



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: January 14, 2021

REF: V-464-20

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

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

SUBJECT: Request for Vacation of an alley bounded by Kingston, Earl and Oak streets

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, January 14, 2021 at 2:00 P.M.

### GENERAL INFORMATION

#### Subject

Request	-	Vacation of a portion of an alley bounded by Kingston, Earl, and Oak Streets
Applicant	-	Scott D Johnson 944 Kingston Toledo, Ohio 43605

#### Site Description

Zoning	-	RD6, Residential Duplex
Area	-	± 0.035 acres
Frontage	-	± 10.08' along alley facing Kingston
Dimensions	-	± 141.5' x 10.08'
Existing Use	-	Alley
Proposed Use	-	Prevent repeated damage to garage and limit school drop-off & pick-up traffic at Navarre end of alley

#### Area Description

North	-	Residential Duplex / RD
South	-	Residential Duplex / RD
East	-	Residential Duplex / RD
West	-	Vacant Lot / IL

#### Parcel History

- None on record

#### Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning

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

- Toledo 20/20 Comprehensive Plan

## **STAFF ANALYSIS**

The applicant is requesting the Vacation of the alley bounded by Oak, Kingston and Earl Streets. The applicant is a lifelong resident who owns the home with detached garage at the NW corner of Kingston and the alley. Surrounding land uses include residential duplex and single family homes north, south, east and west.

The applicant is requesting the Vacation in order to be able to provide safe access to his residence and reduce continued damage to his detached garage due to increased traffic in this alley. With the addition of four homes on the south side of the alley in 2008 alley use has increased. With Navarre Elementary School to the north end of the alley, there also has been an influx of parents using the alley to wait at both drop-off and pickup.

### Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan future land use designation targets the proposed Vacation for Single Family Residential. The proposed Vacation will not affect the appropriateness of the land use and will support careful attention to the safe movement of pedestrians and vehicles.

Staff recommends approval of the proposed Vacation since it will not impede or restrict access to any adjoining property owners abutting the site and it will improve safe access for immediate residents.

## **PLAN COMMISSION RECOMMENDATION**

The Toledo City Plan Commission recommends approval of V-464-20, the request for the Vacation of a portion of an alley bounded by Kingston, Earl, and Oak streets to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation supports a use that conforms to the Toledo 20/20 Comprehensive Plan, and
2. The proposed vacation will not impede or restrict access to abutting property owners.

The Plan Commission recommends approval of V-464-20, the request to Vacate a portion of an alley bounded by Kingston, Earl and Oak streets to Toledo City Council subject to the following **three (3)** 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.

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

Division of Engineering Services  
Storm

1. A 10 foot 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 10 foot easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing sewer located in said vacated right of way, together with any other utilities located therein, as they exist at the time of passage of this Ordinance. 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, nor plant trees or other large vegetation 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."

Toledo Edison

No comments received at time of print.

Columbia Gas

No comments received at time of print.

Buckeye Telesystems

No comments received at time of print.

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

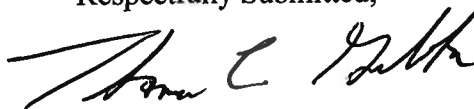
Division of Transportation

2. 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

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

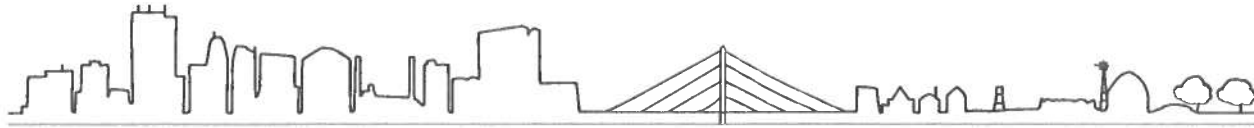
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Gibbons", written in a cursive style.

