

ORDINANCE NO. 97-04

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 317 N. Columbia Avenue (Lot Nos. 3 & 4; Bullitt Park) regarding improvements made upon and within the City owned street right-of-way adjacent to Columbia Avenue.

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

Section 1. That the property owners at 317 N. Columbia Ave. (Lot Nos. 3 & 4; Bullitt Park) have requested approval to construct a 12" high retaining wall within the street right-of-way; said retaining wall is to be approximately 12' in length running parallel and adjacent to Columbia Avenue *and two landscape lights approximately 6 inches in height.*

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: 1-25, 2005

John B. Paly

President of Council

Attest: *[Signature]*

Clerk of Council

Approved: 1/25, 2005

*12-14-04 FIRST READING
12-21-04 SECOND READING
01-11-05 Third Reading. Tabled
1-25-05 Removed from table.
Passed.*

David H. Madison

David H. Madison, Mayor

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 12" high retaining wall as indicated below on the property described below and in the easement/right-of-way as described. Approval of the retaining wall 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 retaining wall 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 retaining wall 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 retaining wall 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 retaining 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.

317 N. Columbia Ave.
Address of Property

Street
Type of Easement/Right-of-Way

Lot No. 3-4;
Bullitt Park
Lot Number or Other Description

12" high retaining wall
Building or Structure

80'
Easement/Right-of-Way Width
Property Location

3"
Maximum Encroachment Into
Easement Right-of-Way

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

Ordinance No. 97 - 04
Approving Authority (Council)

2/24/05
Date of Agreement

Date of Agreement

Jennifer Camney
Property Owner

Property Owner

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 8th
day of February, 2005, by David H. Madison,
Mayor of the City of Bexley, Ohio, and Gary Qualmann, Auditor
of the City of Bexley, Ohio.

Jana Chinnock
Witness

D. Madison
Mayor

Rhonda Larson
Witness

Gary Qualmann
Auditor

Anita S. Foley
Notary Public

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

APPLICATION NUMBER 48cc
FILING FEE: \$ _____

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:

317 N. Columbia Ave.

3. NAME OF APPLICANT: Jeff Gold - Calista Gardens

ADDRESS: 9387 Mink St. SW Pataskala, OH 43062

TELEPHONE NUMBER 740 927 1187

4. NAME OF OWNER: Setu + Jennifer Cammeyer

ADDRESS: 317 N. Columbia Ave. Bexley OH 43209

TELEPHONE NUMBER: 614 258 5654

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

To add a stone wall approx. 12" in ht to match the existing stone wall on the other side of the driveway.

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

The wall runs along the sidewalk which falls into the right of way.

APPLICANT: Jeffery Gold DATE 12-4-04
(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.)

CALISTA GARDENS

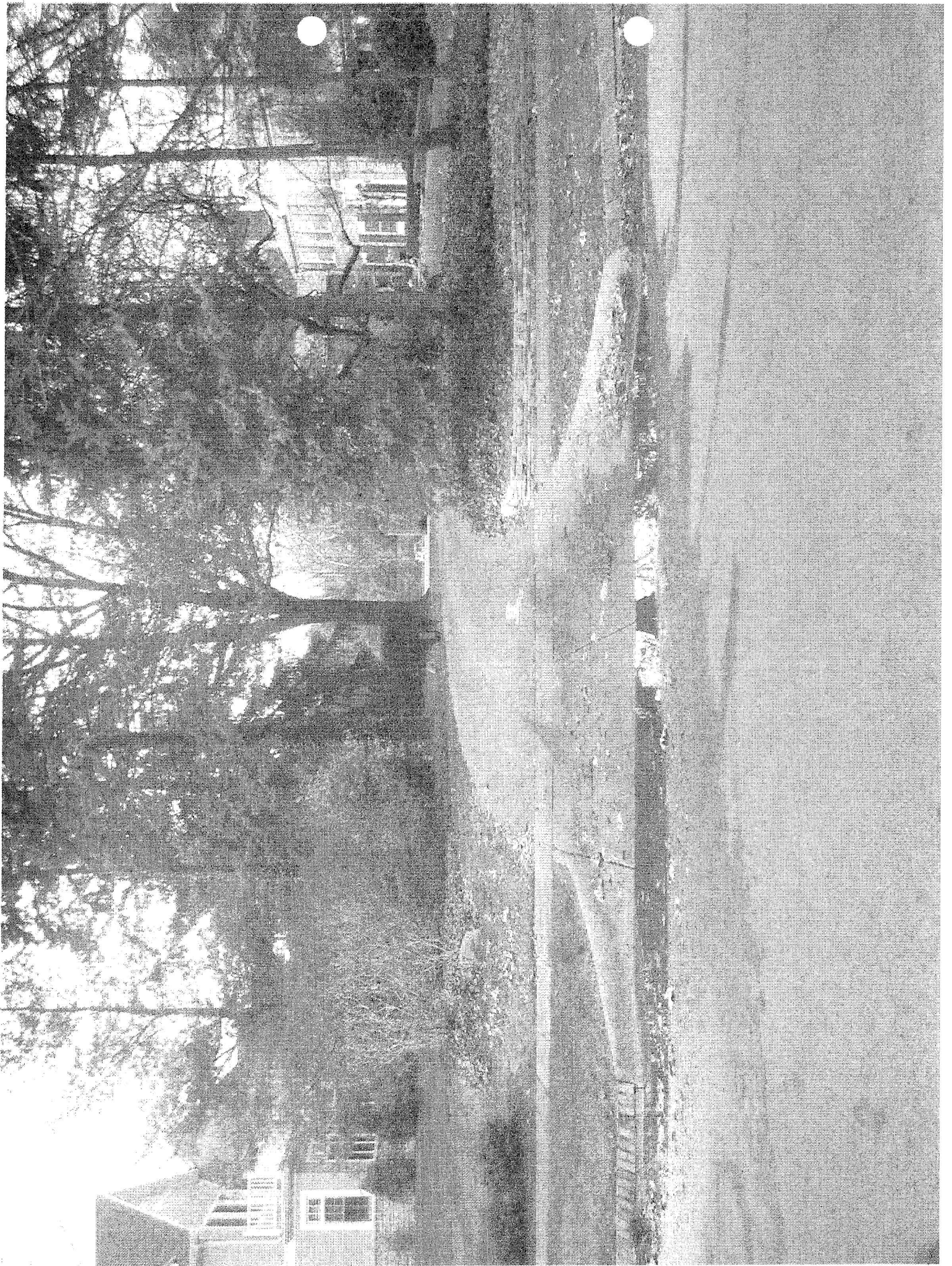
9387 MINK RD. / PATASKALA, OH 43062 / 740-927-1187
calistagardens@insight.rr.com

