



Legislation Details (With Text)

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**Title:** Declaring the intent to vacate a portion of Boers Way, in the City of Toledo, Lucas County Ohio; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Partial Street Vacation

Date	Ver.	Action By	Action	Result
9/13/2022	1	City Council	Suspension	Pass
9/13/2022	1	City Council	Emergency	Pass
9/13/2022	1	City Council	Passage	Pass

The Clerk Reports

**Declaring the intent to vacate a portion of Boers Way, in the City of Toledo, Lucas County Ohio; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Petitioner has filed a request to vacate a portion of Boers Way for Metroparks, in the City of 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 a portion of Boers Way further described below:

Legal Description of a portion of Boers - Boyer Way: Being part of Boers - Boyer Way, per Ordinance 751-07, as recorded in Lucas County Official Record 20080214-0007589, in River Tract 87 in the United States Reserve of Twelve Miles Square at the Foot of the Rapids of the Miami of Lake Erie, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a 3/8 inch iron bar monument found at the Southeast corner of Fractional Section 1, Town 10 South, Range 7 East, said point also being the centerline intersection of Oak Street and Navarre Avenue. Thence South 89 degrees, 14 minutes, 27 seconds West, along the South line of Fractional Section 1 and its Southwesterly prolongation, said line also being the centerline of Navarre Avenue, a distance of 1,503.68 feet to a point.

Thence North 00 degrees, 45 minutes, 33 seconds West, a distance of 47.67 feet to a 3/8 inch iron bar in concrete monument found at the Southwesterly corner of the unrecorded plat of Boers - Boyer Way, said point being the True Point of Beginning.

The following 14 courses are along the Northwesterly Right-of-way of Boers - Boyer Way:

Course 1: Thence North 16 degrees, 00 minutes, 54 seconds West, a distance of 183.73 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 2: Thence traversing a non-tangent arc to the right, having a radius of 2,914.93 feet, a tangent length of 258.83 feet, a central angle of 10 degrees, 08 minutes, 54 seconds, a chord bearing of North 14 degrees, 18 minutes, 34 seconds West, a chord distance of 515.63 feet and an arc length of 516.30 feet to a 1/2 inch galvanized steel pipe found.

Course 3: Thence North 09 degrees, 14 minutes, 22 seconds West, a distance of 38.40 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 4: Thence traversing a tangent arc to the right, having a radius of 4,784.23 feet, a tangent length of 171.72 feet, a central angle of 04 degrees, 06 minutes, 40 seconds, a chord bearing of North 07 degrees, 11 minutes, 02 seconds West, a chord distance of 343.21 feet and an arc length of 343.28 feet to a 1/2 inch galvanized steel pipe found.

Course 5: Thence North 05 degrees, 49 minutes, 06 seconds West, a distance of 464.28 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 6: Thence traversing a non-tangent arc to the right, having a radius of 500.00 feet, a tangent length of 22.70 feet, a central angle of 05 degrees, 11 minutes, 55 seconds, a chord bearing of North 03 degrees, 10 minutes, 50 seconds West, a chord distance of 45.35 feet and an arc length of 45.37 feet to a 1/2 inch galvanized steel pipe found.

Course 7: Thence North 00 degrees, 34 minutes, 52 seconds West, a distance of 60.64 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 8: Thence traversing a tangent arc to the right, having a radius of 1,200.00 feet, a tangent length of 175.53 feet, a central angle of 16 degrees, 38 minutes, 39 seconds, a chord bearing of North 07 degrees, 44 minutes, 27 seconds East, a chord distance of 347.37 feet and an arc length of 348.59 feet to a magnetic nail found.

Course 9: Thence North 16 degrees, 03 minutes, 47 seconds East, a distance of 448.32 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 10: Thence traversing a non-tangent arc to the right, having a radius of 500.00 feet, a tangent length of 26.93 feet, a central angle of 06 degrees, 10 minutes, 01 second, a chord bearing of North 19 degrees, 08 minutes, 48 seconds East, a chord distance of 53.79 feet and an arc length of 53.82 feet to a 1/2 inch galvanized steel pipe found.

Course 11: Thence North 22 degrees, 13 minutes, 49 seconds East, a distance of 340.31 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 12: Thence traversing a tangent arc to the right, having a radius of 500.00 feet, a tangent length of 21.25 feet, a central angle of 04 degrees, 52 minutes, 05 seconds, a chord bearing of North 24 degrees, 39 minutes, 52 seconds East, a chord distance of 42.47 feet and an arc length of 42.48 feet to a 1/2 inch galvanized steel pipe found.

