Proposed Amended Ordinance 41 - 24

By: Sam Marcellino

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 owner 2409 Plymouth Ave. (Parcel No. 020-000309-00), regarding improvements made upon and within the City owned right-of-way between the sidewalk and the property line.

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

Section 1.
That the property owner at 2409 Plymouth Ave. (Parcel No. 020-000309-00) is permitted to install a fence in the Right-of-Way between the sidewalk and the western property line, ~~as described above.~~subject to the following conditions:

1. That the western fence line be located to the east of the city tree(s) at an adequate distance as determined by the City's lead arborist;
2. That the property owner provide a landscape plan to the satisfaction of the Building Director and any boards or commissions responsible for the review of the landscape design;
3. That the fence design and material be specified to the satisfaction of the Building Director and any boards or commissions responsible for the review of the fence placement and/or design.

~~If consent is granted, the owner has committed to hiring a landscape architect and working with the City on final location and design of the fence.~~

Section 2.
That the Mayor and Auditor 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 encroachments 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 building features, 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 improvements. Prior to the execution of said Consent and Hold Harmless Agreement, Council shall be provided with the final design and landscape plan for the improvements.

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

Passed:_____, 2024

_____
Monique Lampke, President of Council

Attest:_____
Matt McPeek, Clerk of Council

_____

Ben Kessler, Mayor

First Reading: November 19, 2024
Second Reading:
Third Reading: