



Legislation Details (With Text)

**File #:** R-199-21      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Agenda Ready

**File created:** 4/1/2021      **In control:** City Council

**On agenda:** 4/13/2021      **Final action:** 4/13/2021

**Title:** Declaring the intent to vacate a portion of Constitution Avenue, Toledo, Lucas County Ohio; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Audio: City Council April 13, 2021

Date	Ver.	Action By	Action	Result
4/13/2021	1	City Council	passage	Pass
4/13/2021	1	City Council	Dispense with the rules of Council requiring...	Pass
4/13/2021	1	City Council	declare emergency	Pass

The Clerk Reports

**Declaring the intent to vacate a portion of Constitution Avenue, Toledo, Lucas County Ohio; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Petitioner has filed a request to vacate a portion of Constitution Avenue, in Toledo, Lucas County Ohio.

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 the street further described below:

Constitution Avenue Vacation - 0.449 acres

A parcel of land being that part of Constitution Avenue (right of way varies) located in Vistula Subdivision (Plat Volume 7, Page 19-20) and being between Erie Street and Spielbusch Avenue, in the City of Toledo, Lucas County, Ohio and being further bounded and described as follows:

**Commencing** from a stone in a monument box found marking the intersection of the centerline of Michigan Street (66' right of way) (Vacated) with the centerline of Cherry Street (right of way varies);

Thence Southwesterly along the centerline of said vacated Michigan Street, South 58 degrees 17 minutes 55 seconds West, a distance of 438.45 feet to the intersection of the Easterly right of way line of Constitution Avenue (right of way varies);

Thence Southeasterly along the Easterly right of way line of said Constitution Avenue, South 31 degrees 37

minutes 27 seconds East, a distance of 112.82 feet to an iron pin set and the True Point of Beginning of the Parcel herein described;

1. Thence continuing Southeasterly along the Easterly right of way line of said Constitution Avenue, South 31 degrees 37 minutes 27 seconds East, a distance of 296.54 feet to a mag nail set;
2. Thence Southwesterly along a line perpendicular to the Easterly right of way line of said Constitution Avenue, South 58 degrees 22 minutes 33 seconds West, a distance of 66.00 feet to an iron pin set on the Westerly right of way line of said Constitution Avenue;
3. Thence Northwesterly along the Westerly right of way line of said Constitution Avenue, North 31 degrees 37 minutes 27 seconds West, a distance of 147.85 feet to a point of curvature (referenced by a 5/8-inch iron pin found 0.1' North);
4. Thence Northwesterly along the Westerly right of way line of said Constitution Avenue being a curve to the left, said curve having a Radius of 265.00 feet, a Delta of 24 degrees 11 minutes 26 seconds, a Chord Bearing of North 43 degrees 43 minutes 10 seconds West, a Chord Length of 111.06 feet, a distance of 111.88 feet to an iron pin set;
5. Thence Northeasterly along a line, North 34 degrees 11 minutes 06 seconds East, a distance of 97.86 feet to the True Point of Beginning, containing in all 0.449 acres of land more or less, subject however to all legal highways and prior easements of record.

The above legal description is based on a land survey performed during February of 2021, by DGL Consulting Engineers, LLC. and was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

All references to "an iron pin set" are 5/8" diameter x 30" long iron pins with cap "DGL - RJL 8029"

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: April 13, 2021: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 14, 2021  
Wade Kapszukiewicz  
Mayor