



Legislation Text

File #: O-090-19, **Version:** 1

Zoning & Planning Committee

Granting a Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, in the City of Toledo, Lucas County, Ohio; subject to certain conditions; and waivers and declaring an emergency.

SUMMARY & BACKGROUND:

By application (SUP-11003-18) filed with the City of Toledo Central Permit Center, a request for a Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, the City of Toledo, Lucas County, Ohio; was submitted to the Toledo City Plan Commission for its review and recommendation.

On January 10, 2019, the Toledo City Plan Commission recommended approval for a Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, in the City of Toledo, Lucas County, Ohio.

On February 13, 2019, Toledo City Council, Planning and Zoning Committee reviewed, and sent as approved a Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, City of Toledo, Lucas County, Ohio; and all other things required by law to be done, have been done.

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

SECTION 1. That a Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, City of Toledo, Lucas County, Ohio; be and the same is hereby approved, subject to the conditions contained in Section 2 hereof which must be complied with, as to the property more fully described as follows:

Legal Description North of Riverside: Being Lots "A" "B" and "C" in the plat of Marina District Deux as recorded in Lucas County O.R. 20180724-0031712, together with Lots 1 and 2 in the plat of the New Waterfront Metropark as recorded in Lucas County O.R. 20180725-0032017 together with Lot 7 in the plat of the Marina District as recorded in Lucas County O.R. 20081008-0049841 together with Part of Lots 1 and 2 in Wilson's Addition to the City of Toledo as recorded in Lucas County Plat Volume 17, Page 21, together with part of Vacated Dearborn Avenue, together with part of Section 31, Town 9 South, Range 8 East, together with part of the public road Right-of-way of Front Street, together with part of the Limited Access Right-of-ways of I-280 and S.R. 65, all being in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at 1 inch iron bolt monument found at the intersection of the centerlines of Main Street and Riverside Drive.

Thence North 38 degrees, 25 minutes, 04 seconds West, along the centerline of Main Street, a distance of

156.24 feet to a 5/8 inch iron bar monument found.

Thence continuing North 38 degrees, 25 minutes, 04 seconds West, along the centerline of Main Street, a distance of 155.42 feet to a point.

Thence North 51 degrees, 33 minutes, 39 seconds East, a distance of 46.50 feet to an aluminum plate monument found on the Northeast Right-of-way of Main Street, said point being the True Point of Beginning.

Thence North 38 degrees, 25 minutes, 04 seconds West, along the Northeast Right-of-way of Main Street, a distance of 103.28 feet to a point on the Harbor Line for the Maumee River as established by the Secretary of War, March 19, 1896, as shown on the record plat of the Marina District, as recorded in Lucas County O.R. 20081008-0049841.

Thence North 51 degrees, 15 minutes, 58 seconds East, along the Harbor Line for the Maumee River, a distance of 1,344.07 feet to a point of deflection in the Harbor Line.

Thence North 57 degrees, 10 minutes, 44 seconds East, along the Harbor Line for the Maumee River, a distance of 478.25 feet to the Northeast corner of Lot 2 in New Waterfront Metropark.

Thence South 32 degrees, 49 minutes, 16 seconds East, along the Northeast line of Lot 2 in New Waterfront Metropark, and passing an aluminum plate monument set at 147.23 feet, an overall distance of 272.23 feet to an aluminum plate monument set on the Northwest Right-of-way of Riverside Drive, as recorded in the plat of the Marina District.

Thence traversing a non-tangent arc to the right, along the Northwest Right-of-way of Riverside Drive, and having a radius of 444.00 feet, a tangent length of 2.51 feet, a central angle of 00 degrees, 38 minutes, 55 seconds, a chord bearing of North 66 degrees, 53 minutes, 50 seconds East, a chord distance of 5.03 feet and an arc length of 5.03 feet to a point of deflection in the Northwest Right-of-way of Riverside Drive.

Thence South 22 degrees, 46 minutes, 43 seconds East, along the Northwest Right-of-way of Riverside Drive and its Southeasterly prolongation, a distance of 44.00 feet to a 1 inch iron bar monument found on the centerline of Riverside Drive.

The following five courses are along the centerline of Riverside Drive.

Thence North 67 degrees, 14 minutes, 03 seconds East, a distance of 217.09 feet to a 1 inch iron bar monument found at a point of curvature.

Thence traversing an arc to the left, having a radius of 800.00 feet, a tangent length of 19.22 feet, a central angle of 02 degrees, 45 minutes, 08 seconds, a chord bearing of North 65 degrees, 50 minutes, 54 seconds East, a chord distance of 38.42 feet and an arc length of 38.43 feet to a 1 inch iron bar monument found at a point of tangency in said road centerline.

