



## Legislation Text

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**File #: R-283-23, Version: 1**

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The Clerk Reports

**Declaring the intent to vacate a portion of Utica Street, adjacent to Lot 3, within the Bell and Corbusier Partition Plat, all within the City of Toledo, Lucas County Ohio; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

Petitioner has filed a request to vacate a portion of Utica Street, adjacent to Lot 3, within the Bell and Corbusier Partition Plat, all within the City of Toledo, Lucas County Ohio all within the City of Toledo, Lucas County Ohio.

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

SECTION 1. That the City Council does hereby declare its intent to vacate that portion of Utica Street, further described below:

**Legal Description of Proposed Utica Street Vacation:**

Being part of Utica Street in Bell and Corbusier Partition Plat, as recorded in Lucas County Deed Volume 99, Page 238 in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a stone with drill hole monument found at the centerline intersection of Bancroft Street and Elm Street.

Thence South 31 degrees, 44 minutes, 52 seconds East, along the centerline of Elm Street, a distance of 327.00 feet to a point on the Southwesterly prolongation of Lot 3 in Bell and Corbusier Partition Plat.

Thence North 58 degrees, 21 minutes, 57 seconds East, along the Southwesterly prolongation of Lot 3, a distance of 41.25 feet to a railroad spike with cross set at the intersection of the Northeasterly Right-of-way of Elm Street and the Northwesterly Right-of-way of Utica Street, said point also being the Southerly most corner of Lot 3, said point also being the Southerly most corner of a parcel of land as conveyed to Lucas County Land Reutilization Corporation, as recorded in Lucas County Official Record 20211020-0055787, said point also being the True Point of Beginning.

Course 1: Thence continuing North 58 degrees, 21 minutes, 57 seconds East, along the Southeasterly line of Lot 3 and a parcel of land as conveyed to Lucas County Land Reutilization Corporation, a distance of 198.70 feet to the Easterly most corner of Lot 3, said point also being on the Northeasterly end of Utica Street.

Course 2: Thence South 31 degrees, 44 minutes, 52 seconds East, along the Northeasterly end of Utica Street, a distance of 50.00 feet to the Northerly most corner of a parcel of land as conveyed to Ameer and Zayn, LLC, as recorded in Lucas County Official Record 20220720-0032382.

Course 3: Thence South 58 degrees, 21 minutes, 57 seconds West, along the Northwesterly line of Ameer and Zayn, LLC, a distance of 198.70 feet to a point on the Northeasterly Right-of-way of Elm Street.

Course 4: Thence North 31 degrees, 44 minutes, 52 seconds West, along the Northeasterly Right-of-way of Elm Street, a distance of 50.00 feet to the True Point of Beginning.

Containing 9,934.98 square feet or 0.2281 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 between January 24, 2023 and January 27, 2023.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. 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 Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

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

Adopted: May 16, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

May 16, 2023  
Wade Kapszukiewicz  
Mayor