

ORDINANCE NO. 82 -90BY: Albert J. Myers

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 at 2416 Commonwealth Park North (Lot Number 1; Bullitt Park Addition) regarding improvements made upon and within the City owned right-of-way of S. Columbia Avenue.

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

Section 1. That the property owner at 2416 N. Commonwealth Park North (Lot Number 1; Bullitt Park Addition) has requested approval to construct a uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls in the front yard in place of the existing concrete sidewalk, lawn and curb of said property.

Section 2. That the Mayor and the Auditor be, and they hereby are, authorized to enter into a Consent and Hold Harmless Agreement with the property owner, in form and substance satisfactory to the City Solicitor, authorizing the uni-stone concrete paver sidewalk, handicap ramp and front yard walls as proposed in accordance with the submitted request on the condition that the property owner assume all responsibility for damage, loss, and injury arising out of the location of said uni-stone concrete paver sidewalk, handicap ramp and front yard walls 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 structures.

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

Passed: January 22, 1990

Robert L. Schindler
President of Council

Attest: John J. Bishop
Clerk of Council

Approved: Jan 22, 1990

David H. Madison
David H. Madison, Mayor

Nov. 13, 1990 - 1st reading

Nov. 27, 1990 - 2nd reading

*Dec. 11, 1990 - 3rd reading
tabled*

Jan. 22, 1991 - Adopted

C O N S E N T A N D

H O L D H A R M L E S S A G R E E M E N T

The undersigned property owners and the City of Bexley, Ohio (the "City") agree as follows:

The owners have sought and obtained permission from the City to erect a uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls as indicated below on the property described below and in the easement/right-of-way as described. Approval of the proposed uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls and use of the easement/right-of-way area is conditioned upon this Agreement.

The Ohio State University, their successors and assigns, shall save the City harmless from any and all damages which may arise from, or grow out of, the installation of the uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls, and said grantees, their successors and assigns, shall defend, at their own cost, every suit in which the City 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 grantees and that no right, title or interest of the public is waived or abridged in any way thereby; that said grantees, their successors or assigns, shall at all times maintain the uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls in a manner satisfactory to the City; that said grantees, their successors or assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of the City, shall forthwith remove said uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls and shall yield to said City all rights to occupy the space used for such structure, whenever said City shall determine the same to be necessary or desirable; that said structure shall be so constructed as to not interfere with or damage any utility facilities and in the event that changes become necessary to construct and accommodate said uni-stone concrete paver sidewalk and handicap ramp and two 12 inch high stone retaining walls, the grantees, their successors and assigns, shall pay the entire cost of the necessary changes, relocations or rearrangements thereof.

This Agreement shall not be construed as in any way limiting the rights presently held by the City in the easement/right-of-way area, or the use thereof for public purposes, except to promote the construction and maintenance of the below mentioned structures in the easement/right-of-way.

2416 Commonwealth Park North
Address of Property

Street Right-Of-Way
Type of Easement/Right-Of-Way

Lot 1; Bullitt Park Addition
Lot No. or Other Description

Uni-Stone Concrete Paver Sidewalk
and Handicap Ramp and Two 12 Inch
Stone Retaining Walls
Building or Structure

20 Feet Measured from Center
of Commonwealth Park North
Easement/Right-Of-Way Width -
Property Location

2.0 feet
Maximum Encroachment Into
Easement/Right-Of-Way

Street, Sidewalk &
Public Utilities
Services Existing in Easement/
Right-Of-Way

Ordinance No. 82 -90
Approving Authority

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.

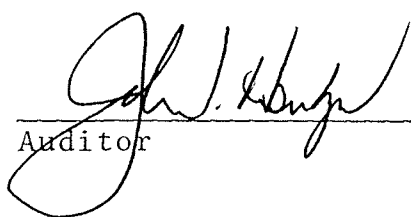
STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1990, by _____, Mayor of the City of Bexley, Ohio, and _____, Auditor of the City of Bexley, Ohio.

Witness

Mayor

Witness



Auditor

Notary Public

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this _____ day of _____, 1990, by _____.

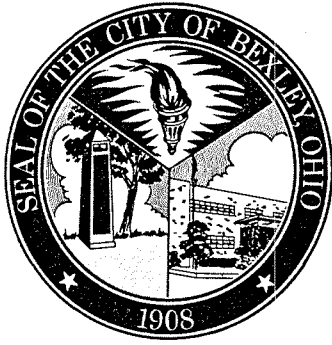
Witness

Property Owner

Witness

Property Owner

Notary Public



City of Bexley, Ohio

BUILDING DEPARTMENT
2242 EAST MAIN STREET, 43209 235-0956

DAVID H. MADISON, MAYOR

NOTICE OF PUBLIC MEETING

This is to inform you that a public meeting will be held by the Council of the City of Bexley, Ohio, at 7:00 p.m., Tuesday January 22, 1991, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 82-90. This Ordinance, if approved, will allow for a uni-stone concrete paver sidewalk and handicap ramp and two 12" high stone retaining walls at 2416 Commonwealth Park North. All interested parties are invited to attend.