

ORDINANCE NO. 43-05

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 17 N. Parkview Ave. (Lot No. 5-6-7-8; Bullitt Park Amended) regarding improvements made upon and within the City owned street right-of-way adjacent to Parkview Ave and Broad St.

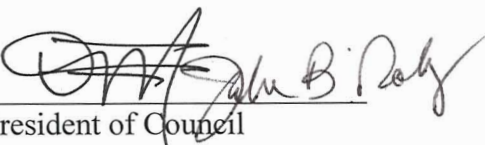
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the property owners at 17 N. Parkview Ave. (Lot No. 5-6-7-8; Bullitt Park Amended) have requested approval to construct a 36" high stone retaining wall, with a 24" high ornamental iron fence set on top of the stone wall, within the street right-of-way; said retaining wall is to be approximately 456' in length running parallel and adjacent to Broad St. and approximately 75' parallel and adjacent to Parkview Ave. The property owners have also requested approval to replace the existing 32' driveway approach with exposed aggregate.

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 and driveway approach 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.

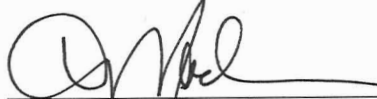
Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 6.14, 2005


President of Council

Attest: 
Clerk of Council

4-26-05 First Reading
5-10-05 Second Reading
5-24-05 Third Reading. Tabled.
6-14-05 Removed from table.
Passed.

Approved: 6/14, 2005

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 36" high retaining wall with a 24" iron fence set on top of the wall and replacement of the existing driveway approach ~~with exposed aggregate~~ as indicated below on the property described below and in the easement/right-of-way as described. Approval of the retaining wall and driveway approach and use of an easement/right-of-way area which is public property is conditioned upon this Agreement. PRK

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 and/or driveway approach 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 and/or driveway approach 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 and driveway approach 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 and/or driveway approach 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 and/or driveway approach in the easement/right-of-way area.

17 N. Parkview Ave.
Address of Property

Street
Type of Easement/Right-of-Way

Lot No. 5-6-7-8;
Bullitt Park Amended
Lot Number or Other Description

36" high retaining wall with 24" iron fence
and exposed aggregate driveway approach
Building or Structure

Easement/Right-of-Way Width
Property Location

Maximum Encroachment Into
Easement Right-of-Way

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

Ordinance No. 43 - 05
Approving Authority (Council)

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

Patricia B. Hattler
Property Owner

Property Owner

Marleen E. Fishman
Witness

Witness

March 22, 2006
Date of Agreement

Date of Agreement

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before this 22nd day of

6, 2006, by Virginia M. Palmer
Notary Public



VIRGINIA M. PALMER
Notary Public, State of Ohio
My Commission Expires 07-28-07

[Signature]
Witness

[Signature]
Mayor

[Signature]
Witness

[Signature]
Auditor

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before this 22nd day of

March, 2006, by [Signature]
Notary Public

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

APPLICATION NUMBER 52CC
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:
17 N. Parkview Ave.
 3. NAME OF APPLICANT: The Brickman Group

ADDRESS: 3001 Innis Rd. Columbus, Ohio 43224
TELEPHONE NUMBER: (614) 478-2085
 4. NAME OF OWNER: PAT Hatler
ADDRESS: 17 N. Parkview Ave
TELEPHONE NUMBER: 614-252-7707
 5. Narrative description of project (attached additional sheets, if necessary.)
See attached
 6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)
See attached
- APPLICANT: Ron Aichler DATE 4-11-05
(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.)

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

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

Permit Date: 04/19/2005

App. No.: 52 CC

Address: 17 PARKVIEW AV N

Scope of Work: COUNCILMATIC VARIANCE
Project: CITY COUNCIL

Owner: COFFIN, HOWARD
P.O. BOX 9591
COLUMBUS OH 43209-

HATLER, PATRICIA

Telephone: - -

Applicant: OWNER
P.O. BOX 9591
COLUMBUS, BDBAST 43209-

Telephone: - -

An application to request review upon payment of a fee
of \$ \$50.00 is hereby granted. Receipt number: 10822

Owner/Agent: BRICKMAN GROUP LTD.

