
APPLICATION FOR STREET VACATION

APPLICATION #: V-75-26
APPLICANT: City of Toledo
OWNER: City of Toledo
LOCATION: Jefferson Avenue between Water Street and the Maumee River
ZONING: Downtown Commercial (CD) & Parks and Open Space (POS)
NEIGHBORHOOD: Downtown
REPORT DATE: May 1, 2026
HEARING DATE: May 14, 2026
STAFF REVIEWER: Karcher

Details of Vacation Request:

The applicant is requesting the vacation of a portion of Jefferson Avenue lying between Water Street and the Maumee River.

Parcel History:

Jefferson Avenue was officially closed from Water Street to the Maumee River by City Council in September of 1980. This was completed in support of the approved plan for Promenade Park which called for closing portions of Jefferson Avenue, Madison Avenue, and Adams Street between Water Street and the Maumee River. In 2017 the Park was reconstructed in conjunction with ProMedica's renovation of adjacent buildings, including the old steam plant, for their headquarters. To accommodate the renovations to the steam plant, Madison Avenue and Adams Street from Water Street to the Maumee River were vacated.

Existing Conditions:

The subject street right-of-way currently serves as pedestrian access to Promenade Park and the Maumee River. Surrounding land uses include Promenade Park to the east, the Maumee River to the south, and Jefferson Avenue comfort station and a parking lot to the west. Jefferson Avenue to the north remains a public street and provides access to Genoa Bank, a parking garage, Fort Industry Square buildings and parking lot. As can be seen on the following aerial image, part of Promenade Park green space and the Jefferson Avenue comfort station are located within the closed street right-of-way.

Proposed Project and Analysis:

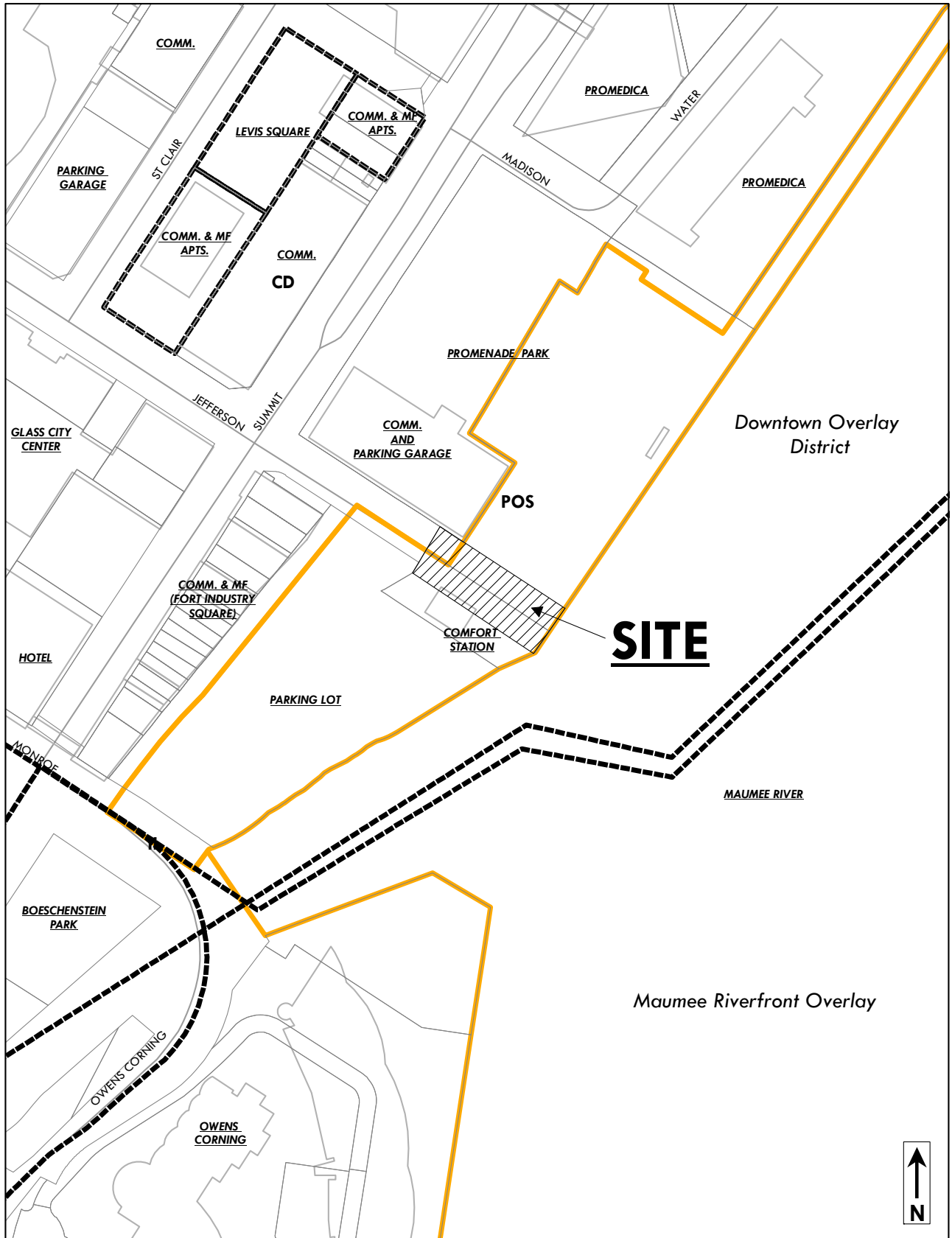
Originally, the vacation request was to vacate the entire portion of Jefferson Avenue from Water Street to the Maumee River. However, this met with valid concern and opposition from the Division of Transportation and the Fire Prevention Bureau because the vacation would result in loss of the only remaining vehicular access to the Maumee River in the Downtown. Access to the river is important for the City to maintain as it is a valuable community resource. Fire Department access to the river also needs to be maintained not only for events, but also to the docks for access to the fire boat and for rescue operations.

