

GENERAL INFORMATION

Subject

Request	-	Vacation of Right-of-Way west of Deline Drive, north of Dulton Drive, and east of 5751 Nebraska
Applicant	-	Brandon Rinebold 5751 Nebraska Ave. Toledo, OH 43615

Site Description

Zoning	-	RS6 / Single-dwelling residential
Area	-	± 0.13 acres (5,753.31 square feet)
Frontage	-	± 93' along Deline Drive ± 115' along Dulton Drive
Existing Use	-	Open space
Proposed Use	-	Expanding personal yard

Area Description

North	-	RS6 / Single-family Homes
South	-	RS6 / Single-family Homes
East	-	RS6 / Single-family Homes
West	-	RS6 / Single-family Homes

Parcel History

None on file

Applicable Regulations

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

STAFF ANALYSIS

The requested vacation of Right-of-Way (R.O.W) is located west of Deline Drive, north of Dulton Drive, and east of 5751 Nebraska (parcel #2013705). The applicant wishes to expand his property for personal use and intends to fence in his expanded yard if this request is granted. The subject area is adjacent to the former pathway of the Toledo & Indiana Railroad, which was decommissioned in the early 1900s. Surrounding land uses are exclusively single-family homes.

STAFF ANALYSIS (cont'd)

On June 18, 2024, City Council approved a declaration of intent (*Res.307-24*) to vacate the subject portion of R.O.W. Note that this resolution contains an error in the area description under the “Summary & Background” section, which will be corrected in the forthcoming ordinance if the vacation request is approved.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designates this area as Single-family Residential. The proposed vacation conforms with the Toledo 20/20 Comprehensive Plan as the proposed vacation will expand the applicant’s residential property. Staff recommends approval of the requested vacation because the proposal conforms to the Toledo 20/20 Comprehensive Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-307-24, a request for the vacation of Right-of-Way west of Deline Drive, north of Dulton Drive, and east of 5751 Nebraska, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan.
2. The proposed vacation will not impede access to any neighboring properties.

The staff further recommends that the Toledo City Plan Commission recommend approval of V-307-24 a request for the vacation of Right-of-Way west of Deline Drive, north of Dulton Drive, and east of 5751 Nebraska subject to the following three (4) 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.

Engineering Services

No objections to the approval of this vacation.

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.

STAFF RECOMMENDATION (cont'd)Law Department (cont'd)

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, 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 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.

Transportation Services

No objections to the approval of this vacation.

STAFF RECOMMENDATION (cont'd)

Fire Prevention

No objections to the approval of this vacation.

Division of Streets, Bridges and Harbor

No objections to the approval of this vacation.

Columbia Gas

No comments at the time of publication.

AT&T (Ohio)

No comments at the time of publication.

Toledo Edison

No comments at the time of publication.

Buckeye Cable System Inc.

No comments at the time of publication.

TARTA

No comments at the time of publication.

Lucas County Solid Waste Management District

No comments at the time of publication.

Republic Services

No comments at the time of publication.

Plan Commission

3. Any future fence shall adhere to the standards of TMC§1105.0301 – Fences (Residential Districts).
4. Applicant shall obtain a Certificate of Zoning Compliance from the Division of Building Inspection before proceeding with fence installation.