Chief Building Official: _____ Date: _____

applicant audit file packet/Dorothy

* * * * *
Date of Review Meeting: _____

□



BRICKMAN
Enhancing the American Landscape Since 1939

Facsimile Cover Sheet

EAST: 3001 Innis Rd., Columbus, OH 43224
Phone: 614/478.2085 Fax: 614/478.2086
WEST: 3645 Paragon Drive, Columbus, OH 43228
Phone: 614/529.4144 Fax: 614/529.4146

SOUTH: 1685 Universal Drive, Columbus, OH 43207
Phone: 614/445.6151 Fax: 614/445.7346



To: Molly
City of Bexley Building Dept.

Recipient Fax Number: 389-0517
From: Ron Dickerson
Phone: 614/478.2085
Fax: 614/478.2086

Date: 4-19-05

Pages including this sheet: 2

Molly,

Here is the project description for the driveway variance at 17 N. Parkview.

Yesterday I forgot to get receipts for the submittals I gave you. Could you please fax copies of them to 478-2086.

Thanks,
Ron

Description of project at 17 N. Parkview Ave.

Construct a 3' tall dry laid stone wall along the length of the South property line and approximately 75' along the east property line (see plan LO-1 for layout). The wall will be constructed of "Shoreline" Limestone, to match neighbors and will have ornamental iron panels 24" high. The overall height will be slightly above the existing grade at the top of the slope and will not obstruct any views from the street. Overgrown vegetation will be removed to construct the wall, the area behind wall will be backfilled to existing grade and a new evergreen hedge and perennials will be planted behind wall.

Necessity of Variance

The wall is necessary because there is a repeated problem with trespassing by vagrants. The property is easily accessed from the area along Broad St. and the corner of Parkview. There have been numerous occasions when the owners have encountered trespassers on the property and in the house. Most recently they have been wakened twice in the middle of the night by a vagrant pounding loudly on the front door.

In addition to the trespassing problem there is an erosion problem along the slope. Soil and mulch washing onto the sidewalk is a constant problem. The retaining wall will solve this problem

The R.O.W along Broad St. is located 2 feet behind the back of the sidewalk. We want to locate the wall 18" behind the sidewalk to align with the neighboring wall to the west.

The R.O.W. along Parkview Ave. is located 6' behind the sidewalk. We want to locate the wall in this area directly behind the back edge of the sidewalk to preserve the existing large trees on the corner.

Description of project at 17 N. Parkview Ave.

Replace existing asphalt driveway approach with new exposed aggregate concrete approach.

Necessity of Variance

The existing driveway approach is 14' feet wide at the sidewalk and flares out to 32' wide at the street. Current code calls for the drive to be a maximum width of 12'-6" at the sidewalk. We would like to replace the driveway in its original layout and location. The drive way intersects the street at a slight angle and the added width allows for better maneuverability.

April 12, 2005

Bexley City Council
2242 East Main St.
Bexley OH 43209

RE: Variance Application for 17 N. Parkview Ave.

Bexley City Council,

As the property owner of 17 N. Parkview Avenue, I give my approval of the application submitted by The Brickman Group for the zoning variance required for the replacement of the driveway approach.

Patricia B. Hatler
Patricia Hatler

THE BRICKMAN GROUP, LTD
 3001 Innis Road, Columbus, OH 43224
 Phone: 614.478.2085
 Fax: 614.478.2086



