

ORDINANCE NO. 24 -95

BY: John H. Offenberg

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 662 Vernon Road (Lot No. 578; Zimmer & Manley Amended Addition) regarding improvements to be made upon and within the City-owned right-of-way of the first alley south of East Main Street, running parallel to East Main Street, between Vernon Road and South Roosevelt Avenue.

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

Section 1. That the property owner at 662 Vernon Road (Lot No. 578; Zimmer & Manley Amended Addition) has requested approval to allow a 20 inch high stone retaining wall in the front and side yard setback of said property which does encroach upon and within the alley right-of-way owned by the City of Bexley.

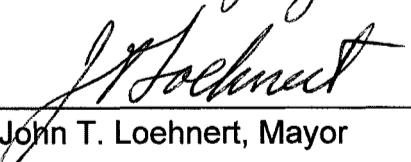
Section 2. That the Mayor and the Auditor be, and they hereby are, authorized to enter into a Consent and Hold Harmless Agreement with the property owner, in form and substance satisfactory to the City Attorney, authorizing the encroachment as proposed in accordance with the submitted request on the condition that the property owner assume all responsibility for damage, loss and injury arising out of the location of said wall including any additional cost to the City of Bexley incurred in connection with his 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: 7/11 1995


John M. Bier
President of Council

Attest: John H. Offenberg
Clerk of Council

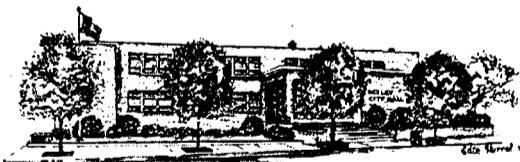
Approved: July 11 1995

John T. Loehnert, Mayor

Rucker

June 13, 1995 - 1st reading
June 27, 1995 - 2nd reading
July 11, 1995 - 3rd reading
- Adopted

PUBLIC NOTICE

This is to inform you that a public meeting will be held by the Engineering and Plats Committee of the Council of the City of Bexley, Ohio, at 5:30 P.M., Monday, June 26, 1995, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 24-95. This Ordinance, if approved will allow a 20" high stone retaining wall to remain in the front and side yard setback of property at 662 Vernon Road. All interested persons are invited to attend.



2242 EAST MAIN STREET • BEXLEY, OHIO 43209 • PHONE (614) 235-0956 • FAX (614) 235-3420

CONSENT AND HOLD HARMLESS AGREEMENT

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

The property owner has sought and obtained permission from the City of Bexley to install a stone retaining wall ("Wall") as indicated below on the property described below and in the easement/right-of-way as described. Approval of the Wall and use of an easement/right-of-way area which is public property is conditioned upon this Agreement.

Dale E. Rucker, 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 Wall 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 and that no right, title or interest of the public is waived or 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 Wall from the public property occupied by it and shall yield to said City all rights to occupy the public property used for such Wall whenever said City shall determine the same to be necessary or desirable; that the Owner releases the City, its employees and agents, from any liability for damage to the Wall arising out of or in connection with any cause whatsoever; that said Wall shall be so constructed as to not interfere with or damage any utility facilities or to impede nor interfere with in 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 Wall 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 Wall in the easement/right-of-way area.

662 Vernon Road
Address of Property

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

Lot Number 578; Zimmer and
Manley Amended Addition
Lot Number or Other Description

20 Inch High Stone Retaining Wall
Building or Structure

16 Feet
Easement/Right-Of-Way Width
Property Location

Unknown
Maximum Encroachment Into
Easement/Right-Of-Way

Water Line & Sanitary Sewer Line
Services Existing in Easement/
Right-Of-Way

Ordinance No. -95
Approving Authority

7-13-95
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 12th day of July, 1995 by John T. Loehnert, Mayor of the City of Bexley, Ohio, and John W. Hornberger, Auditor of the City of Bexley, Ohio.

Edna R. Down
Witness

John T. Loehnert
Mayor

Edna Bicsey
Witness

John W. Hornberger
Auditor

Edna Bicsey
Notary Public

EDNA BICSEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 13, 1999

STATE OF OHIO, COUNTY OF FRANKLIN:

SS:

The foregoing instrument was acknowledged before me this 13th day of July, 1995 by Dale E. Rucker

Edna Bicsey
Witness

Dale E. Rucker
Property Owner

Witness

Property Owner

EDNA BICSEY
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES JULY 13, 1999

Notary Public