

## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: September 9, 2022

REF: V-383-22

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

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

SUBJECT: Vacation of a Dedicated Public Walkway running north of Swan Creek Drive adjacent to lots 171 and 172 in the Ragan Woods Subdivision.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, September 8, 2022 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request - Vacation of a Dedicated Public Walkway running north of Swan Creek Drive adjacent to lots 171 and 172 in the Ragan Woods Subdivision.

Applicants - Eric S Hill  
5688 Swan Creek Drive  
Toledo, OH 43614

#### Site Description

Zoning - RS12 / Single-Family Residential

Area - ± 0.12 acres

Frontage - ± 30' along Swan Creek

Dimensions - ± 161' x 30'

Existing Use - Undeveloped platted walkway

Proposed Use - Residential Garage & Lawn

#### Area Description

North - RS12 / Brookwood Area

South - RS12 / Single Family Homes

East - RS12 / Single Family Homes

West - RS12 / Single Family Homes

**GENERAL INFORMATION (cont'd)**

Parcel History

S-32-72 - Preliminary drawing of Ragan Woods, Plat 5 (PC Approved 11/14/72)

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- City of Toledo Subdivision Rules and Regulations

**STAFF ANALYSIS**

The applicant is requesting to vacate a walkway that is located north of Swan Creek Drive running parallel to lots 171 and 172 of the Ragan Woods Subdivision Plat 5. The  $\pm 0.12$  acre walkway is thirty-feet (30') by one-hundred sixty-one feet (161'). To the north of the walkway is the Brookwood Area owned by the Metroparks, to the east is a single-family home, to the south is Swan Creek Drive and single-family homes, and to the west is the applicant's single-family home. The existing walkway has not been developed or improved. At time of publication, the existing walkway is occupied by grass. The applicant has requested the vacation in order to expand accessory buildings on site, as well as add the additional land to their yard.

The walkway was dedicated as part of the original plat in 1972. It was intended to serve as a pedestrian walkway for residents of the single-family neighborhood to the Brookwood area. The dedication was supported by the City's Division of Forestry at the time. The Brookwood area is owned by Metroparks Toledo. The walkway was never developed nor improved and does not connect act as public access to a park. Upon solicitation for comment Metroparks Toledo did not object to the vacation of the walkway. Whitechapel Drive is located  $\pm 0.16$  miles west of the subject site and acts as potential public access to the land owned by Metroparks Toledo in the event the Brookwood area is developed for public use.

Vacation of the walkway could result in the creation of a landlocked parcel. The parcel directly north of the lot is only accessible from public right-of-way via the walkway. Therefore, as a condition of approval said parcel shall need to be combined with a neighboring parcel to avoid the creation of a landlocked piece of property.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Single Family Residential land use. This land use designation is intended to accommodate the development of single dwelling units on individual lots. The proposed vacation conforms with the Toledo 20/20 Comprehensive Plan.

**STAFF ANALYSIS (cont'd)**

Staff recommends approval of the proposed vacation because it is compatible with the existing land uses within the general vicinity.

**PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-383-22, the request to Vacation of a Dedicated Public Walkway running north of Swan Creek Drive adjacent to lots 171 and 172 in the Ragan Woods Subdivision 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,

The staff further recommends that the Toledo City Plan Commission recommend approval of V-383-22, the request for to Vacation of a Dedicated Public Walkway running north of Swan Creek Drive adjacent to lots 171 and 172 in the Ragan Woods Subdivision subject to the following **two (2)** 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.

Division of Transportation

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 for permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of a final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Plan Commission

2. The vacation of the alley cannot result in the creation of a landlocked parcel. Parcel #2001345 shall need to be combined with parcel #2001344 prior to vacation of the walkway.

