



Legislation Details (With Text)

File #: O-575-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 10/6/2023 **In control:** Transportation Department
On agenda: 10/24/2023 **Final action:** 10/24/2023
Title: Authorizing the release of two (2) public sewer easements across portions of property owned by the Toledo Colony Apartments, LLC located 0 Central Avenue (TD 18-46162) at or near the intersection of Central Avenue and ProMedica Parkway; authorizing the Mayor to execute all necessary documents pertaining to the release of said easement; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Video: Agenda Review 10/17/2023, 3. Video: City Council 10/24/2023

Date	Ver.	Action By	Action	Result
10/24/2023	1	City Council	Suspension	Pass
10/24/2023	1	City Council	Emergency	Pass
10/24/2023	1	City Council	Passage	Pass
10/24/2023	1	City Council	Suspension	Pass
10/24/2023	1	City Council	Emergency	Pass
10/24/2023	1	City Council	Passage	Pass

Utility Easement Release for Colony Project
Engineering Services
Christy Soncrant (x2851)
Revised

Authorizing the release of two (2) public sewer easements across portions of property owned by the Toledo Colony Apartments, LLC located 0 Central Avenue (TD 18-46162) at or near the intersection of Central Avenue and ProMedica Parkway; authorizing the Mayor to execute all necessary documents pertaining to the release of said easement; and declaring an emergency.

SUMMARY & BACKGROUND:

Toledo Colony Apartments, LLC is the fee owner property located at 0 Central Avenue (TD 18-46162), which is bounded by Central Avenue, Upton Avenue, ProMedica Parkway, and Jermain Drive, in the City of Toledo, Lucas County, Ohio. The City of Toledo was granted two (2) separate sewer rights-of-way across portions of the said property owned by Toledo Colony Apartments, LLC, which were recorded under Lucas County Deed Records Volume 918, page 333 and Volume 918, page 334, respectively.

Toledo Colony Apartments, LLC intends to construct a mix-used development, consisting of almost 300 apartments, together with restaurant facilities and a resident community center, and has requested that the City release these two (2) sewer easements. The two (2) sewer easements to be released are located within the proposed footprint of one of the buildings to be constructed as part of the proposed development. It has been

determined that there are no active sewer lines within the easements to be released, and that these easements are no longer used or required by the City of Toledo for any public sewer purpose.

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

SECTION 1. That the following described sewer easement and right-of-way, recorded at Volume 918, page 333 of Lucas County Deed Records, shall be and hereby is released of record:

In a ten (10.0) foot strip of ground across Lots 206, 207, 208, 218, 219, 220, 221, 222, 223, and 230 of the Subdivision of Lot 203 Kingston; being five (5.0) feet on each side of a centerline that begins on the East line of the alley next West of and parallel with Bernice Avenue at a point eighteen (18.0) feet South of the Northwest corner of Lot 206 of the said Subdivision of Lot 203 Kingston, and extends Northeasterly in a straight line to the South line of Central Avenue at a point that is thirteen (13.0) feet West of the Northeast corner of Lot 223 of the Subdivision of Lot 203 Kingston; all in the City of Toledo, Lucas County, Ohio.

SECTION 2. That the following described sewer easement and right-of-way, recorded at Volume 918, page 334 of Lucas County Deed Records, shall be and hereby is released of record:

In a ten (10.0) foot strip of ground across Lot 231 of the Subdivision of Lot 203 Kingston, being five (5.0) feet on each side of a center line that begins on the East line of the alley next West of and parallel with Bernice Avenue at a point eighteen (18.0) feet South of the Northwest corner of Lot 206 of the said Subdivision of Lot 203 Kingston, and extends Northeasterly in a straight line to the South line of Central Avenue to a point that is thirteen (13.0) feet West of the Northeast corner of Lot 223 of the said Subdivision of Lot 203 Kingston; all in the City of Toledo, Lucas County, Ohio.

SECTION 3. That the Mayor is authorized to execute, record and deliver such documents, certifications and/or instruments necessary to effectuate the release of the above referenced sewer easements.

SECTION 4. That the Real Estate Section of the Department of Economic Development is authorized and directed to cause a copy of this Ordinance and/or any other documents required to release the above described easements to be recorded in the office of the Recorder of Lucas County, Ohio.

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 an 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, 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 this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective so that the easements can be released to help facilitate the proposed development and the property owner to obtain the resulting benefit at the earliest time.

Vote on emergency clause: yeas 12, nays 0.

Passed: October 24, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

October 24, 2023
Wade Kapszukiewicz
Mayor