Thomas C. Gibbons  
Secretary

Two (2) sketches follow

Cc: Scott D Johnson, Applicant  
Lisa Cottrell, Administrator  
Nancy Hirsch, Planner



## TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

DATE: December 21, 2020

REF: V-464-20

PLANNER: Hirsch

### **NOTICE OF PUBLIC HEARING**

on

**Date: Thursday, January 14, 2021**

Request: Vacation of alley

Location: Bounded by Oak, Kingston, & Earl Streets

The complete legal description of the land in question is on file at the office of the Toledo City Plan Commission, located at One Government Center, Suite 1620, Toledo, Ohio 43604.

Notice of this hearing is mailed to the **project applicant** as well as owners of property within and contiguous to and directly across the street from subject parcel (or parcels at the addresses of such owners appearing on the County Auditor's current tax list). Please share this notice with neighbors that may lie beyond the range of this mailing. They may attend the public hearing and/or otherwise make their feelings known about this case.

The Toledo City Plan Commission will hold a hearing to consider this request at **2:00 p.m.** on **Thursday, January 14, 2021** as a Zoom meeting. You may attend this hearing by clicking on the following link at the time of the hearing. You will then be added as an "attendee" and will have opportunity to communicate via a "question and answer" tab. We will receive your comments/questions, and a facilitator will communicate them to the Commission Members. **If you are the project applicant, please make every effort to attend the hearing.**

#### **Zoom Link:**

Join from PC, Mac, Linux, iOS or Android: <https://toledo-oh-gov.zoom.us/j/81582335037>

Or Telephone:

Dial:

USA 602 333 2017

USA 8882045987 (US Toll Free)

Conference code: 165882

You may also call the office of the Toledo City Plan Commission at 419-245-1200 or email any comments that you have to the planner at [nancy.hirsch@toledo.oh.gov](mailto:nancy.hirsch@toledo.oh.gov). We will ensure that your comments are incorporated as part of the public record.

**TOLEDO CITY PLAN COMMISSION**

GENERAL LOCATION

V-464-20  
ID 30



**CITY OF TOLEDO, OHIO**

Clerk of Council  
One Government Center  
Toledo, Ohio 43604

Julie Gibbons  
Assistant Clerk of Council

Telephone  
419-245-1060

Date: December 21, 2020  
Ref: V-464-20

**NOTICE OF PUBLIC HEARING**

Wednesday, February 17, 2021

The Zoning and Planning Committee of Council, at a Zoom meeting to be held on Wednesday, February 17, 2021 at 4:00 p.m., will consider the following request:

**Vacation of Alley bounded by Oak, Kingston, and Earl Streets**

When: February 17, 2021 04:00 PM Eastern Time (US and Canada)  
Topic: Toledo City Council Zoning & Planning Committee Meeting

Please click the link below to join the webinar:

<https://toledo-oh-gov.zoom.us/j/84938443246?pwd=bn5DVjVvNEtQcnJIN2ZIY2h5WVY0dz09>

Passcode: 253123

Or Telephone:

Dial:

USA 602 333 2017

USA 8882045987 (US Toll Free)