Respectfully Submitted,



Thomas C. Gibbons  
Secretary

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JGL

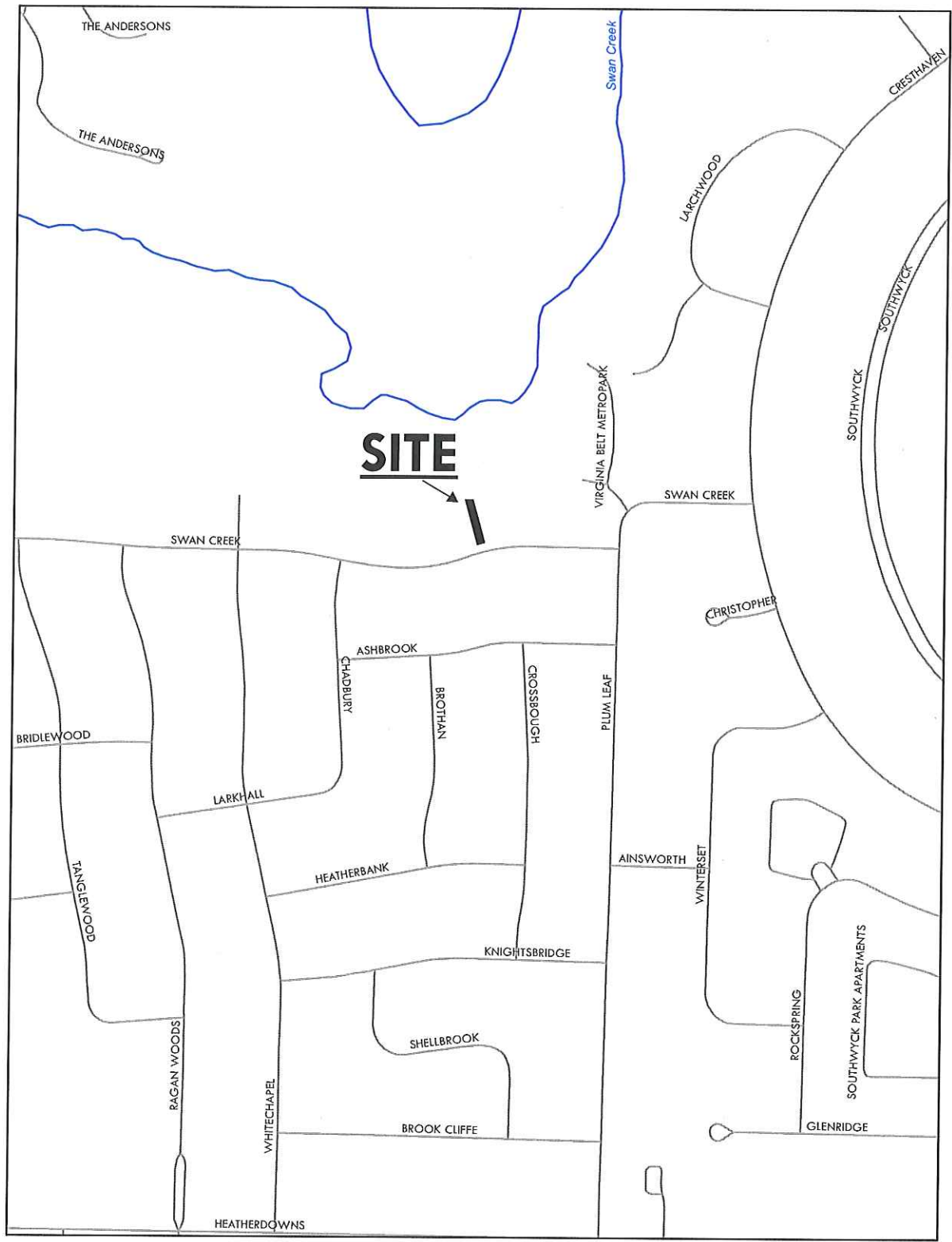
Two (2) sketches follow

Cc: Applicant  
Lisa Cottrell, Administrator  
