

**CONSENT – HOLD HARMLESS AGREEMENT
EXISTING ENCROACHMENT**

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT, UPPER ARLINGTON, OHIO

THE UNDERSIGNED PROPERTY OWNERS ("OWNERS") AND THE CITY OF UPPER ARLINGTON, OHIO AGREE AS FOLLOWS:

OWNERS HAVE SOUGHT AND OBTAINED PERMISSION FROM THE CITY OF UPPER ARLINGTON TO MAINTAIN AN EXISTING BUILDING OR STRUCTURE AS INDICATED BELOW ON THE PROPERTY DESCRIBED BELOW AND IN THE EASEMENT AS DESCRIBED. APPROVAL OF THE CONTINUED USE OF THE EASEMENT AREA IS CONDITIONED UPON THIS AGREEMENT.

IN CONSIDERATION OF THE GRANT OF PERMISSION TO MAINTAIN THE EXISTING BUILDING OR STRUCTURE, OWNERS HEREBY AGREE TO ASSUME ALL RISK AND LIABILITY OF DAMAGE, LOSS OR INJURY OF ANY NATURE ARISING OUT OF THE LOCATION OF SUCH STRUCTURES, INCLUDING THE OBLIGATION TO REIMBURSE THE CITY FOR ANY ADDITIONAL COST OR EXPENSE INCURRED IN CONNECTION WITH ITS USE OF THE EASEMENT AREA FOR THE INSTALLATION, MAINTENANCE, REPAIR OR REPLACEMENT OF UTILITY SERVICES IN THE EASEMENT, OCCASIONED BY THE LOCATION OF THE STRUCTURES IN THE EASEMENT AREA.

THIS AGREEMENT SHALL NOT BE CONSTRUED AS IN ANY WAY LIMITING THE RIGHTS PRESENTLY HELD BY THE CITY IN THE EASEMENT AREA, OR THE USE THEREOF FOR PUBLIC PURPOSES, EXCEPT TO PERMIT THE EXISTING ENCROACHMENT IN THE EASEMENT AREA.

Property Address: _____ Lot No. or Other Description: _____

Building or Structure: _____ Type of Easements: _____

Easement Width – Property location: _____ Max. Encroachment: _____

Approving Authority: _____ Date of Approval: _____

THIS AGREEMENT SHALL BE BINDING ON AND FOR THE BENEFIT OF THE PARTIES HERETO AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS, AND ASSIGNS.

PROPERTY OWNER

Signature of Property Owner

DATE: _____

Print Name of Property Owner

Signature of Property Owner

DATE: _____

Print Name of Property Owner

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

ON THIS _____ DAY OF _____, 20____, BEFORE ME, PERSONALLY APPEARED _____ AND _____, PROPERTY OWNERS, WHO ACKNOWLEDGED THE EXECUTION OF THIS CONSENT AND AGREEMENT AND THAT THE SAME IS THEIR FREE ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST AFORESAID.

NOTARY PUBLIC

CITY OF UPPER ARLINGTON

THEODORE J. STATON
CITY MANAGER

DATE: _____

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

ON THIS _____ DAY OF _____, 20____, BEFORE ME, PERSONALLY APPEARED THEODORE J. STATON, CITY MANAGER, WHO ACKNOWLEDGED THE EXECUTION OF THIS CONSENT AND AGREEMENT AND THAT THE SAME IS HER FREE ACT AND DEED. IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL ON THE DAY AND YEAR LAST AFORESAID.

NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:
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