


TOLEDO - LUCAS COUNTY PLAN COMMISS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

 V-388-24
 16 Clyde St. (alley)

 REF: V-388-25
 DATE: October 10, 2025

TO: Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Lisa A. Cottrell, Secretary

SUBJECT: Request to vacate a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 9, 2025 at 2:00 P.M.

GENERAL INFORMATION
Subject

Request	-	Vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition.
Location	-	North-South alley behind 16 Clyde Street, south of Seaman Road
Applicant(s)	-	Judith Misiewicz 16 Clyde Street Toledo, OH 43605

Site Description

Zoning	-	Neighborhood Commercial & Single-Family Residential / CN & RS6
Area	-	± 0.065 acres
Dimensions	-	± 178' x 16'
Existing Use	-	Alley
Proposed Use	-	Consolidated land

Area Description

North	-	RM36 / Single Dwelling Homes, Seaman Road
South	-	RM36 & IL / Single Dwelling Homes, Vacant Land
West	-	IL / Vacant Land
East	-	RM36 / Single Dwelling Homes

GENERAL INFORMATION (cont'd)

Adjacent Parcel History

V-508-23	-	Vacation of the 15' alley that runs east and west and abuts lots 116-119 on the north and lot 179 on the south, in the Heffner's Addition (P.C. approved 11/02/23; B.O.R. approved 04/04/24; conveyance unpaid)
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Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition. The applicant owns the property directly east of the alley and currently uses it as an extension of their yard. To the north, east, and south of the site are single dwelling homes. To the west is vacant industrially-zoned land.

The proposed vacation is at the northern end of a north-south alley running ± 114 feet west of Clyde Street. The southern portion of the alley dead ends into an extension of Mechanic Street. The Division of Traffic Management has objected to the vacation because it will "create a dead-end alley coming from Mechanic Street." The Mechanic Street extension and the Alley are both unimproved and are maintained by abutting property owners. The alley and Mechanic Street extension are not used for access by any adjacent parcels. A site visit on September 19th revealed that the alley had portions which were overgrown with tall grass and not maintained. Staff recommends approval of the vacation since this north-south alley is unimproved and not used by its neighbors to access their properties. It is unlikely to ever be improved or used as a functioning alley. Additionally, while it is Plan Commission policy to disapprove vacations of portions of alleys, this alley is not improved and requiring the vacation of the entire alley creates an unnecessary burden on the applicant.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets parcels to the north and east for Neighborhood Residential land uses and the parcel to the west for Low Impact Industrial land uses. The neighborhood residential targeted parcels are developed with single-dwelling homes which are compatible with the designation and are likely to remain. The low impact industrial targeted property is undeveloped. The low impact industrial land use designation provides space for industrial uses which do not noticeably affect the character of the neighborhood. The Forward

STAFF ANALYSIS (cont'd)

Forward Toledo Comprehensive Land Use Plan (cont'd)

Toledo Plan further emphasizes that these industrial land uses should limit exposure of nuisance conditions to nearby residential areas. A landscaping buffer will be required when this vacant land is developed to ensure adequate separation. The vacation of this alley will not hinder this buffering. The proposed vacation is consistent with the Forward Toledo Plan.

Staff recommends approval of the requested vacation because it conforms with the Forward Toledo Comprehensive Land Use Plan and because it will not impede access to surrounding properties. Staff further recommends that the city examine the possibility of vacating the remaining portion of the alley running north and south from the southern line of this vacation to extended Mechanic Street. Vacating this portion of the alley will benefit the owners of 22-36 Clyde Street and have no negative impact on access or utilities – the alley does not currently contain any city utilities.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-388-25, the request for the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition, to Toledo City Council for the following **two (2)** reasons:

1. The proposed alley vacation conforms to the Forward Toledo Comprehensive Land Use Plan; and
2. The proposed alley vacation will not impede access to surrounding any properties.