Conference code: 623767

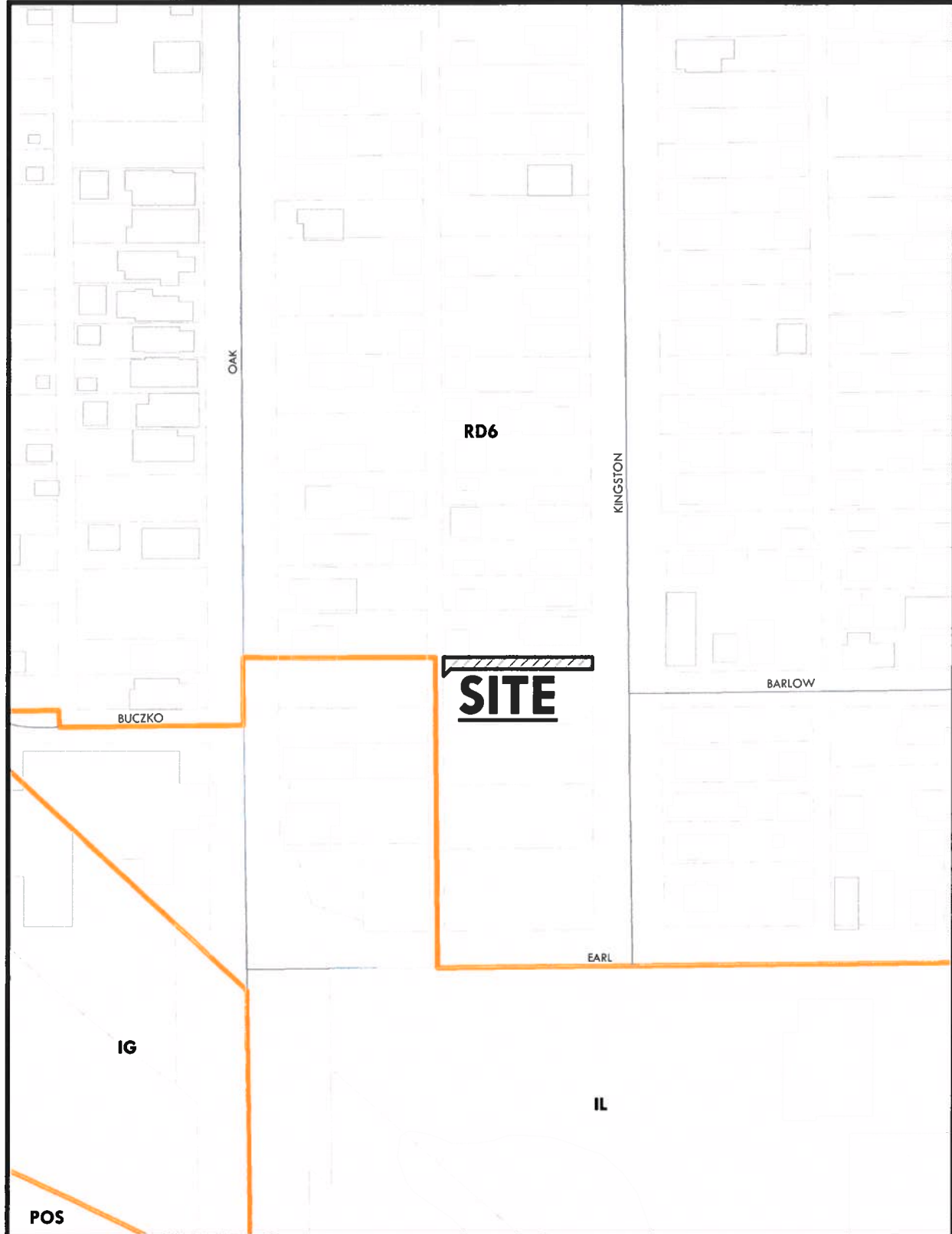
Julie Gibbons  
Assistant Clerk of Council

