

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: July 14, 2023

REF: V-281-23

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Vacation of the 15' wide alley located between N. 12<sup>th</sup> Street and Canton Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, July 13, 2023 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request - Vacation of the 15' wide alley located between N. 12<sup>th</sup> Street and Canton Street.

Applicants - Board of Lucas County Commissioners  
1 Government Center Suite 800  
Toledo, OH 43604

Surveyor - Kleinfelder  
1168 N. Main Street  
Bowling Green, OH 43402

#### Site Description

Zoning - IL,CD / Limited Industrial and Downtown Commercial

Overlay - -DO / Downtown Overlay District

Area - ± 0.17 acres

Frontage - ± 15' along Canton Street  
± 15' along N. 12<sup>th</sup> Street.

Dimensions - ± 503' x 15'

Existing Use - Public Alley

Proposed Use - Pre-trial Detention Center

#### Area Description

North - CD / County Maintenance Building

South - CD, IL / Parking

East - CD / County Juvenile Justice Center

West - IL / Warehouse and Manufacturing

## GENERAL INFORMATION (cont'd)

### Parcel History

None on record

### Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Downtown Toledo Master Plan

## STAFF ANALYSIS

The applicant, The Lucas County Board of Commissioners, is requesting the vacation of a fifteen-foot (15') wide alley bounded within the block of Southard, N 12<sup>th</sup> Street, Jackson, and Canton. To the north of the site is the Lucas County Maintenance Building and a parking lot. To the south of the site is parking. To the east of the alley's opening onto Canton is the Lucas County Juvenile Justice center, and to the west across from the alley's opening onto N 12<sup>th</sup> Street is a warehouse. A Downtown Overlay District review for the Lucas County Maintenance building has been initiated (case DOD-5-23). This vacation request is being made in preparation for the construction of a new pre-trial detention center to replace the facility located at 1622 Spielbusch Avenue.

The pre-trial detention center's planning process shall require multiple approvals. The applicant has indicated that the new center is planned to be built over the vacated right of way. Additionally, the redevelopment of the parking lot to the south (SPR-21-23) shall manage stormwater runoff from the project. Approval of this vacation does not permit the development of the pre-trial detention center, and a special use permit shall be required prior to construction.

All the properties immediately adjacent to the subject alley are owned by the applicant. Three man-doors exit from the Lucas County Maintenance Building onto the alley, however these are not the only points of ingress and egress for the building. The only use relying on the alley for vehicular access is the parking lot on the south east corner. Being under the same ownership as the other adjacent uses as well as planned for redevelopment vacation of the alley shall not be detrimental.

### Downtown Toledo Master Plan

The Downtown Toledo Master Plan identifies the significance of street connectivity in downtown. One of the primary roles of a street network is connectivity. At its core, the role of a street is to provide economic and social activity through connectivity for the transportation of people and goods. Vacation of the subject alley would limit access from Canton to N 12<sup>th</sup> minimally. An alley three-hundred feet (300') south of the subject alley shall be maintained. This

**STAFF ANALYSIS (cont'd)**

Downtown Toledo Master Plan (cont'd)

will allow easy cross-pedestrian and vehicle access in the event such movement is necessary.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Urban Village land uses. Urban Village is a specialized residential and commercial district that possesses characteristics of Traditional Neighborhood Development (TND), such as pedestrian orientation, zero building setbacks, mixed uses, and distinct architectural character. Vacation of the alley shall not restrict continued implementation of Traditional Neighborhood Development.

Staff recommends approval of the proposed vacation because it is compatible with the existing land uses within the general vicinity. Furthermore, the city and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintain sufficient levels of service to existing development.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-281-23, Vacation of the 15' wide alley located between N. 12<sup>th</sup> Street and Canton Street, to Toledo City Council for the following reason:

1. The proposed Vacation is compatible with the existing land uses within the general vicinity (TMC§1111.0606(B) – *Review & Decision-Making Criteria*); and,
2. The City and other service providers will be able to provide sufficient public safety, transportation, and utility facilities and services to the subject property while maintain sufficient levels of service to existing development (TMC§1111.0606(G) – *Review & Decision-Making Criteria*).

