

BY: William J. Schottenstein

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 130 South Columbia (Lot #8 Pt 9 Blk 19; Bullitt Park Amended Addition) regarding improvements to be made upon and within the City-owned right-of-way on South Columbia.

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

Section 1. That the property owner at 130 S. Columbia (Lot #8 Pt 9 Blk 19; Bullitt Park Amended Addition) has requested approval to allow two (2) 36" high entryway piers in the front yard setback of said property, which would encroach a distance of approximately 3.5 feet behind the public walk and within the South Columbia right-of-way, owned by the City of Bexley, as shown on the drawing which is attached to and made a part of this Ordinance.

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 owners, 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 owners assume all responsibility for damage, loss and injury arising out of the location of said piers, including any additional cost to the City of Bexley incurred in connection with their use of the right-of-way occasioned by the location of the structure.

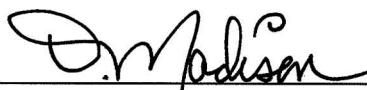
Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: 7/27/99, 1999

  
\_\_\_\_\_  
President of Council

Attest: Richard A. Levin  
\_\_\_\_\_  
Clerk of Council

Approved: 7/27, 1999

  
\_\_\_\_\_  
David H. Madison, Mayor

7/13/99 First Reading  
7/27/99 Second Reading  
Third Reading suspended.  
Passed.

## 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 construct two (2) 36" high entryway piers, as indicated below, on the property described below, and in the easement/right-of-way as described. Approval of the piers and use of an easement/right-of-way area, which is public property, is conditioned upon this Agreement.

Thomas Heilman, his successors and assigns (collectively the "Owners"), 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 fence 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, titles 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 piers from the public property occupied by it and yield to said City all rights to occupy the public property used for such piers whenever said City shall determine the same to be necessary or desirable; that the Owner release the City, its employees and agents, from any liability for damage to the piers arising out of or in connection with any cause whatsoever; that said piers 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 fence to be necessary or desirable, the Owners shall promptly make any such changes, relocations or rearrangements solely at their 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 retaining wall in the easement/right-of-way area.

130 S. Columbia  
Address of Property

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

Bullitt Park Amended Addition  
Lot #8 Pt 9 Blk 19  
Lot Numbers or Other Description

Two (2) 36" High  
Brick Entryway Piers  
Building or Structure

40 Feet Measured From The  
Center of South Columbia  
Easement/Right-Of-Way Width  
Property Location

3.5 Feet Behind Public Sidewalk  
Maximum Encroachment Into  
Easement Right-Of-Way

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

Ordinance No.  
Approving Authority

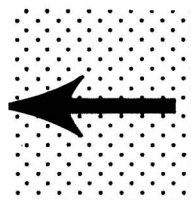
This Agreement shall be binding on and for the benefit of the parties hereto and their respective successors and assigns.

STATE OF OHIO, COUNTY OF FRANKLIN:  
SS:

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 1999 by David H. Madison, Mayor of the City of Bexley, Ohio, and Richard A. Levin, Auditor of the City of Bexley, Ohio.

Sara Chumock  
Witness

David H. Madison  
Mayor



**SIGN  
HERE**

Spence Apple  
Witness

Richard A. Levin  
Auditor

Anita S. Hughes  
Notary Public

**ANITA S. HUGHES**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES JULY 26, 2003

STATE OF OHIO, COUNTY OF FRANKLIN:  
SS:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 1999 by the undersigned, Thomas Heilman.

