



Legislation Details (With Text)

File #: O-380-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 6/30/2023 **In control:** Law Department
On agenda: 7/18/2023 **Final action:** 7/18/2023

Title: Authorizing the Mayor to enter into a Memorandum of Agreement with the Ohio Department of Transportation (ODOT), Delta Fuels, Inc., and Toledo Refining Company, LLC for the facilitation of certain real property exchanges and/or conveyances associated with and related to the Front Street/I-280 Trench Reclamation Project; authorizing the Mayor to accept certain parcels of land from ODOT; authorizing the Mayor to execute needed instruments in connection with the conveyance of certain parcels of land to Delta Fuels, Inc.; making certain findings with respect thereto; waiving the competitive property disposition provisions of Toledo Municipal Code §187.19; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Front St., 3. Video: Agenda Review 7/11/2023, 4. Audio: City Council 7/18/2023

Date	Ver.	Action By	Action	Result
7/18/2023	1	City Council	Suspension	Pass
7/18/2023	1	City Council	Emergency	Pass
7/18/2023	1	City Council	Passage	Pass

Front Street/I-280 Trench Real Estate
Department of Law
P. Syring (x1020)
Revised

Authorizing the Mayor to enter into a Memorandum of Agreement with the Ohio Department of Transportation (ODOT), Delta Fuels, Inc., and Toledo Refining Company, LLC for the facilitation of certain real property exchanges and/or conveyances associated with and related to the Front Street/I-280 Trench Reclamation Project; authorizing the Mayor to accept certain parcels of land from ODOT; authorizing the Mayor to execute needed instruments in connection with the conveyance of certain parcels of land to Delta Fuels, Inc.; making certain findings with respect thereto; waiving the competitive property disposition provisions of Toledo Municipal Code §187.19; and declaring an emergency.

SUMMARY & BACKGROUND:

Between 2000 and approximately 2017, the Ohio Department of Transportation (ODOT) constructed significant improvement to and along Interstate 280 (I-280) within the City of Toledo, including but not limited to the Veteran's Glass City Skyway Bridge and certain improvements at and along Front Street. The City of Toledo passed several ordinances during this time period, including but not limited to Ordinance 612-00 and 454-08, respectively, which authorized the City to enter into Cooperative Agreements with ODOT in support of and assistance to ODOT for these significant and beneficial public improvements.

ODOT is in the final stages of resolving some outstanding real property issues with Delta Fuels, Inc. (Delta Fuels) and Toledo Refining Company, LLC (Toledo Refining), related to the I-280 Improvements constructed at and near the Front Street interchange. The City is the underlying fee owner of certain portions of property previously conveyed to ODOT and in which ODOT released its interest in, that are the subject matter in dispute between ODOT, Delta Fuels, and Toledo Refining. ODOT has requested the City of Toledo's assistance in resolving and finalizing these real property issues. The City of Toledo has a long and positive history of working with ODOT and has determined that the property at issue is not needed for any current or future municipal purpose.

This ordinance authorizes the Mayor to enter into a Memorandum of Agreement, to accept certain parcels of land from ODOT, and to execute and deliver needed instruments for the exchange, conveyance, and/or disposal of certain "remnant" parcels of real property between the City of Toledo, the Ohio Department of Transportation, Toledo Refining Company, LLC, and Delta Fuels, Inc. associated with the construction of the Interstate I-280 Glass City Veterans Skyway Bridge and the associated Front Street entrance and exit ramps and rights-of-way.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to enter into a Memorandum of Agreement with Ohio Department of Transportation, the City of Toledo, Delta Fuels, Inc., and Toledo Refining Company, LLC, to accept real property from ODOT, and to execute and deliver needed instruments for the exchange, conveyance, and/or disposal of remnant and surplus parcels of real property as substantially depicted and identified in Exhibit A attached hereto, subject to approval of a final survey and legal descriptions for the same..

SECTION 2. That said Memorandum of Agreement, and subsequently required instruments of conveyance, shall contain such terms and conditions deemed necessary and proper by the Mayor and the Director of Law.

SECTION 3. That this Council finds and determines the subject property, as depicted on Exhibit A, is not needed for a municipal purpose and approves the Memorandum of Agreement, and the acceptance and conveyance of real property interests without competitive bidding, are in the best interest of the City as the subject property interests being received from and/or conveyed to the Ohio Department of Transportation or adjacent property owners are of no or little economic value for productive use other than to those parties to the Memorandum of Agreement.

SECTION 4. It is further found and determined that all formal actions of City Council concerning and relating to the passage of this ordinance were adopted in an open meeting of Council, that all deliberations of Council and any of its committees that result in such formal action or in meetings open to the public and in compliance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 5. That this ordinance is declared to be an emergency measure and shall take effect and be enforced immediately from and after its passage. The reason for the emergency lies in the fact that the same is necessary for the immediate preservation of the public health, safety, and for further purpose of facilitating the final conclusion of the construction project and preserving the properties for productive reuse for the benefit of the City of Toledo and its residents.

Vote on emergency clause: yeas 12, nays 0.

Passed: July 18, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

July 18, 2023
Wade Kapszukiewicz
Mayor