Thence North 64 degrees, 28 minutes, 10 seconds East, a distance of 704.41 feet to a 1 inch iron bar monument found at a point of curvature.

Thence traversing an arc to the left, having a radius of 400.00 feet, a tangent length of 25.46 feet, a central angle of 07 degrees, 17 minutes, 03 seconds, a chord bearing of North 60 degrees, 42 minutes, 58 seconds East,

a chord distance of 50.82 feet and an arc length of 50.85 feet to a point of tangency in said road centerline.

Thence North 57 degrees, 11 minutes, 03 seconds East, a distance of 393.92 feet to a point on the Southwest line of the plat of the Roadway Dedication of Marina Drive South as recorded in Lucas County O.R. 20071120-0068599.

The following six courses are along the Southwest line of the plat of the Roadway Dedication of Marina Drive South.

Thence South 38 degrees, 26 minutes, 18 seconds East, a distance of 7.48 feet to a point.

Thence North 51 degrees, 33 minutes, 42 seconds East, a distance of 14.15 feet to a point.

Thence South 38 degrees, 25 minutes, 35 seconds East, a distance of 24.06 feet to a point. From said point an aluminum plate monument can be found 0.08 feet Northwest.

Thence continuing Southeasterly along said line, a distance of 256.42 feet to an iron bar found.

Thence North 55 degrees, 52 minutes, 03 seconds East, a distance of 17.24 feet to an aluminum plate monument found.

Thence South 32 degrees, 32 minutes, 41 seconds East, a distance of 365.17 feet to a point on the Northwesterly Right-of-way of Front Street. From said point an aluminum plate can be found 0.05 feet East.

The following five courses are along the Northwesterly Right-of-way of Front Street.

Thence South 51 degrees, 38 minutes, 07 seconds West, a distance of 426.48 feet to an aluminum plate monument set.

Thence continuing South 51 degrees, 38 minutes, 07 seconds West, a distance of 294.01 feet to an aluminum plate monument set.

Thence South 51 degrees, 32 minutes, 18 seconds West, a distance of 264.02 feet to an aluminum plate monument found.

Thence South 51 degrees, 32 minutes, 14 seconds West, a distance of 113.97 feet to a 1/2 inch galvanized steel pipe set.

Thence South 51 degrees, 32 minutes, 18 seconds West, along the Northwest Right-of-way of Front Street, a distance of 712.27 feet to magnetic nail set on the Northeast line of a parcel of land as conveyed to the Painters and Decorators Building Inc., by Lucas County O.R. 20161114-0046746.

Thence North 38 degrees, 27 minutes, 22 seconds West, along the Northeast line of land as conveyed to the Painters and Decorators Building Inc., a distance of 163.97 feet to an aluminum plate monument set at the Northwest corner of the Painters and Decorators Building Inc.

Thence South 51 degrees, 32 minutes, 49 seconds West, along the Northwest line of land as conveyed to the Painters and Decorators Building Inc., a distance of 174.89 feet to an aluminum plate monument found at the

Northwest corner of Lot 4 in the plat of the Marina District Deux.

Thence continuing South 51 degrees, 32 minutes, 49 seconds West, along the Northwest line of Lot 4 in the plat of the Marina District Deux, a distance of 219.76 feet to an aluminum plate monument found on the Northeast Right-of-way of Morrison Street Extension.

Thence North 38 degrees, 27 minutes, 11 seconds West, along the Northeast Right-of-way of Morrison Street Extension, a distance of 285.01 feet to an aluminum plate monument found at a point of curvature in said Right-of-way.

Thence traversing an arc to the right, along the Northeast Right-of-way of Morrison Street Extension, said arc having a radius of 465.00 feet, a tangent length of 199.25 feet, a central angle of 46 degrees, 23 minutes, 24 seconds, a chord bearing of North 15 degrees, 15 minutes, 29 seconds West, a chord distance of 366.29 feet and an arc length of 376.49 feet to an aluminum plate monument found at a point of a non-tangent curve on the Northeast Right-of-way of Morrison Street Extension.

Thence traversing an arc to the left, having a radius of 535.00 feet, a tangent length of 104.94 feet, a central angle of 22 degrees, 11 minutes, 45 seconds, a chord bearing of South 88 degrees, 52 minutes, 31 seconds West, a chord distance of 205.96 feet and an arc length of 207.25 feet to an aluminum plate monument found on the Southeast Right-of-way of Riverside Drive.

Thence North 43 degrees, 45 minutes, 21 seconds West, a distance of 88.00 feet to the Northwest Right-of-way of Riverside Drive.

