



## TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: August 10, 2018

REF: V-235-18

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

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

SUBJECT: Request for a Vacation of all rights-of-way in the "Manhattan Marsh" area, generally bounded by the former Detroit-Toledo Shoreline RR, the former Toledo Terminal RR, Suder Avenue, Ontario Street, Chase Street, Michigan Street, Bassett Street, Edison Street, and New York Avenue.

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, August 9, 2018 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Vacation of all rights-of-way in the "Manhattan Marsh" area, generally bounded by the former Detroit-Toledo Shoreline RR, the former Toledo Terminal RR, Suder Avenue, Ontario Street, Chase Street, Michigan Street, Bassett Street, Edison Street, and New York Avenue
Applicant	-	City of Toledo Dept. of Economic and Business Development One Government Center, Suite 2250 Toledo, OH 43604

#### Site Description (total study area)

Zoning	-	RD6 & IL / Duplex Residential & Limited Industrial
Area (Total)	-	± 70 Acres
Frontage	-	± 700' along Suder Avenue ± 1,000' along Bassett Street ± 1,000' along Ontario Street ± 200' along Manhattan Boulevard
Dimensions	-	± 3,300' x 2,500' x 2,700'
Existing Use	-	Unimproved rights-of-way
Proposed Use	-	Consolidate property

**GENERAL INFORMATION (cont'd)**

Area Description

- |       |   |  |
|-------|---|--|
| North | - | Railroad tracks, single-family households / RD6                        |
| East  | - | TFD Station, senior living apartments / RD6                            |
| South | - | Chase Elementary, single-family households / RD6 & RS6                 |
| West  | - | Railroad tracks, single-family households, distribution warehouse / IG |

Combined Parcel History

- |              |   |  |
|--------------|---|--|
| M-23-55      | - | Chase Park Redevelopment Plan (P.C. approved on 10/18/1957).   |
| M-18-55      | - | Chase Park Redevelopment Status (P.C. approved on 9/18/1958).  |
| V-165-62     | - | Vacation of streets in the Chase Park Urban Renewal Area (P.C. approved on 8/9/1962).  |
| V-737-98     | - | Vacation of paper streets Ontario, Clifford, Adrian and Michigan (P.C. rec. disapproval on 9/10/1998, C.C. approved on 11/21/2000 by Ord. 1048-00).                |
| V-1309-98    | - | Vacation of portion of Bassett, Sciota, Joseph, Edison and portions of abutting alleys (P.C. rec. approval on 2/11/99, C.C. approved on 5/25/1999 by Ord. 760-99). |
| V-668-00     | - | Vacation of Bassett St. between Edison and Michigan Ave. (P.C. rec. approval 10/12/2000, case withdrawn).  |
| Z-2002-06    | - | Zone Change from IL Limited Industrial to RD6 Duplex Residential at 600 Bassett St. (P.C. rec. approval on 3/9/2006, C.C. approved on 4/25/2006 by Ord. 268-06).   |
| SUP-12004-05 | - | Special Use Permit for a school at 600 Bassett St. – Chase Elementary (P.C. rec. approval on 3/9/2006, C.C. approved on 4/25/2006 by Ord. 269-06).                 |

## **GENERAL INFORMATION (cont'd)**

### Applicable Regulations

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

## **STAFF ANALYSIS**

The City of Toledo has petitioned Toledo City Council to vacate all rights-of-way in the "Manhattan Marsh" area, an area bounded by the former Detroit-Toledo Shoreline RR to the west, the former Toledo Terminal RR to the north, Suder Avenue to the east, Ontario Street, Chase Street, Michigan Street, Bassett Street, Edison Street, and New York Avenue all to the south of the subject site. The Manhattan Marsh area is approximately  $\pm 70$  acres and comprised of dedicated rights-of-way which were never improved due to the nature of the site (located within a Floodplain). Surrounding land uses include single-family houses across the railroad tracks to the north, single-family houses and a senior living center to the east, Chase Elementary and single-family houses to the south, and single-family houses to the west bounded by railroad tracks.

The City is requesting the Vacation in order to consolidate the subject rights-of-way with surplus parcels for the development of a future metro park. The majority of the surplus parcels within the proposed Vacation area are currently acquired or in the process of acquisition by the City of Toledo or the Metropolitan Park District of the Toledo Area (Metro Parks). Additional privately-owned parcels located within the proposed Vacation area will not be impeded and continue to have access through frontage on the remaining rights-of-way depicted in Exhibit "A".

