

ORDINANCE NO. 97 - 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 2077 Park Hill Drive (Lot No 14, Part of Park Drive & Park Hill Drive, (Vac. By Ord. #64-82), Park Hill Addition) regarding improvements made upon and within the City owned parkland adjacent to Alum Creek and Park Hill Drive.

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

Section 1. That the property owners at 2077 Park Hill Drive (Lot Nos.) have constructed a golf "putting" green within City owned parkland adjacent to Alum Creek and Park Hill Drive.

Section 2. That the Mayor and Auditor be, and they hereby are, authorized to enter into a revocable agreement with the property owners, in form and substance satisfactory to the City Attorney, authorizing the encroachment as constructed 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 golf "putting" green 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: Oct 25, 2005




President of Council

Attest: 

Clerk of Council

Approved: 10/25, 2005



David H. Madison, Mayor

9-27-05 First Reading
10-11-05 Second Reading
10-25-05 Third Reading. Passed

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 allow a golf "putting" green as indicated below on the property described below and in the easement/right-of-way as described. Approval of the golf "putting" green 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 putting green 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 putting green from the public property occupied by it and shall yield to said City all rights to occupy the public property used for such putting green 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 putting green 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 putting green 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 putting green in the easement/right-of-way area.

2077 Park Hill Drive
Address of Property

Park
Type of Easement/Right-of-Way

Lot 14, Part of Park Dr. & Park Hill Dr.
(Vac By Ord #64-82), Park Hill Addn
Lot Number or Other Description

putting green
Building or Structure

Easement/Right-of-Way Width

Maximum Encroachment Into

Property Location

Easement Right-of-Way

Services Existing in Easement/
Right-of-Way

Ordinance No. - 05
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 9th
day of November, 2005, by DAVID MADISON
Mayor of the City of Bexley, Ohio, and GARY QUALMANN, Auditor
of the City of Bexley, Ohio.

Anne Farley
Witness

[Signature]
Mayor

[Signature]
Witness

[Signature]
Auditor

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

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 11th,
day of November, 2005, by Gary Schottenstein.

Sara Chumack
Witness

Gary Schottenstein
Property Owner

Witness

Property Owner

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

APPLICATION NUMBER 58 CC
FILING FEE: \$ 50

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:
2077 Park Hill Dr.

3. NAME OF APPLICANT: Gary L. Schottenstein

ADDRESS: 2077 Park Hill Dr.

TELEPHONE NUMBER: ^(H) 614-252-1900 (Work) 418-8900

4. NAME OF OWNER: same

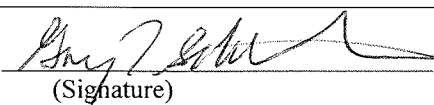
ADDRESS: _____

TELEPHONE NUMBER: _____

5. Narrative description of project (attached additional sheets, if necessary.)
Putting Green on City Property
Separated From Park, Near Creek

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

Same As # 5

APPLICANT:  DATE 9-8-05
(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.)

Pd ck # 882 / \$ 50 / 9-8-05

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX:614-235-4559

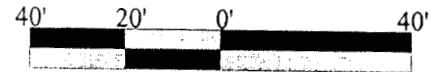
A Boundary Survey prepared for and certified to:

Gary Schottenstein

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley Being Lot 14, Part of Park Dr. & Park Hill Dr., (Vac. by Ord. #64-82), Park Hill Addition