Jonny Latsko, Planner



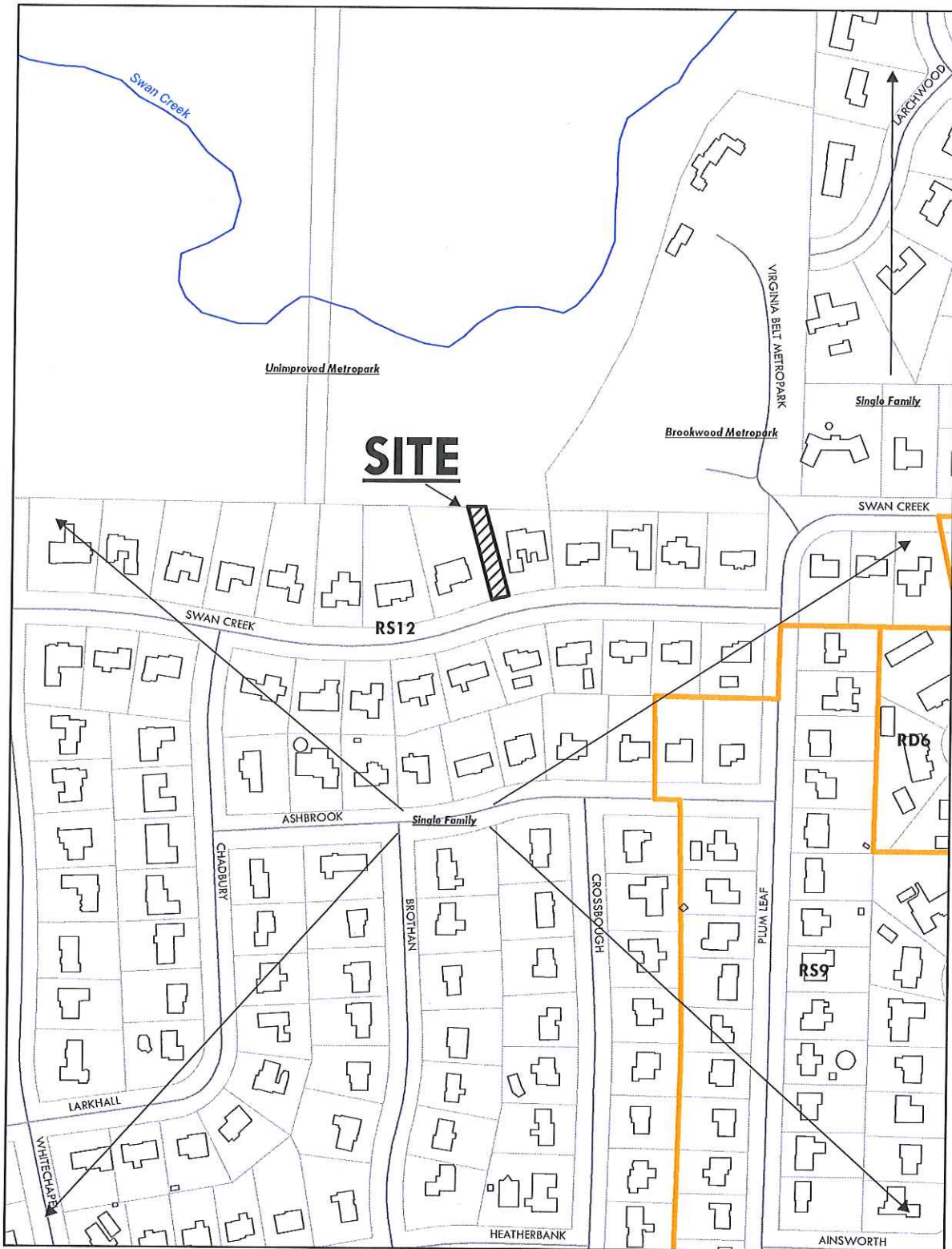
# GENERAL LOCATION

V-383-22  
ID 148



# ZONING & LAND USE

V-383-22  
ID 148







SWAN

VIRGINIA BEST MEMORIAL LN

PLYMOUTH LN

SAGEWOOD PLAT 8

ASHBROOK DR

CHADBURY LN