

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: October 13, 2023

REF: V-454-19

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

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

SUBJECT: Vacation of a 16' wide alley running north-south adjacent to Lots 20, 21-28, & 29 in the Hanson Addition; and the 16' wide alley running east-west adjacent to Lots 18-20 & 29-31 in the Hanson Addition.

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

GENERAL INFORMATION

Subject

Request	-	Vacation of a 16' wide alley running north-south adjacent to Lots 20, 21-28, & 29 in the Hanson Addition; and the 16' wide alley running east-west adjacent to Lots 18-20 & 29-31 in the Hanson Addition
Applicant	-	Paul Erdmann West Equipment Co. Inc. 1545 East Broadway Toledo, OH 43605

Site Description

Zoning	-	IL & IG / Limited Industrial & General Industrial
Area	-	± 0.122 acres
Dimensions	-	± 240' x 94.5'
Existing Use	-	Alley
Proposed Use	-	Consolidated land

Area Description

North	-	Industrial supply company / IG
South	-	Parking lot & single-family homes / IG
East	-	Outdoor storage areas & single-family homes / IG
West	-	Parking lot, industrial supply, auto repair / IL

GENERAL INFORMATION (cont'd)

Parcel History

None on record.

Applicable Regulations

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

STAFF ANALYSIS

The applicant is requesting the vacation of a 16' wide alley running north-south adjacent to Lots 20, 21-28, & 29 in the Hanson Addition; and the 16' wide alley running east-west adjacent to Lots 18-20 & 29-31 in the Hanson Addition. The alley is parallel to East Broadway Street and connects between Hanson Avenue and Oakdale Avenue.

To the north and west of the alley along Hanson Avenue is the applicant's property with two commercial warehouse buildings. The alley terminates into the applicant's property to the east with multiple single-family homes to the south facing Oakdale Avenue. On August 15, 2023, City Council approved a declaration of intent (*Res. 454-23*) to vacate the requested portion of the alley.

The applicant owns the property at 1545 East Broadway and intends to consolidate the land with their existing properties which surround a majority of the alley to the north, south, east and west. The four (4) single family homes that front on Oakdale Avenue have multiple garages which are accessed directly from the alley. Vacating this portion of the alley would eliminate the residences' property and garage access. Additionally, the proposed alley vacation would create a remnant piece of right-of-way that would be fully encompassed by private property and not accessible for public safety and maintenance. Furthermore, the Division of Transportation, Engineering, and Streets, Bridges and Harbor have both objected to the proposed vacation.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site and the surrounding area for Light Industrial land uses. Light Industrial is intended to accommodate uses such as research, wholesale activities, warehouses and industrial/manufacturing operations that are not employment-intensive and are compatible with commercial and residential land uses. The proposed alley vacation would not be compatible with the adjacent residential land uses due to restricting property access.

STAFF ANALYSIS (cont'd)

Staff recommends disapproval because the proposed vacation would create a remnant piece of right-of-way and restrict access to existing residential properties. Additionally, multiple city departments have objected to the proposed vacation. Review agencies conditions are attached as EXHIBIT "A" for informational purposes.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends disapproval of V-454-23, the request for the vacation of a 16' wide alley running north-south adjacent to Lots 20, 21-28, & 29 in the Hanson Addition; and the 16' wide alley running east-west adjacent to Lots 18-20 & 29-31 in the Hanson Addition, to Toledo City Council for the following three (3) reasons:

1. The proposed alley vacation will eliminate access to adjoining residential properties.
2. The proposed alley vacation will create a remnant piece of right-of-way. and;
3. The Division of Engineering, Transportation, and Streets, Bridges and Harbor object to the proposed alley vacation.

Although the Plan Commission is recommending disapproval, conditions of approval are included and listed by agency of origin as Exhibit "A" for informational purposes.

