

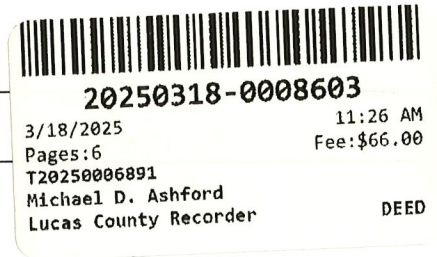


# City of Toledo

One Government Center  
Toledo, OH 43604

## Legislation Text

File #: O-101-25, Version: 1



Zoning & Planning Committee

**Vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way in the Second Recording of the Collingwood Green Subdivision, located in the City of Toledo, Lucas County Ohio, waiving land costs; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 505-24 adopted on October 9, 2024 declaring its intent to vacate a portion of Bresnahans Green, Clemente Trace and Rogan Way, in the Second Recording of Collingwood Green, located in the City of Toledo, Lucas County Ohio.

On December 5, 2024, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way, in the Second Recording of Collingwood Green, all within the City of Toledo, Lucas County Ohio.

The City Council Zoning and Planning Committee on December 10, 2024, sent as approved the request for the vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way, in the Second Recording of Collingwood Green, all within the City of Toledo, Lucas County Ohio.

The Board of Revision met on February 7, 2025 and approved the request for vacation of a portion of Bresnahans Green, Clemente Trace and Rogan Way, in the Second Recording of Collingwood Green, all within the City of Toledo, Lucas County Ohio.

All of the preliminary steps have been taken as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission has made reports regarding the proposed vacations; and all things required by law to be done, have been done. Fees totaling \$175.00 have been paid.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Council of the City of Toledo does hereby vacate a portion of Bresnahans Green, Clemente Trace and Rogan Way, in the Second Recording of Collingwood Green, located in the City of Toledo, Lucas County Ohio, and more fully described as follows:

Commencing at one inch iron bar monument in box found at the centerline intersection of Division Street and Nebraska Avenue.

Thence South 89 degrees, 56 minutes, 09 seconds East, along the centerline of Nebraska Avenue, a distance of 248.84 feet to a point on the Southerly prolongation of the Westerly Right-of-Way of Rogan

COT Reg/Est Box

Way.

Thence North 00 degrees, 05 minutes, 24 seconds East, along the Southerly prolongation of the Westerly Right-of-Way of Rogan Way, a distance of 30.00 feet to a point on the Northerly Right-of-Way of Nebraska Avenue, said point being the True Point of Beginning.

Course 1: Thence continuing North 00 degrees, 05 minutes, 24 seconds East along the Westerly Right-of-Way of Rogan Way, a distance of 379.32 feet to a point on a non-tangent curve of the Southerly Right-of-Way of Bresnahans Green.

Course 2: Thence traversing a non-tangent arc to the right, along the Southerly Right-of-Way of Bresnahans Green, having a radius of 176.50 feet, a tangent length of 49.88 feet, a central angle of 31 degrees, 33 minutes, 43 seconds, a chord bearing of North 64 degrees, 20 minutes, 34 seconds West, a chord distance of 96.00 feet and an arc length of 97.23 feet to a point of deflection of the Southerly Right-of-way of Bresnahans Green.

Course 3: Thence North 89 degrees, 54 minutes, 36 seconds West, along the Southerly Right-of-Way of Bresnahans Green, a distance of 126.68 feet to a point on the Easterly Right-of-Way of Division Street.

Course 4: Thence North 00 degrees, 47 minutes, 44 seconds East, along the Easterly Right-of-Way of Division Street, a distance of 53.00 feet to a point on the centerline of Bresnahans Green.

Course 5: Thence South 89 degrees, 54 minutes, 36 seconds East, along the centerline of Bresnahans Green, a distance of 159.13 feet to a point on a non-tangent curve of the Southerly line of Lot "D" in the Second Recording of: Collingwood Green.

The following three courses are along the Southerly line of Lot "D" in the Second Recording of: Collingwood Green:

Course 6: Thence traversing a non-tangent arc to the left, having a radius of 31.50 feet, a tangent length of 17.03 feet, a central angle of 56 degrees, 48 minutes, 29 seconds, a chord bearing of South 28 degrees, 18 minutes, 51 seconds East, a chord distance of 29.97 feet and an arc length of 31.23 feet to a point of compound curvature.

Course 7: Thence traversing an arc to the left, having a radius of 126.50 feet, a tangent length of 82.75 feet, a central angle of 66 degrees, 23 minutes, 01 second, a chord bearing of South 89 degrees, 54 minutes, 36 seconds East, a chord distance of 138.50 feet and an arc distance of 146.56 feet to a point of compound curvature.