\_\_\_\_\_  
Witness

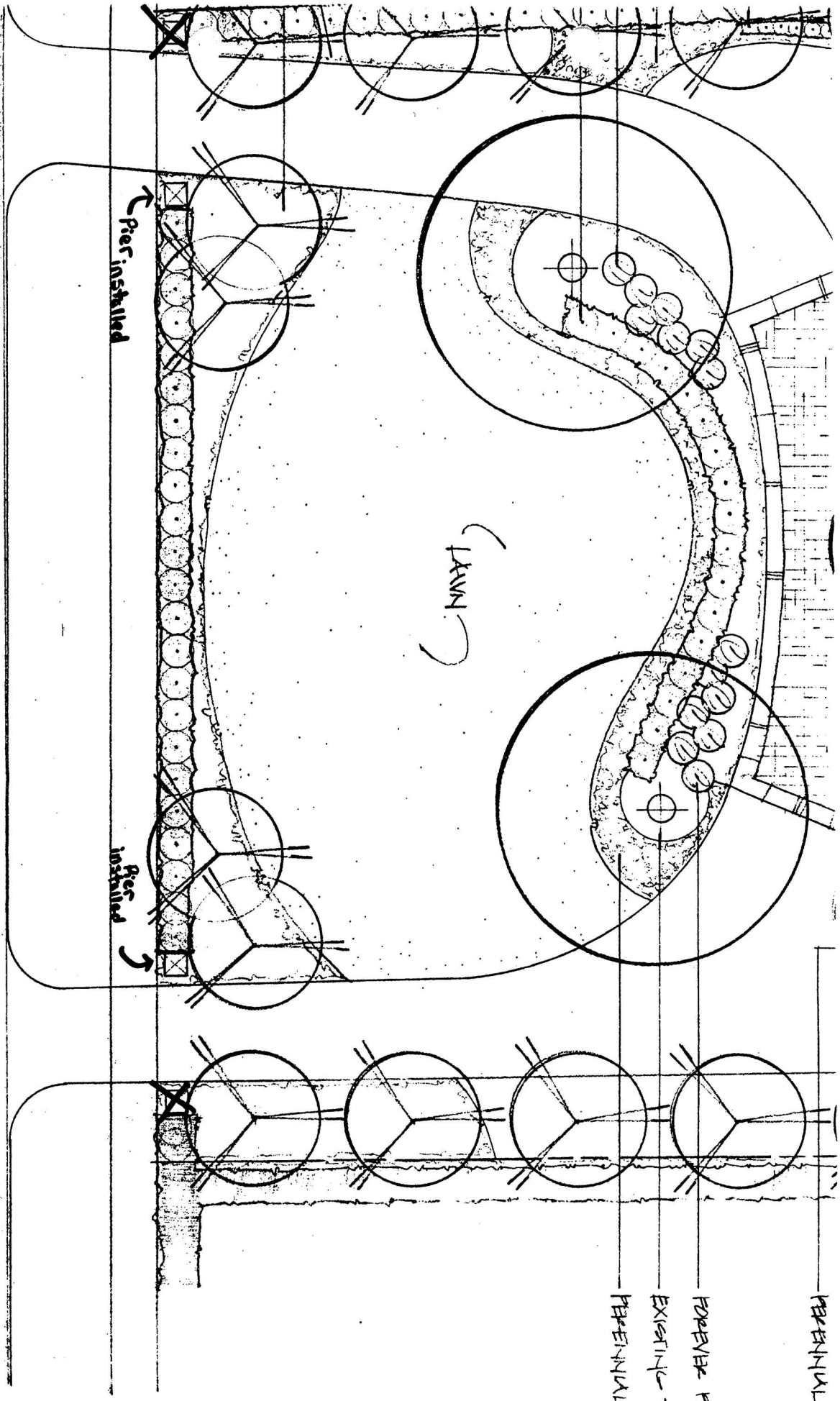
\_\_\_\_\_  
Thomas Heilman, Owner

\_\_\_\_\_  
Notary Public



PIER 'A'

PIER DETAIL 1/4"=1'-0"



S COLUMBIA AVE.

APPLICATION NUMBER 1800  
FILING FEE: \$ 20.00

CITY OF BEXLEY, OHIO

APPLICATION TO APPEAR BEFORE  
BEXLEY CITY COUNCIL

**PAID**  
7/12/99

1. This application is submitted for: (please check)  
☐ Rezoning    ☐ Lot Split    ☐ Plat Approval    ☐ Variance
2. APPLICATION SUBMITTED FOR PROPERTY LOCATED:  
130 S. Columbia
3. NAME OF APPLICANT: TOM HEILMAN  
  
ADDRESS: 130 S. COLUMBIA  
TELEPHONE NUMBER: 253-1100
4. NAME OF OWNER: TOM HEILMAN  
ADDRESS: 130 S. COLUMBIA  
TELEPHONE NUMBER: 253-1100
5. Narrative description of project (attached additional sheets, if necessary.)  
CONSTRUCT 3' ENTRYWAY PIERS
6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)  
  
  
  
  
APPLICANT: Kevin Michel DATE 7-12-99  
(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.)

130 S. Columbia Ave.

116

104

99

115

125

140

137

141 S. Drexel Ave.

129

155