Thence South 46 degrees, 14 minutes, 39 seconds West, along the Northwest Right-of-way of Riverside Drive, a distance of 154.02 feet to an aluminum plate monument found.

Thence continuing South 46 degrees, 14 minutes, 39 seconds West, along the Northwest Right-of-way of Riverside Drive, a distance of 269.72 feet to an aluminum plate monument found.

Thence continuing South 46 degrees, 14 minutes, 39 seconds West, along the Northwest Right-of-way of Riverside Drive, a distance of 139.45 feet to an aluminum plate monument found on the Northeast line of Lot 1 in the Marina District Deux.

Thence North 43 degrees, 45 minutes, 16 seconds West, along the Northeast line of Lot 1, a distance of 197.04 feet to an aluminum plate monument found on the Northwest line of Lot 1 in the Marina District Deux.

Thence South 61 degrees, 43 minutes, 47 seconds West, along the Northwest line of Lot 1, a distance of 188.77 feet to an aluminum plate monument found at a point of deflection in the Northwest line of Lot 1.

Thence South 51 degrees, 33 minutes, 39 seconds West, along the Northwest line of Lot 1, a distance of 157.07 feet to the True Point of Beginning.

Containing 2,268,692.00 square feet or 52.0820 acres of land.

Together with Lot "B" in the plat of the Marina District Deux as recorded in Lucas County O.R. 20180724-0031712 and containing 34,121.89 square feet or 0.7833 acres of land.

Together with the following described parcel of land:

Part of Lots 1 and 2 in Wilson's Addition to the City of Toledo as recorded in Lucas County Plat Volume 17, Page 21, together with part of Vacated Dearborn Avenue, together with part of Section 31, Town 9 South, Range 8 East, together with part of the public road Right-of-way of Front Street, together with part of the Limited Access Right-of-ways of I-280 and S.R. 65, all being in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

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

Thence North 38 degrees, 24 minutes, 48 seconds West, along the centerline of Marina Drive South, a distance of 70.00 feet to a point.

Thence North 51 degrees, 23 minutes, 33 seconds East, a distance of 74.05 feet to a point on the Northeast Right-of-way of Marina Drive South, said point being the True Point of Beginning.

Thence South 88 degrees, 34 minutes, 23 seconds West, along the Northeast Right-of-way of Marina Drive South, a distance of 30.11 feet to a point of deflection in the Northeast Right-of-way of Marina Drive South.

Thence North 38 degrees, 24 minutes, 48 seconds West, along the Northeast Right-of-way of Marina Drive South, a distance of 55.08 feet to a point on the Southeast Right-of-way of Marina Drive East.

Thence North 57 degrees, 38 minutes, 25 seconds East, along the Southeast Right-of-way of Marina Drive East, a distance of 173.08 feet to a point of curvature in said road Right-of-way.

Thence traversing an arc to the left, along the Southeast Right-of-way of Marina Drive East, and having a radius of 1,318.24 feet, a tangent length of 136.70 feet, a central angle of 11 degrees, 50 minutes, 25 seconds, a chord bearing of North 51 degrees, 43 minutes, 13 seconds East, a chord distance of 271.93 feet and an arc length of 272.42 feet to a point of tangency in said road Right-of-way.

Thence North 45 degrees, 48 minutes, 00 seconds East, along the Southeast Right-of-way of Marina Drive East, a distance of 116.95 feet to a point on the Northeasterly Right-of-way of vacated Dearborn Avenue, as recorded in Lucas County O.R. 20070130-0006113.

Thence North 27 degrees, 22 minutes, 27 seconds West, along the Northeasterly Right-of-way of vacated Dearborn Avenue, a distance of 63.60 feet to a point of deflection in the Northeasterly Right-of-way of vacated Dearborn Avenue.

Thence North 32 degrees, 57 minutes, 12 seconds West, along the Northeasterly Right-of-way of vacated Dearborn Avenue, a distance of 29.69 feet to a point on the Northwesterly Right-of-way of Marina Drive East.

Thence South 45 degrees, 48 minutes, 00 seconds West, along the Northwesterly Right-of-way of Marina Drive East, a distance of 30.59 feet to a point on the centerline of vacated Dearborn Avenue.

Thence North 32 degrees, 57 minutes, 12 seconds West, along the centerline of vacated Dearborn Avenue, a distance of 883.75 feet to a point on the Harbor Line for the Maumee River, as established by the Secretary of War, March 19, 1896.