Course 8: Thence traversing an arc to the left, having a radius of 31.50 feet, a tangent length of 17.03 feet, a central angle of 56 degrees, 48 minutes, 29 seconds, a chord bearing of North 28 degrees, 29 minutes, 39 seconds East, a chord distance of 29.97 feet and an arc length of 31.23 feet to a point on the centerline of Bresnahans Green.

Course 9: Thence South 89 degrees, 54 minutes, 36 seconds East, along the centerline of Bresnahans Green, a distance of 176.58 feet to a point on a non-tangent curve of the Easterly Right-of-Way of Clemente Trace.

Course 10: Thence traversing a non-tangent curve to the left, along the Easterly Right-of-Way of Clemente Trace, having a radius of 320.00 feet, a tangent length of 44.42 feet, an central angle of 15 degrees, 48 minutes 17 seconds, a chord bearing of South 10 degrees, 55 minutes, 29 seconds East, a chord distance of 87.99 feet and an arc length of 88.27 feet to a point of reverse curvature of the Easterly Right-of-Way of Clemente Trace.

Course 11: Thence traversing an arc to the right along the Easterly and Southeasterly Right-of-Way of Clemente Trace, having a radius of 150.00 feet, a tangent length of 209.97 feet, a central angle of 108 degrees, 55 minutes, 01 second, a chord bearing of South 35 degrees, 37 minutes, 53 seconds West, a chord distance of 244.11 feet and an arc length of 285.14 feet to a point on the Southerly Right-of-Way of Clemente Trace.

Course 12: Thence North 89 degrees, 54 minutes, 36 seconds West, along the Southerly Right-of-Way of Clemente Trace, a distance of 105.00 feet to a point on the Easterly Right-of-Way of Rogan Way.

Course 13: Thence South 00 degrees, 05 minutes, 24 seconds West, along the Easterly Right-of-Way of Rogan Way, a distance of 188.72 feet to a point on the Northerly Right-of-Way of Nebraska Avenue.

Course 14: Thence North 89 degrees, 56 minutes, 09 seconds West, along the Northerly Right-of-Way of Nebraska Avenue, a distance of 60.00 feet to the True Point of Beginning.

Excepting therefrom Lot 7 in the Second Recording of: Collingwood Green, as recorded in Lucas County O.R.20210204-0006235.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following eight (8) condition(s):

The following conditions are listed by agency of origin. Applicants are encouraged to contact the agency to address compliance with their conditions.

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. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
3. All commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications. No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.
4. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from 419-245-1347. The application can be obtained online at Toledo.oh.gov search: Right of Way opening permit.
5. The typical section for the pavement on the public right-of-way needs to be constructed in accordance with the City of Toledo Construction Standards.
6. A full-width easement will be required to maintain the existing public utilities. The easement shall be dedicated to the City of Toledo, for City utility use only, to allow for future maintenance and shall not be combined with easements for other utilities. The following language shall appear in the authorizing vacation ordinance that shall be recorded and a notation placed in the remarks section of the County's real estate records:

That a full width (60 foot) easement is hereby retained over, across, under and through said vacated area as described in Section I herein, for the existing water main, sanitary sewer, and storm sewer located 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 that 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. 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 that deny ingress or egress from the easement or that 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. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.

Division of Transportation

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.

Fire Prevention Bureau

No objection to vacation.

Division of Streets, Bridges and Harbors

No objection to vacation.

Toledo Edison

No objection to vacation with the understanding that the right-of-way will be re-dedicated after the roads are constructed.

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 comments received at time of print.

Toledo Area Regional Transit Authority (TARTA)

No comments received at time of print.

Plan Commission

8. Right-of-way for the portion of Bresnahans Green, Clemente Trace and Rogan Way adjacent to Lots 6-8 and C-D in the Collingwood Green development as approved in the Planned Unit Development shall be re-dedicated for public use following construction of roadway improvements per Final Plat procedures of the City of Toledo Subdivision Rules and Regulations.

SECTION 3. That Land Fees have been waived. The engineering fee of \$75.00 and the Recording fee of \$100.00 have been paid.

SECTION 4. That the Real Estate Section of the Department of Economic Development is hereby directed to cause a copy of this Ordinance to be recorded in the records of the office of Lucas County Recorder.

SECTION 5. That it is hereby found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council, and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. That this Ordinance is hereby declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this

Ordinance must be immediately effective so that the vacations can be expeditiously completed to enable the property owner(s) to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas 9, nays 0.

Passed: MAR 11 2025, as an emergency measure: yeas 9, nays 0.

Attest: Julie A. Gibbons  
Clerk of Council

[Signature]  
President of Council

Approved: MAR 12 2025

Wade Kapsyulinski  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council  
MAR 11 2025.

Attest: Julie A. Gibbons  
Clerk of Council