Course 13: Thence North 27 degrees, 05 minutes, 57 seconds East, a distance of 692.57 feet to a magnetic nail found.

Course 14: Thence North 26 degrees, 19 minutes, 01 second East, a distance of 449.85 feet to the Southerly most corner of a parcel of land as conveyed to Louisville Title Agency for Northwest Ohio, Inc., as recorded in Lucas County Official Record 20210614-0029897, from said point a 5/8 inch iron bar can be found 0.07 feet Southeast.

Course 15: Thence South 59 degrees, 15 minutes, 09 seconds East, passing a 5/8 inch iron bar found at a distance of 0.07 feet, an overall distance of 50.15 feet to a point on the Southeasterly Right-of-way of Boers - Boyer Way.

The following 13 courses are along the Southeasterly Right-of-way of Boers - Boyer Way:

Course 16: Thence South 26 degrees, 19 minutes, 01 second West, a distance of 445.99 feet to a 1/2 inch galvanized steel pipe found.

Course 17: Thence South 27 degrees, 05 minutes, 55 seconds West, a distance of 693.25 feet to a 1/2 inch

galvanized steel pipe found at a point of curvature.

Course 18: Thence traversing a non-tangent arc to the left, having a radius of 450.00 feet, a tangent length of 19.13 feet, a central angle of 04 degrees, 52 minutes, 09 seconds, a chord bearing of South 24 degrees, 39 minutes, 52 seconds West, a chord distance of 38.23 feet and an arc length of 38.24 feet to a 1/2 inch galvanized steel pipe found.

Course 19: Thence South 22 degrees, 13 minutes, 49 seconds West, a distance of 340.31 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 20: Thence traversing a non-tangent arc to the left, having a radius of 450.00 feet, a tangent length of 24.24 feet, a central angle of 06 degrees, 10 minutes, 00 seconds, a chord bearing of South 19 degrees, 08 minutes, 48 seconds West, a chord distance of 48.41 feet and an arc length of 48.43 feet to a 1/2 inch galvanized steel pipe found.

Course 21: Thence South 16 degrees, 03 minutes, 47 seconds West, a distance of 448.32 feet to a magnetic nail found at a point of curvature.

Course 22: Thence traversing a tangent arc to the left, having a radius of 1,150.00 feet, a tangent length of 168.22 feet, a central angle of 16 degrees, 38 minutes, 40 seconds, a chord bearing of South 07 degrees, 44 minutes, 27 seconds West, a chord distance of 332.90 feet and an arc length of 334.07 feet to a magnetic nail found.

Course 23: Thence South 00 degrees, 34 minutes, 52 seconds East, a distance of 60.64 feet to a magnetic nail found at a point of curvature.

Course 24: Thence traversing a tangent arc to the left, having a radius of 450.00 feet, a tangent length of 20.43 feet, a central angle of 05 degrees, 11 minutes, 57 seconds, a chord bearing of South 03 degrees, 10 minutes, 50 seconds East, a chord distance of 40.82 feet and an arc length of 40.83 feet to a 1/2 inch galvanized steel pipe found.

Course 25: Thence South 05 degrees, 49 minutes, 06 seconds East, a distance of 464.55 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 26: Thence traversing a non-tangent arc to the left, having a radius of 4,734.23 feet, a tangent length of 170.07 feet, a central angle of 04 degrees, 06 minutes, 53 seconds, a chord bearing of South 07 degrees, 10 minutes, 55 seconds East, a chord distance of 339.92 feet and an arc length of 339.99 feet to a 1/2 inch galvanized steel pipe found.

Course 27: Thence South 09 degrees, 14 minutes, 22 seconds East, a distance of 38.40 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 28: Thence traversing a non-tangent arc to the left, having a radius of 2,864.93 feet, a tangent length of 352.11 feet, a central angle of 14 degrees, 00 minutes, 48 seconds, a chord bearing of South 16 degrees, 14 minutes, 31 seconds East, a chord distance of 698.96 feet and an arc length of 700.70 feet to a 1/2 inch galvanized steel pipe found on the North line of the Roadway Dedication Plat for a Portion of Relocated Miami Street, per Ordinance 883-01, as recorded in Lucas County Deed 01-711A06.

Course 29: Thence South 78 degrees, 49 minutes, 31 seconds West, along the North line of the Roadway Dedication Plat for a Portion of Relocated Miami Street, a distance of 68.00 feet to the True Point of Beginning. Containing 201,954.50 square feet or 4.6362 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on August 09, 2022.

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: September 13, 2022, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

September 15, 2022  
Wade Kapszukiewicz  
Mayor