Seth & Jennifer Cammeyer
317 N. Columbia Ave.
Bexley, OH 43209

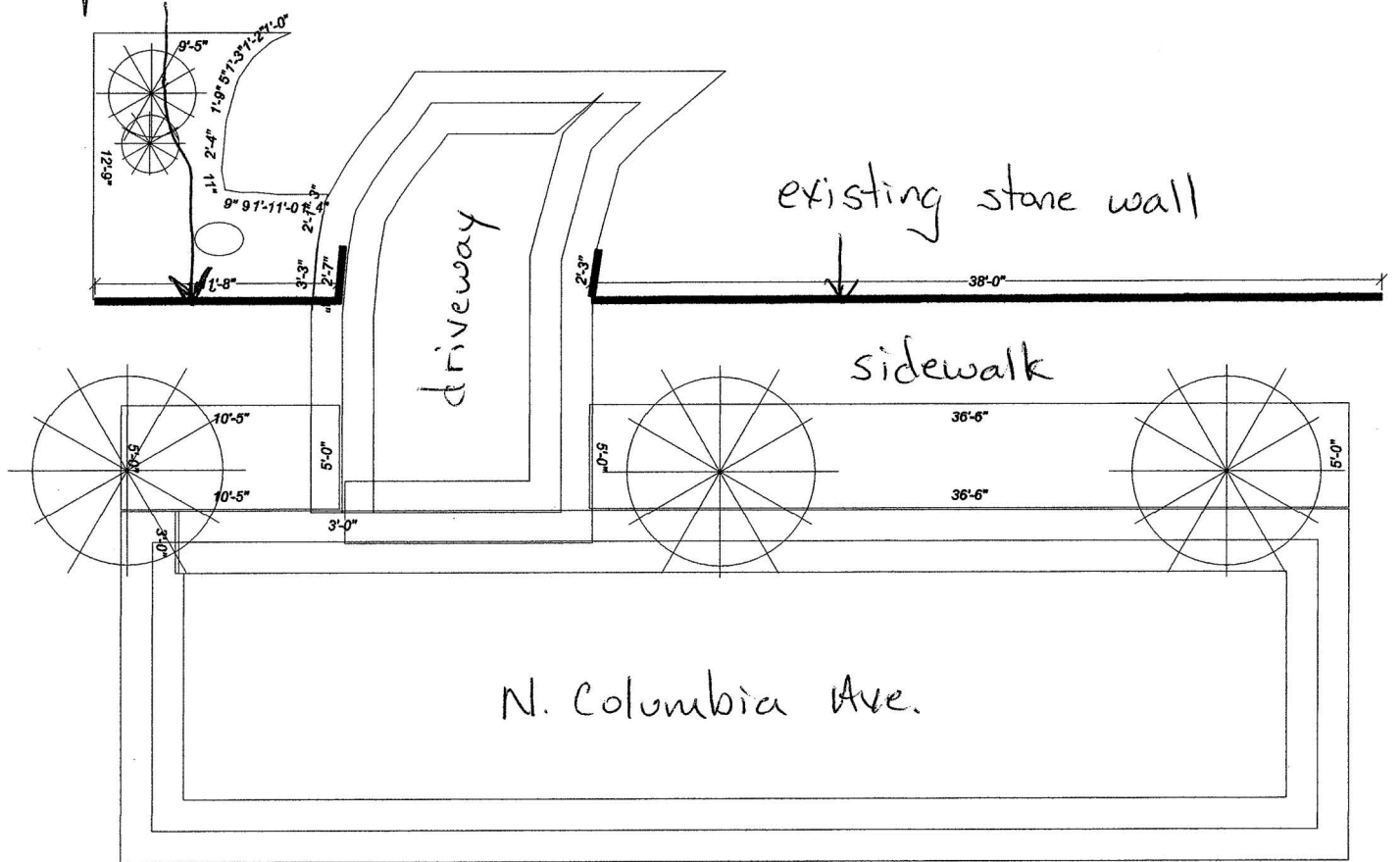
12-1-04

Addition of stone wall and bed:

We are proposing a small stone wall on the south side of the driveway. The wall will run along the sidewalk from the property line to the driveway. It will match the existing stone wall on the north side of the driveway. The wall will be 12-14 inches in height. The stone will match the stone of the existing wall on the north side of the driveway. Upon approval, the work will begin immediately.



Proposed stone wall



DRP

NOTICE OF PUBLIC MEETING

This is to inform you that a public meeting will be held by the Zoning and Development Committee of the Council of the City of Bexley, Ohio, at 5:00 p.m., Tuesday, January 25, 2005, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 97-04. This Ordinance, if approved, will allow for the construction of 12' high retaining wall adjacent to the sidewalk south of the driveway at 317 North Columbia Avenue.

Plans are available for your review in the Service Department.

All interested persons are invited to attend.

Mailed January 20, 2005

