

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

Jeff Buehler
President of Council

Attest: Rich A. Lewis
Clerk of Council

Approved: 7/27, 1999

David H. Madison
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.

<u>130 S. Columbia</u> Address of Property	<u>Street Right-Of-Way</u> Type of Easement/Right-of-Way
<u>Bullitt Park Amended Addition</u> <u>Lot #8 Pt 9 Blk 19</u> Lot Numbers or Other Description	<u>Two (2) 36" High</u> <u>Brick Entryway Piers</u> Building or Structure
<u>40 Feet Measured From The</u> <u>Center of South Columbia</u> Easement/Right-Of-Way Width Property Location	<u>3.5 Feet Behind Public Sidewalk</u> Maximum Encroachment Into Easement Right-Of-Way
<u>Street, Sidewalk & Public Utilities</u> Services Existing in Easement/ Right-Of-Way	<u>Ordinance No.</u> Approving Authority

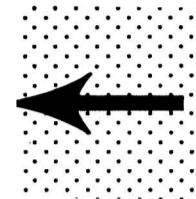
This Agreement shall be binding on and for the benefit of the parties hereto and their respective successors and assigns.

STATE OF OHIO, COUNTY OF FRANKLIN:
SS:

The foregoing instrument was acknowledged before me this 5th 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 Chunnock
Witness

David H. Madison
Mayor



SIGN
HERE

Janice A. Yagle
Witness

Richard A. Levin
Auditor

Anita S. Hughes
Notary Public

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

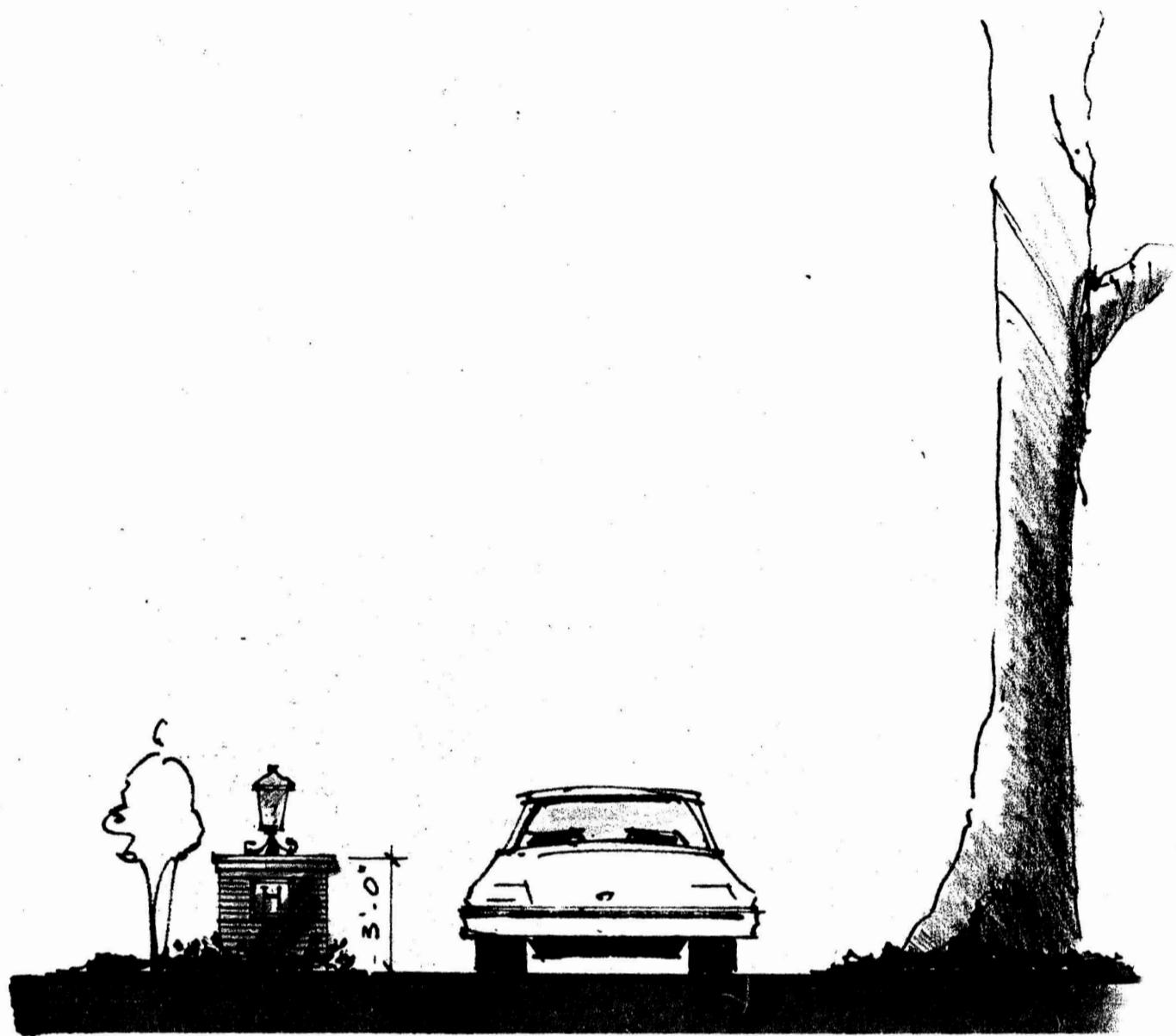
STATE OF OHIO, COUNTY OF FRANKLIN:
SS:

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

Witness

Thomas Heilman, Owner

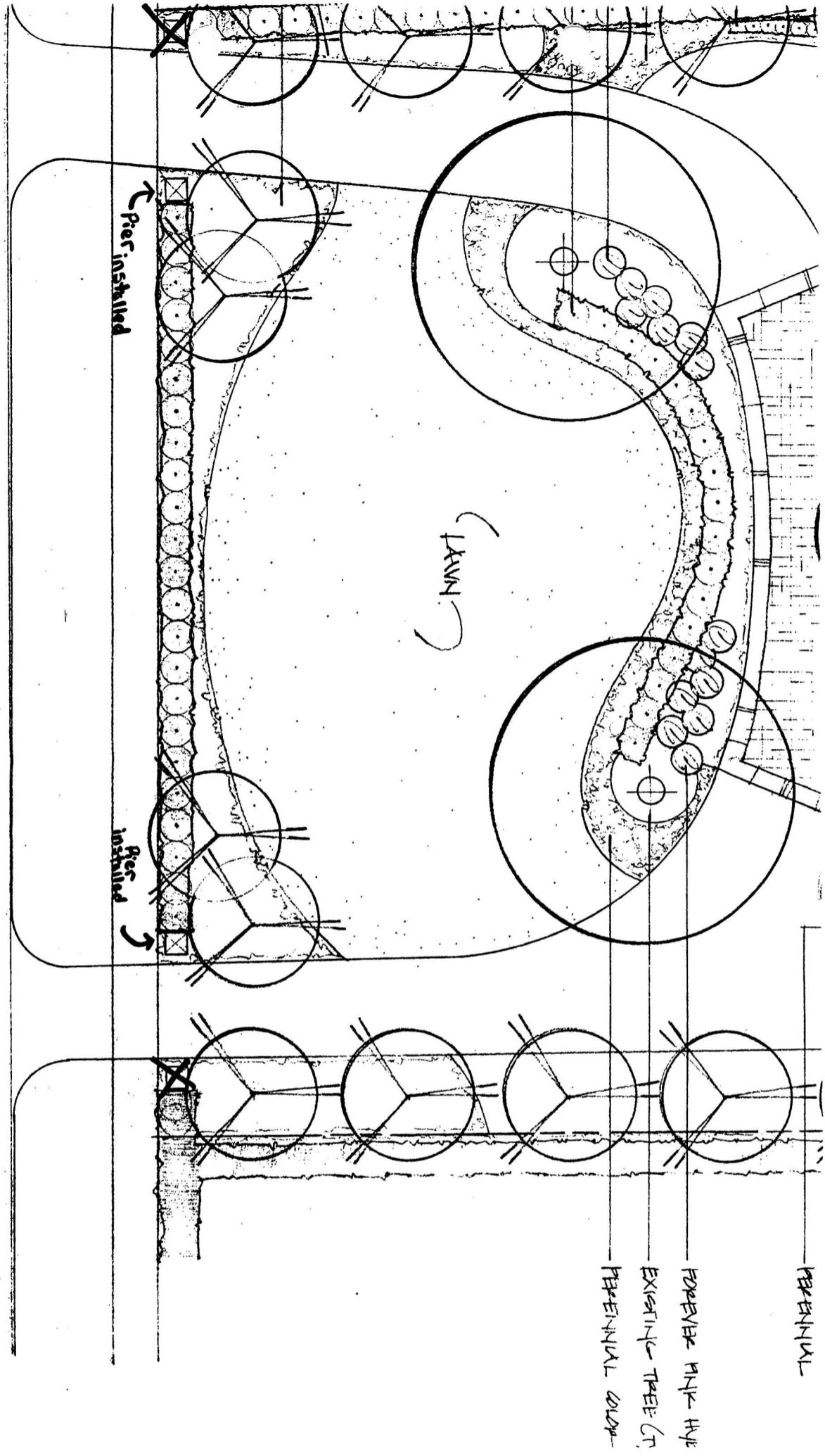
Notary Public



PIER 'A'

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

S. COLUMBIA AVE.



APPLICATION NUMBER 180c
FILING FEE: \$ 20.00

CITY OF BEXLEY, OHIO

**APPLICATION TO APPEAR BEFORE
BEXLEY CITY COUNCIL**

PAL
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 (attach additional sheets, if necessary.)

CONSTRUCT 3' ENDWAY PIERS

6. IF THIS APPLICATION INVOLVES A VARIANCE, PLEASE EXPLAIN WHY THE VARIANCE IS NECESSARY. (Attach additional sheets, if necessary.)

APPLICANT: Tom Heilman 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