



Legislation Details (With Text)

File #: O-343-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 8/17/2018 **In control:** Public Utilities Department
On agenda: 8/28/2018 **Final action:** 12/31/2018
Title: Authorizing the director of law to proceed with the appropriation of a portion of the property located at 3188 S. Byrne Road, required for the S. Detroit and Byrne Roadway and Intersection Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$16,572; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|--------|--------|
| 8/28/2018 | 1 | City Council | | |
| 8/28/2018 | 1 | City Council | | |
| 8/28/2018 | 1 | City Council | | |

DPU082818APPROPRIATE3188BYRNE

DPU Admin for Engineering Services

Jamie Miller (x1409)

(Revised)

Authorizing the director of law to proceed with the appropriation of a portion of the property located at 3188 S. Byrne Road, required for the S. Detroit and Byrne Roadway and Intersection Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$16,572; and declaring an emergency.

SUMMARY & BACKGROUND:

The city is proceeding with the reconstruction of S. Detroit Avenue from the Anthony Wayne Trail to Copland Boulevard. Some of the improvements to be constructed as part of this public improvement project will include a complete reconstruction of Detroit Avenue roadway pavement, the construction of a single lane roundabout at the intersection of Byrne Road, and other necessary and related pedestrian walkway, utility and infrastructure improvements along Detroit Avenue between the Anthony Wayne Trail and Copland Boulevard. The project will require the purchase of .0529 acre of land, more or less, in fee, across a portion of the property located at 3188 S. Byrne Road (TD Parcel 10-19161). This appropriation is necessary because negotiations between the city of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 290-18 has been served upon the title holder, as well as all other interested parties, via certified U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via "Quick Take" procedures. The funds necessary for this expenditure were anticipated and budgeted within Engineering Services Matches and Planning CIP Fund.

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

SECTION 1. That the director of law is authorized to appropriate, in fee, a portion of the real estate located at and known as 3188 S. Byrne Road (TD 10-19161), and more fully described below:

PARCEL 53-WD
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Being a parcel of land situated within Grant 581, Town 3 United States Reserve in Adams Township, Lucas County, Ohio, lying west of the Miami and Erie Canal and also being a part of Lot 157 lying within a Plat in the name of "Milton Place - First Addition" recorded in Lucas County Plat Volume 32 on page 25, all within the City of Toledo, State of Ohio, and more fully described as follows:

Commencing at an Iron Pipe Monument found within a Monument Box and marking the intersection of the centerline of Detroit Avenue, having a varying right-of-way width and the northeasterly line of Grant 581, also being the centerline of Byrne Road (having a full right-of-way of 60.00 feet, said Iron Pipe having a Plan Station of 18+67.80 at 0.00 feet Left), thence NORTH 22°-40'-27" EAST for a distance of 1.50 feet to a point on said Detroit Avenue centerline, having a Plan Station of 18+69.30 at 0.00 feet Left, Thence NORTH 67°-19'-33" WEST for a distance of 52.27 feet to the southeasterly corner of Lot Number 157 within said Plat of "Milton Place - First Addition", having a Plan Station of 18+69.30 at 52.27 feet Left, said corner also being the POINT OF BEGINNING for this description;

1. Thence SOUTH 85°-45'-10" WEST for a distance of 138.80 feet to a point on the northerly right-of-way of Devonshire Road to an Iron Bar Set with Plastic Cap at a point of non-tangent curvature to the left, having a Plan Station of 18+06.40 at 176.01 feet Left;
2. Thence on said non-tangent curvature to the left having a Delta of 24°-06'-24", a Radius of 300.00 feet, a Curve Length of 126.22 feet, and having the Chord Bearing of NORTH 66°-33'-31" EAST for a Chord Distance of 125.29 feet to an Iron Bar Set with Plastic Cap on the southwesterly right-of-way of Byrne Road, having a Plan Station of 18+96.76 at 89.17 feet Left;
3. Thence SOUTH 30°-40'-30" EAST on said southwesterly right-of-way of Byrne Road for a distance of 46.00 feet to the POINT OF BEGINNING.

The above described area contains 2,305.1225 Square Feet or 0.0529 Acre of land more or less, of which the present road occupies, 0.0000 Acre of land, more or less, for a NET TAKE AREA of 2,305.1225 Square feet or 0.0529 Acre of land more or less, subject to all legal highways, leases, easements and restrictions of record.

The land in the above description is contained all within Lucas County Permanent Parcel Number 10-19161.

SECTION 2. That the director of law is authorized to petition a court of proper jurisdiction to have a jury impaneled to inquire into and assess the compensation to be paid for the real estate and property rights

described in Section 1 of this ordinance.

SECTION 3. That the total expenditure of \$16,572 is authorized from account code 5040-35000-8CP1705STREET to the Lucas County Clerk of Courts, for the purpose of appropriating the aforementioned property required for the S. Detroit and Byrne Roadway and Intersection Improvement Project.

SECTION 4. That the director of finance is authorized to draw her warrant or warrants in payment of obligations from the above listed account codes in a total amount not to exceed \$16,572 upon presentation of proper vouchers.

SECTION 5. That it is found and determined that all formal actions of Council concerning and relating to the passage of this ordinance were adopted in a open meeting of Council, and that all deliberations of Council and any of its committees that result in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6 That this Ordinance is declared to be an emergency measure and shall be in force and effect 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 peace, health, safety, and property, and for the further reason that the filing of an appropriation action to acquire a fee interest, and a temporary construction easement, across portions of the property located at 3188 S. Byrne is necessary for the timely construction of certain public roadway and other public improvements required for the Detroit and Byrne Roadway and Intersection Improvement Project being undertaken in conjunction with the Ohio Department of Transportation.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council