

ORD. 303-00 Changing the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, for the property located at 606-636 S. Byrne Road and 3550-3636 Angola Road, Toledo, Lucas County, Ohio; subject to certain conditions; and declaring an emergency.

WHEREAS, an application (Z-8009-99) for a proposed change in zoning for property located at 606-636 S. Byrne Road and 3550-3636 Angola Road, Toledo, Ohio, was submitted to the Toledo City Plan Commission for its review and recommendation; and

WHEREAS, on February 10, 2000, said matter was considered by the Toledo City Plan Commission and the request for a zone change from "R-2" Single-Family and M-1 Restricted Industry to "M-1" Restricted Industry District for the property located at 606-636 S. Byrne Road, and 3550-3636 Angola Road, Toledo, Ohio, was approved, and all things required by law to be done, have been done; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That the zoning maps attached to Part 11, Planning and Zoning, Toledo Municipal Code, are hereby authorized to be revised, by changing the zone districts of that part of the City of Toledo more fully described as follows:

LEGAL DESCRIPTION

Parcel 1: The South fifty (50) feet of the East two hundred (200) feet of the North four hundred fifty-eight (458) feet of that part of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition in the City of Toledo, Lucas County, Ohio, excepting therefrom the East fifty (50) feet thereof.

Parcel 2: The Southerly ten (10) feet of the South one hundred ten (110) feet of the North four hundred eight (408) feet of the West one hundred seventy-five and four tenths (175.4) feet of the East two hundred thirty-five and four tenths (235.4) feet of that part of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition in the City of Toledo, Lucas County, Ohio.

Parcel 3: The North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition

in the City of Toledo Lucas County, Ohio, excepting therefrom the following described property: Beginning at the Northeast corner of said parcel; thence West on the North line of said parcel a distance of two hundred thirty-five and four tenths (235.4) feet; thence South parallel with the East line of said Section a distance of two hundred and eight (208) feet; thence Southeasterly to a point two hundred ninety-eight (298) feet South and one hundred forty (140) feet West of the Northeast corner of said parcel; thence West on a line parallel with the North line of said parcel a distance of ninety-five and four tenths (95.4) feet; thence South parallel with the East line of said Section, one hundred ten (110) feet; thence East parallel with the North line of said parcel a distance of thirty-five and four tenths (35.4) feet; thence South parallel with the East line of said Section a distance of fifty (50) feet; thence East parallel with the North line of said Section a distance of one hundred fifty-five (155) feet; thence South parallel to the East line of said Section to the South line of said parcel; thence East along said South line to the East line of Section Seven (7); thence North along said East line to the place of beginning. Also excepting therefrom the East two hundred (200) feet of the South sixty (60) feet of the North one-half (1/2) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, except that portion thereof in the legal highway.

Parcel 4: The South one hundred ten (110) feet of the North four hundred eight (408) feet of the West one hundred seventy-five and four tenths (175.4) feet of the East two hundred thirty-five and four tenths (235.4) feet of that part of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in Lucas County, Ohio, that lies South of the South line of Air Line Gardens, an Addition formerly in Adams Township, now in the City of Toledo, Lucas County, Ohio, excepting therefrom the South ten (10) feet thereof.

Parcel 5: The East two hundred (200) feet of the South sixty (60) feet of the North one-half (1/2) of the Southeast quarter of Section Seven (7), Town Three (3) in the United States Reserve of twelve (12) miles square at the foot of the Rapids of the Miami of Lake Erie in the City of Toledo, Lucas County, Ohio, except that portion thereof in legal highways.

LEGAL DESCRIPTION

Parcel 3: That part of the Southeast quarter (1/4) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), United States Reserve of twelve (12) miles square in the City of Toledo, Lucas County, Ohio, described more particularly as follows:

Commencing on the South line of said Section to a point fifty-five and one tenth (55.1) feet East of the Southwest corner of said Southeast quarter (1/4) of the Southeast quarter (1/4) and running thence North parallel with the West line of said Southeast quarter (1/4) to the North line of the same; thence East along said line three hundred eighty-six and eight tenths (386.8) feet; thence South to the South line of said Section; thence West along said line three hundred eighty-six and eight tenths (386.8) feet to the place of beginning, excepting therefrom that part appropriated by the City of Toledo in Cause #206072 Common Pleas Court, Lucas County, Ohio.

Subject to legal highways.

Parcel 4: That part of the Southeast quarter (1/4) of the Southeast quarter (1/4) of Section Seven (7), Town Three (3), United States Reserve of twelve (12) miles square in the City of Toledo, Lucas County, Ohio, described more particularly as follows:

Commencing on the South line of said Section at a point four hundred forty-one and nine tenths (441.9) feet East of the Southwest corner of said Southeast quarter (1/4) of the Southeast quarter (1/4) and running thence North parallel with the West line of the same to the North line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section; thence East along the said line four hundred six and four tenths (406.4) feet; thence South parallel with the East line of the Southeast quarter (1/4) of the Southeast quarter (1/4) of said Section to the center of the Old Springfield Plank Road, so called; thence Southwesterly along the centerline of said road to the place of beginning, and containing eleven and eighty-two hundredths (11.82) acres of land, more or less, according to a survey made by C. W. Shoemaker on the 7th, 8th and 9th days of December 1899, excepting therefrom that part thereof appropriated by the City of Toledo in Cause #206072 Common Pleas Court, Lucas County, Ohio.

