



## Legislation Text

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**File #:** O-565-22, **Version:** 1

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Zoning & Planning Committee

**Declaring the vacation of all Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River, in the City of Toledo, Lucas County Ohio; subject to certain conditions and the waiving of fees; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 187-22 adopted on August 17, 2022, declaring its intent to vacate the Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River; as more fully described in Section 1 hereof.

On May 12, 2022, the Toledo City Plan Commission recommended approval of the request for the vacation of the Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River, Toledo, Lucas County Ohio.

The City Council Zoning and Planning Committee on June 15, 2022, sent as approved the request for the vacation of Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River, Toledo, Lucas County Ohio.

The Board of Revision met on October 6, 2022 and approved the request for the vacation of the Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River, Toledo, Lucas County Ohio.

Ordinance 22-22 was passed January 18, 2022, containing a drawing that was in error to the area to be vacated. This ordinance will repeal that Ordinance, 22-22, resulting in that vacation area being added to this study and ordinance and being vacated within.

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.

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 Rights of ways located at the terminus of Marina Drive, between Front Street, the Craig St. bridge, and the Maumee River, Toledo, Lucas County Ohio; and more fully described as follows:

Legal Description of Proposed Front Street Right-of-way Vacation: Being part of Front Street adjacent to part of lots 1 and 2 in Wilson Addition, as recorded in Lucas County Plat Volume 17, Page 21, 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 712.23 feet to an aluminum plat monument found.

Thence North 37 degrees, 58 minutes, 28 seconds West, a distance of 50.00 feet to the True Point of Beginning.

Thence North 38 degrees, 25 minutes, 16 seconds West, a distance of 10.00 feet to a magnetic nail set on the Northwesterly Right-of-way of Front Street.

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

Thence North 42 degrees, 23 minutes, 54 seconds East, a distance of 186.83 feet to a 1/2 inch galvanized steel pipe set.

Thence North 34 degrees, 11 minutes, 43 seconds East, a distance of 185.94 feet to a 1/2 inch galvanized steel pipe set.

Thence North 47 degrees, 33 minutes, 44 seconds East, a distance of 103.05 feet to a 1/2 inch galvanized steel pipe set.

Thence North 64 degrees, 57 minutes, 54 seconds East, a distance of 205.30 feet to a 1/2 inch galvanized steel pipe set.

Thence North 60 degrees, 20 minutes, 14 seconds East, a distance of 200.17 feet to a 5/8 inch iron bar monument found on the Northwesterly Right-of-way of Front Street.

Thence South 25 degrees, 46 minutes, 16 seconds East, a distance of 2.89 feet to a point of curvature.

Thence traversing a non-tangent arc to the right, having a radius of 50.00 feet, a tangent length of 46.67 feet, a central angle of 86 degrees, 03 minutes, 13 seconds, a chord bearing of South 17 degrees, 15 minutes, 20 seconds West, a chord distance of 68.23 feet and an arc length of 75.10 feet to a point.

Thence South 60 degrees, 16 minutes, 57 seconds West, a distance of 152.56 feet to a point of curvature.

Thence traversing a non-tangent arc to the left, having a radius of 1,466.54 feet, a tangent length of 200.70 feet, a central angle of 15 degrees, 35 minutes, 07 seconds, a chord bearing of South 52 degrees, 31 minutes, 55 seconds West, a chord distance of 397.69 feet and an arc length of 398.92 feet to a point.

Thence South 45 degrees, 18 minutes, 24 seconds West, a distance of 112.24 feet to a point.

Thence South 51 degrees, 17 minutes, 49 seconds West, a distance of 145.25 feet to the True Point of Beginning.

Containing 43,375.90 square feet or 0.9958 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.

Legal Description of Proposed ODOT Excess Lands Vacation: Being part of Lots 1 and 2 in Wilson Addition as recorded in Lucas County Plat Volume 17, Page 21, 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 712.23 feet to an aluminum plat monument found.

Thence North 38 degrees, 02 minutes, 56 seconds West, a distance of 60.00 feet to a magnetic nail set on the Northwesterly Right-of-way of Front Street, said point also being on the West line of Parcel 1-EXT1 in the Extinguishment of Easement, as recorded in Lucas County Official Record 20160705-0025785, said point also being the True Point of Beginning.