On 4/24/2018, City Council approved *Ordinance 132-18*, which authorized the Mayor to enter into the Manhattan Marsh Restoration Project Development Agreement with the Metro Parks. The Manhattan Marsh Restoration Project includes the acquisition and maintenance of the consolidated parcels to be restored as wetland and related habitat. Restoration activities would include removal of debris, refuse, and the installation of water control structures to support wetland habitats. The property will be transferred to Metro Parks for the long term control and stewardship of the park. Any future park developments shall be subject to a Site Plan Review and/or Special Use Permit and included as a condition of approval.



### STAFF ANALYSIS (cont'd)

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed Vacation area for Parks and Open Space (POS). Parks & Open Space Districts are intended to preserve and enhance major open space and recreational areas. The POS District may also be applied to privately-owned open space areas within residential developments. Typical developments include parks, golf courses, racetracks, marinas, and other areas containing recreational open space and facilities. Based on the nature of the site and its location, the proposed Vacation is consistent with the future land use designation identified in the Toledo 20/20 Comprehensive Plan. Staff recommends approval of the proposed Vacation because the subject area is vacant and will eliminate unnecessary right-of-way. Additionally, staff recommends approval of the proposed Vacation since it will not impede or restrict access to any adjoining property owners abutting the site.

### PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-235-18, the request to Vacate all rights-of-way in the "Manhattan Marsh" area, generally bounded by the former Detroit-Toledo Shoreline RR, the former Toledo Terminal RR, Suder Avenue, Ontario Street, Chase Street, Michigan Street, Bassett Street, Edison Street, and New York Avenue, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation will not impede or restrict access to any property owners abutting the site; and
2. The proposed Vacation will eliminate unnecessary dedicated right-of-way.

The Toledo City Plan Commission further recommends approval of V-235-18, the request to Vacate all rights-of-way in the "Manhattan Marsh" area, generally bounded by the former Detroit-Toledo Shoreline RR, the former Toledo Terminal RR, Suder Avenue, Ontario Street, Chase Street, Michigan Street, Bassett Street, Edison Street, and New York Avenue, to Toledo City Council subject to the following **nine (9)** condition:

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.

**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:  
Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850  
Right-of-Way and Inspection: Joe Warnka 419-245-1341  
Roadway: Tim Grosjean 419-245-1344  
Water: Andrea Kroma 419-936-2163  
Stormwater Drainage: Lorie Haslinger 419-245-3221; Andy Stepnick 419-245-1338  
Sanitary Sewers: Mike Elling 419-936-2276
2. Easements are needed to maintain the 6-inch diameter public waterlines in vacated Joseph Street between the end of Joseph Street and Bassett Street, and in Bassett Street between Joseph Street and Edison Street. Full width easements shall be retained by the City of Toledo over vacated right of way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County's real estate records:  
*"That a full width (60 foot) easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing water main, sanitary sewer and storm sewer located in said vacated right of way. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls or other barriers, which would impede access onto the easement. No temporary or permanent structure, including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument."*



**PLAN COMMISSION RECOMMENDATION (cont'd)**

Division of Engineering Services (cont'd)

3. If the petitioner wishes to reduce the size of the easement, the water main shall be located by survey and a twenty-foot (20') easement centered on the water main will be acceptable. The survey shall be conducted by and paid for by the petitioner.
4. Easements shall be required for all City of Toledo maintained headwalls, stormwater outfalls and stormwater pipes located in the proposed vacation. For Headwalls, the easement shall be a minimum of ten (10) feet from either side of the walls and tie into the Right of Way (where possible). A twenty-foot (20') easement centered on the pipe will be required for any storm pipes maintained by the City of Toledo that will remain in service. Language required for the easement(s) appear in a previously stated comment.
5. Public storm sewers that will become obsolete due to the proposed vacation, shall be removed or abandoned properly by petitioner. Else the ownership shall transfer to the petitioner.
6. Easements for existing private stormwater outfalls shall be negotiated with the private outfall owners.
7. Any areas which contain public sanitary sewers shall not be vacated, unless the sewers are made private.