Respectfully Submitted,



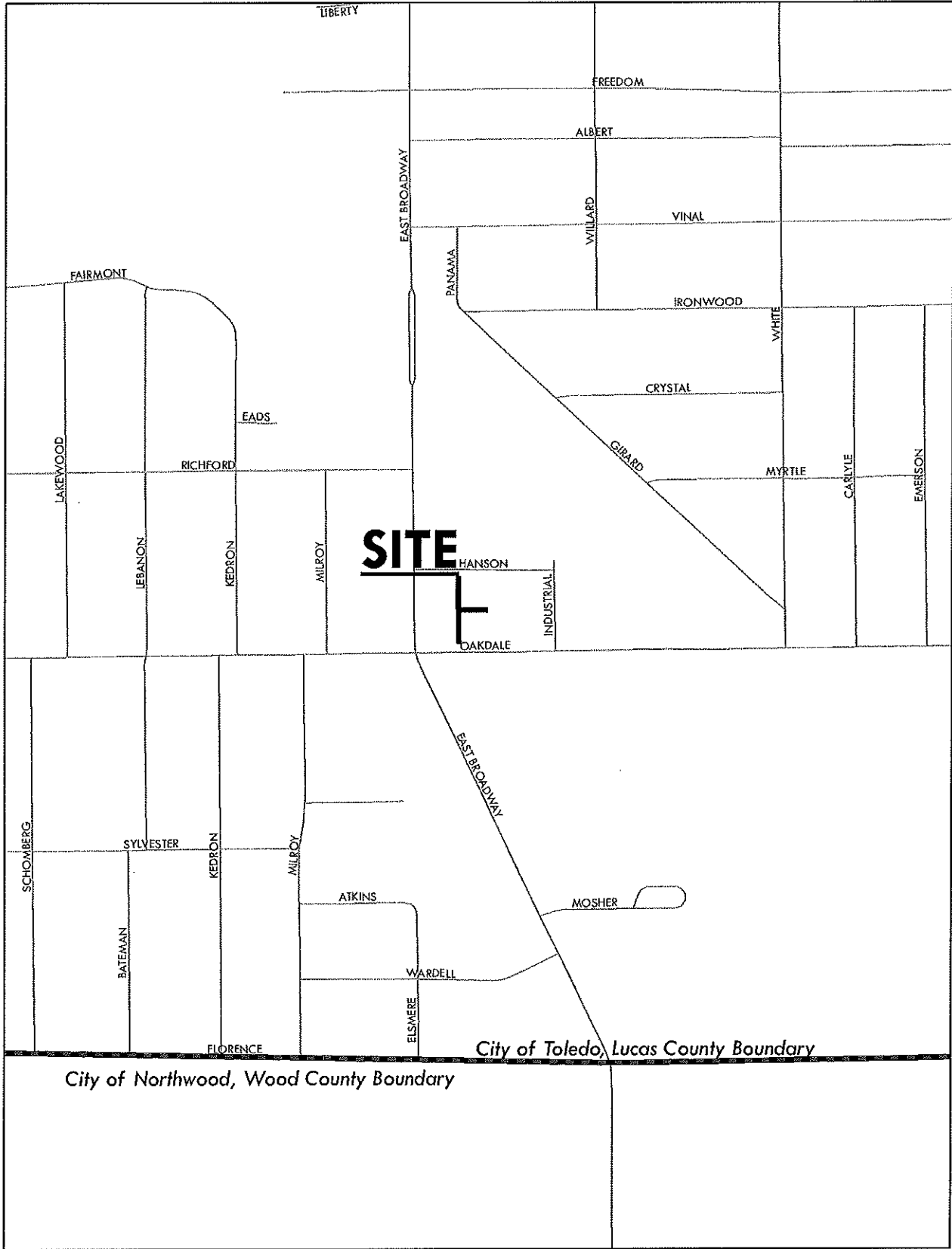
Thomas C. Gibbons
Secretary

Two (2) sketches and Exhibit "A" follows

Cc: Paul Erdmann; West Equipment Co. Inc., 1545 East Broadway, Toledo, OH 43605
Lisa Cottrell, Administrator
Ryne Sundvold, Senior Planner

