

ORDINANCE NO. 71-04

By: Mr. Weber

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 owners at 2424 Sherwood Road (Lot Nos. 318 and part of Lot 319; Bexley Park Addition) regarding improvements ~~made~~ made upon and within the City owned street right-of-way adjacent to South Cassady Avenue.

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

Section 1. That the property owners at 2424 Sherwood Road (Lot Nos. ^{5 of} 318 and part of Lot 319; Bexley Park Addition) have requested approval ~~of a~~ a 6' foot high wood privacy fence within the street right-of-way; said fence ~~is~~ approximately 64' in length running parallel and adjacent to South Cassady Avenue. *Reading*

Section 2. That the Mayor and Auditor be, and they hereby are, authorized to enter into a Consent and Hold Harmless Agreement with the property owners, 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 owners assume all responsibility for damage, loss and injury arising out of the location of said fence 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 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2004

President of Council

Attest: _____
Clerk of Council

Approved: _____, 2004

David H. Madison, Mayor

*9-28-04 First Reading
10-12-04 Second Reading
10-26-04 Third Reading
Tabled
9-13-05 Unanimously withdrawn*

CONSENT AND HOLD HARMLESS AGREEMENT

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

The property owner has sought and obtained permission from the City of Bexley to install a 6' high wood fence as indicated below on the property described below and in the easement/right-of-way as described. Approval of the fence and use of an easement/right-of-way area which is public property is conditioned upon this Agreement.

The property owner, his successors and assigns (collectively the "Owner") 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 fence for any reason and 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 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 fence from the public property occupied by it and shall yield to said City all rights to occupy the public property used for such fence whenever said City shall determine the same to be necessary or desirable; that the Owner releases the City, its employers and agents, from any liability for whatsoever; that said fence shall be so constructed as to not interfere with or damage any utility facilities or to impede nor interfere within 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 fence 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 fence in the easement/right-of-way area.

2424 Sherwood Road
Address of Property

Street
Type of Easement/Right-of-Way

Lot Nos. 318 and part of Lot 319;
Bexley Park Addition
Lot Number or Other Description

6' Solid Wood Fence
Building or Structure

Easement/Right-of-Way Width
Property Location

6.5'
Maximum Encroachment Into
Easement Right-of-Way

Storm, Sewer, Sidewalks, Street
Services Existing in Easement/
Right-of-Way

Ordinance No. - 04
Approving Authority (Council)

Date of Agreement

Date of Agreement

This Agreement shall be binding on and for the benefit of the parties hereto and their respective successors and assigns.

STATE OF OHIO, COUNCIL OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____
day of _____, 2004, by _____,
Mayor of the City of Bexley, Ohio, and _____, 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 _____, 2004, by _____.

Witness

Property Owner

Witness

Property Owner

Notary Public

APPLICATION NUMBER 45CC
FILING FEE: \$ 50.00

CITY OF BEXLEY, OHIO

**APPLICATION TO APPEAR BEFORE
BEXLEY CITY COUNCIL**

1. This application is submitted for: (please check)

() Rezoning () Lot Split () Plat Approval (✓) Variance

2. APPLICATION SUBMITTED FOR PROPERTY LOCATED:

2424 Sherwood Dr.

3. NAME OF APPLICANT: Michael Holloway

ADDRESS: 2424 Sherwood Dr.

TELEPHONE NUMBER 237-5869 cell: 353-8087

4. NAME OF OWNER: Michael Holloway and Rachel Altura

ADDRESS: 2424 Sherwood Dr.

TELEPHONE NUMBER: 237-5869

5. Narrative description of project (attached additional sheets, if necessary.)

Wooden fence to enclose backyard.

6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)

see attached

PAID

APPLICANT: Michael Holloway DATE 9/27/04
(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.)

RECEIVED
SEP 27 2004
BEXLEY BUILDING SERVICES

Re: Variance for existing 72-inch wooden fence at 2424 Sherwood Dr.

A month ago we purchased a house on the corner of Cassady and Sherwood. Due to the high amount of traffic at this intersection we need a fence enclosing the backyard for the safety of our two young children. We believed that we had carefully planned the project. Sometime in mid-August, several weeks before moving in, I telephoned Bexley City Hall to be certain what the requirements were for a fence at that property. My call was transferred to the Building Department where a very friendly woman told me that the fence had to be no more than six feet tall, set back from the property line since it was on a corner lot, and in keeping with the character of the neighborhood. We noted the characteristics and location, relative to the property line, of fences on three nearby corner lots, and contracted to have a similar fence installed. The cost was \$4300. It was finished about September 13th.

September 22nd we received a notice of violation stating that we could obtain a permit for the fence. In the Building Department office the next day however, I was informed that the fence would have to be torn down, or, if we choose, we could petition for a variance from the city council. The size and location of a replacement fence possible without a variance would not be useful for the safety and comfort of our family at this busy intersection. Please believe that we are not the type of people to gamble with \$4300. I am at a loss at how this communication error took place, but I am sincerely sorry for my part in it. Please let us know what procedures might allow us to keep our fence.

