



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604 PHONE 419-245-1200 FAX 419-936-3730

THOMAS R. LEMON, AICP, DIRECTOR



DATE: March 15, 2013

REF: V-25-13

TO: President Hicks-Hudson and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Lisa Cottrell, Acting Secretary

SUBJECT: **Vacation of a portion of Amherst Drive**

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, March 14, 2013 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of a portion of Amherst Drive
Applicant	-	Rick Payeff Toledo Zoological Society 2700 Broadway Toledo, Ohio 43609

Site Description

Zoning	-	RD6 Duplex Residential / IC Institutional Campus
Existing Use	-	Public Right-of-Way
Proposed Use	-	Service drive

Area Description

North	-	Anthony Wayne Trail & Zoo / RD6 & IC
South	-	Single Family & Zoo / RD6 & IC
East	-	Zoo / IC
West	-	Single Family Residential / RD6

Parcel History

No case history on file.

Applicable Regulations

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

STAFF ANALYSIS

The applicant is proposing to vacate a portion of Amherst Drive in order to consolidate the property and utilize the area as a service drive to their facilities on the west side of the complex. The street will be closed off from all traffic from the south at the Dartmouth intersection. The Zoo purchased parcels on the west side of the subject site and removed the homes. Only those accessing the Anthony Wayne Trail to head north can utilize this portion of Amherst Drive. The residents enter the neighborhood off of Harvard.

Generally staff would have concerns over vacating streets that contribute to the urban fabric of the neighborhood. However, this site has limited access to the Anthony Wayne Trail. This is the only residential street that has access to the Anthony Wayne Trail besides the entrance to the Zoo on the opposite side of the Anthony Wayne Trail. This limited access highway is only accessible via arterial or collector streets. In addition, the Division of Transportation studied this area and found that 83% of the traffic on this portion of Amherst was related to Toledo Zoo operations.

The most significant issue for vacating these streets is the water inlet for Lot 6 on Amherst Drive and the need for an easement for Cablevision.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-25-13, a request to vacate a portion of Amherst Drive, to the Toledo City Council, subject to the following six (6) conditions:

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

Engineering Services

1. GIS indicated a public storm water inlet at lot six (6) in Amherst Drive. No piping is shown. If Amherst Drive is vacated and becomes private it is suggested that the inlet, if left in service, become private along with the pipe to where the connection is made to the public.

Division of Transportation

2. The Division of Transportation has collected vehicular traffic volumes to determine the usage of this roadway. This data reflected minimal usage by residents in the neighborhood; over 83% were related to Toledo Zoo operations.
3. Any modifications to the roadway shall be the responsibility of the Toledo Zoo. Geometrics shall be reviewed and approved by the Division of Transportation.

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PLAN COMMISSION RECOMMENDATION

Division of Transportation (cont'd)

4. If all affected and adjacent property owners agree to the vacation, then the Division of Transportation has no objections to this vacation.
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.

Buckeye Cablevision

6. Buckeye Cablevision Inc will require an easement to the current right of way and associated pole line along Amherst Drive from Dartmouth Drive to the dead end at the Anthony Wayne Trail.