Hatler-Coffin Residence

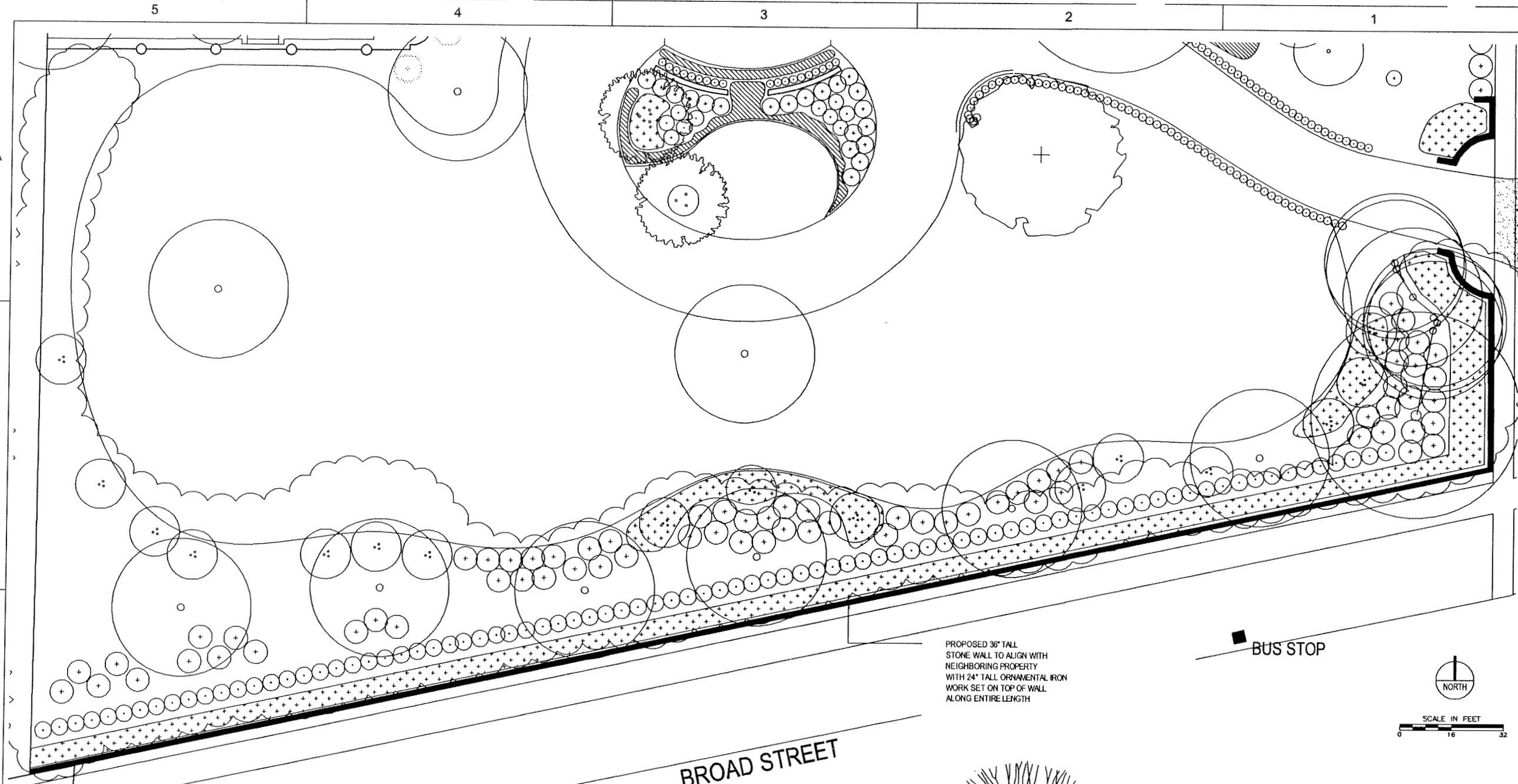
17 N. Parkview
 Bexley, Ohio 43209

MARK	DATE	DESCRIPTION
	10-19-04	Preliminary
	2-4-05	
	2-11-05	
	3-16-05	CITY COUNCIL VARIANCE

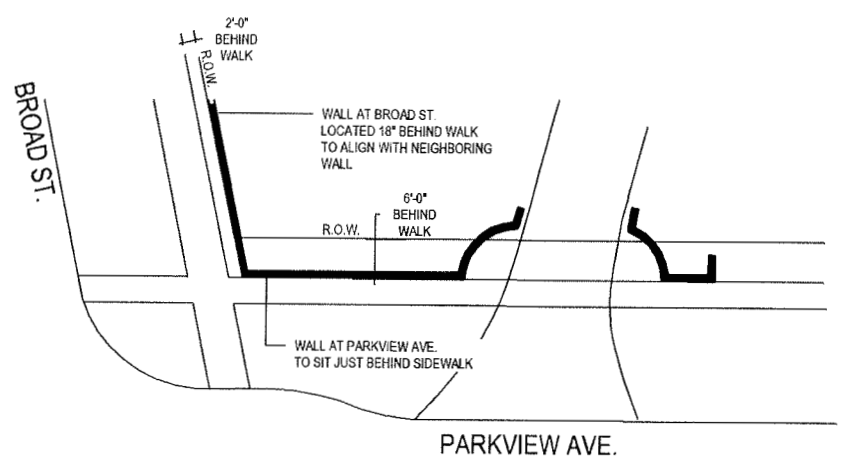
PROJECT DIRECTOR: RD
 DESIGNER: RD
 ESTIMATOR:
 ACCEPTED BY:

SHEET TITLE:
Wall Plan

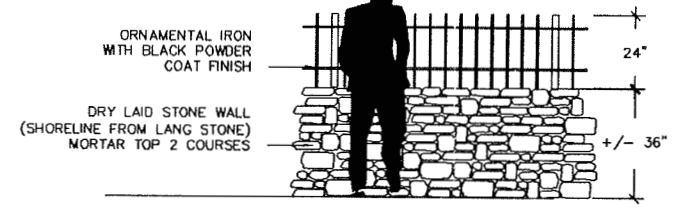
SHEET NUMBER:
LO-1



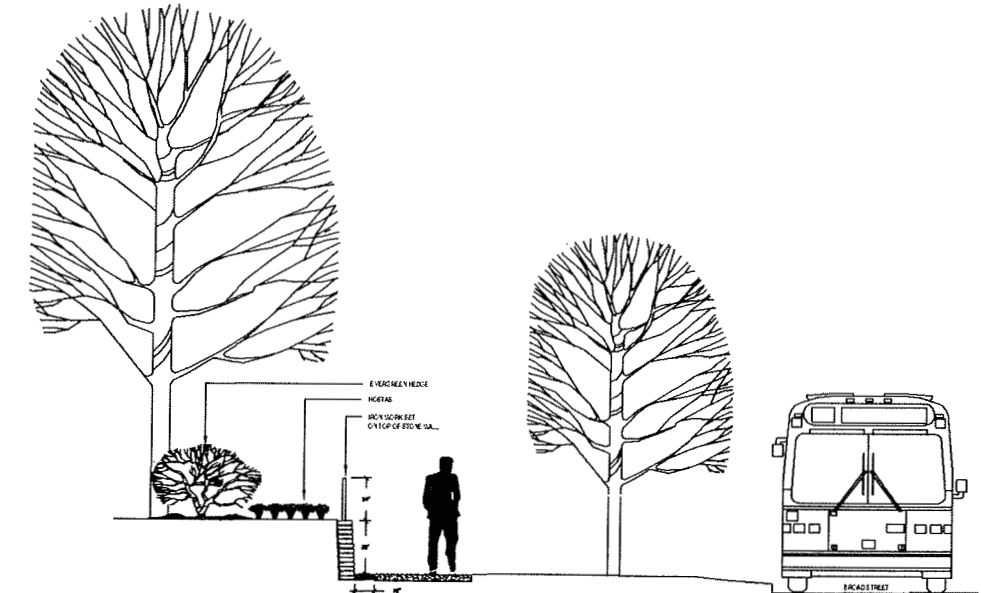
PROPOSED 36" TALL
 STONE WALL TO ALIGN WITH
 NEIGHBORING PROPERTY
 WITH 24" TALL ORNAMENTAL IRON
 WORK SET ON TOP OF WALL
 ALONG ENTIRE LENGTH



