



Legislation Details (With Text)

**File #:** O-191-21      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Approved

**File created:** 3/29/2021      **In control:** Public Utilities Department

**On agenda:** 4/27/2021      **Final action:** 4/27/2021

**Title:** Dedicating a portion of city-owned property located at Airport Highway and Byrne Road as and for public rights-of-way; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bullet Points, 2. Exhibit A, 3. Exhibit B, 4. Audio: City Council April 27, 2021, 5. Audio: Agenda Review April 20, 2021, 6. Audio: City Council April 13, 2021

Date	Ver.	Action By	Action	Result
4/27/2021	1	City Council	declare emergency	Pass
4/27/2021	1	City Council	passage	Pass
4/13/2021	1	City Council	First Reading	Pass

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DPU/ Utility Administration

Jamie Miller (x1409)

Revise

**Dedicating a portion of city-owned property located at Airport Highway and Byrne Road as and for public rights-of-way; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City of Toledo is the fee owner of a certain property at 3429 Airport Highway (TD Parcel 20-00747), also known as “Maplewood Cemetery”, located at the corner of Airport Highway and Byrne Road. The Ohio Department of Transportation, in partnership with the City of Toledo, will be constructing certain roadway safety and utility improvements at the intersection of Airport Highway and Byrne Road. Construction of these improvements is expected to commence in 2022. However, all required property rights and rights-of-way must be secured and available prior to commencement of construction. It has been determined that, in order to implement the objectives of this public improvement project, additional rights-of-way will be required across a small portion of the City’s property at this intersection. The Division of Parks, Recreation and Forestry has reviewed the proposed plans and additional rights-of-way required for this project and determined that the property needed for this project will not impact or interfere with any improvements at or the operation of the cemetery.

This project does not require the City to expend or receive funds.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: none
- The expenditure budget line item: n/a

- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)?: n/a
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? both
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) no
  - o Environment (yes/no) no

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

SECTION 1. That the parcel of land described herein be and the same hereby is dedicated for public highway and roadway purposes, including but not limited to utilities and sewers.

The legal description of said land to be dedicated as public rights-of-way is attached hereto and made a part hereof as EXHIBIT "A".

SECTION 2. That the Real Estate Section is hereby directed to cause a certified copy of this Ordinance to be recorded in the records of the Lucas County Recorder.

SECTION 3. That it is hereby 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 City Council, and that all deliberations of City 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 4. That this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force 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 peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to meet certain timing and deadlines of ODOT for the pending public safety improvement project at the intersection Airport Highway and Byrne Road.

Vote on emergency clause: yeas 12, nays 0.

Passed: April 27, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 28, 2021  
Wade Kapszukiewicz  
Mayor