



## Legislation Text

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**File #: O-569-21, Version: 1**

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Zoning & Planning Committee

**Declaring the vacation of the alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> 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. 257-21 adopted on May 11, 2021, declaring its intent to vacate the alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio; as more fully described in Section 1 hereof.

On June 10, 2021, the Toledo City Plan Commission recommended approval of the request for the vacation of the alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on July 14, 2021, sent as approved the request for the vacation of the alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

The Board of Revision met on October 21, 2021 and approved the request for the vacation of the alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> 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.

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 alley bounded by Madison Avenue and Jefferson Avenue between 19<sup>th</sup> Street and 20<sup>th</sup> Street, in the City of Toledo, Lucas County, Ohio.

Vacating the 10-foot alley between 19<sup>th</sup> Street and 20<sup>th</sup> Street.

Legal Description of Proposed 10-Foot Wide Alley Vacation Between 19<sup>th</sup> Street and 20<sup>th</sup> Street: Being in the

City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a stone with cross found at the centerline intersection of Madison Avenue and 19<sup>th</sup> Street. Thence South 32 degrees, 27 minutes, 27 seconds West, along the centerline of 19<sup>th</sup> Street, a distance of 33.00 feet to a point on the Southwesterly 33.00 foot Right-of-way of Madison Avenue.

Thence North 57 degrees, 34 minutes, 52 seconds West, along the Southwesterly 33.00 foot Right-of-way of Madison Avenue, a distance of 33.00 feet to a point on the Northwesterly 33.00 foot Right-of-way of 19<sup>th</sup> Street.

Thence South 32 degrees, 27 minutes, 27 seconds West, along the Northwesterly 33.00 foot Right-of-way of 19<sup>th</sup> Street, a distance of 370.75 feet to a point on the Northeasterly Right-of-way of 10.00 foot wide Alley, said point being the True Point of Beginning.

Course 1: Thence continuing South 32 degrees, 27 minutes, 27 seconds West, along the Northwesterly 33.00 foot Right-of-way of 19<sup>th</sup> Street, a distance of 10.00 feet to a point on the Southwesterly Right-of-way of a 10.00 foot wide Alley.

Course 2: Thence North 57 degrees, 32 minutes, 57 seconds West, along the Southwesterly Right-of-way of a 10.00 foot wide Alley, a distance of 200.44 feet to a point on the Southeasterly 33.00 foot Right-of-way of 20<sup>th</sup> Street.

Course 3: Thence North 32 degrees, 25 minutes, 46 seconds East, along the Southeasterly 33.00 foot Right-of-way of 20<sup>th</sup> Street, a distance of 10.00 feet to a point on the Northeasterly Right-of-way of a 10.00 foot wide Alley.

Course 4: Thence South 57 degrees, 32 minutes, 57 seconds East, along the Northeasterly Right-of-way of a 10.00 wide Alley, a distance of 200.45 feet to the True Point of Beginning.

Containing 2,004.45 square feet or 0.0460 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 April 23, 2021.

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

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

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. Adjacent parcels that are not part of the current development proposal shall have their surface drainage accommodated, as needed, by the developer of the vacated land, as said parcels may lack modern internal drainage and drain instead by surface flow to the right of way that is proposed to be vacated.

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.