Respectfully Submitted,



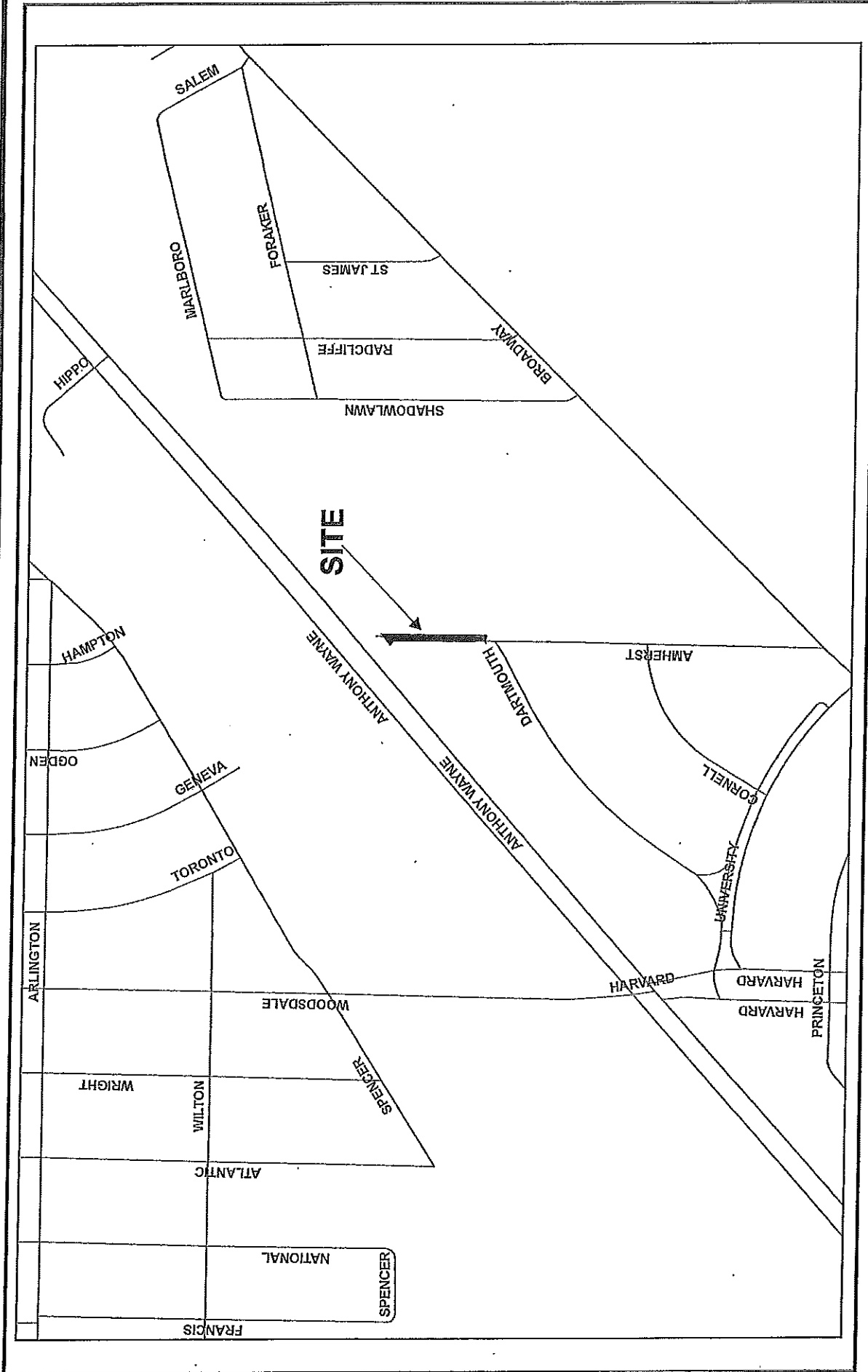
Lisa Cottrell
Acting Secretary

Cc: Rick Payeff, Toledo Zoological Society
Commissioner, Engineering Services
Commissioner, Division of Transportation
Buckeye Cablevision
Tom Gibbons, Principal Planner



