

GENERAL INFORMATION

Subject

- | | | |
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| Request | - | Vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition. |
| Location | - | North-South alley behind 16 Clyde Street, south of Seaman Road |
| Applicant(s) | - | Judith Misiewicz
16 Clyde Street
Toledo, OH 43605 |

Site Description

- | | | |
|--------------|---|--|
| Zoning | - | Neighborhood Commercial & Single-Family Residential / CN & RS6 |
| Area | - | ± 0.065 acres |
| Dimensions | - | ± 178' x 16' |
| Existing Use | - | Alley |
| Proposed Use | - | Consolidated land |

Area Description

- | | | |
|-------|---|--|
| North | - | RM36 / Single Dwelling Homes, Seaman Road |
| South | - | RM36 & IL / Single Dwelling Homes, Vacant Land |
| West | - | IL / Vacant Land |
| East | - | RM36 / Single Dwelling Homes |

Adjacent Parcel History

- | | | |
|----------|---|---|
| V-508-23 | - | Vacation of the 15' alley that runs east and west and abuts lots 116-119 on the north and lot 179 on the south, in the Heffner's Addition (P.C. approved 11/02/23; B.O.R. approved 04/04/24; conveyance unpaid) |
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Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant is requesting the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition. The applicant owns the property directly east of the alley and currently uses it as an extension of their yard. To the north, east, and south of the site are single dwelling homes. To the west is vacant industrially-zoned land.

The proposed vacation is at the northern end of a north-south alley running ± 114 feet west of Clyde Street. The southern portion of the alley dead ends into an extension of Mechanic Street. The Division of Traffic Management has objected to the vacation because it will "create a dead-end alley coming from Mechanic Street." The Mechanic Street extension and the Alley are both unimproved and appear to be maintained as part of two adjacent vacant parcels. Staff believes that the alley and Mechanic Street extension are not used for access by any adjacent parcels. Staff confirmed this suspicion with a site visit on September 19th, which revealed that the alley was grown over with tall grass matching the grassland habitat on adjacent vacant parcels. Staff respectfully disagrees with Traffic Management's objection since this north-south alley is unimproved and not used by its neighbors to access their properties. Staff believes the entire alley should be vacated, but understands that it would be unfair for the applicant to pay for the vacation of the entire alley. It would also be unfair to deny the applicant use of this land that they maintain for no reason other than hypothetical access to an alley that will likely never be used as an alley.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan targets parcels to the north and east for Neighborhood Residential land uses and the parcel to the west for Low Impact Industrial land uses. The neighborhood residential targeted parcels are developed with single-dwelling homes which are compatible with the designation and are likely to remain. The low impact industrial targeted property is undeveloped. The low impact industrial land use designation provides space for industrial uses which do not noticeably affect the character of the neighborhood. The Forward Toledo Plan further emphasizes that these industrial land uses should limit exposure of nuisance conditions to nearby residential areas. A landscaping buffer will be required when this vacant land is developed to ensure adequate separation. The vacation of this alley will not hinder this buffering. The proposed vacation is consistent with the Forward Toledo Plan.

Staff recommends approval of the requested vacation because it conforms with the Forward Toledo Comprehensive Land Use Plan and because it will not impede access to surrounding properties. Staff further recommends that the city examine the possibility of vacating the remaining portion of the alley running north and south from the southern line of this vacation to extended Mechanic Street. Vacating this portion of the alley will benefit the owners of 22-36 Clyde Street and have no negative impact on access or utilities – the alley does not currently contain any city utilities.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-388-25, the request for the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition, to Toledo City Council for the following **two (2)** reasons:

1. The proposed alley vacation conforms to the Forward Toledo Comprehensive Land Use Plan; and
2. The proposed alley vacation will not impede access to surrounding any properties.

Staff further recommends that the Toledo City Plan Commission recommend approval of V-388-25, the request for the vacation of a 14' wide alley running North and South abutting Lot 179 and the North 15 feet of Lot 178 in Heffner's Addition, to Toledo City Council subject to the following **three (3)** conditions:

The 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.

Law Department

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 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
2. 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 building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. If no utilities are present, then an easement will not be required and a fence will be permitted. 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

STAFF RECOMMENDATION (cont'd)

Law Department (cont'd)

2. (cont'd)

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 or 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.

Division of Traffic Management

Objection noted.

Bureau of Fire Prevention

No comments or objections.

Division of Streets, Bridges and Harbor

No comments or objections.

Division of Engineering Services

No comments or objections.

Lucas County Solid Waste Management District

No comments or objections.

