

Village of Bolivar, Ohio

Resolution Number: R-8-2024

TITLE: A RESOLUTION TO GRANT TEMPORARY PERMISSION TO PLACE TWO (2) PICNIC TABLES AND FOUR (4) BENCHES ON THE SIDEWALK AREA OF 157 CANAL STREET, BOLIVAR, OHIO BETWEEN APRIL 1, 2024 THROUGH OCTOBER 31, 2024

WHEREAS, on June 4, 2024, the Village of Bolivar (“Bolivar”) received a request from the owner of real property located at 157 Canal Street, Bolivar, Ohio (the “Property”); and

WHEREAS, the owner of the Property sought permission to temporarily allow two (2) picnic tables and four (4) benches to be placed in the exterior sidewalk areas, and public right-of-way, of the Property where a diner is operated at the Property; and

WHEREAS, Section XII(A) of Bolivar’s Zoning Ordinance allows for placement of structures within a road right of way within the Village of Bolivar and prescribes a two-step process that includes permission to maintain such a structure to be granted by Council for the Village of Bolivar (“Council”); and

WHEREAS, Section XII(A)(2) requires the owner of the Property to submit its written request “with Council for permission to maintain” any structure on the Property; and

WHEREAS, the owner of the Property has submitted a written request for permission to Council and a true copy of all relevant documents are attached hereto as Exhibit A; and

WHEREAS, Council now desires to temporarily grant permission for the owner of the Property to allow two (2) picnic tables and four (4) benches to be placed in the exterior sidewalk areas, and public right-of-way, of the Property where a diner is operated at the Property between April 1st through October 31st of each year, unless otherwise terminated, under the terms set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF BOLIVAR, COUNTY OF TUSCARAWAS, STATE OF OHIO, A MAJORITY OF ITS MEMBERS ELECTED THERETO CONCURRING, THAT:

SECTION 1. The Village Council for the Village of Bolivar hereby grants temporary permission for the owner of the Property to allow two (2) picnic tables and four (4) benches to be placed in the exterior sidewalk areas, and public right-of-way.

SECTION 2. Temporary permission as set forth in Section shall be between the dates of April 1st through October 31st of each year unless permission is otherwise terminated by the Village of Bolivar as set forth herein.

SECTION 3. In accordance with representations made by the owner of the Property, the picnic tables and benches shall comply with the Americans with Disabilities Act, as

amended, as well as any other State or Federal law governing accessibility on public sidewalks and thoroughfares.

SECTION 4. In accordance with representations made by the owner of the Property, the owner of the Property shall ensure at least six (6) feet of clearance on the sidewalk to allow pedestrian traffic to pass in both directions unimpeded by any picnic table, bench, or obstruction.

SECTION 5. The owner of the Property shall execute an agreement with the Village of Bolivar agreeing to hold harmless, indemnify, and defend against any and all risk of loss or liability associated in any way with the placement and locating of these structures on the sidewalk area of the Property.

SECTION 6. This Resolution and the permission granted herein may be repealed or withdrawn at any point with or without prior notice to the owner of the Property.

SECTION 7. This Resolution repeals all previous Ordinances, Resolutions, or parts thereof in conflict herewith.

SECTION 8. It is found and determined that all formal actions of this Council concerning and related to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any its committees that resulted in such formal action were in meeting open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL this 1st day of August 2024.

Attest:

Mayor Robert Lloyd

Maria App, Fiscal Officer

Approved as to Legal Form by:

Stephan P. Babik, Village Solicitor