Thence North 57 degrees, 10 minutes, 44 seconds East, along said Harbor Line, a distance of 1,438.51 feet to a point on the Southwest line of a parcel of land as conveyed to the Toledo Refining Company as recorded in Lucas County O.R. 20110301-0008354.

The following six courses are along the Southwest line of the Toledo Refining Company:

Thence South 27 degrees, 58 minutes, 46 seconds East, a distance of 460.66 feet to a 1/2 inch galvanized steel pipe set per Lewandowski Engineers Survey 45115.

Thence continuing Southeasterly along said line, a distance of 249.73 feet to a 1/2 inch galvanized steel pipe set per Lewandowski Engineers Survey 45115.

Thence North 80 degrees, 46 minutes, 44 seconds East, a distance of 67.15 feet to a 1/2 inch galvanized steel pipe set per Lewandowski Engineers Survey 45115.

Thence South 41 degrees, 07 minutes, 16 seconds East, a distance of 145.89 feet to a 1/2 inch galvanized steel pipe set per Lewandowski Engineers Survey 45115.

Thence North 85 degrees, 50 minutes, 41 seconds East, a distance of 241.32 feet to a 1/2 inch galvanized steel pipe set per Lewandowski Engineers Survey 45115.

Thence North 62 degrees, 39 minutes, 36 seconds East, a distance of 13.04 feet to a point.

Thence South 27 degrees, 20 minutes, 24 seconds East, a distance of 89.62 feet to an aluminum plate monument found at a point of a non-tangent curve in the centerline of Front Street.

Thence traversing an arc to the left along the centerline of Front Street and having a radius of 1,432.39 feet, a tangent length of 116.23 feet, a central angle of 09 degrees, 16 minutes, 41 seconds, a chord bearing of South 65 degrees, 00 minutes, 48 seconds West, a chord distance of 231.70 feet and an arc length of 231.95 feet to an aluminum plate monument found at a point of tangency in Front Street.

Thence South 60 degrees, 23 minutes, 57 seconds West, along the centerline of Front Street, a distance of 661.47 feet to an aluminum plate monument found at point of curvature in the centerline of Front Street.

Thence traversing an arc to the left, along the centerline of Front Street, said arc having a radius of 1,432.39 feet, a tangent length of 189.71 feet, a central angle of 15 degrees, 05 minutes, 19 seconds, a chord bearing of South 52 degrees, 50 minutes, 44 seconds West, a chord distance of 376.13 feet and an arc length of 377.22 feet to an aluminum plate monument found at point of curvature in the centerline of Front Street.

Thence South 45 degrees, 16 minutes, 30 seconds West, along the centerline of Front Street, a distance of 125.04 feet to an aluminum plate monument found at a point of curvature in the centerline of Front Street.

Thence traversing an arc to the right, along the centerline of Front Street, and having a radius of 1,432.39 feet, a tangent length of 75.76 feet, a central angle of 06 degrees, 03 minutes, 19 seconds, a chord bearing of South 48 degrees, 18 minutes, 57 seconds West, a chord distance of 151.31 feet and an arc length of 151.38 feet to an aluminum plate monument found.

Thence North 37 degrees, 51 minutes, 46 seconds West, a distance of 40.00 feet to a point on the Northwesterly

Right-of-way of Front Street.

Thence South 51 degrees, 23 minutes, 33 seconds West, along the Northwesterly Right-of-way of Front Street, a distance of 120.61 feet to a point of deflection in said road Right-of-way.

Thence North 27 degrees, 22 minutes, 27 seconds West, along the Northwest Right-of-way of Front Street, a distance of 30.59 feet to a point of deflection in said road Right-of-way.

Thence South 51 degrees, 23 minutes, 33 seconds West, along the Northwesterly Right-of way of Front Street, a distance of 523.81 feet to the True Point of Beginning.

Containing 1,534,717.72 square feet or 35.2323 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 combination of field surveys prepared by Lewandowski Engineers and record plat data.

SECTION 2. That the approval of the Special Use Permit for Community Recreation- Active for a new Metropark for a site located at 0 Riverside Drive, City of Toledo, Lucas County, Ohio; shall be subject to compliance with the 4 conditions as follows:

The following four (4) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

1. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
2. Approval of the Special Use Permit will lapse after one (1) year if the criteria listed in TMC§1111.0707 have not been met.
3. Minor adjustments to the Site Plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
4. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

SECTION 3. That when the conditions contained herein above have been complied with, the Secretary of the Toledo City Plan Commission be and he is hereby directed to change the zoning maps to conform with the within Ordinance.

SECTION 4. That this Ordinance hereby 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 same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to provide for the orderly regulation and use of the property and to protect the land value in the area.

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