Division of Transportation

8. 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.

Plan Commission

9. A Site Plan Review and/or Special Use Permit shall be required for any future developments on the vacated area in accordance with the provisions of the Toledo Municipal Code Part Eleven, Planning and Zoning.

TO: President Cherry and Members of Council  
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Respectfully Submitted,

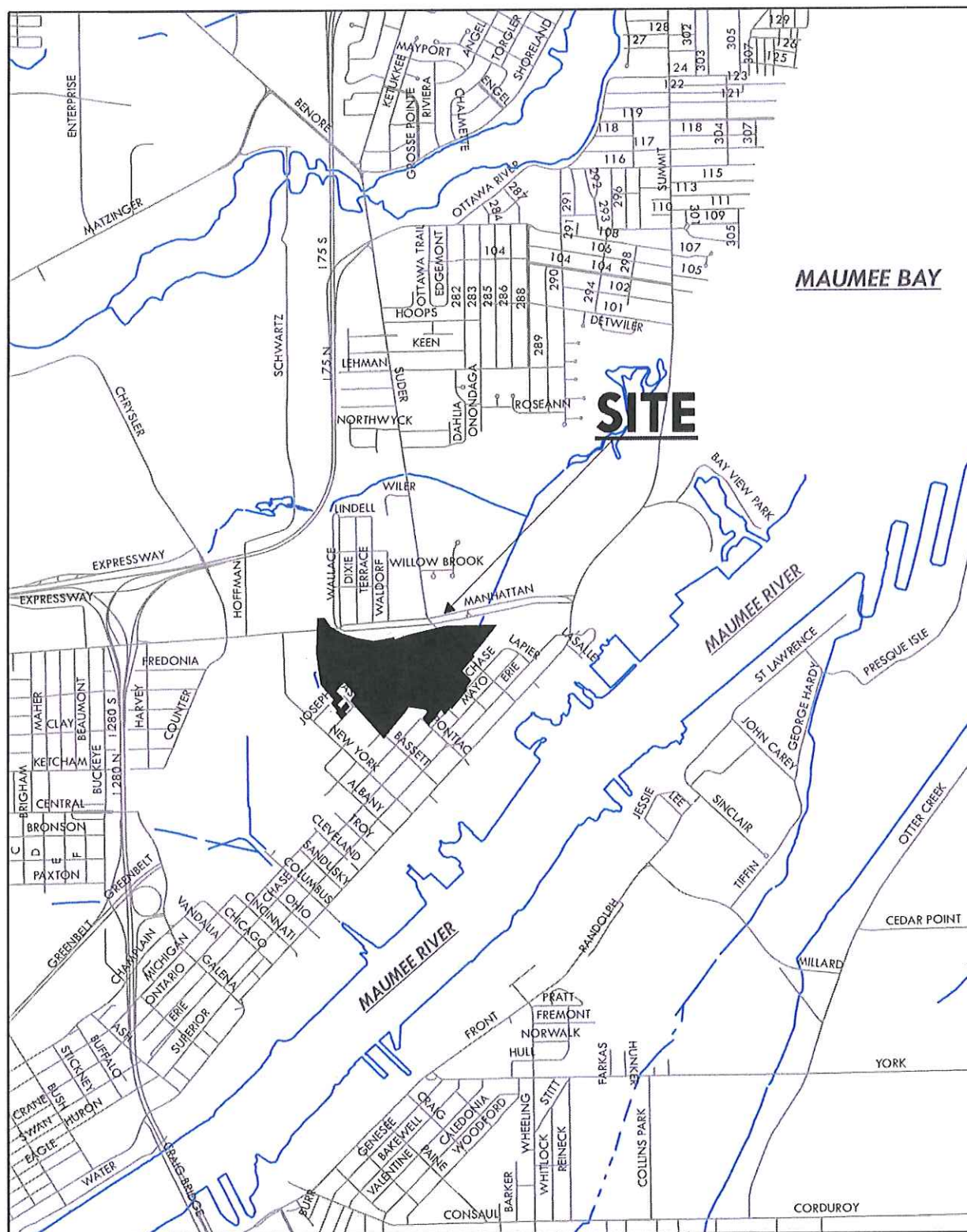
A handwritten signature in cursive script, appearing to read "Thomas C. Gibbons".

