



Legislation Details (With Text)

**File #:** O-157-21      **Version:** 2      **Name:**

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

**File created:** 3/17/2021      **In control:** Law Department

**On agenda:** 3/30/2021      **Final action:** 3/30/2021

**Title:** Authorizing the Mayor to enter into a Storm Water Easement Agreement with FCA US LLC granting an easement over a portion of certain city-owned property adjacent to the northwest portion of the property known as Stickney West; making certain findings related thereto; waiving competitive bid provisions of TMC Ch. 187; authorizing the deposit of proceeds; and declaring an emergency.

**Sponsors:** Eileen Granata

**Indexes:**

**Code sections:**

**Attachments:** 1. Site Plan, 2. Legal Description

Date	Ver.	Action By	Action	Result
3/30/2021	2	City Council	Dispense with the rules of Council requiring...	Pass
3/30/2021	2	City Council	declare emergency	Pass
3/30/2021	2	City Council	passage	Pass

DED Grant of Easement /Stickney West  
Business Development  
B. Sehlhorst (x1692)  
Revised

**Authorizing the Mayor to enter into a Storm Water Easement Agreement with FCA US LLC granting an easement over a portion of certain city-owned property adjacent to the northwest portion of the property known as Stickney West; making certain findings related thereto; waiving competitive bid provisions of TMC Ch. 187; authorizing the deposit of proceeds; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Ordinance 8-21 authorized sale to FCA US LLC of certain city-owned real property referred to as the Stickney West property, including the former Textileather and MedCorp sites, located at 3803 Twining St., Toledo Ohio.

In order to close the transaction and facilitate the construction of the proposed vehicle customization facility, FCA has requested an easement for storm water drainage and detention/retention purposes on city owned property adjacent to the northern section of the Stickney West property. The easement area shall be used for the purposes of constructing, installing, operating, maintaining, altering, renewing, using, repairing and replacing storm water facilities for the drainage, and discharge of storm water. Storm water facilities may include drainage ditches, pipes, forebays, sediment basins and/or ponds within the easement area (“Storm Water Facilities”). The installation and construction of Storm Water Facilities within the easement area shall be made in accordance with plans and uses approved by the city’s Division of Engineering.

The Ordinance authorizes the execution and delivery of a Storm Water Easement Agreement. The execution of the Storm Water Easement Agreement will be dependent upon the consummation of the sale of the Stickney West property to FCA US LLC as authorized by Ord. 8-21 and shall be delivered upon closing of the Stickney West property sale.

The fiscal impact of this ordinance is as follows:

- Funds are not requested in this fiscal year
- New revenue generated (operational revenue, grants, if any): \$0
- Revenue budget line item (if any): 5040-16400-5661001STDSTD
- Are funds budgeted in the current fiscal year (yes/no)? No
- Is this a capital project (yes/no)? No
- If yes, is it new or existing (new/existing)? N/A
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) No
  - o Quality Community Investment (Livable City, Development) (yes/no) Yes
  - o Workplace Culture & Customer Service (yes/no) No
  - o Environment (yes/no) Yes

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

SECTION 1. That the Mayor is authorized to enter into a Storm Water Easement Agreement with FCA US LLC, which shall grant for the price of one dollar (\$1.00) an easement to FCA US LLC and their successors and assigns, extending west from the Northwest property line of Parcel # 11-05974 (3808 Twining St) to the Ottawa River, a distance of approximately 215 feet, across part of Town 9 South, Range 7 East, Washington Township, Lucas County, Ohio as legally described and depicted in Exhibit A, for the purpose of the installation, construction, operation, use, maintenance and repair of Storm Water Facilities. The terms of the Storm Water Easement Agreement shall be determined by and subject to the approval of the Mayor, and the Directors of Law, Public Utilities and the Commissioner of Engineering, in keeping with the findings, determinations and purposes of this Ordinance, with the execution by the Mayor of the Storm Water Easement Agreement being conclusive evidence of such approvals, and no further action relating thereto shall be required by Council.

SECTION 2. That Council finds and determines that the property to be burdened by the easement agreement authorized in Section 1, is not needed for other municipal purposes and that such grant is necessary to create or preserve jobs and other employment opportunities in the region and to improve the economic welfare of the people of the city Toledo, and is in the best interest of the City; that the grant of said easement by negotiation pursuant to an easement agreement is the appropriate method, that the negotiated price is fair and reasonable value and consideration for the property interest granted and its related purpose to facilitating economic development.

SECTION 3. That Council authorizes the grant of the easement and the Storm Water Easement Agreement, notwithstanding and as an exception to the competitive bidding and advertising provisions of Chapter 187 and other provisions of the Toledo Municipal Code. The reason therefore is that the agreement with FCA US LLC will generate new business investment, create new jobs and support the retention of jobs at and related to Toledo Assembly and is in the best interest of the citizens.

SECTION 4. That the Finance Director is authorized to accept and deposit the net proceeds from the transaction authorized in Section 1 into the Capital Improvement Fund, Account Code 5040-16400-

5661001STDSTD.

SECTION 5. That is the Mayor, Directors of Law, Finance, Clerk of council and other appropriate officials of this city are authorized to enter into, execute, deliver such other agreements, instruments, documents and certificates and to take other lawful action as may be necessary or appropriate in order to further implement the Storm Water Easement Agreement as authorized in Section 1.

SECTION 6. 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 of the Ohio Revised Code.

SECTION 7. That this Ordinance is 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 to facilitate the closing of the sale of real property authorized under Ord. 8-21 and to enable the proposed construction and development project by FCA US LLC to move forward and to create and retain jobs related thereto.

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