



Legislation Text

File #: O-022-22, **Version:** 1

Zoning & Planning Committee

Declaring the vacation of the 20-foot strip of land along Front Street, City of Toledo, Lucas County Ohio; waiving all fees and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 447-21 adopted on August 17, 2021, declaring its intent to vacate the 20-foot strip of land along Front Street, City of Toledo, Lucas County Ohio.

On October 14, 2021, the Toledo City Plan Commission recommended approval of the request for the vacation of the 20-foot strip of land along Front Street, City of Toledo, Lucas County Ohio.

The City Council Zoning & Planning Committee on November 17, 2021, sent as approved the request for the vacation of the 20-foot strip of land along Front Street, City of Toledo, Lucas County Ohio.

The Board of Revision met on December 21, 2021 and approved the request for the vacation of the 20-foot strip of land along Front Street, 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. During the vacation process it was determined the City of Toledo has waived all land fees for this vacation.

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 the 20-foot strip of land along Front Street, City of Toledo, Lucas County Ohio:

Parcel: Right-of-Way
LE Survey #50068

Legal Description of Proposed 20' Strip Vacation: Being Part of Front Street in Fractional Section 31 in Town 9 South, Range 8 East, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a 1 inch iron bolt in concrete monument found at the intersection of the centerlines of Marina Drive South and Front Street.

Thence North 51 degrees, 23 minutes, 33 seconds East, along the centerline of Front Street a distance of 73.98 feet to a point.

Thence North 38 degrees, 36 minutes, 27 seconds West, a distance of 70.00 feet to a record 5/8 inch iron bar found on the Northwesterly 70 foot Right-of-way of Front Street said point being the True Point of Beginning.

Thence North 51 degrees, 23 minutes, 33 seconds East, along the Northwesterly 70 foot Right-of-way of Front Street, a distance of 524.12 feet to a 1/2 inch galvanized steel pipe set.

Thence South 27 degrees, 22 minutes, 27 seconds East, a distance of 20.39 feet to a point on a line that is parallel with and 50.00 feet distant from the centerline of Front Street.

Thence South 51 degrees, 23 minutes, 33 seconds West, along a line that is parallel with and 50.00 feet distant from the centerline of Front Street, a distance of 493.09 feet to a point.

Thence South 87 degrees, 52 minutes, 21 seconds West, a distance of 33.64 feet to the True Point of Beginning.

Containing 10,172.10 square feet or 0.2335 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 May 08, 2020.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following 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 Engineering Services

1. A pre-submittal meeting is not required; however, one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Right-of-Way and Inspection: 419-245-1341
Roadway: 419-245-1344
Water: 419-936-2163
Stormwater Drainage: 419-245-3221; 419-245-1338
Sanitary Sewers: 419-936-2276

2. An easement per city agreement shall be retained over vacated right of way.

Division of Transportation

3. 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.

Plan Commission

4. Any revisions to the previously approved Special Use Permit for the Glass City Metropark shall be viewed by the Plan Commission as a minor amendment or a major amendment per TMC§1111.0708 - Amendments to Approved Special Uses.

SECTION 3. That the cost of land and all fees are hereby waived per the Development Agreement pursuant to Ord. 147-20.

SECTION 4. 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 5. 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 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 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 _____, 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