



Legislation Text

File #: O-644-22, **Version:** 1

Zoning & Planning Committee

Declaring to vacate the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within the City of Toledo, Lucas County Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 203-22 adopted on April 26, 2022, declaring its intent to vacate the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within the City of Toledo, Lucas County Ohio.

On July 14, 2022, the Toledo City Plan Commission recommended approval of the request for the vacation of the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within the City of Toledo, Lucas County Ohio.

The City Council Zoning and Planning Committee on August 17, 2022, sent as approved the request for the vacation of the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within the City of Toledo, Lucas County Ohio.

The Board of Revision met on November 17, 2022 and approved the request for the vacation of the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within 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 remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition, bounded by Clinton Street and Norwood Ave, all within the City of Toledo, Lucas County Ohio and more fully described as follows:
Part of the remaining unvacated alley within the subdivision of Lot 187 in Fair Ground Addition in accordance with Volume 17 of Plats, Page 10 of Lucas County Records. The area to be vacated being bound on the west by the easterly right of way line of Clinton Street (60 feet wide), on the east by the westerly line of the parcel of land owned by Pennsylvania Lines, LLC recorded in Deed OR 00 0301B09, and on the south by both the northerly line of Lot 10 in Fair Ground Addition and the prior vacated Alley as described in Ordinance 305-52, all in the City of Toledo, Lucas County, Ohio, and being more particularly described as follows:

Beginning at the southwest corner of Lot 1 in said Fair Ground Addition;

Thence along the southerly lines of Lots 1 through 7 (inclusive) in said Fair Ground Addition, a distance of 145.50 feet, more or less, to a point of deflection;

Thence in a southeasterly direction along the southerly lines of Lots 8 and 9 in said Fair Ground Addition, a distance of 54.28 feet, more or less, to the westerly line of a parcel of land owned by Pennsylvania Lines, LLC and recorded in Deed OR 00 0301B09;

Thence in a southwesterly direction along the westerly line of said parcel of land owned by Pennsylvania lines LLC, a distance of 45.91 feet, more or less, to a point on the northerly line of the prior vacated alley right of way as described in Ordinance 305-52, said point being 71.00 feet northeasterly of the northerly right of way line of Norwood Avenue;

Thence in a northwesterly direction at a right angle from the westerly line of said parcel owned by Pennsylvania Lines LLC and being along the northerly line of said prior vacated alley right of way as described in Ordinance 305-52, a distance of 24.00 feet, more or less, to a point of deflection;

Thence in a northerly direction along a line being 31.10 feet easterly of and parallel to the easterly line of Lot 10 in said Fair Ground Addition and being along the easterly line of said prior vacated alley right of way as described in Ordinance 305-52, a distance of 26.23 feet, more or less, to a point of deflection;

Thence in a northwesterly direction along a line being 16.00 feet south of and parallel to said Lot 8, said line also being the northerly line of said prior vacated alley right of way as described in Ordinance 305-52, a distance of 10.17 feet, more or less, to a point of deflection at a point on the easterly extension of Lot 10 in said Fair Ground Addition;

Thence in a westerly direction along the northerly line of said Lot 10 and its easterly extension thereof, and along the northerly line of said prior vacated alley right of way as described in Ordinance 305-52, a distance of 142.57 feet, more or less, to the northwest corner of said Lot 10 and being on the easterly right of way line of Clinton Street;

Thence in a northerly direction along the easterly right of way line of Clinton Street, a distance of 16.00 feet to the "Point of Beginning"

The area herein described contains 3,952 square feet, 0.091 acres of land, more or less. Subject to all legal highways, leases, easements, restrictions, and agreements of record.

The above description is based on Deeds, Plats and ordinances of record and is not a boundary survey pursuant to Chapter 4733-37 of the Ohio Administrative Code.

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.

Division of Engineering Services

1. There is a 12" sewer in the alley. If vacated the sewer will become private and the responsibility of the property owner to maintain.

Division of Transportation

2. 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 for permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of a final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Plan Commission

3. The proposed vacation cannot result in the loss of access for any abutting properties.
4. A Site Plan Review may 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 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 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 5. Land Fees totaling \$316.16 have been paid. The engineering fee of \$75.00 and the Recording fee of \$75.00 have been paid.

SECTION 6. 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 7. 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