**\*\*Failure of applicant to appear may result in a deferral or denial of your request.**

NOTICE PUBLISHED IN TOLEDO CITY JOURNAL

# ZONING & LAND USE

V-464-20  
ID 30





AERIAL MAP OF PROPOSED VACATION, BOUNDED BY KINGSTON, EARL, AND OAK STREETS



owner	mailing address 1	mailing address 2
679637 ONTARIO LTD	10200 FORD RD	DEARBORN MI 48126
AARON DESTINY	11730 ECKEL JUNCTION RD	PERRYSBURG OH 43551
ALDRICH ALAN A & KAREN L	935 OAK ST	TOLEDO OH 43605 2943
B & B PROPERTIES OF OHIO INC	811 PENNSYLVANIA AVE	MOUNT VERNON OH 43050 3740
BABCOCK DAVID W	908 KINGSTON AVE	TOLEDO OH 43605 2919
BACCUS MARTIN	2363 MAPLEWOOD	TOLEDO OH 43620
BAILEY ROBERT J JR	936 KINGSTON AVE	TOLEDO OH 43605
BAUMAN TODD & DARLA	4049 RANGER DR	NORTHWOOD OH 43619 2051
BISHOP PERRY M	20906 LEMOYNE RD	LUCKEY OH 43443 9713
BITTEL MICHAEL	P.O. BOX 356	ELMORE OH 43416
BRASWELL CARMEN	943 OAK ST	TOLEDO OH 43605
BRIGGS CHRISTINE	313 WILLAMONT	TOLEDO OH 43612
BROUSE AVE LLC & FOHDAJ LEGACY CORPORATION	3225 MCLEOD STE 100	LAS VEGAS NV 89121
CITY OF TOLEDO	ONE GOVERNMENT CENTER SUITE 2250	TOLEDO OH 43604
CLARK MARK D & THERESA A	915 KINGSTON AVE	TOLEDO OH 43605
COLLINS ROBIN	P O BOX 56	WOODVILLE OH 43469
FRIEND HOMES INC	866 KINGSTON AVE	TOLEDO OH 43605
GREATER METROPOLITAN TITLE INC	355 E BROADWAY ST	TOLEDO OH 43605
GUZMAN JOSE CORTEZ	930 KINGSTON AVE	TOLEDO OH 43605 2919
HARTFORD BRYAN K & ALICE M	909 OAK ST	TOLEDO OH 43605 2943
HEILMAN LAWRENCE E	9414 SEAMAN ST	CURTICE OH 43412
HENNAN ANGELA	P O BOX 1253	PERRYSBURG OH 43551
HOME BUYERS INVESTMENT GROUP LTD	917 KINGSTON AVE	TOLEDO OH 43605 2918
JOHNSON JAMAR J	963 OAK ST	TOLEDO OH 43605
JOHNSON LAUREN KAY & SCOTT DEAN	944 KINGSTON	TOLEDO OH 43605
JONES LAWRENCE O & JUANITA L	905 KINGSTON AVE	TOLEDO OH 43605 2918
KEESEE KELLY SUE	924 KINGSTON AVE	TOLEDO OH 43605
KI CONSULTING GROUP LLC	2 S ORANGE AVE STE 202	ORLANDO FL 32801
LUCAS COUNTY LAND REUTILIZATION CORPORATION	ONE GOVERNMENT CENTER STE #580	TOLEDO OH 43604
MARSH MICHAEL M	878 KINGSTON AVE	TOLEDO OH 43605
MEKAEL JINAN	40532 HARMON DR	STERLING HEIGHTS MI 48310 1973
MOHI & QAVI LLC	1395 NEAL ARMSTRONG # 7	WEST LAFAYETTE IN 47906
OLIGER MICHELLE M	953 KINGSTON AVE	TOLEDO OH 43605 2963

PENSCO TRUST COMPANY LLC CUSTODIAN FBO	ONE SOUTH WACKER DR	CHICAGO IL 60606
RENEAU TONI & GERALD PFAFF	939 OAK ST	TOLEDO OH 43605
SHURFIELD CYNTHIA	441 BARLOW ST	TOLEDO OH 43605 2908
SMART JOE	961 KINGSTON AVE	TOLEDO OH 43605 2963
SOUTH TOLEDO HOMES II LTD	1931 SCOTTWOOD AVE STE 700	TOLEDO OH 43620
STULTS KIRSTIE A	923 KINGSTON AVE	TOLEDO OH 43605
TYE ALICE FAYE	917 OAK ST	TOLEDO OH 43605 2943
UEBERROTH D F SR & M L	906 KINGSTON AVE	TOLEDO OH 43605 2919
VILLEGAS DIEGO S	1637 LANDIS AVE	OREGON OH 43616 3721
WHITE IVORY	942 KINGSTON AVE	TOLEDO OH 43605 2919
WILLARD REAL ESTATE HOLDINGS LLC	PO BOX 151	MILLBURY OH 43447 0151
WOLFE CHRISTOPHER R & PAULA MAE	921 KINGSTON AVE	TOLEDO OH 43605 2918
WOOLDRIDGE GLENDINE L	937 KINGSTON AVE	TOLEDO OH 43605 2918
WORKMAN JAMES & KAZUKO	5440 LOUIE LN STE 106	RENO NV 89511
YORK CHAD ALEXANDER	2133 ORCHARD LAKES PL APT 22	TOLEDO OH 43615
GADUS THERESA, DISTRICT 3	1 GOVERNMENT CENTER	TOLEDO OH 43604