



## Legislation Text

File #: O-464-19, Version: 1

### DPU100119AIRPORTUTILITYEASEMENT

Utilities Administration

Jamie Miller (x1409)

(Revised)

**Authorizing the mayor to grant a utility easement to the Board of Lucas County Commissioners for water and sewer infrastructure across a portion of the city-owned property located at 11013 Airport Highway, also known as Toledo Express Airport; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

The Board of Lucas County Commissioners, through the Lucas County Engineer's office, has constructed certain water and sanitary sewer improvements along portions of Airport Highway, including but not limited to a force main and pumping station improvements, at and for the benefit of the Toledo Express Airport facilities and operations.

The City of Toledo is the fee owner of the property located at 11013 Airport Highway (TD 72-10889), also known as Toledo Express Airport, which is leased and operated by the Toledo-Lucas County Port Authority. In order to ensure Lucas County's rights of access, operation and maintenance of these facilities, the Board of Lucas County Commissioners will require a utility easement, containing approximately 0.393 acres of land, across a portion of this city-owned property. Lucas County desires to acquire this easement, at no cost.

The Toledo-Lucas County Port Authority, who leases and operates the Toledo Express Airport, concurs with the granting and donation of the property required for these public improvements.

This ordinance is to authorize the execution and granting of the requested utility easement, at no cost, to the Board of Lucas County Commissioners.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: none
- 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)? no
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? new
- 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) yes

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

SECTION 1. That the mayor is authorized to grant a Utility Easement to the Lucas County Commissioners, at no cost and under such terms and conditions as the mayor may deem requisite and proper and shall be subject to approval by the Directors of Law and Public Utilities, across a portion of the city-owned property located at 11013 Airport Highway (TD 72-10889), also known as Toledo Express Airport, and being more fully described and depicted on Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 2. 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 resulted 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 3. That this Ordinance is 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 for the benefit of current and future development at and near the Toledo Express Airport and to ensure Lucas County's rights and interests in the utility infrastructure improvements.

**Vote on emergency clause: yeas 12, nays 0.**

**Passed: October 1, 2019, as an emergency measure: yeas 12, nays 0.**

**Attest:**

**Gerald E. Dendinger  
Clerk of Council**

**Matt Cherry  
President of Council**

**Approved:**

**October 1, 2019  
Wade Kapszukiewicz  
Mayor**