REF: V-307-24. . . August 8, 2024

RIGHT OF WAY VACATION
TOLEDO CITY PLAN COMMISSION

REF: V-307-24

DATE: August 8, 2024

TIME: 2:00 PM

CITY COUNCIL

ZONING AND PLANNING COMMITTEE

DATE: September 10, 2024

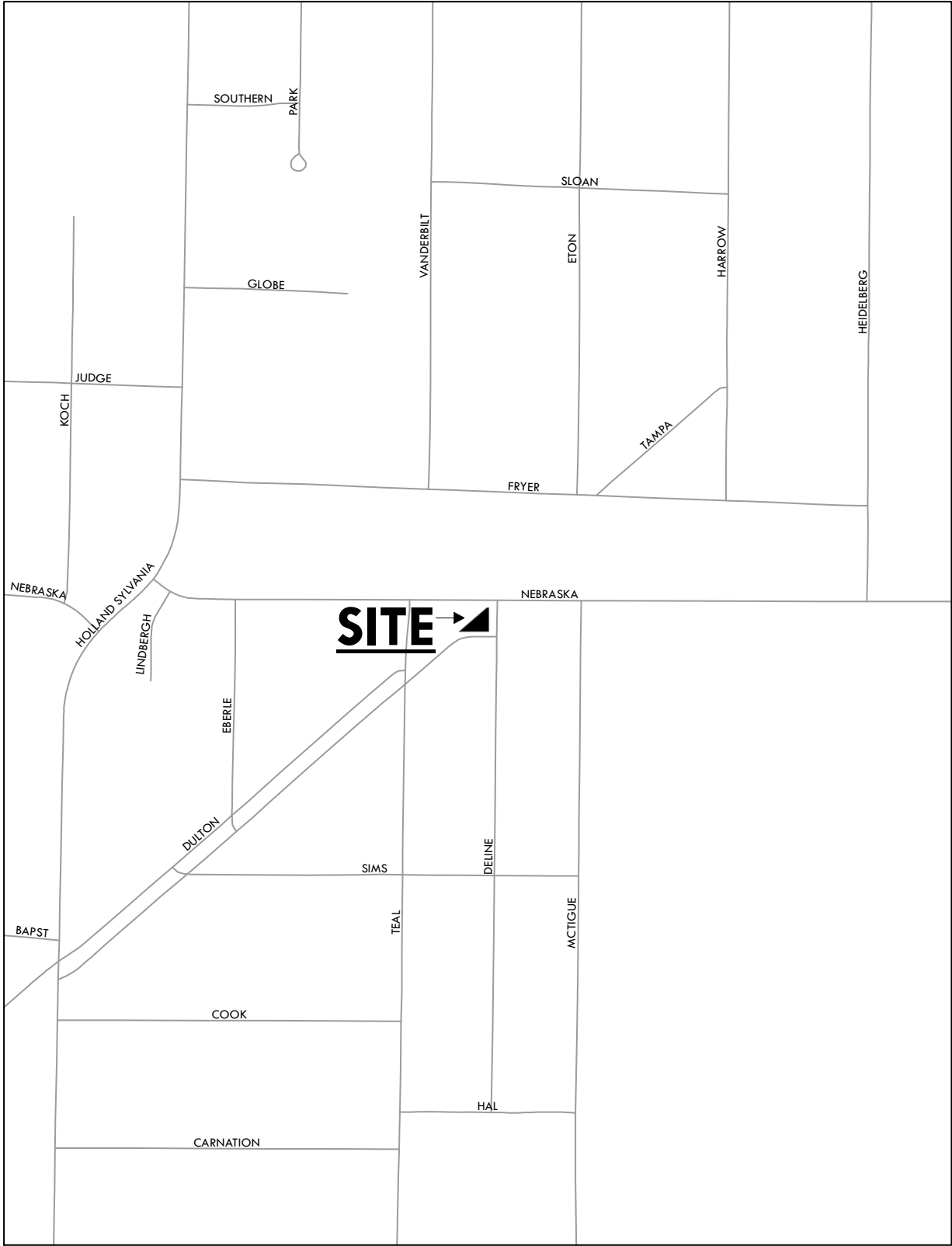
TIME: 4:00 P.M.