Proposed Project and Analysis: (cont'd)

The purpose of the vacation is to correct the encroachment of the Jefferson Avenue comfort station building in the right-of-way so that the building is situated on one parcel. To achieve this, while preserving vehicular access to the Maumee River, the applicant is requesting to vacate the portion of Jefferson Avenue upon which the comfort station encroaches instead of the entire right-of-way. A survey and legal description is currently being completed for this specific area. The Fire Prevention Bureau is supportive of the revised vacation request provided adequate vehicular access remains. To ensure that adequate vehicular access is maintained, approval of the vacation request is conditioned on Fire Department approval of the revised vacation survey and legal description. Staff is recommending **approval** of the vacation request.

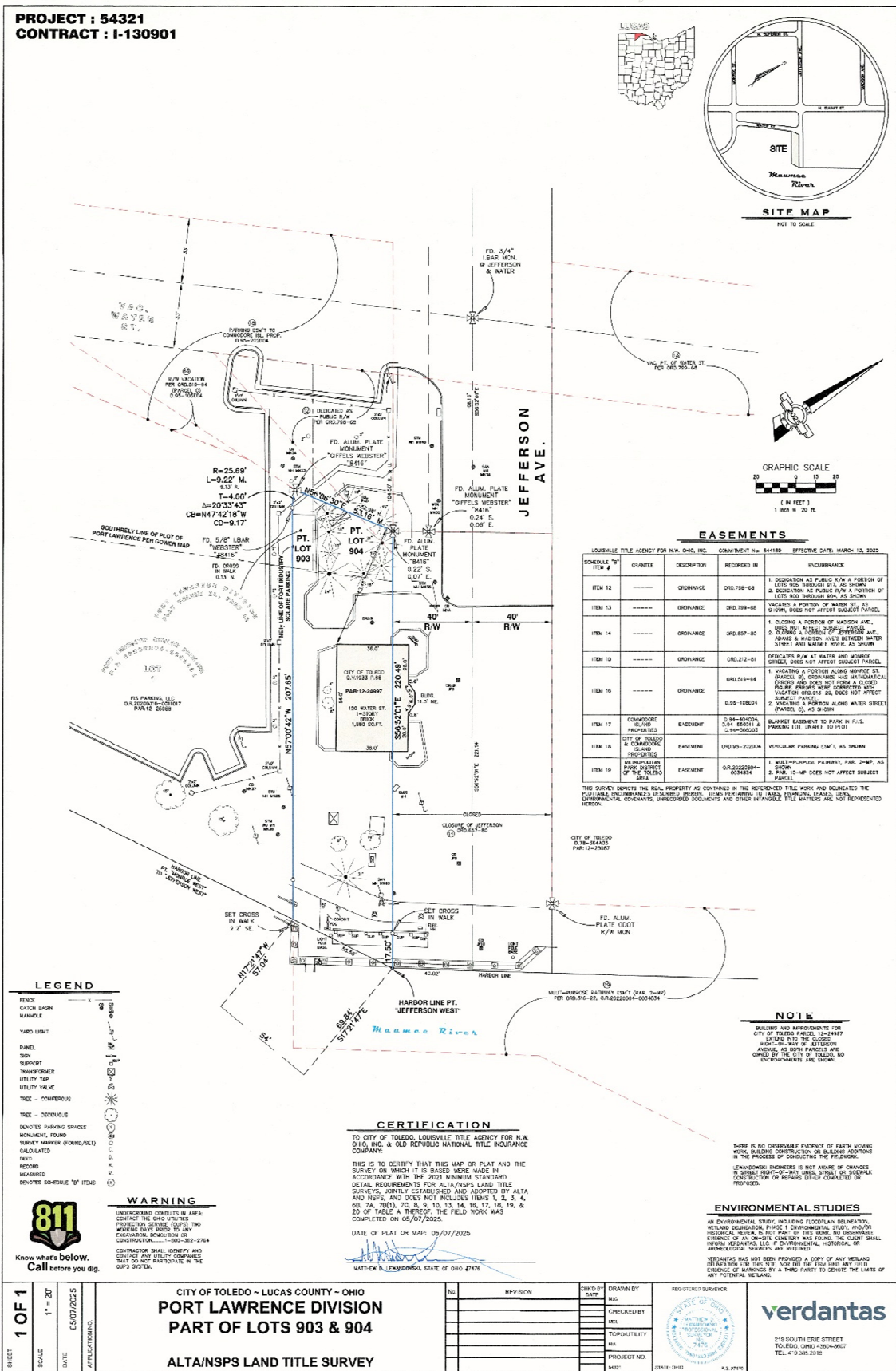


Aerial image of the subject property from Plan Commission GIS.



Zoning and Land Use Map of surrounding area.

Vacation Survey:



Proposed Project and Analysis (cont'd)**Forward Toledo Comprehensive Land Use Plan**

The Forward Toledo Comprehensive Land Use Plan designates the subject property as Park Land (PL). The Park Land use designation is intended to provide space for parks, gathering spaces, recreation areas, open spaces, and nature and conservation areas for public use. The PL district is also intended for amenities which are accessory to public parks such as concessions, restrooms and rental spaces. Preservation of existing parks is a key priority of this land use designation. In addition, the Plan identifies the Maumee River as an important resource in the Sustain theme. The proposed vacation is consistent with the Forward Toledo Comprehensive Land Use Plan as it will result in the proper siting of the comfort station on a parcel while vehicular access to the river is maintained.

Development Approval Criteria:

1. The proposed vacation will correct the encroachment of the Jefferson Avenue comfort station in the right-of-way, while maintaining vehicular access to the Maumee River; and
2. The proposed vacation is consistent with the Forward Toledo Comprehensive Land Use Plan.

Recommendation:

Section 52. Vacating Streets and Changing Street Names – APPROVE – Vacation of a Portion of Jefferson Avenue lying between Water Street and the Maumee River based on the approval criteria and subject to seven (7) conditions.

Findings:

1. The proposed vacation will correct the encroachment of the Jefferson Avenue comfort station in the right-of-way so that it is situated on one parcel.