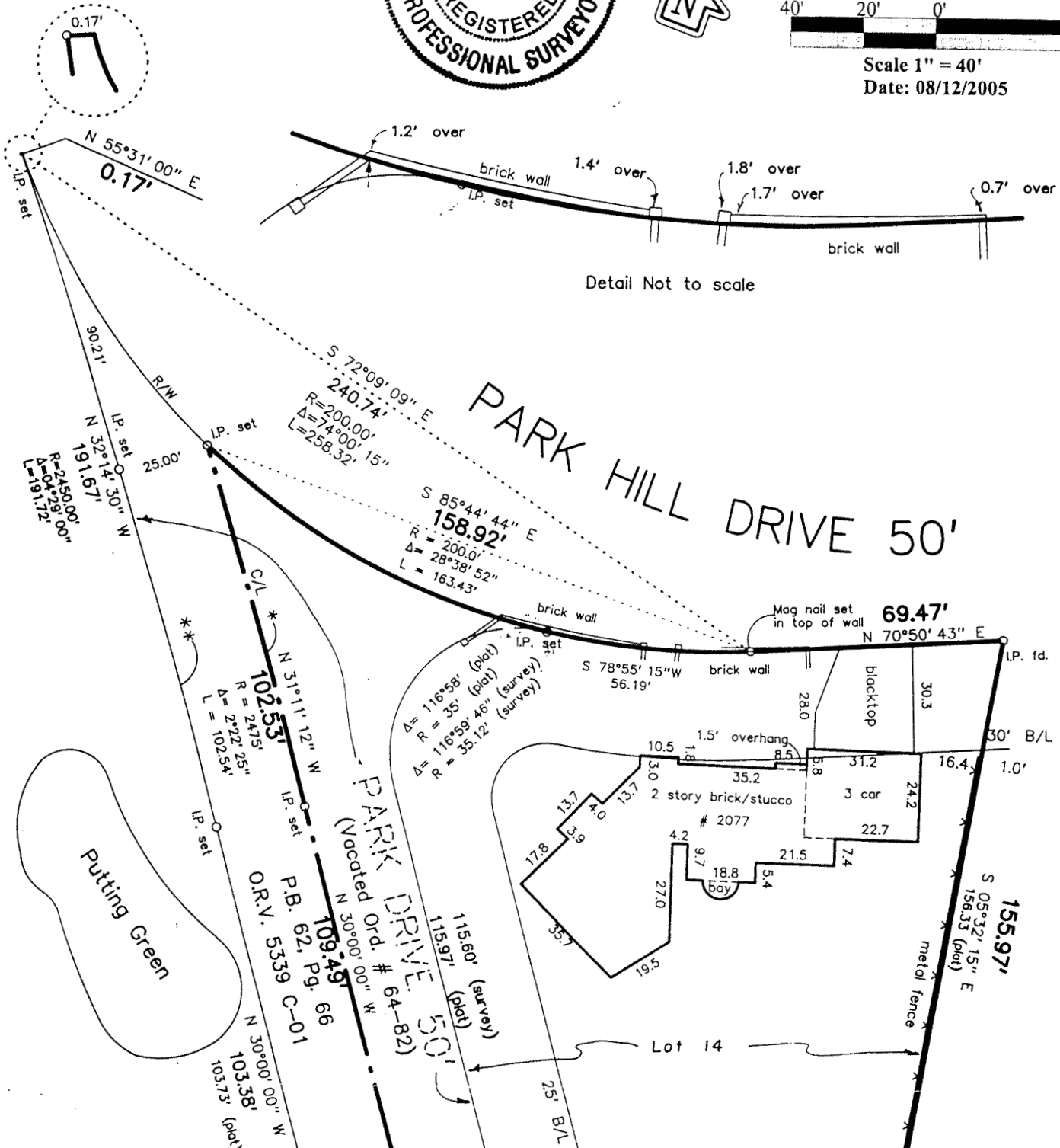
Applicant: Schottenstein, Gary

Posted Address: 2077 Park Hill Dr., Bexley, Ohio



Scale 1" = 40'

Date: 08/12/2005



*2/11/05
copy*

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 5:45 p.m., Tuesday, October 11, 2005, at Bexley City Hall, 2242 East Main Street, to consider adoption of two ordinances. The first ordinance, Ordinance No. 98 would, if approved, permit a wall and two columns constructed in the City of Bexley right-of-way in front of 2077 Park Hill Drive to remain in place. The second ordinance, Ordinance No. 97 would allow, if approved, a golf putting green constructed on City of Bexley right-of-way adjacent to 2077 Park Hill Drive to remain in place.

All interested persons are invited to attend.

Mailed October 4, 2005.