MJM

Three (3) sketches follow

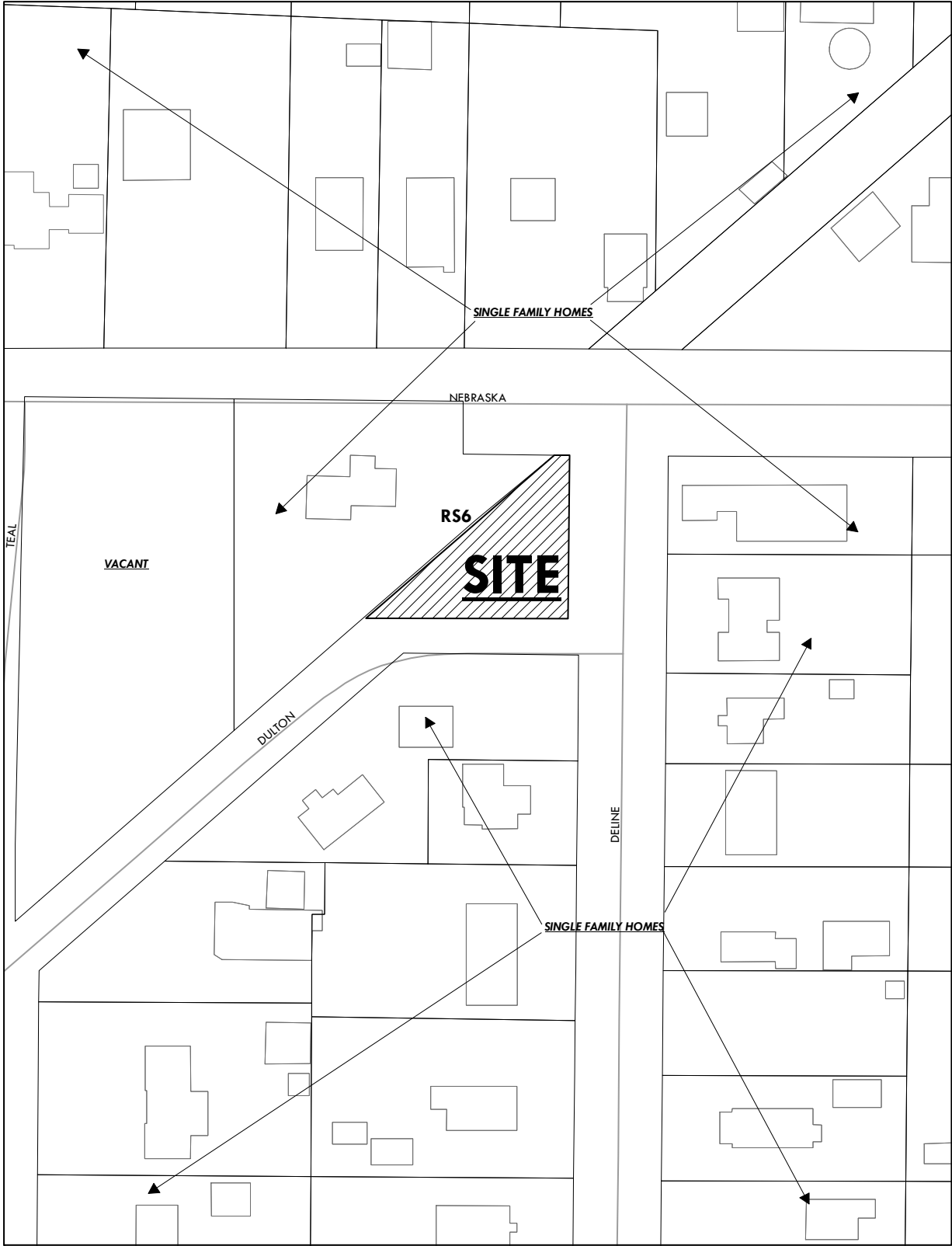
GENERAL LOCATION

V-307-24
ID 119



ZONING & LAND USE

V-307-24
ID 119



SURVEY

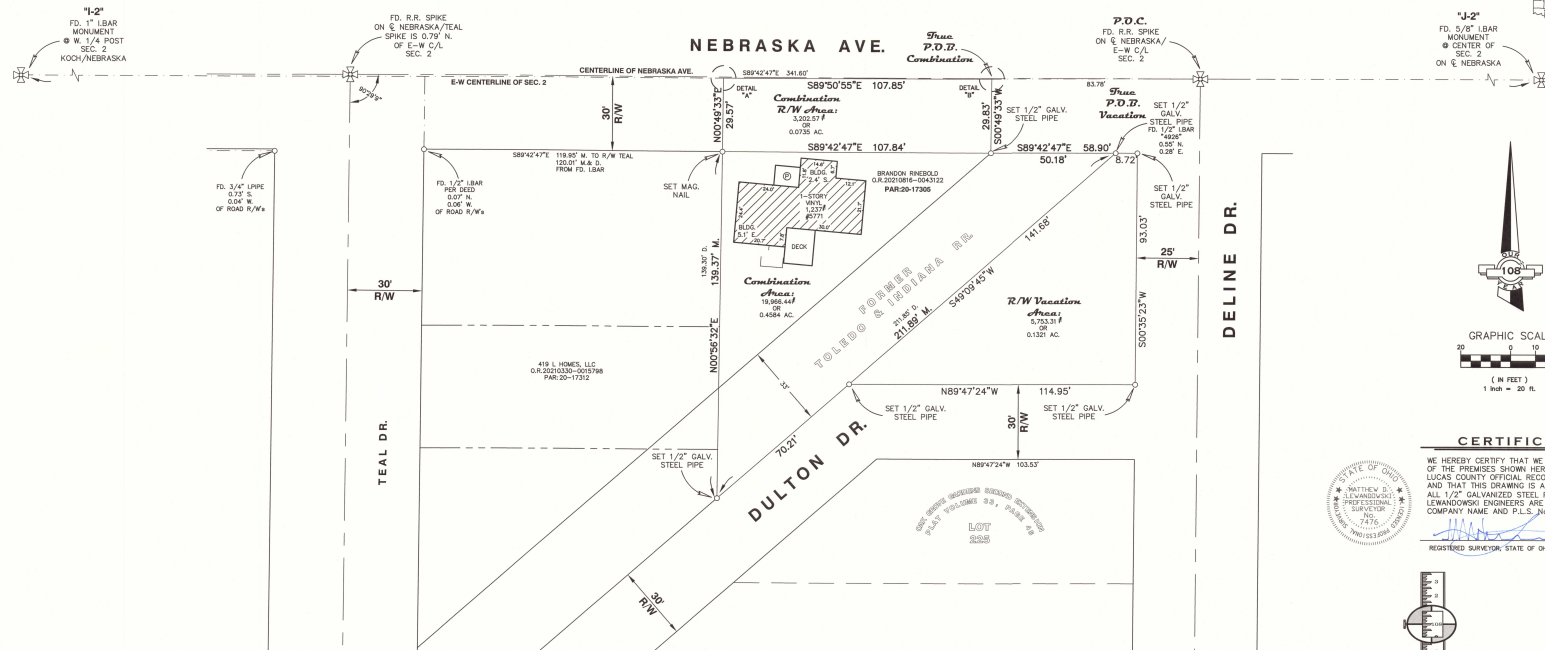
V-307-24
ID 119



LE PROJECT : 53822
CONTRACT : I-11

SITE SURVEY & ROAD VACATION OF: TOWN 2, UNITED STATES RESERVE PART OF THE W. 1/2 OF THE E. 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2 CITY OF TOLEDO, LUCAS COUNTY, OHIO

NAD-83, GEOID 18US
STATE PLANE COORDS.
OHIO N. 3401 GRID
SCALE FACTOR: 1.0000340440
ELLIPSOID: 504.36
ARC GIS: 10.3



CERTIFICATION

WE HEREBY CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES SHOWN HEREON AS RECORDED IN LUCAS COUNTY OFFICIAL RECORD 20210816-0043122 AND THAT THIS DRAWING IS A CORRECT PLOT THEREOF. ALL 1/2\"/>

REGISTERED SURVEYOR, STATE OF OHIO #7476



CIVIL ENGINEERS & SURVEYORS
THE CHIEF BLDG 234 N. ERIE ST.
TOLEDO, OHIO 43604
P: 419.255.4111 F: 419.255.4112
LEWANDOWSKIENGINEERING.COM

SITE SURVEY & ROAD VACATION OF:
T2, U.S.R.
PT. OF W. 1/2 OF E. 1/4 OF SW. 1/4 OF SEC. 2
CITY OF TOLEDO, LUCAS COUNTY, OHIO

DATE: 05/16/2024
DRAWN: NJZ
CHECKED: MOL
BOUNDARY: RPL
TOPOG: N/A
UTILITIES: N/A
QCS: NAD, 83, GEOID-18US, OHIO N. 3401

SCALE: 1"=20'
DWG #: 53822
DIR #: 53822
DATUM: NAVD 88 GPS
CIVL: 3D 2014
QIS: ARCVIEW 9.2