STAFF RECOMMENDATION (cont'd)

Columbia Gas Company

No comments received at time of publication.

Toledo Edison Company

No comments received at time of publication.

Toledo Area Regional Transit Authority (TARTA)

No comments received at time of publication.

Republic Services

No comments received at time of publication.

Plan Commission

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

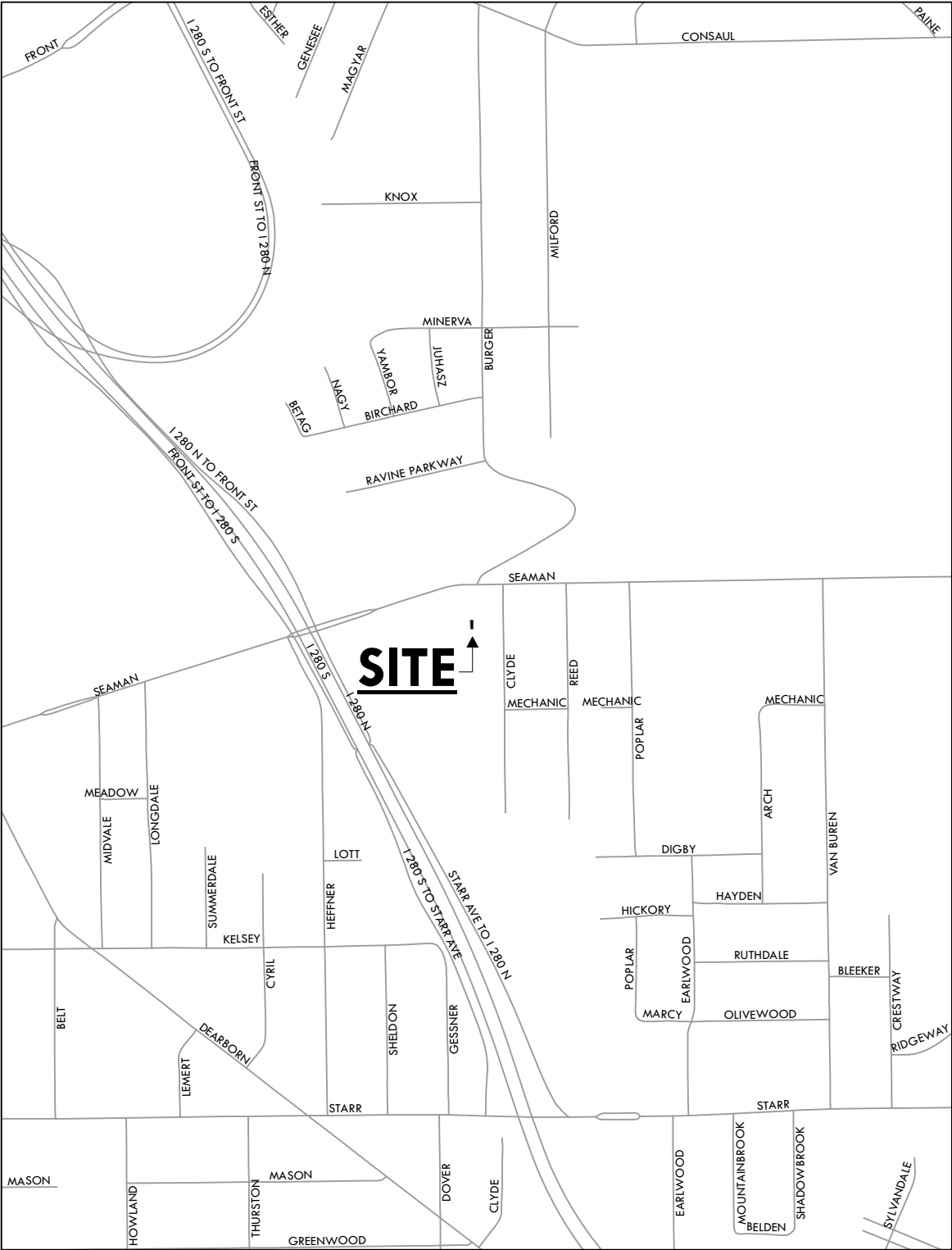
ALLEY VACATION
TOLEDO CITY PLAN COMMISSION
REF: V-388-25
DATE: October 9, 2025
TIME: 2:00 PM

CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: November 13, 2025
TIME: 4:00 P.M.

AS
Three (3) sketches follow

GENERAL LOCATION

V-388-25
ID 26



ZONING & LAND USE

V-388-25
ID 26



ALLEY MAP

V-388-25
ID 26

