



## Legislation Text

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**File #:** O-453-23, **Version:** 1

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Zoning & Planning Committee

**Declaring the vacation of a portion of Fassett Street, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The Council of the City of Toledo, by Resolution No. 153-23 adopted on March 21, 2023, declaring its intent to vacate a portion of Fassett Street, in the City of Toledo, Lucas County, Ohio.

On May 11, 2023, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of Fassett Street, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on June 14, 2023, sent as approved the request for the vacation of a portion of Fassett Street, in the City of Toledo, Lucas County, Ohio.

The Board of Revision met on August 3, 2023 and approved the request for the vacation of a portion of Fassett Street, 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 \$10,675.00 have been waived as the City of Toledo is the applicant.

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 portion of Fassett Street, in the City of Toledo, Lucas County, Ohio; and more fully described as follows:

All of Fassett Street located Southeasterly of Relocated South Avenue and Northwesterly of the Norfolk Southern Rail Road. Together with the area of Fassett Street running southeasterly of the Easterly right of way of Interstate 75 to the Northwesterly right of way of Relocated South Avenue.

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.

Law Department

1. Within the allowed limits 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 the indemnification shall be kept in the permanent file o the Clerk of Council.

Buckeye Cable System Inc.

- 2. Buckeye Cablevision, Inc., dba Buckeye Broadband has aerial cable on the Toledo Edison Pole line that lies within the Walbridge Avenue Right-of-Way. Buckeye will need to maintain access to its facilities.

Plan Commission

- 3. The proposed vacation cannot result in the loss of access for any abutting properties.
- 4. A Site Plan Review and Maumee Riverfront Overlay District Review shall be required for any future developments within the vacated area in accordance with the provisions of the Toledo Municipal Code.

SECTION 3. That the Real Estate Section of the Department of Economic 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 \_\_\_\_\_, 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