QCS: NAD, 83, GEOID-18US, OHIO N. 3401

WARNING

UNRECORDED CONDUITS IN AREA:
CONTACT THE OHIO UTILITIES
PROTECTION SERVICE (OUPS) TWO
WORKING DAYS PRIOR TO ANY
EXCAVATION, DEMOLITION OR
CONSTRUCTION. 1-800-362-2784

TITLE

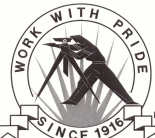
LEWANDOWSKI ENGINEERS HAS NOT
BEEN PROVIDED A CURRENT TITLE
COMMITMENT FOR THE SUBJECT
LAND. AS SUCH, ANY EASEMENTS,
RIGHT-OF-WAYS, RESTRICTIONS OR
OTHER TITLE MATTERS THAT MAY
BE CONTAINED THEREIN ARE NOT
SHOWN ON THIS SURVEY.

VACATION AREA

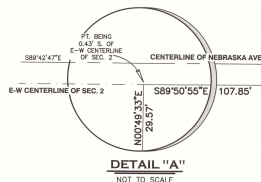
SET 1/2" GALV.
STEEL PIPE
5.753.31 F
0.1327 AC

COMBINATION AREA

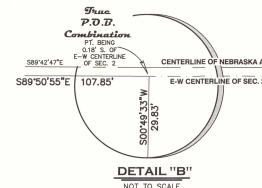
SET 1/2" GALV.
STEEL PIPE
19.395.44 F
0.4584 AC



Know what's below.
Call before you dig.



DETAIL "A"
NOT TO SCALE



DETAIL "B"
NOT TO SCALE

ENVIRONMENTAL STUDIES

AN ENVIRONMENTAL STUDY, INCLUDING FLOODPLAIN DELINEATION, WETLAND DELINEATION, PHASE I ENVIRONMENTAL STUDY, AND/OR HISTORICAL SURVEY, IS NOT PART OF THIS WORK. THE CLIENT SHALL NOTIFY LEWANDOWSKI ENGINEERS, LLC IF THIS WORK IS REQUIRED. LEWANDOWSKI ENGINEERS HAS NOT BEEN PROVIDED A COPY OF ANY WETLAND DELINEATION FOR THIS SITE, NOR DID THE FIRM FIND ANY FIELD EVIDENCE OF WETLANDS BY A THIRD PARTY TO DENOTE THE LIMITS OF ANY POTENTIAL WETLAND.

PT. W. 1/2, E. 1/2, SW. 1/4, SEC. 2, T2, U.S.R.