The Toledo City Plan Commission further recommends approval of V-388-25, the request for the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition, to Toledo City Council subject to the following **three (3)** conditions:

Law Department

1. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

PLAN COMMISSION RECOMMENDATION (cont'd)

Law Department (cont'd)

2. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo's maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities located within said vacated area are hereby dedicated to the City of Toledo for exclusive City of Toledo utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City of Toledo shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. If no utilities are present, then an easement will not be required and a fence will be permitted. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City of Toledo. The City of Toledo shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City of Toledo's removal of any barriers which impede the City of Toledo ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City of Toledo shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City of Toledo. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument or the Owner's' of the vacated area shall be responsible for the relocation of any utility facilities or equipment, whether owned by a public or private utility within the vacated area or preserving access to such utility facilities. Utility facilities include conduits, cables, wires, towers, poles, sewer lines, pipelines, gas and water lines, or other equipment of any railroad or public utility, located on, over or under the portion of the vacated area. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance and operation of Ohio law shall be obtained separately from each utility, as to their interest(s) only. The City of Toledo shall be released and held harmless for any liability, responsibility, costs, or damages resulting from Owner's' construction or activities in the vacated area, that interferes with any utility easement retained as a matter of law in accord with Section 723.041 of the Ohio Revised Code.

Plan Commission

3. The proposed vacation cannot result in the loss of access for any abutting properties.

TO: President Hartman and Members of Council
October 10, 2025
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Respectfully Submitted,

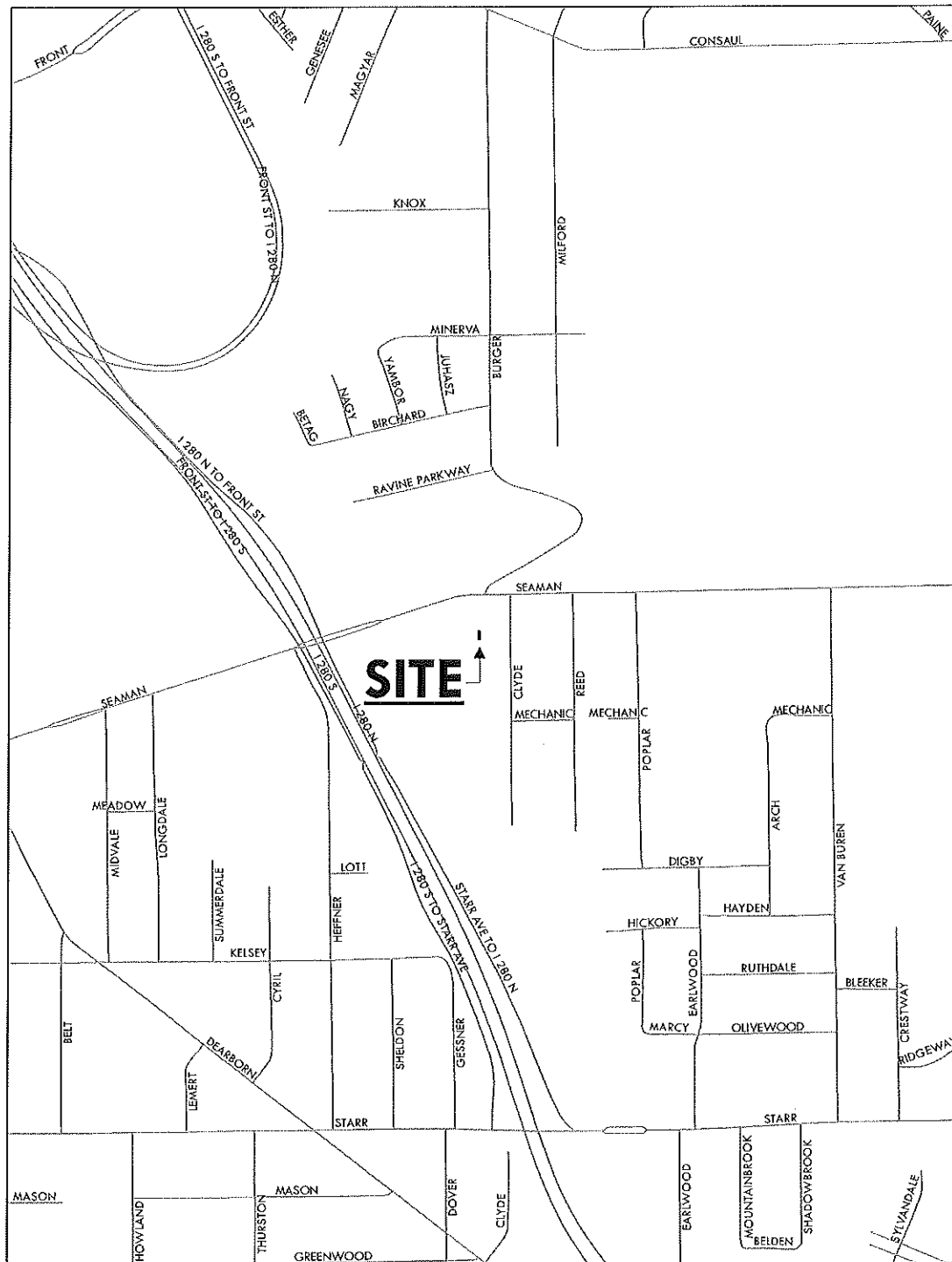
A handwritten signature in black ink that reads "Lisa Cottrell". The signature is written in a cursive, flowing style.