Thank you,
Michael Holloway
Rachel Altura

***** CITY OF BEXLEY *****
2242 E.MAIN STREET
BEXLEY, OHIO 43209

* * * * * CITY COUNCIL REVIEW * * * * *
* * * * *

Permit Date: 09/27/2004

App. No.: 45 CC

Address: 2424 SHERWOOD RD

Scope of Work: COUNCILMATIC VARIANCE
Project: COUNCILMATIC VARIANC

Owner: ALTURA MICHEAL HALLOWAY RACHEL
2424 SHERWOOD RD
BEXLEY OH 43209-

Telephone: - -

Applicant: OWNER
2424 SHERWOOD RD
BEXLEY, BDBAST 43209-

Telephone: - -

An application to request review upon payment of a fee
of \$ \$50.00 is hereby granted. Receipt number: 9558

Owner/Agent: MICHAEL HOLLOWAY

Chief Building Official: RS/BML Date: _____

applicant audit file packet/Dorothy

* * * * *
Date of Review Meeting: _____

□

PAID

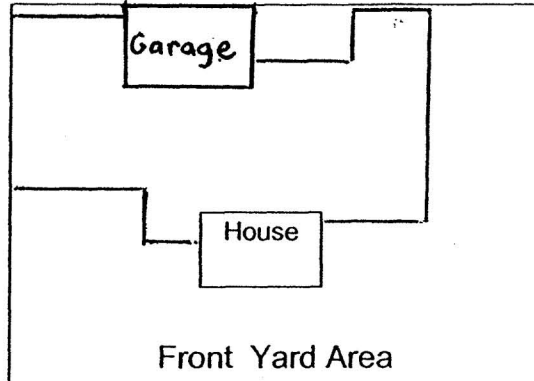
FENCE PERMIT

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 : 2424 Sherwood Dr.

Is this a corner lot? No: _____ Yes:

Type of Fence: cedar Height: 72"

Contractor: Outdoor Solutions

Address: 7500 Sheridon Dr. Blacklick Phone: 614-937-9000

Owner: Michael Holloway and Rachel Altura

Address: 2424 Sherwood Dr. Phone: 237-5869

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.

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: \$40.00

_____ (applicant)

Approved: _____ Date: _____

Geographic Information System

Joseph W. Testa

Auditor, Franklin County, Ohio

[Map Search](#) [Real Estate Search](#) [Auditor Home](#)

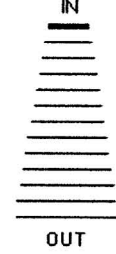
PID: 020-000558
Moran Thomas R
2424 Sherwood Rd
Bexley, OH 43209-2150

- [Parcel Info](#)
- [Building Sketch](#)
- [Area Maps](#) ▶
- [Select Items](#)
- [Reports](#) ▶
- [Theme Maps](#)
- [Countywide Maps](#) ▶
- [Photo](#)
- [Print](#) ▶

[County Location](#) »

[Legend](#) »

Zoom



Move



Current Map:
257' x 189'

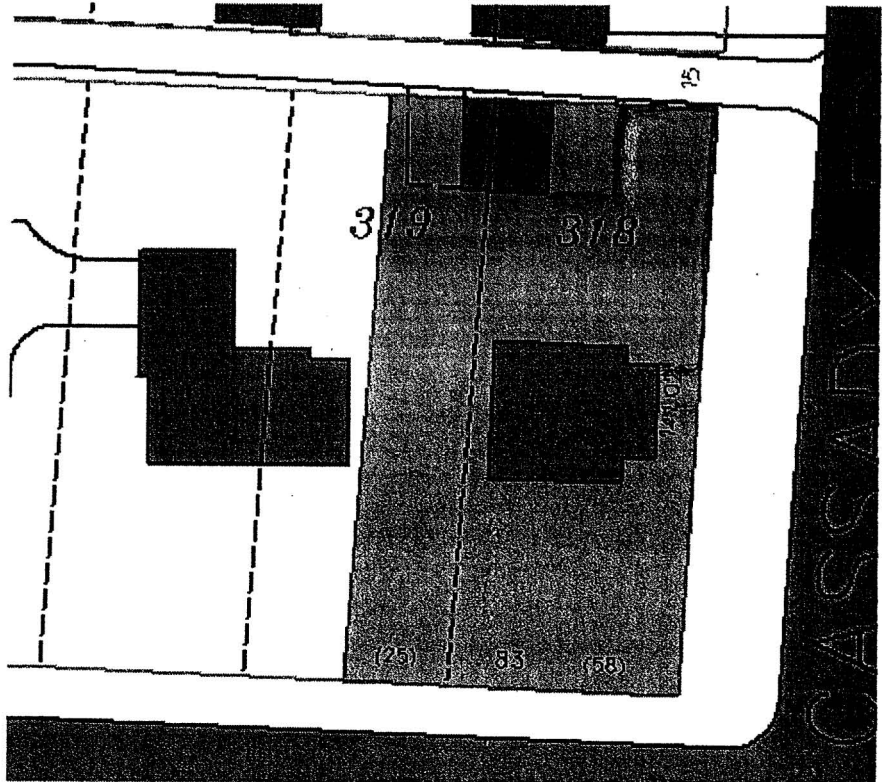


Image Date: Tue Sep 7 16:36:11 2004

Ortho Photograph

[Real Estate Page](#)

The closest fire station from the center of this map is 1.1 miles away. See [below](#) for more details.

Hint: To see other parcels that may be owned by this parcel's owner, click on their name in the yellow upper-left box.

Link to:

[County Recorder Documents](#)



Closest Fire Departments	
Columbus Station 15	1.1 miles
Columbus Station 21	1.3 miles
Columbus Station 20	1.9 miles

Disclaimer

This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and map are notified that the public primary information source should be consulted for verification of the information contained on this map. The county companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancy.

D.P.'s
COPY

PUBLIC NOTICE

This is to inform you that a public meeting will be held by the Engineering & Plats Committee of the Council of the City of Bexley, Ohio, at 6:00 P.M., Tuesday November 23, 2004, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 76-04. This Ordinance, if approved, will allow for a fence that was constructed in the City's right-of-way along Cassady Avenue to remain in place at 2424 Sherwood Road.

All interested persons are invited to attend.

Mailed November 12, 2004.