2. The proposed vacation will ensure that vehicular access to the Maumee River is maintained.
3. The proposed vacation is consistent with the Forward Toledo Comprehensive Land Use Plan.

Conditions of Approval:

The **seven (7)** conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Conditions of Approval: (cont'd)Law Department

1. 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 fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. 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.

Division of Engineering Services

2. A full width easement shall be retained by the City of Toledo over vacated right of way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County's real estate records: "The full width easement is hereby retained over, across, under and through said vacated area for the existing water main in said vacated right of way. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls or other barriers, nor plant trees or other large vegetation which would impede access onto the easement. No temporary or permanent structure including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement.

Conditions of Approval: (cont'd)

Division of Engineering Services (cont'd)

Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities.

Division of Water Distribution

No comments received at time of print.

Division of Sewer & Drainage Services

No comments received at time of print.

Division of Environmental Services

No comments received at time of print.

Fire Prevention Bureau

3. Fire Department access must be maintained to the river for any and all events that occur in Promenade Park as well as to the docks to access the fire boat for fire and rescue operations. (OFC 503.1)
4. Access to these areas needs to be maintained from multiple points because of events that are held in this area throughout the year. (OFC 503.1.2)
5. The Fire Department shall review and approve the revised vacation survey and legal description to ensure adequate access is maintained.

Division of Transportation

6. A formalized agreement shall be tied to the vacation stating that vehicular access to the Maumee River shall be established through this property.
7. 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.

Conditions of Approval: (cont'd)

Division of Streets, Bridges and Harbors

No objection to the vacation.

Toledo Edison

No comments received at time of print.

Columbia Gas

No comments received at time of print.

Republic Services

No comments received at time of print.

Lucas County Solid Waste Management District

No objection to the vacation.

Toledo Area Regional Transit Authority (TARTA)

No objection to the vacation.

Plan Commission

No objection to the vacation.