

ORDINANCE NO. 98 - 05

By: Mr. Weber

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 2077 Park Hill Drive (Lot Nos. 14, Part of Park Drive & Park Hill Drive, (Vac. By Ord. #64-82), Park Hill Addition) regarding improvements made upon and within the City owned street right-of-way adjacent to Park Hill Drive.

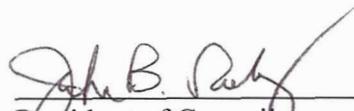
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the property owners at 2077 Park Hill Drive (Lot Nos.) have constructed a 3'8" high wall with 7' high pillars within the street right-of-way; said wall is approximately 40' in length running parallel and adjacent to Park Hill Drive.

Section 2. That the Mayor and 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 constructed 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 wall 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 structure.

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

Passed: Oct 25, 2005



President of Council

Attest: 

Clerk of Council

Approved: 10/25, 2005



David H. Madison, Mayor

9-27-05 First Reading
10-11-05 Second Reading
10-25-05 Third Reading
Passed

CONSENT AND HOLD HARMLESS AGREEMENT

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

The property owner has sought and obtained permission from the City of Bexley to install a 3'8" high wall with 7' high pillars 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.

The property owner, 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 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 employers and agents, from any liability for whatsoever; that said wall shall be so constructed as to not interfere with or damage any utility facilities or to impede nor interfere within 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.

2077 Park Hill Drive
Address of Property

Street
Type of Easement/Right-of-Way

Lot 14, Part of Park Dr. & Park Hill Dr.
(Vac. By Ord. #64-82); Park Hill Addition
Lot Number or Other Description

3'8" high wall with 7' high pillars
Building or Structure

Easement/Right-of-Way Width
Property Location

1.8'
Maximum Encroachment Into
Easement Right-of-Way

Street _____
Services Existing in Easement/
Right-of-Way _____

Ordinance No. - 05
Approving Authority (Council) _____

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, COUNCIL OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 9th
day of November, 2005, by DAVID H. MADISON,
Mayor of the City of Bexley, Ohio, and GARY QUALMANN, Auditor
of the City of Bexley, Ohio.

Donna Farley
Witness

[Signature]
Mayor

[Signature]
Witness

[Signature]
Auditor

[Signature]
Notary Public

Anita S. Foley
Notary Public, State of Ohio
My Commission Expires July 23, 2008

STATE OF OHIO, COUNTY OF FRANKLIN: SS:

The foregoing instrument was acknowledged before me this 11th,
day of November, 2005, by Coary Schattenstein.

Sara Chinnock
Witness

Gay F. Sedell
Property Owner

Witness

Property Owner

Anita S. Foley
Notary Public

Anita S. Foley
Notary Public, State of Ohio
My Commission Expires July 23, 2008

APPLICATION NUMBER 59 CC
FILING FEE: \$ 2500

CITY OF BEXLEY, OHIO

APPLICATION TO APPEAR BEFORE
BEXLEY CITY COUNCIL

1. This application is submitted for: (please check)

() Rezoning () Lot Split () Plat Approval (i) Variance

2. APPLICATION SUBMITTED FOR PROPERTY LOCATED:

2077 Park Hill Drive

3. NAME OF APPLICANT:

Gary L. Schottenstein

ADDRESS: 2077 Park Hill Dr.

TELEPHONE NUMBER 614-252-1900 (H) (W) 418-8900

4. NAME OF OWNER:

Same

ADDRESS: _____

TELEPHONE NUMBER: _____

5. Narrative description of project (attached additional sheets, if necessary.)

Front Retaining Wall For Garden Slightly
In Right-of-Way

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

Same As #5

APPLICANT: Gary L. Schottenstein DATE 9-8-05
(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.)

SARAH'S
COPY

NOTICE OF PUBLIC MEETING

This is to inform you that a public meeting will be held by the Zoning and Development Committee of the Council of the City of Bexley, Ohio, at 5:45 p.m., Tuesday, October 11, 2005, at Bexley City Hall, 2242 East Main Street, to consider adoption of two ordinances. The first ordinance, Ordinance No. 98 would, if approved, permit a wall and two columns constructed in the City of Bexley right -of -way in front of 2077 Park Hill Drive to remain in place. The second ordinance, Ordinance No. 97 would allow, if approved, a golf putting green constructed on City of Bexley right-of-way adjacent to 2077 Park Hill Drive to remain in place.

All interested persons are invited to attend.

Mailed October 4, 2005.



Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio

614-235-8677

FAX: 614-235-4559

A Boundary Survey prepared for and certified to:

Gary Schottenstein

Legal Description: Situated in The State of Ohio, County of Franklin, City of Bexley Being Lot 14, Part of Park Dr. & Park Hill Dr., (Vac. by Ord. #64-82), Park Hill Addition

Applicant: Schottenstein, Gary

Posted Address: 2077 Park Hill Dr., Bexley, Ohio



Scale 1" = 40'
Date: 08/12/2005

