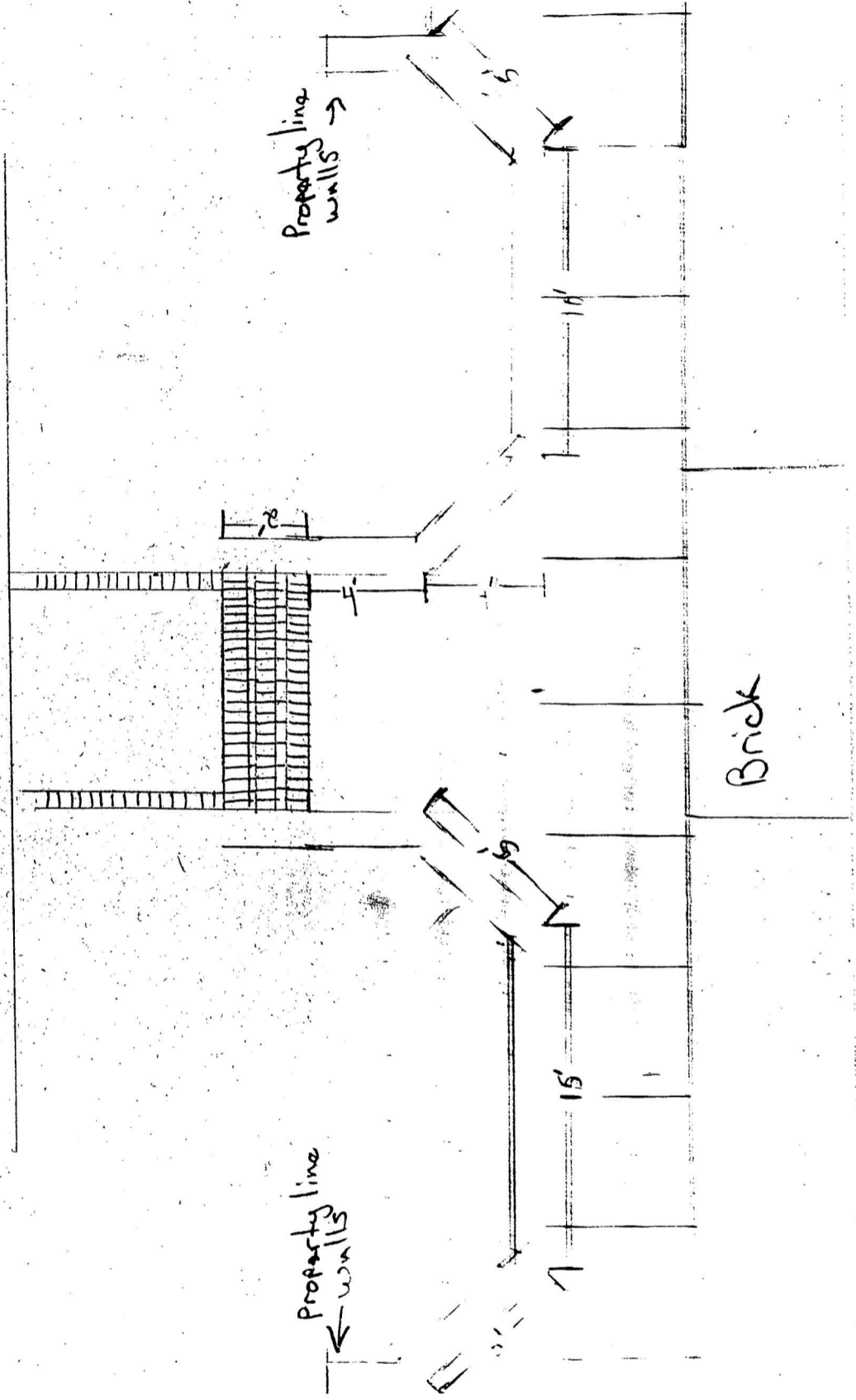


City sidewalk

Top View

694 S. Remington

House



APPLICATION NUMBER 1900
FILING FEE: \$ 20.00

CITY OF BEXLEY, OHIO

APPLICATION TO APPEAR BEFORE
BEXLEY CITY COUNCIL

PAID
7/12/99

1. This application is submitted for: (please check)
 Rezoning Lot Split Plat Approval Variance

 2. APPLICATION SUBMITTED FOR PROPERTY LOCATED:
694 So Remington Rd

 3. NAME OF APPLICANT: Richard T Bezouska

ADDRESS: 694 So Remington Rd
TELEPHONE NUMBER: 231-0512

 4. NAME OF OWNER: Richard Bezouska
ADDRESS: 694 So Remington
TELEPHONE NUMBER: 231-0512

 5. Narrative description of project (attached additional sheets, if necessary.)
Retaining wall 24" high next to sidewalk closest
to house.

