



Legislation Details (With Text)

File #: O-588-22 **Version:** 1 **Name:**

Type: Ordinance **Status:** Approved

File created: 10/28/2022 **In control:** City Council

On agenda: 11/9/2022 **Final action:** 11/9/2022

Title: Declaring the vacation of the 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Audio: Agenda Review 11/1/2022, 2. Audio: City Council 11/9/2022

Date	Ver.	Action By	Action	Result
11/9/2022	1	City Council		
11/9/2022	1	City Council		
11/9/2022	1	City Council		

Zoning & Planning Committee

Declaring the vacation of the 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 511-09 adopted on September 1, 2009, declaring its intent to vacate a 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio.

On December 3, 2009, the Toledo City Plan Commission recommended approval of the request for the vacation of a 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on January 6, 2010, sent as approved the request for the vacation of a 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio.

The Board of Revision met on February 12, 2010 and approved the request for the vacation of a 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio.

All of the preliminary steps have been taken as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission has made reports regarding the proposed vacations; and all things required by law to be done, have been done. Fees totaling \$659.00 have been paid.

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

SECTION 1. That the Council of the City of Toledo does hereby vacate a 20-foot alley lying east of Warwick Avenue, west of Alldays Avenue and south of Dorr Street all within the subdivision of "Extention of Norwood", in the City of Toledo, Lucas County, Ohio; and more fully described as follows:

Commencing at the Northeast corner of Lot Number 379 within said subdivision of "Extention of Norwood", thence East along the easterly prolongation of the South right-of-way of said Dorr Street for a distance of 20.00 feet to the Northwest corner of Lot Number 378;

Thence South along the West line of Lot Number 378 for a distance of 120.00 feet to the southwest corner of said Lot Number 378;

Thence West along the westerly prolongation of the north right-of-way an alley (having a full right-of-way of 19.00 feet) for a distance of 20.00 feet to the southeast corner of Lot Number 379;

Thence North along the east lot line of said Lot Number 379 for a distance of 120.00 feet to the place of beginning;

Said area contained within parcel equals 2,400.00 Sq.Ft. or 0.0551 Ac. of land.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following 4 (four) condition(s):

The following condition is listed by agency of origin. Applicants are encouraged to contact the agency to address compliance with their conditions.

Division of Transportation

1. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Division of Engineering Services

2. Vacation of this alley should be denied because of an existing 60" storm pipe running diagonally through the alley, which is a part of Williams Ditch. The alley ROW is 20 ft. wide.

In the event this disapproval is overturned by the Plan Commission and City Council, we request the following easement language be placed on the property deed:

The City of Toledo shall retain a minimum 20-ft.-wide permanent easement, with rights of ingress and egress, over the entire vacated property for the purpose of operating, maintaining, and constructing any public utilities located within the vacated property. The Grantee shall not construct fences, walls, or other barriers that would impede the City of Toledo's access onto the vacated property. No temporary or permanent structure, including barriers denying access, may be constructed on the vacated property. Any existing pavement shall be maintained for access to

the public utilities. Parking lot pavement is permitted. The Grantee releases the City of Toledo from any liability, responsibility, or costs resulting from the City's removal of any barriers that deny ingress to or egress from the vacated property or that obstruct access to the public utilities located on said property; and the City of Toledo shall have no obligation or duty to restore or compensate the Grantee for the removed facilities.

Buckeye Cable System

3. Buckeye Cable System has a minor facility located on an existing pole line in the alley right of way. An access easement to maintain said utility line will be required.

Plan Commission

4. An easement must be granted to maintain existing utility lines located on the alley, subject to the review and approval of the Division of Engineering Services.

SECTION 3. That the Real Estate Section of the Department of Development is hereby directed to cause a copy of this Ordinance to be recorded in the records of the office of Lucas County Recorder.

SECTION 4. That it is hereby 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 5. That this Ordinance is hereby 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 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 so that the vacations can be expeditiously completed to enable the property owner(s) to obtain the resulting benefits at the earliest time.

Vote on emergency clause: yeas 12, nays 0.

Passed: November 9, 2022 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

November 14, 2022
Wade Kapszukiewicz
Mayor