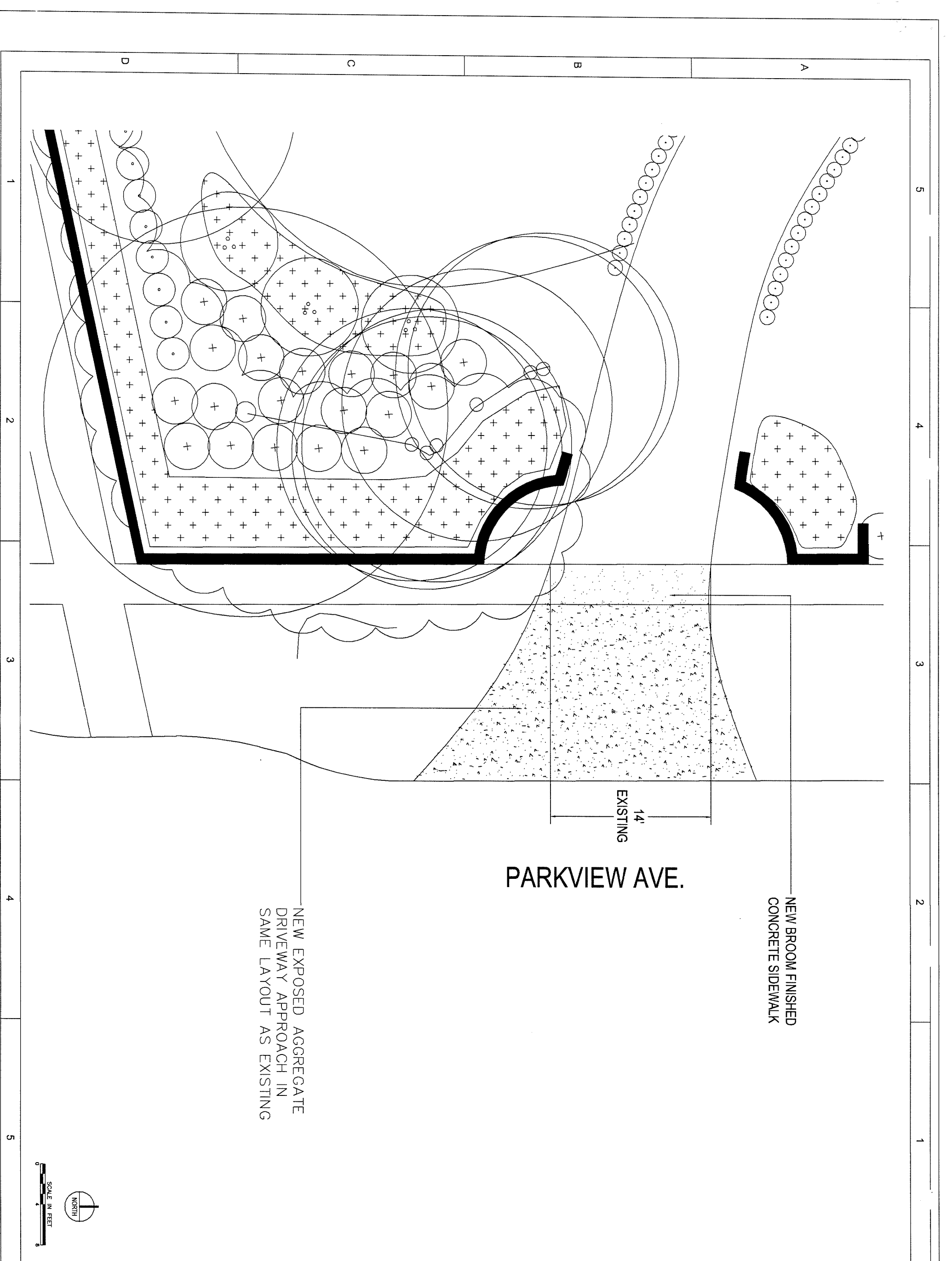
1 SETBACK DETAIL
 N.T.S.



2 WALL ELEVATION
 N.T.S.



3 WALL SECTION
 N.T.S.

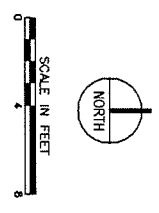


NEW EXPOSED AGGREGATE
DRIVEWAY APPROACH IN
SAME LAYOUT AS EXISTING

PARKVIEW AVE.

EXISTING
14'

NEW BROOM FINISHED
CONCRETE SIDEWALK



<h2 style="margin: 0;">Hatler-Coffin Residence</h2> <p style="margin: 0;">17 N. Parkview Bexley, Ohio 43209</p>		<p style="font-size: 8px; margin: 0;">THE BRICKMAN GROUP, LTD 3001 Innis Road, Columbus, OH 43224 Phone: 614.478.2085 Fax: 614.478-2086</p>
<p style="font-size: 8px; margin: 0;">MARK</p> <p style="font-size: 8px; margin: 0;">DATE</p> <p style="font-size: 8px; margin: 0;">DESCRIPTION</p>	<p style="font-size: 8px; margin: 0;">10-18-04</p> <p style="font-size: 8px; margin: 0;">2-4-05</p> <p style="font-size: 8px; margin: 0;">2-11-05</p> <p style="font-size: 8px; margin: 0;">3-16-05</p>	<p style="font-size: 8px; margin: 0;">Preliminary</p> <p style="font-size: 8px; margin: 0;">CITY COUNCIL VARIANCE</p>
<p>PROJECT DIRECTOR: RD</p> <p>DESIGNER: RD</p> <p>ESTIMATOR:</p> <p>ACCEPTED BY:</p> <p>SHEET TITLE:</p>		
<p>Driveway Approach</p>		
<p>LO-2</p>		