



## Legislation Text

File #: O-502-20, Version: 1

DPU121520FRONTSTREETEASEMENTRELEASE

Utilities Administration

Jamie Miller (x1409)

Revised

**Authorizing the mayor to execute and deliver needed instruments for the release of a Sewer Maintenance Easement across a portion of the real property owned by Midland Agency of Northwest Ohio, Inc., Trustee located at 0 Riverside Drive, Toledo Ohio; making certain findings with respect thereto; and declaring an emergency.**

### SUMMARY & BACKGROUND:

Midland Agency of Northwest Ohio, Inc., Trustee is the owner of property located at 0 Riverside Drive (TD 18-87750) in the City of Toledo, Lucas County, Ohio. Ordinance 560-19 retained a sanitary sewer maintenance easement across the vacated portion of the rights-of-way of Front Street; the ordinance was recorded in the Lucas County Recorder's Office as Instrument #20191127-0048924. This easement will limit plans to develop the Northeast corner of Front and Main Streets as a key feature of the entrance to the new Marina District. The sanitary sewer line is within the current rights-of-way of Front St and there are no other utilities, public or private in the easement area retained by the city pursuant to Ordinance 560-19. This easement is not required by the City of Toledo for maintenance of the sanitary sewer. Therefore, Midland Agency of Northwest Ohio has requested that the City of Toledo release its interests in the existing easement across the property located at 0 Riverside Drive and recorded under Lucas County Instrument # 20191127-0048924.

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)? 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) no

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

SECTION 1. That the following described sewer maintenance easement area shall be and the same hereby is released of record:

Being part of Front Street adjacent to lot 7 in the plat of Marina District Deux, as recorded in O.R. 20180724-0031712, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a stone with drill hole monument found 3.50 feet Northeast from the centerline intersection of Main Street, so called, with Front Street, so called.

Thence North 51 degrees, 33 minutes, 33 seconds East along the centerline of Front Street, a distance of 186.50 feet to a point of intersection with the prolongation of the Westerly line of lot 7 in the plat of Marina District Deux.

Thence North 38 degrees, 25 minutes, 16 seconds West along the prolongation of the Westerly line of lot 7, a distance of 40.00 feet to a point on a line that is parallel with and 40.00 feet distant from the centerline of Front Street, said point being the True Point of Beginning.

Thence continuing North 38 degrees, 25 minutes, 16 seconds West along the Westerly line of lot 7 a distance of 30.00 feet to a point on a line that is parallel with and 70.00 feet distant from the centerline of Front Street.

Thence North 51 degrees, 33 minutes, 33 seconds East along a line that is parallel with and 70.00 feet distant from the centerline of Front Street, a distance of 132.89 feet to a point of deflection to the left.

Thence North 51 degrees, 31 minutes, 48 seconds East along a line that is parallel with and 70.00 feet distant from the centerline of Front Street, a distance of 67.12 feet to a point on the Westerly line of lot 6.

Thence South 38 degrees, 25 minutes, 16 seconds East along the Westerly line of lot 6 a distance of 30.00 feet to a point on a line that is parallel with and 40.00 feet distant from the centerline of Front Street.

Thence South 51 degrees, 31 minutes, 48 seconds West along a line parallel with and 40.00 feet distant from the centerline of Front Street, a distance of 67.10 feet to a point of deflection to the right.

Thence South 51 degrees, 33 minutes, 33 seconds West along a line that is parallel with and 40.00 feet distant from the centerline of Front Street, a distance of 132.91 feet to the True Point of Beginning.

Containing 6,000.30 square feet or 0.138 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only.

SECTION 2. 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 sanitary easement.

SECTION 3. That this Council finds and determines that the subject easement is no longer needed for a municipal purpose.

SECTION 4. That this Council finds and determines 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, Ohio Revised Code.

SECTION 5. That the Department of Economic Development Real Estate Section is hereby authorized and directed to cause a copy of this ordinance and/or any other documents required to release the above described easement herein to be recorded in the office of the Recorder of Lucas County, Ohio.

SECTION 6. 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 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 in order for the easement to be released.

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