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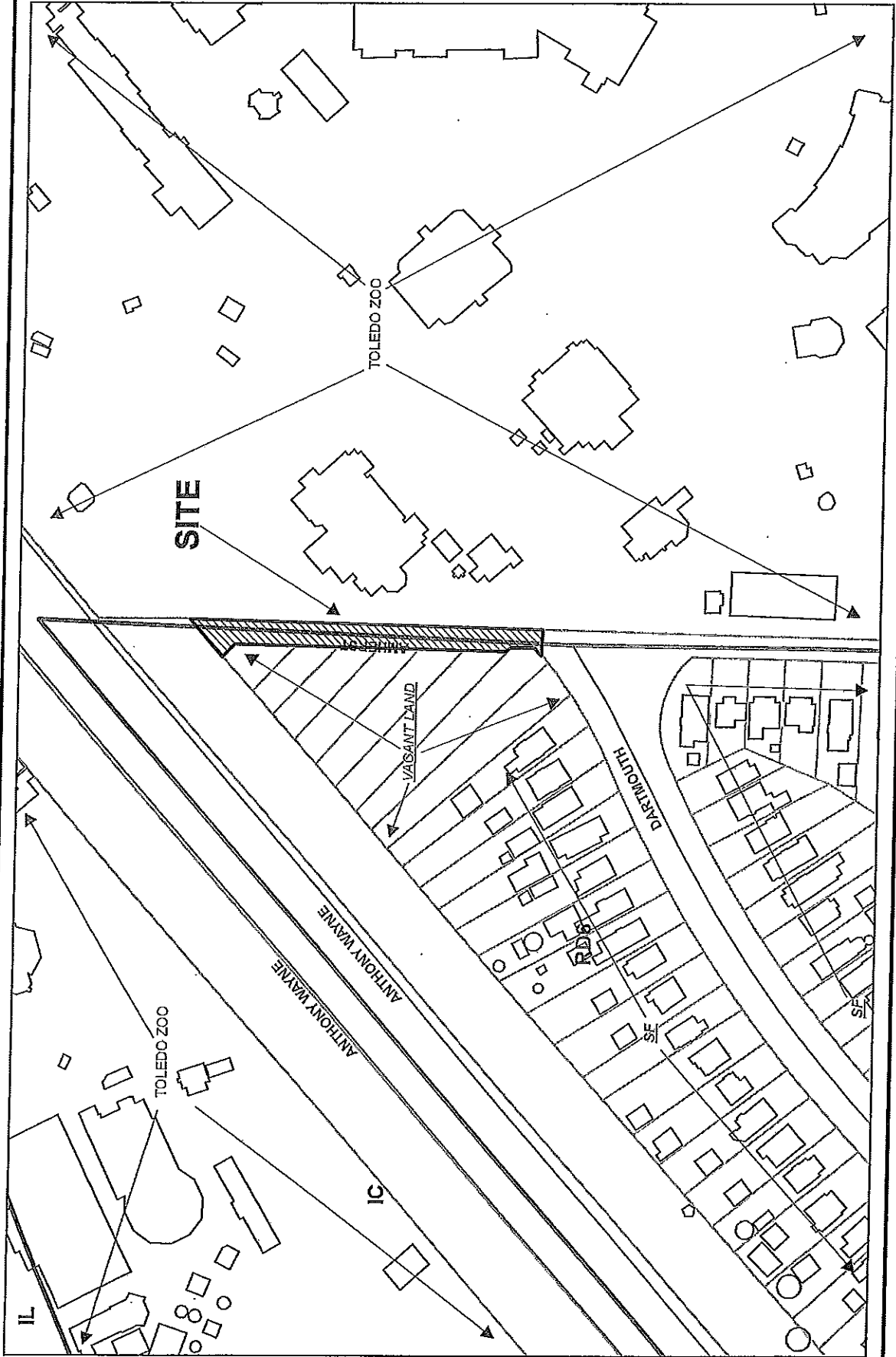
GENERAL LOCATION





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ZONING AND LAND USE



March 8, 2013

Toledo-Lucas County Plan Commission

One Government Center Suite 1620

Toledo, Ohio 43604

Attn: Tom Gibbons – Principal Planner

RE: Amherst Closure / Toledo Zoo

Dear Tom,

I am writing in support of the Toledo Zoo's request to close Amherst between Dartmouth Drive and the AW Trail. My property is located at 108/110 Dartmouth and is adjacent to the property the Zoo recently removed houses from on Amherst. Here are some of the reasons I support their petition:

The elimination of Zoo employee and Zoo sub-contractor vehicles passing through the neighborhood down Dartmouth - The overall neighborhood will benefit in both convenience and safety due to the decrease in traffic. The additional traffic is especially troublesome and disruptive during special events at the Zoo. Often times I'll have heavy trucks and other vehicles idling for long periods of time in front of my property waiting to enter the Zoo's Amherst gate.

