

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: December 7, 2020

REF: V-445-20, V-446-20, V-447-20

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

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

SUBJECT: Vacation of Marina Drive East, Marina Drive West, and Marina Drive South

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, December 3 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of Marina Drive East, Marina Drive West, and Marina Drive South
Applicant	-	Metroparks Toledo 5100 W Central Ave Toledo, OH 43615
Engineer	-	Lewandowski Engineers 234 N Erie St Toledo, OH 43604

Site Description

Zoning	-	CR / Regional Commercial POS / Parks and Open Space
Area	-	± 3.6 acres
Frontage	-	± 145' along Front St
Dimensions	-	Varying
Existing Use	-	Right-of-Way Entrance Drive
Proposed Use	-	Shared Entrance Drive

GENERAL INFORMATION (Cont'd)

Area Description

North	-	River, Parks and Open Space / POS
South	-	Parks and Open Space / POS
East	-	Parks and Open Space / POS
West	-	River, Parks and Open Space / POS

Parcel History

M-21-83	-	Master Plan for the Great Lakes Museum and Marina History Park. Res. 223-83
SUP-5005-06	-	Special Use Permit for Glass City Marina. Approved by Ord. 523-06 on 07-25-2006.
M-15-13	-	Correction to Marina District Overlay Boundary, originally approved by Ord. 933-10. Approved by Ord. 568-13 on 12-10-2013.
SUP-11003-18	-	Special Use Permit for Community Recreation, Active at 0 Riverside Drive. Approved by Ord. 90-19 on 02-19-2019.

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan
- Marina District Overlay Zone Standards

STAFF ANALYSIS

The applicant is requesting to vacate the entirety of Marina Drive in three sections as a part of the Glass City Metropark Phase 2 Development. The three sections include Marina Drive East (V-445-20), Marina Drive West (V-446-20), and Marina Drive South (V-447-20) and are being reviewed in tandem as this single staff report. The proposed area is currently used as an entrance drive to the National Museum of the Great Lakes. The plan for Phase 2 will still utilize the same curb cut on Front Street to provide entrance to the Glass City Metropark and The National Museum of the Great Lakes. The museum will also obtain new frontage on Front Street. These proposed changes will be subject to the approval of a Site Plan Review, this case only discusses the vacation of right-of-way.

STAFF ANALYSIS (Cont'd)

Plan Commission has sent the proposal out for comment from several entities within the City. Fire Prevention has articulated concerns that access to existing fire hydrants be maintained. Toledo Edison is requiring an easement to access their existing infrastructure.

The Toledo 20/20 Comprehensive Plan targets the area around this site for urban village land uses. For Eastside, the plan recommends expanding greenways, trails, and hiking/biking paths. This application helps facilitate these goals by assisting the Metroparks completion of Phase 2 and is in line with these recommendations.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-445-20, V-446-20, and V-447-20, the vacation of Marina Drive East, Marina Drive West, and Marina Drive South, for the following three (3) reasons:

1. Upon completion of plans, the proposed Vacation will not impede or restrict access to any property owners abutting the site.
2. The proposed Vacation supports the goals of the Toledo 20/20 Comprehensive Plan; and
3. The proposed Vacation will eliminate unnecessary dedicated right-of-way.

The Toledo City Plan Commission recommends approval of V-445-20, V-446-20, and V-447-20, the vacation of Marina Drive East, Marina Drive West, and Marina Drive South subject to the following **eight (8)** 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.

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. There are public water, storm, and sanitary mains in East Marina Drive, West Marina Drive, and South Marina Drive.

A full width easement 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

PLAN COMMISSION RECOMMENDATION (Cont'd)
Division of Engineering Services (Cont'd)

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."

3. If the petitioner wishes to reduce the size of the water main easements, the utility mains shall be located by survey and twenty-foot (20') easements centered on the mains will be acceptable. The survey shall be conducted by and paid for by the petitioner.

Division of Transportation

4. 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.

Fire Prevention

5. The proposed vacation includes seven (7) fire hydrants. Unobstructed public access to all hydrants on existing drives shall be maintained at all times. Any changes to the road and/or modifications of existing hydrants are subject to approval of Fire Prevention and may be accomplished through a future Site Plan Review.

PLAN COMMISSION RECOMMENDATION (Cont'd)
Plan Commission

6. A Site Plan Review shall be required for any future developments on the Vacation area in accordance with the provisions of the Toledo Municipal Code Part Eleven, Planning and Zoning, Sec. 1111.0800, *Site Plan Review*.
7. The following conditions are from the Department of Economic Development to outline the acquisition and retention of land and easements upon the vacation of dedicated rights-of-way.

Marina Drive South

The City shall retain a full width easement over the vacated Marina Drive South right-of-way for purposes of providing vehicular and pedestrian access to city-owned property that is utilized by the National Museum of the Great Lakes. The Metroparks will be solely responsible for construction of a new private roadway that will connect to the vacated Marina Drive West and Marina Drive East. This new private roadway will be the new primary access road to the National Museum of the Great Lakes. The existing roadway shall not be demolished until the new private roadway is complete. Metroparks shall maintain vehicular and pedestrian access to the existing Marina Drive S, Marina Drive W and Marina Drive E until which time a new private roadway is constructed and opened. The new private roadway and connection to vacated Marina Drive W and Marina Drive E shall be approved and completed to the satisfaction of the City's Departments of Public Service and Public Utilities. Metroparks shall grant the City a permanent non-exclusive easement over a portion the new private roadway that is required for vehicular and pedestrian access to and from the National Museum of the Great Lakes and Front Street. Upon the completion of the new private roadway and recording of a permanent non-exclusive access easement at the Lucas County Recorder's Office, the City shall release the access easement over the full width of the existing Marina Drive S and demolition of the existing Marina Drive S roadway may commence.