The following five courses are along the Northwesterly line of Parcel 1-EXT1 in the Extinguishment of Easement:

Thence continuing North 38 degrees, 25 minutes, 16 seconds West, a distance of 58.19 feet to a 1/2 inch galvanized steel pipe set.

Thence North 21 degrees, 07 minutes, 13 seconds East, a distance of 202.50 feet to a 5/8 inch iron bar monument found.

Thence North 25 degrees, 17 minutes, 27 seconds East, a distance of 408.83 feet to a 1/2 inch galvanized steel pipe set.

Thence North 06 degrees, 15 minutes, 47 seconds East, a distance of 312.36 feet to a 1/2 inch galvanized steel pipe set.

Thence North 16 degrees, 07 minutes, 28 seconds West, passing a 1/2 inch galvanized steel pipe set at a distance of 212.21 feet, an overall distance of 226.39 feet to a point on the North line of Extinguishment.

Thence North 55 degrees, 09 minutes, 41 seconds East, along the North line of Extinguishment, a distance of 178.85 feet to a magnetic nail found on the Southwesterly Right-of-way of Craig Bridge Street.

The following four courses are along the Southwesterly Right-of-way of Craig Bridge Street:

Thence South 26 degrees, 03 minutes, 05 seconds East, a distance of 102.96 feet to a 5/8 inch iron bar monument found.

Thence South 08 degrees, 33 minutes, 21 seconds East, a distance of 83.82 feet to a 5/8 inch iron bar monument found.

Thence South 41 degrees, 59 minutes, 21 seconds East, a distance of 104.17 feet to a 5/8 inch iron bar monument found.

Thence South 25 degrees, 46 minutes, 16 seconds East, a distance of 482.18 feet to a 5/8 inch iron bar monument found on the Northwesterly Right-of-way of Front Street.

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

Thence South 60 degrees, 20 minutes, 14 seconds West, a distance of 200.17 feet to a 1/2 inch galvanized steel pipe set.

Thence South 64 degrees, 57 minutes, 54 seconds West, a distance of 205.30 feet to a 1/2 inch galvanized steel pipe set.

Thence South 47 degrees, 33 minutes, 44 seconds West, a distance of 103.05 feet to a 1/2 inch galvanized steel pipe set.

Thence South 34 degrees, 11 minutes, 43 seconds West, a distance of 185.94 feet to a 1/2 inch galvanized steel pipe set.

Thence South 42 degrees, 23 minutes, 54 seconds West, a distance of 186.83 feet to the True Point of Beginning.

Containing 298,794.76 square feet or 6.8594 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.

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 five (5) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A 72-Inch public water main crosses two of the three parcels. An easement shall be provided.
2. Ordinance shall note that an easement for a public storm and sanitary sewer is provided across the entire vacation (if not specified in detail between now and then and approved as to content of detail).

Toledo Area Regional Transit Authority

3. TARTA has a bus stop located Southeast of the Front St Marina at the 20' strip vacation highlighted in the reference map.

The location has continuous sidewalk which connects to the nearby walking path. This spot is important for access to the transit system from nearby neighborhoods and destinations. As such, TARTA intends to maintain this as a bus stop.

TARTA requests to be consulted on changes to that location to ensure reasonable accommodations can be made for transit customers. TARTA can approve the vacation as long as transit access can be maintained.

Division of Transportation

4. 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

5. 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 a full width easement in favor of the City is retained across, under and through said vacated area as described in Section 1 herein for the City's future maintenance, repair, and replacement of the existing sewer, water and/or storm water facilities located in the vacated area. All City facilities located within

said vacated area are hereby dedicated to the City for exclusive City utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City. The City shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City’s removal of any barriers which impede the City ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument.

SECTION 4. Fees totaling \$157,999.56 have been waived according to a development agreement with the Metroparks.

SECTION 5. This ordinance will also repeal Ordinance 22-22 as it pertained in part to the same area vacated in this ordinance.

SECTION 6. 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 7. 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 8. 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