Subject to legal highways.

LEGAL DESCRIPTION SOUTHERLY PARCEL

A parcel of land being part of the Southeast one-quarter (1/4) of Section Seven (7), Town Three (3), in the United States Reserve of twelve miles square at the foot of the Rapids of the Miami of Lake Erie, City of Toledo, Lucas County, Ohio, and being more particularly described as follows:

Commencing at a monument box found at the intersection of the centerline of Mercer Street with the centerline of Byrne Road;

Thence Northerly along the centerline of Byrne Road, said centerline being the East line of the Southeast one-quarter (1/4) of Section Seven (7), having an assumed bearing of North zero (0)

degrees, zero (00) minutes, and zero (00) seconds East, a distance of fifteen and fifty-nine hundredths (15.59) feet to a point;

Thence Westerly along a line being sixty and zero hundredths (60.00) feet Northerly of and parallel with the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes, and thirty-seven (37) seconds West, a distance of forty-five and zero hundredths (45.00) feet to an iron pin set on the Westerly right-of-way line of Byrne Road, and set point also being the TRUE POINT OF BEGINNING.

Thence continuing Westerly along the previously described line, a distance of one hundred fifty-five and one hundredths (155.01) feet to an iron pin set;

Thence Southerly along a line being two hundred and zero hundredths (200.00) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of sixty and zero hundredths (60.00) feet to an iron pin set on the South line of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7);

Thence Westerly along the South line of the North one-half (1/2) of Section Seven (7), having a bearing of North eighty-nine (89) degrees, twenty-four (24) minutes and thirty-seven (37) seconds West, a distance of two hundred forty-eight and forty-nine hundredths (248.49) feet to an iron pin set;

Thence Northerly along a line being parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7); having a bearing of North zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of three hundred fifty and ninety hundredths (350.90) feet to an iron pin set;

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes and thirty (30) seconds East, a distance of two hundred thirteen and eight hundredths (213.08) feet to an iron pin set;

Thence Southerly along a line being two hundred thirty-five and forty hundredths (235.40) feet Westerly of and parallel with the East line of the Southeast one-quarter (1/4) of Section Seven (7); having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of ninety and eighty-three hundredths (90.83) feet to an iron pin set;

Thence Easterly along a line being parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a

bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of one hundred seventy-five and forty-one hundredths (175.41) feet to an iron pin set in the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes, and zero (00) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set;

Thence Easterly along a line being four hundred eight and zero hundredths (408.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes, and thirty (30) seconds East, a distance of ten and zero hundredths (10.00) feet to an iron pin set on the Westerly right-of-way of Byrne Road;

Thence Southerly along with Westerly right-of-way of Byrne Road, having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of fifty and zero hundredths (50.00) feet to a P.K. nail set;

Thence Easterly along a line being four hundred fifty-eight and zero hundredths (458.00) feet Southerly of and parallel with the North line of the South one-half (1/2) of the North one-half (1/2) of the Southeast one-quarter (1/4) of Section Seven (7), having a bearing of South eighty-nine (89) degrees, twenty-seven (27) minutes and thirty (30) seconds East, a distance of five and zero hundredths (5.00) feet to a P.K. nail set on the Westerly right-of-way line of Byrne Road;

Thence Southerly along the Westerly right-of-way line of Byrne road, having a bearing of South zero (0) degrees, zero (00) minutes and zero (00) seconds East, a distance of one hundred forty and forty hundredths (140.40) feet to the TRUE POINT OF BEGINNING.

Containing 114,653 square feet, which is equal to two and six hundred thirty-two thousandths (2.632) acres of land, more or less. Subject, however, to all legal highways and easements of record.

This legal description dated October 20, 1998 was prepared by Nicholas F. Ronau, Ohio Registered Surveyor No. 6735, from a survey performed by T.R. Worline & Associates, Inc., under his direction in October of 1998.

"Iron pins set are 1/2" x 30" iron pins.

to be changed from "R-2/M-1" to "M-1" District.

Property included in said zone change is located at 606-636

S. Byrne Road and 3550-3636 Angola Road, Toledo, Ohio.

SECTION 2. That the approval of the zone change from "R-2/M-1" to "M-1" District is subject to the following conditions.

Plan Commission

1. That the zoning not take effect until an industrial plat is approved and recorded;

2. That industrial plat shall have a one hundred (100') foot wide landscape buffer easement along the west side of the site and a seventy-five (75') foot wide landscape buffer easement along the south side of the northwest portion of the site; and

3. The industrial plat submission shall be accompanied with a sign-off by the Federal Emergency Management Administration (FEMA) and/or other agencies responsible for flood plain management.

SECTION 3. That when the conditions contained hereinabove have been complied with, the Secretary of the Toledo City Plan Commission is hereby authorized and directed to make the said changes on the original zoning maps.

SECTION 4. That this Ordinance hereby is 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 the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

Vote on emergency clause: yeas 8, nays 0.

Passed: March 28, 2000, as an emergency measure: yeas 8, nays 0.

ATTEST:

MICHAEL J. BEAZLEY

Clerk of Council

President of Council

PETER UJVAGI

Approved: April 3, 2000

CARLETON S. FINKBEINER

Mayor