Lisa A. Cottrell
Secretary

AS
Three (3) sketches follow

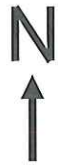
GENERAL LOCATION

V-388-25
ID 26



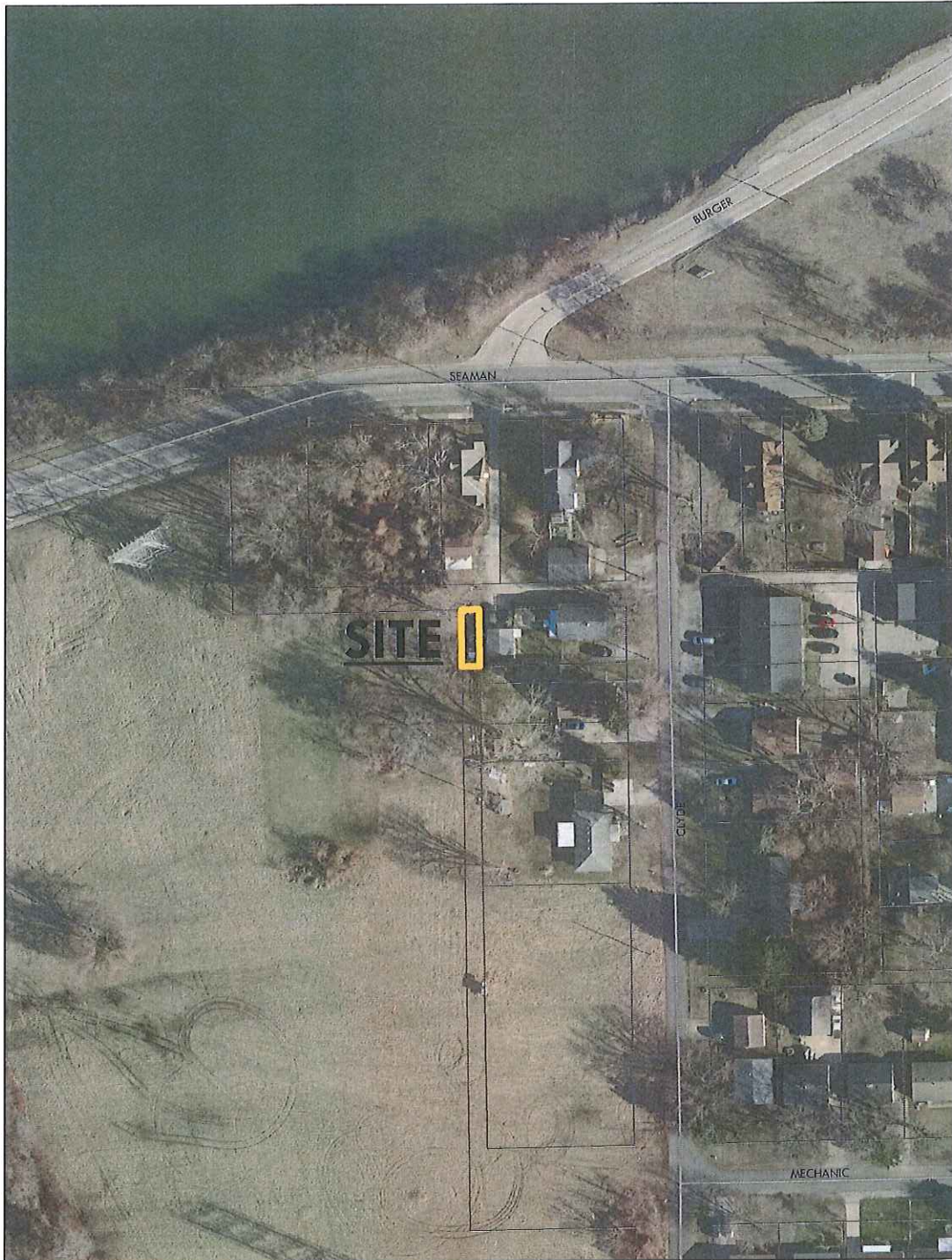
ZONING & LAND USE

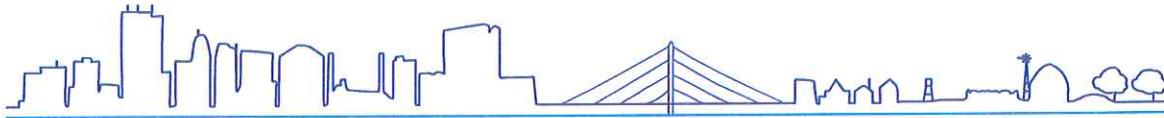
V-388-25
ID 26



ALLEY MAP

V-388-25
ID 26





TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: September 26, 2025

REF: V-388-25

PLANNER: Schultz

Judith Misiewicz
16 Clyde Street
Toledo, OH 43605

PUBLIC HEARING DATE

Thursday, October 9, 2025

Please be advised that your request for a Vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition has been scheduled for a public hearing before the Toledo City Plan Commission. This hearing will be held in the **City Council Chambers, One Government Center**, Jackson and Erie Streets, Toledo, Ohio on **Thursday, October 9, 2025 at 2:00 p.m.**

The purpose of the public hearing is to enable the Plan Commission to consider your request in an open and public forum. This allows you and the surrounding property owners an opportunity to offer any and all opinions and comments regarding the requests.

You or your representative should make every attempt to attend this hearing in order to respond to any questions or concerns which may arise. In the event you are unable to attend the public hearing, it is suggested that you notify the Plan Commission staff at 419-245-1200 prior to the meeting.

Please Note: **Failure to attend or be represented could result in the Plan Commission deferring action on your request.**

TOLEDO CITY PLAN COMMISSION



DATE: September 26, 2025
REF: V-388-25
PLANNER: Schultz

NOTICE OF PUBLIC HEARING

on

Date: Thursday, October 9, 2025

Request: Vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition

Location: Behind 16 Clyde Street

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the owners of property within and contiguous to and directly across the street from subject parcel or parcels at the addresses of such owners appearing on the County Auditor's current tax list. Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, October 9, 2025** at the ***Council Chambers, First Floor, One Government Center***, Jackson and Erie Streets, Toledo, Ohio, and would appreciate any information you or your neighbors can give to aid their decision. **It is not necessary for you to attend the meeting but you are welcome to do so if you wish.** You may write or phone before the meeting to give us information or to inquire about this request. The Planner handling this case is Alex Schultz. They may be contacted at 419-245-6283 or alex.schultz@toledo.oh.gov.

TOLEDO CITY PLAN COMMISSION

CITY OF TOLEDO, OHIO

Clerk of Council
One Government Center
Toledo, Ohio 43604

Julie Gibbons
Clerk of Council

Telephone
419-245-1060

Date: September 26, 2025
Ref: V-388-25

NOTICE OF PUBLIC HEARING

Wednesday, November 13, 2025

The Zoning and Planning Committee of Council, at a meeting to be held in the Council Chambers, First Floor, One Government Center, Jackson & Erie Streets, Toledo, Ohio, on November 13, 2025 at 4:00 p.m., will consider the following request:

Vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition (V-388-25)

Julie Gibbons
Clerk of Council

****Failure of applicant to appear may result in a deferral or denial of the request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

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4053 BICKEL ST
MILFORD MI 48381

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