Thomas C. Gibbons  
Secretary

Two (2) sketches and one (1) Exhibit "A" follows  
Cc: Lisa Cottrell, Administrator  
Ryne Sundvold, Planner

## GENERAL LOCATION

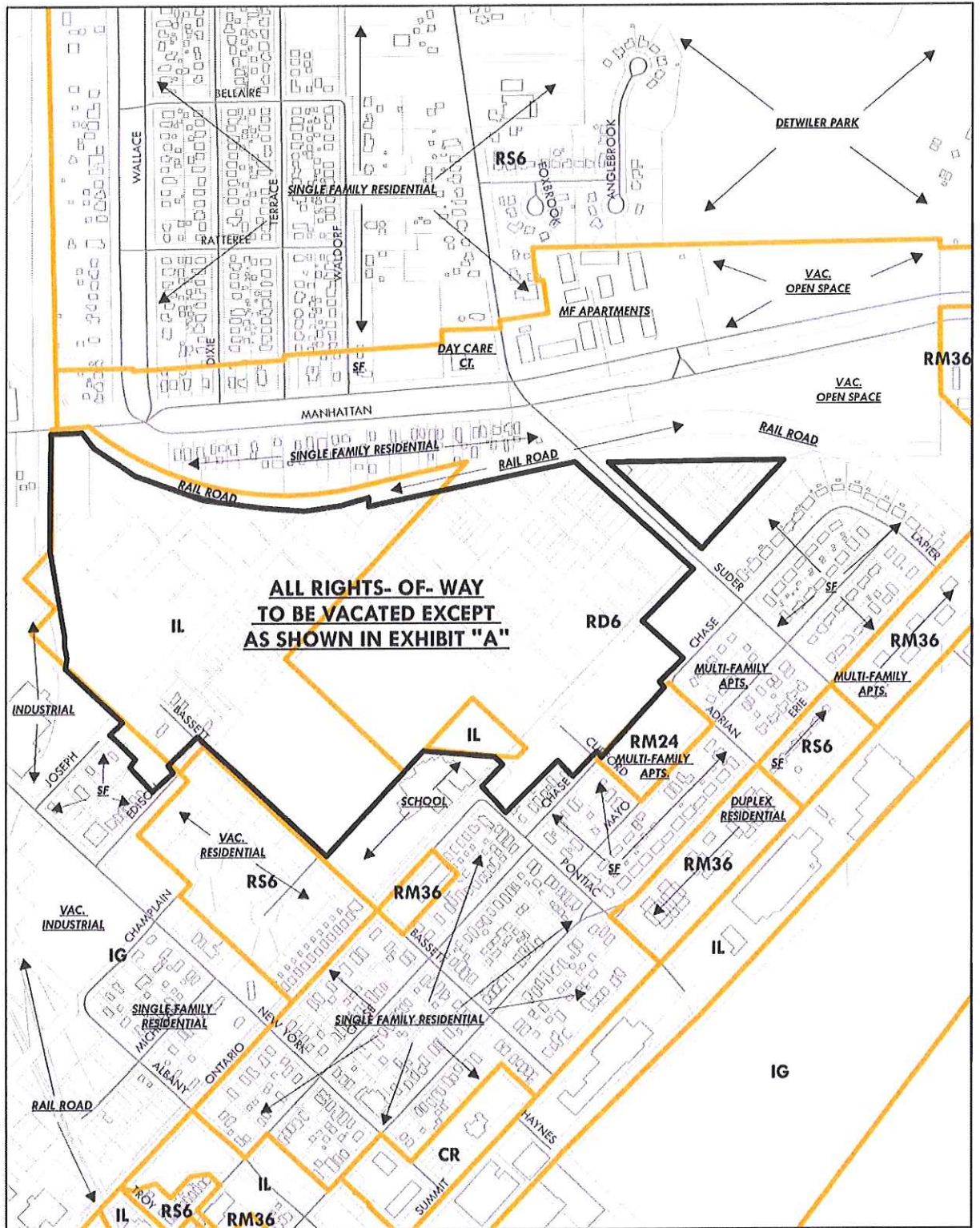
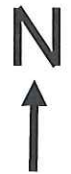
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**ID 2**





# ZONING & LAND USE

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ID 2





**V-235-18**  
**ID 2**