The elimination of Zoo employees and other Zoo visitors parking on Dartmouth - Harvard Terrace's narrow lot dimensions necessitate that many residents park on the street (no room in back due to shared driveways, etc...). We often have to "fight" for parking spots with folks from outside the neighborhood. This also is more prevalent during special events. With no access to the Zoo from Dartmouth or Amherst this would no longer be an issue.

The elimination of drivers using the neighborhood as a cut through from Broadway to the AW Trail and vice versa - Even though Amherst is marked as one-way in opposite directions at the intersection of Dartmouth (One way to the AW Trail to the North and one way to Broadway to the South) it is on a regular occasion used as a cut through by motorists ignoring the one way signage.

My only reservation about the proposed plan is the addition of the pedestrian path connecting to the old "Panda Path" along the AW Trail. When I bought my property over 16 years ago the area to my Northeast was 100% residential. Since the removal of the houses by the Zoo I am now bearing the temporary situation of being exposed to the AW Trail and Amherst until a landscape buffer is installed.

RES. 25-13

Declaring the intent to vacate an existing street known as "Amherst Drive" PT of Lot 2 and part of subdivision of Lot 1 in the Harvard Terrace Addition, within the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate an existing 25 foot street known as "Amherst Drive" PT of Lot 2 and part of subdivision of Lot 1 in the Harvard Terrace Addition, in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 hereof. NOW, THEREFORE,

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

SECTION 1. That the City Council does hereby declare its intent to vacate a existing 25 foot street known as "Amherst Drive" PT of Lot 2 and part of subdivision of Lot 1 in the Harvard Terrace Addition, within the City of Toledo, Lucas County, Ohio to wit:

Legal Description Amherst Drive Vacation: Being part Lot 2 in Harvard Terrace, and part of the Subdivision of Lot 1, Harvard Terrace, as recorded in Plat Volume 27, Page 15, Lucas County records, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the North corner of the Subdivision of Lot 1, Harvard Terrace, said point also being the True Point of Beginning.

Thence South 00 degrees, 55 minutes, 59 seconds West, along the East Line of Amherst Drive, so called, and said line also being the East line of the Subdivision of Lot 1, Harvard Terrace and said line also being the East line of River Tract 13, a distance of 386.82 feet.

Thence North 89 degrees, 04 minutes, 01 second West a distance of 25.00 feet to the Westerly right-of-way of Amherst Drive.

Thence traversing a non-tangent arc to the left, along the Westerly right-of-way of Amherst Drive, said arc having a radius of 180.24 feet, a central angle of 02 degrees, 30 minutes, 15 seconds, a tangent length of 3.94 feet, a chord bearing of North 40 degrees, 20 minutes, 13 seconds East, a chord distance of 7.88 feet and an arc length of 7.88 feet.

Thence North 00 degrees, 55 minutes, 59 seconds East, along the Westerly right-of-way of Amherst Drive, a distance of 21.35 feet.

Thence North 46 degrees, 45 minutes, 00 seconds West, along the Westerly right-of-way of Amherst Drive, a distance of 6.76 feet.

Thence North 00 degrees, 55 minutes, 59 seconds East, along the Westerly right-of-way of Amherst Drive, a distance of 301.22 feet.

Thence North 42 degrees, 27 minutes, 42 seconds West, along the Westerly right-of-way of Amherst Drive, a distance of 21.81 feet to the North line of the Subdivision of Lot 1, Harvard Terrace.

Thence North 47 degrees, 33 minutes, 56 seconds East, along the North line of the Subdivision of Lot 1, Harvard Terrace, a distance of 55.00 feet to the True Point of Beginning.

Containing 9,466.53 square feet or 0.217 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2" galvanized steel pipe set are capped with the company name and PLS #7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on January 11, 2013.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. 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 this Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas 11, nays 0.

Adopted: JAN 22 2013, as an emergency measure: yeas 11, nays 0.

Attest: [Signature] Clerk of Council [Signature] Joe McHamara
President of Council

Approved: JAN 28 2013 [Signature]
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council _____.

Attest: _____
Clerk of Council