

ORDINANCE NO. 87-04

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 2322 Sherwood Road (Lot No. 333; Bexley Park Addition) regarding improvements made upon and within the City owned street right-of-way adjacent to Sherwood Road.

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

Section 1. That the property owners at 2322 Sherwood Road (Lot No. 333; Bexley Park Addition) have requested approval to construct a 1'3" high retaining wall within the street right-of-way; said retaining wall is to be approximately 32' in length running parallel and adjacent to Sherwood Road.

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 retaining wall including any additional cost to the City of Bexley incurred in connection with its use of 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: 12.14, 2004



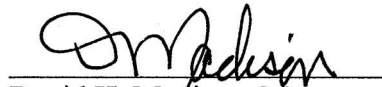
President of Council

Attest: 

Clerk of Council

11/09/04 First Reading
11.23.04 Second Reading
12.14.04 Third Reading
Passed

Approved: 12/14, 2004



David H. Madison, Mayor

Property Location

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 21st
day of December, 2004, by David H. Madison,
Mayor of the City of Bexley, Ohio, and Cary W. Gualmann, Auditor
of the City of Bexley, Ohio.

Sara Chrusch
Witness

DM
Mayor

Rhonda Parson
Witness

Dan Ferrelmo
Auditor

Anita Foley
Notary Public **Anita S. Foley**
Notary Public, State of Ohio
My Commission Expires July 23, 2008

Rhonda Larson
Witness

Joel K. Tob
Property Owner

Witness

Property Owner

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before this 2nd day of
February, 200~~7~~⁵, by Anita S. Foley
Notary Public

Anita S. Foley
Notary Public, State of Ohio
My Commission Expires July 23, 2008