 6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)
24" wall will be on city property.
- APPLICANT: Richard T Bezouska DATE 6/6/99
(Signature)

(NOTE: If the applicant is not the owner, a letter from the owner stating his or her approval of the application must be submitted with the application.)

694 S. Remington

6/27/99

The wall I would like to build is as shown. A footer would be dug and rebar will be used, the wall that will be built will be 24" high. The wall will be built with 8" and 4" block with a 2" limestone cap. The wall will be about 10" thick and the cap is 12" wide. Property line walls will end up flush with the ground.

In the tree lawn I would also like to put a vehicle access pad from the sidewalk to the curb.

Richard Beyouka

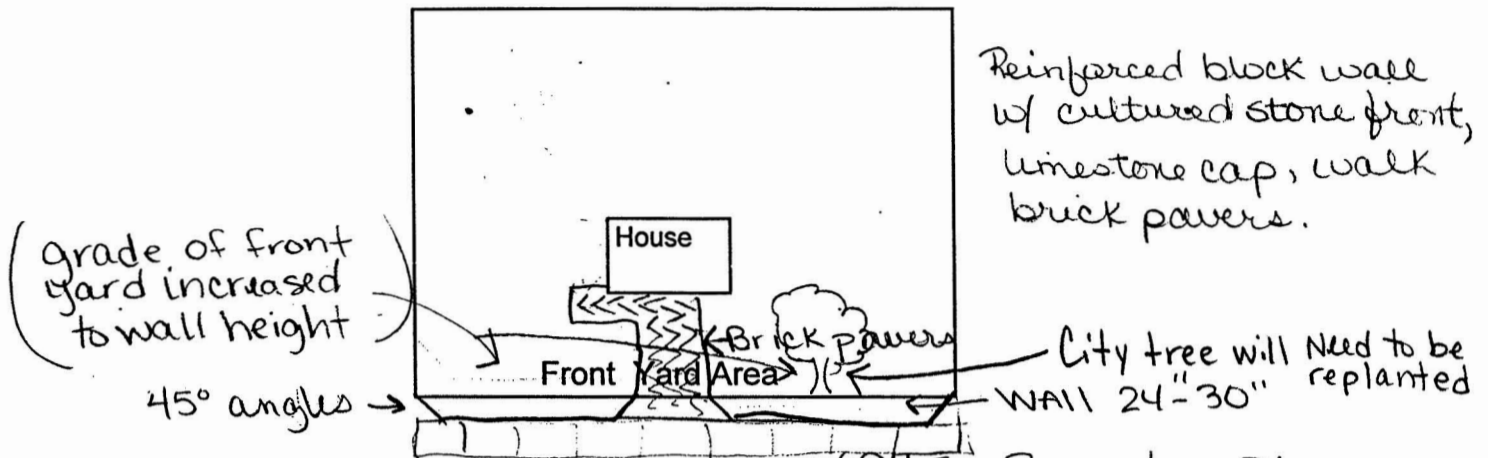
FENCE PERMIT

CITY OF BEXLEY

Building Department
(614) 235-0956

Permit No. _____

Please indicate location of proposed fence below, the large square represents the property line.



Address of where the fence will be installed : 694 So Remington Rd

Is this a corner lot? No: Yes: _____

Type of Fence: MASONRY Height: 24"-30"

Contractor: NONG

Address: _____ Phone: _____

Owner: Richard Bezouska

Address: 694 So Remington Rd Phone: 231-0512

Issuance of a fence permit does not indicate City approval of property line location. It is recommended that an iron pin survey, in accordance with Ohio administrative code section 4733-37, be conducted prior to installing any fence. *If you can't understand the drawing, please call.*

I hereby agree to comply with all applicable Bexley Code Requirements including the following:

1. No fences are permitted between the front building line and the street.
2. No fence shall be of a height greater than 72" above existing undisturbed grade.
3. If side lot line abuts on street, the fence cannot exceed 42" above existing undisturbed grade unless said fence complies with side yard setback requirements..
4. Finished side of fence must face neighboring property or street. (Exception: Interior lots having rear lot lines adjacent to alley right-of-way shall be permitted to place the structural side of the fence facing the alley right-of-way.)

Fee: \$20.00

Richard Bezouska
(applicant)

Approved: _____ Date: _____

694 S Remington Rd

698

704

708

712

688

682

678

672

666

2555 ~~XXXXXXXXXX~~ E. Main St.

699 Vernon Rd.

703

711

718

683

689

693