GENERAL LOCATION

V-454-23
ID 30



ZONING & LAND USE

V-454-23
ID 30

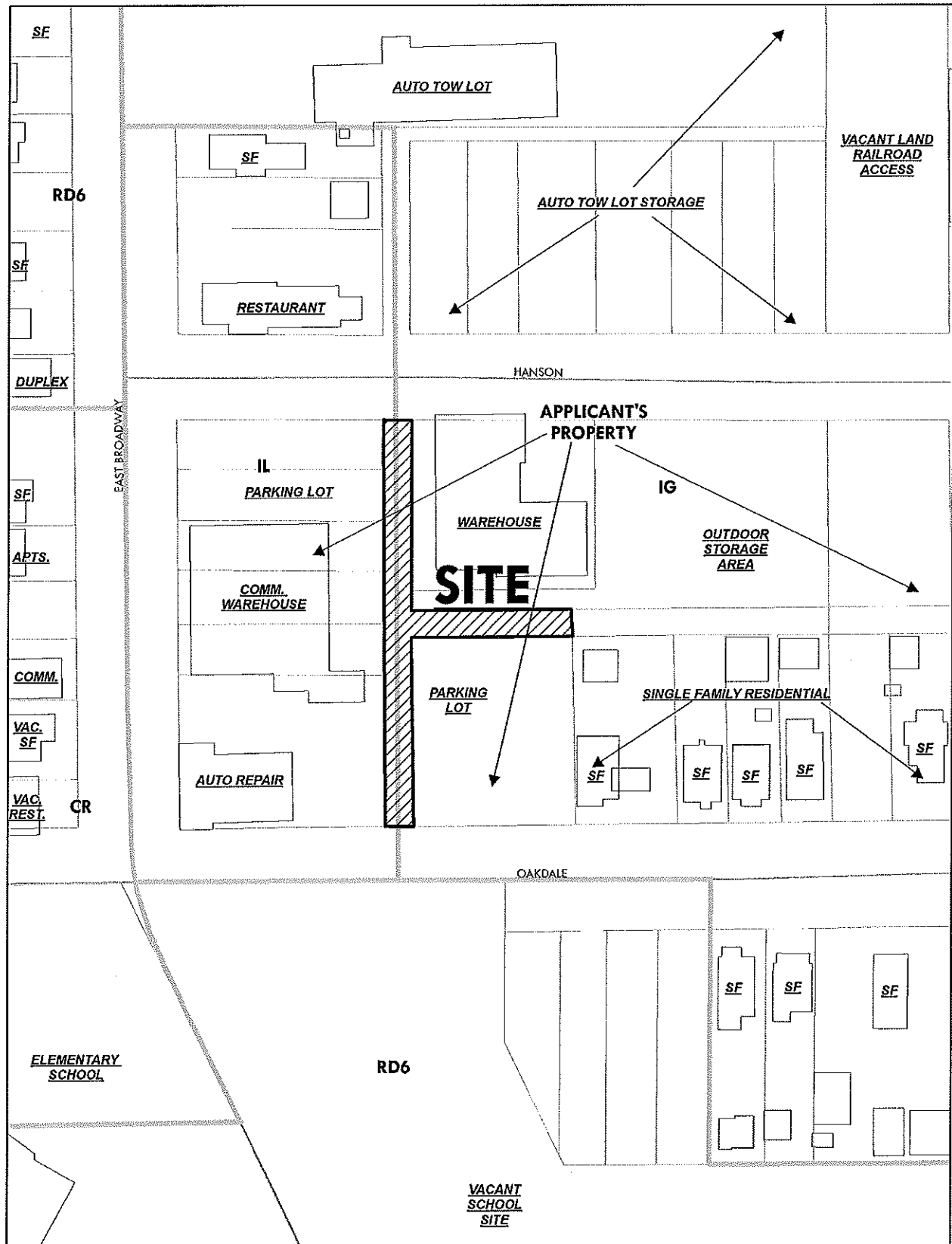


EXHIBIT "A"
Review Agency Conditions

The following **ten (10)** conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering & Construction Management

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:
Engineering and Construction Management: 419-245-1315
Right-of-Way and Inspection: 419-245-1341
Roadway: 419-245-1344
Water: 419-936-2163
Stormwater Drainage: 419-245-3221 or 419-245-1338
Sanitary Sewers: 419-936-2276
2. Denied it will cut off rear garage access to homes adjacent to alley.
3. Storm comments are just to say ditto to the stance of Sanitary since the combined sewer conveys both sanitary and storm.
4. Object to vacation of north-south alley, there is a sanitary sewer in the alley.

Law Department

5. 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.

Exhibit "A" (cont'd)

Law Department (cont'd)

6. 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.

Further, the Owner's' 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.

Traffic Management

7. This vacation will create a land locked section of alley and will not give remainder of resident's access to existing garages.

Exhibit "A" (cont'd)

Fire Prevention

8. The Fire Department does NOT approve of the vacation of this alley in the Hanson Addition. Loss of this alley will result in loss of readily accessible access to portions of buildings there. (OFC 503.1.1)

Division of Streets, Bridges and Harbor

9. Alley running east-west adjacent to Lots 13-17 and 32-36 must also be vacated. That portion still requires access and all residents pay alley cleaning tax.

Columbia Gas

No comments at the time of publication.

Toledo Edison

No comments at the time of publication.

TARTA

No comments at the time of publication.

Lucas County Solid Waste Management District

Does not object to the approval of this vacation.

Plan Commission

10. The proposed vacation cannot result in the loss of access for any abutting properties.