The Toledo City Plan Commission further recommends approval of V-281-23, Vacation of the 15' wide alley located between N. 12<sup>th</sup> Street and Canton Street subject to the following **four (4)** conditions:

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services

1. A 24" sewer in alley to be abandoned as part of new construction project. Any portion left in service will become private and the responsibility of the property owner to maintain.

Division of Transportation

2. Transportation does not have any issues provided all owners of property abutting said alley agree to the vacation of said alley.

Law Department

3. 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.
4. The Owners 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.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

TO: President Cherry and Members of Council  
July 14, 2023  
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JGL

Three (3) sketches follow

Cc: Applicants

Commissioner, Division of Transportation

Commissioner, Engineering Services

Lisa Cottrell, Administrator

Jonny Latsko, Planner

# GENERAL LOCATION

V-281-23  
ID 9



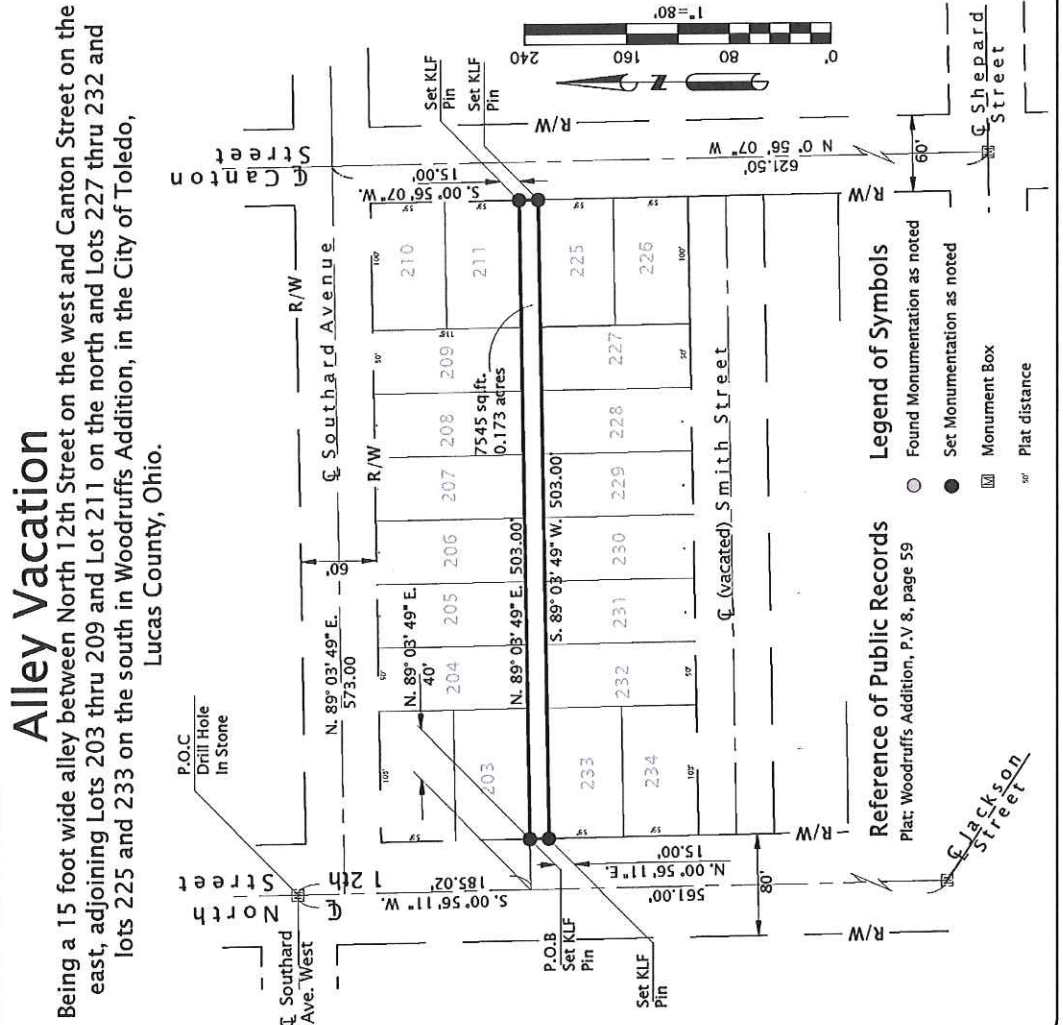


# Survey

V-281-23  
ID 9



THIS SURVEY WAS PERFORMED UNDER THE SUPERVISION OF STEVEN D. COOPER, LICENSED PROFESSIONAL SURVEYOR, NO. 87962, IN THE COUNTY OF LUCAS, OHIO. THE SURVEY WAS COMPLETED ON SEPTEMBER 20, 2022. THE SURVEYOR HAS MADE A REASONABLE INVESTIGATION AND BELIEVES THE INFORMATION CONTAINED HEREIN TO BE TRUE AND CORRECT. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THIS SURVEY.



**Legal Description**  
Alley Vacation

Being a 15 foot wide alley, between North 12<sup>th</sup> Street, on the west and Canton Street on the east, adjoining Lots 203 thru 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 225, on the South in Woodruffs Addition, (P.V 8, page 59) in the City of Toledo, Lucas County, Ohio. Being more particularly described as follows;

Commencing at a drill hole found in a stone in a monument box at the centerline intersection of Southard Avenue west and North 12<sup>th</sup> Street; Thence, South 00° 56' 11" East, along the centerline of North 12<sup>th</sup> Street, a distance of 185.02 feet to a point at the west prolongation of the north line of the 15.00 foot wide alley;

Thence, North 89° 03' 49" East, along the said west prolongation, a distance of 40.00 feet to a KLF pin set at the east right-of-way line of North 12<sup>th</sup> Street and being the southwest corner of said Lot 203, said KLF pin being the Point of Beginning of the property described herein;