The Metroparks shall acquire the entire width of the vacated Marina Drive South right-of-way. The City does not wish to acquire the portion of vacated right-of-way it is entitled to as part of the right-of-way vacation process.

Marina Drive East

The City shall retain a full width easement over the vacated Marina Drive East right-of-way for purposes of public parking in the existing surface parking lot.

Marina Drive West

The City shall acquire the entire width of the vacated Marina Drive West right-of-way.

PLAN COMMISSION RECOMMENDATION (Cont'd)
Toledo Edison

8. Toledo Edison has existing underground facilities within the Marina Dr. South R/W extending from Front St. to Riverside Dr. Also, TE has underground facilities within the R/W of Marina Dr. West. These facilities provide electrical service to the Great Lakes Museum and Front Street Marina, and will need to remain in place. Therefore, a utility easement will need to be granted in conjunction with the Right-of-Way vacation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas C. Gibbons
Secretary

ML
Four (4) sketches follow

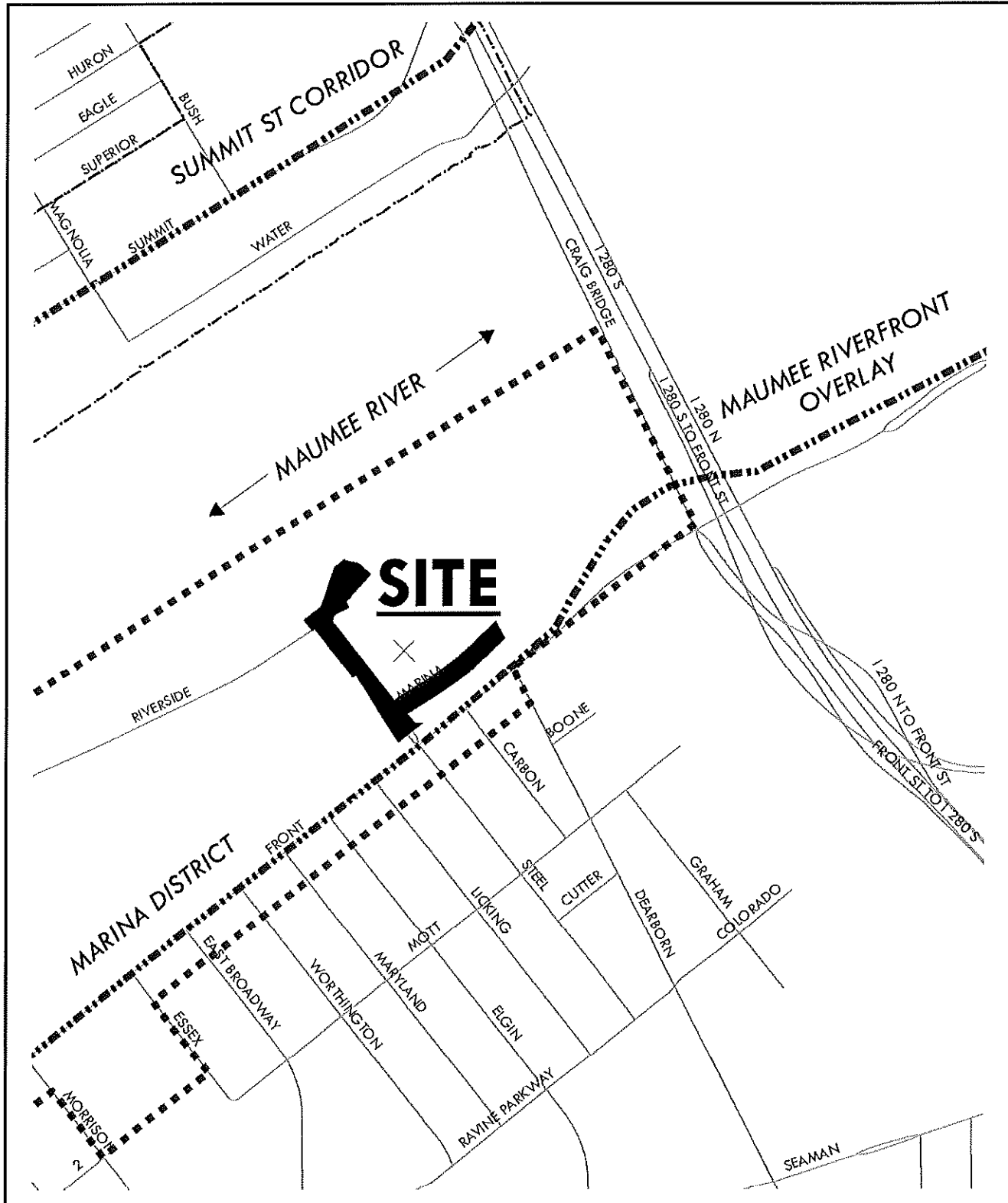
CC: Lisa Cottrell, Administrator
Matt Lascheid, Associate Planner
Metroparks Toledo; 5100 W Central Ave; Toledo, OH 43615
Lewandowski Engineers; 234 N Erie St; Toledo, OH 43604

GENERAL LOCATION

V-445-20

V-446-20

V-447-20



GENERAL LOCATION

V-445-20
V-446-20
V-447-20

