



Legislation Text

File #: R-307-24, **Version:** 2

Intent to Vacate: Deline/Dulton/Nebraska
Clerk of Council

Declaring the intent to vacate the property located east of Deline Drive, north of Dulton Drive and west of 5751 Nebraska Avenue; and declaring an emergency.

SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate the property located east of Deline Drive, north of Dulton Drive and west of 5751 Nebraska Avenue, located in the city of Toledo, Lucas County, Ohio.

NOW THEREFORE, Be it resolved that:

SECTION 1: That the City Council does hereby declare its intent to vacate the property located east of Deline Drive, north of Dulton Drive and west of 5751 Nebraska Avenue, located in the city of Toledo, Lucas County, Ohio, further described below:

Being part of Dulton Drive adjacent to the former Toledo and Indiana Railroad, Nebraska Avenue and Deline Drive, being part of the Southwest Quarter of Section 2 in Town 2 United States Reserve of Twelve Miles Square at the Foot of the Rapids of the Miami of Lake Erie, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at railroad spike found at the centerline intersection of Deline Drive and Nebraska Avenue, said point also being on the East-West centerline of Section 2.

Thence North 89 degrees, 50 minutes, 55 seconds West, along the East-West centerline of Section 2, a distance of 83.78 feet to a point on the Northerly line of a parcel of land as conveyed to Brandon Rinebold, as recorded in Lucas County Official Record 20210816-0043122.

Thence South 00 degrees, 49 minutes, 33 seconds West, along the Northerly line of Rinebold, a distance of 29.83 feet to a 1/2 inch galvanized steel pipe set on the South Right-of-way of Nebraska Avenue, said point also being on the Northwesterly line of the former Toledo and Indiana Railroad, said point also being a point of deflection of the Northerly line of Rinebold.

Thence South 89 degrees, 42 minutes, 47 seconds East, along the South Right-of-way of Nebraska Avenue, said line also being the Northerly line of Rinebold, a distance of 50.18 feet to a 1/2 inch galvanized steel pipe set on the Northwest Right-of-way of Dulton Drive, said point also being on the Southeasterly line of the former Toledo and Indiana Railroad, from said point a 1/2 inch iron bar capped "4926" can be found 0.55 feet North and 0.28 feet East, said point also being the True Point of Beginning.

Course 1: Thence continuing South 89 degrees, 42 minutes, 47 minutes East, along the Easterly

prolongation of the South Right-of-way of Nebraska Avenue, a distance of 8.72 feet to a 1/2 inch galvanized steel pipe set on a line that is parallel with and 25.00 feet distant from the centerline of Deline Drive.

Course 2: Thence South 00 degrees, 35 minutes, 23 seconds West, along a line that is parallel with and 25.00 feet distant from the centerline of Deline Drive, a distance of 93.03 feet to a 1/2 inch galvanized steel pipe set on a line that is parallel with and 30.00 feet distant from the Southerly Right-of-way of Dulton Drive, said line also being the North line of Lot 225 in the plat of Oak Grove Gardens Second Extension, as recorded in Lucas County Plat Volume 33, Page 45.

Course 3: Thence North 89 degrees, 47 minutes, 24 seconds West, along a line that is parallel with and 30.00 feet distant from the Southerly Right-of-way of Dulton Drive, said line also being the North line of Lot 225 in the plat of Oak Grove Gardens Second Extension, a distance of 114.95 feet to a 1/2 inch galvanized steel pipe set on the Northwestern Right-of-way of Dulton Drive, said line also being the Southeasterly line of the former Toledo and Indiana Railroad.

Course 4: Thence North 49 degrees, 09 minutes, 45 seconds East, along the Northwest Right-of-way of Dulton Drive, said line also being the Southeasterly line of the former Toledo and Indiana Railroad, a distance of 141.68 feet to the True Point of Beginning.
Containing 5,753.31 square feet or 0.1321 acres of land.

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 10, nays 0.

Adopted: June 18, 2024, as an emergency measure: yeas 10, nays 0.

Attest:

Julie A. Gibbons
Clerk of Council

Carrie Hartman
President of Council

Approved:

June 18, 2024
Wade Kapszukiewicz
Mayor