Thence, North 89° 03' 49" East, along the said north alley line, adjoining the south line of Lots 203 thru 209 and Lot 211, of said Woodruffs Addition, a distance of 503.00 feet to a KLF pin set on the right-of-way line of Canton Street;

Thence, South 00° 56' 07" East, along the south prolongation of the said west right-of-way line, a distance of 15.00 feet to a KLF pin set on the south line of the 15.00 foot wide alley and being the southeast corner of Lot 225;

Thence, South 89° 03' 49" West, along the said south alley line, adjoining the north line of Lots 225 and Lots 227 thru 233, of said Woodruffs Addition, a distance of 503.00 feet to a KLF pin set on the east right-of-way line of North 12<sup>th</sup> Street;

Thence, North 00° 56' 11" West along the north prolongation of the said east right-of-way line, a distance of 15.00 feet, to the Point of Beginning, Containing 7545 square feet or 0.173 acres.

**Certification**

This survey was performed under my supervision. Field measurements and evidence was collected in September 2022. Property lines shown are located from deeds on record. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenant, ownership title evidence, or any other facts that an accurate and current title search may disclose unless noted. This survey conforms to the minimum standards for boundary surveys as established under the Ohio administrative code chapter 4733-37. KLF pins set are 5/8 inch x 30 inch iron pins with yellow cap stamped "KLEINFELDER INC.". Basis of bearing: from State Plane Co-ordinates; Ohio, 3401 Ohio north, adj. 2011 VRS. Closure is greater than 1:10,000.

Steven D. Cooper PS #7962 (Ohio)

**Reference of Public Records**  
Plat: Woodruffs Addition, P.V 8, page 59

**Legend of Symbols**

- Found Monumentation as noted
- Set Monumentation as noted
- ☒ Monument Box
- ≡ Plat distance

**Alley Vacation**  
Being a 15 foot wide Alley between North 12<sup>th</sup> Street and Canton Street, adjoining Lots 203 thru 209 and Lot 211 on the north and Lots 227 thru 233 also Lot 225 on the South in Woodruffs Addition, in the City of Toledo, Lucas County, Ohio.

**Lucas County Commissioners**

**KLEINFELDER**  
Professional Surveyors  
1168 N. Main Street  
BowlingGreen, OH 43402  
419-352-7337

**Lucas County Seal**  
OFFICE OF THE COUNTY ENGINEER  
STEVEN D. COOPER  
PROFESSIONAL SURVEYOR  
NO. 87962  
OHIO