

ORDINANCE NO. 83 -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 291 N. Drexel Avenue (Lot Numbers 4 & 5; Bullitt Park Addition) regarding improvements made upon and within the City owned right-of-way of N. Drexel Avenue and Boston Avenue.

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

Section 1. That the property owner at 291 N. Drexel Avenue (Lot Numbers 4 & 5; Bullitt Park Addition) has requested approval to construct uni-stone concrete paver sidewalks and driveway approaches (2) in place of the existing concrete sidewalks and driveway approaches 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 sidewalks and driveway approaches (2) 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 sidewalks and driveway approaches (2) 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

Art L. Schum  
President of Council

Attest: J. W. Dwyer  
Clerk of Council

Approved: Jan 22, 1990

D. H. Madison  
David H. Madison, Mayor

*Nov. 13, 1990 - 1<sup>st</sup> reading*

*Nov. 27, 1990 - 2<sup>nd</sup> reading*

*Dec. 11, 1990 - 3<sup>rd</sup> reading  
passed*

*January 22, 1991 - adopted*



# *City of Bexley, Ohio*

BUILDING DEPARTMENT  
2242 EAST MAIN STREET, 43209 235-0956

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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. 83-90. This Ordinance, if approved, will allow for uni-stone concrete paver sidewalks and driveway approaches at 291 N. Drexel Ave. All interested parties are invited to attend.

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 owner and the City of Bexley, Ohio (the "City") agree as follows:

The owner has sought and obtained permission from the City to erect uni-stone concrete paver sidewalks and driveway approaches (2) 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 sidewalks and driveway approaches (2) and use of the easement/right-of-way area is conditioned upon this Agreement.

Lenore G. Schottenstein, her 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 sidewalks and driveway approaches (2), and said grantee, her 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 grantee and that no right, title or interest of the public is waived or abridged in any way thereby; that said grantee, her successors or assigns, shall at all times maintain the uni-stone concrete paver sidewalks and driveway approaches (2) in a manner satisfactory to the City; that said grantee, her successors or assigns, upon notice from the City of Bexley, Ohio duly authorized by the Council of the City, shall forthwith remove and replace to City specifications said uni-stone concrete paver sidewalks and driveway approaches (2) and shall yield to said City all rights to occupy the space used for such structures, whenever said City shall determine the same to be necessary or desirable; that said structures 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 sidewalks and driveway approaches (2), the grantee, her 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.

291 N. Drexel Avenue  
Address of Property

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

<u>Lots 4 &amp; 5; Bullitt Park Addition</u>	
Lot No.	Other Description
4	
5	

Uni-Stone Concrete Paver Sidewalk  
and Driveway Approaches (2)  
Building or Structure

40 Feet Measured from Center  
Boston Avenue & 40 Measured  
from Center of S. Drexel Avenue  
Easement/Right-Of-Way Width -  
Property Location

17.0 feet & 8.0 feet  
Maximum Encroachment Into  
Easement/Right-Of-Way

Street, Sidewalk &  
Public Utilities

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Services Existing in Easement/  
Right-Of-Way

Ordinance No. 83 -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  
17th day of April,  
1990, by David H. Madison, Mayor of  
the City of Bexley, Ohio, and John W. Hornberger,  
Auditor of the City of Bexley, Ohio.

Sharon R. Patterson  
Witness

David H. Madison  
Mayor

Norah E. Fulk  
Witness

John W. Hornberger  
Auditor

Anita S. Hughes  
Notary Public

**ANITA S. HUGHES**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JULY 21, 1993

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this  
10th day of April,  
1990, by Lenore G. Schottenstein.

Regina Leach  
Witness

Lenore G. Schottenstein  
Property Owner

Lura S. Battle  
Witness

Lenore G. Schottenstein  
Property Owner

Lura S. Battle  
Notary Public

**LURA S. BATTLE**  
NOTARY PUBLIC, STATE OF OHIO  
My Commission Expires Dec. 17, 1992