

Dayton Legal Blank Co., Form No. 30045

Resolution No. 2001-12 Passed October 2 2001 19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF MUNICIPAL FUNDS FOR INSTALLATION OF SCREENING BETWEEN THE PROPERTY OF THE LA TAVOLA RESTAURANT AND THE PROPERTY OF MR. AND MRS. ALFRED FABER.

WHEREAS, Council has determined upon the approval of the Planning and Zoning Commission that some exterior dining should be permitted at the La Tavola Restaurant, and

WHEREAS, such premises is in proximity to the property of Mr. & Mrs. Alfred C. Faber located at 55 Beech Ridge Drive, Powell, Ohio 43065, and

WHEREAS, Council has determined that the exterior dining portion of the La Tavola Restaurant is desirable enough for the community to warrant the expenditure of municipal funds for the purpose of screening between the restaurant property and the property of Mr. & Mrs. Faber.

NOW THEREFORE BE IT RESOLVED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, AS FOLLOWS:

Section 1: That council herewith authorizes the expenditure of a sum not to exceed \$1,000.00 for the purpose of acquisition of trees and installation of the same on the property of Mr. & Mrs. Alfred Faber located at 55 Beech Ridge Drive, Powell, Ohio 43065 contingent upon the following:

1. Execution of a license agreement between Mr. & Mrs. Alfred Faber and the Municipality authorizing city personnel or subcontractors to enter upon the Faber property for the purpose of installation of the subject screening.
2. Execution and recording of a private property covenant to be placed on the Faber property wherein they and any successors in the interest or assigns are obligated to maintain and/or replace such screening at their cost.
3. The foregoing instruments to be satisfactory in form and substance to the Director of Law.
4. New Trees must be planted according to the attached plan.

Section 2: That it is hereby found and determined that all formal actions of this Council and any of its decision making bodies concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of this Council and any of its decision-making bodies which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Resolution shall take effect on the earliest possible date permitted by law.

VOTE ON RESOLUTION 2001-12: Y 4 N 2 (Schultz, Chambers)

Mark F. Klein 10/16/01
Mark F. Klein Date
Mayor

Dawn Nauman 10/16/01
Dawn Nauman Date
Clerk of Council

This ordinance or resolution has been posted in three (3) public places as defined in ordinance 94-11 dated 4-3-94 on this date 10/16/01
Nauman
Clerk of Council