



## Legislation Text

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**File #: O-586-23, Version: 1**

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Zoning & Planning Committee

**Declaring the vacation of the full 15.0 feet wide alley between North 12<sup>th</sup> Street, on the west and Canton Street on the east adjoining Lots 203 through 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 25, on the South, all within the Plat of Woodruffs Addition, 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. 281-23 adopted on May 16, 2023, declaring its intent to vacate the full 15.0 feet wide alley between North 12<sup>th</sup> Street, on the west and Canton Street on the east adjoining Lots 203 through 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 25, on the South, all within the Plat of Woodruffs Addition, all within the City of Toledo, Lucas County Ohio.

On July 13, 2023, the Toledo City Plan Commission recommended approval of the request for the vacation of the full 15.0 feet wide alley between North 12<sup>th</sup> Street, on the west and Canton Street on the east adjoining Lots 203 through 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 25, on the South, all within the Plat of Woodruffs Addition, all within the City of Toledo, Lucas County Ohio.

The City Council Zoning and Planning Committee on August 16, 2023, sent as approved the request for the vacation of the full 15.0 feet wide alley between North 12<sup>th</sup> Street, on the west and Canton Street on the east adjoining Lots 203 through 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 25, on the South, all within the Plat of Woodruffs Addition, all within the City of Toledo, Lucas County Ohio.

The Board of Revision met on September 29, 2023 and approved the request for the vacation of the full 15.0 feet wide alley between North 12<sup>th</sup> Street, on the west and Canton Street on the east adjoining Lots 203 through 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 25, on the South, all within the Plat of Woodruffs Addition, 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. Fees totaling \$4,430.38 have been paid.

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 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 more fully described as follows:

#### Alley Vacation

Being a 15-foot-wide alley, between North 12th Street, on the west and Canton Street on the east, adjoining Lots 203 thru 209 also Lot 211 on the north and Lots 227 thru 233 also Lot 225, on the South in Woodruffs Addition, (P.V 8, page 59) in the City of Toledo, Lucas County, Ohio. Being more particularly described as

follows; Commencing at a drill hole found in a stone in a monument box at the centerline intersection of Southard Avenue west and North 12th Street; Thence, South 00° 56' 11" East, along the centerline of North 12th Street, a distance of 185.02 feet to a point at the west prolongation of the north line of the 15.00 foot wide alley; Thence, North 89° 03' 49" East, along the said west prolongation, a distance of 40.00 feet to a KLF pin set at the east right-of-way line of North 12th Street and being the southwest corner of said Lot 203, said KLF pin being the Point of Beginning of the property described herein; Thence; North 89° 03' 49" East, along the said north alley line, adjoining the south line of Lots 203 thru 209 and Lot 211, of said Woodruffs Addition, a distance of 503.00 feet to a KLF pin set on the west right-of-way line of Canton Street; Thence, South 00° 56' 07" East, along the south prolongation of the said west right-of-way line, a distance of 15.00 feet to a KLF pin set on the south line of the 15.00 foot wide alley and being the northeast corner of Lot 225; Thence, South 89° 03' 49" West, along the said south alley line, adjoining the north line of Lots 225 and Lots 227 thru 233, of said Woodruffs Addition, a distance of 503.00 feet to a KLF pin set on the east right-of-way line of North 12th Street; Thence, North 00° 56' 11" West along the north prolongation of the said east right-of-way line, a distance of 15.00 feet, to the Point of Beginning. Containing 7545 square feet or 0.173 acres.

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 & Construction

1. A 24" sewer in alley to be abandoned as part of new construction project. Any portion left in service will become private and the responsibility of the property owner to maintain.

Division of Transportation

2. Transportation does not have any issues provided all owners of property abutting said alley agree to the vacation of said alley.

Law Department

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.
4. The Owners of the vacated area shall be responsible for the relocation of any utility facilities or equipment, whether owned by a public or private utility within the vacated area or preserving access to such utility facilities. Utility facilities include conduits, cables, wires, towers, poles, sewer lines, pipelines, gas and water lines, or other equipment of any railroad or public utility, located on, over or under the portion of the vacated area. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance and operation of Ohio law shall be obtained separately from each utility, as to their interest(s) only. The City of Toledo shall be released and held harmless for any liability, responsibility, costs, or damages resulting from Owner's' construction or activities in the vacated area, that interferes with any utility easement retained as a matter of law in

accord with Section 723.041 of the Ohio Revised Code.

SECTION 3. 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 4. 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 5. 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 12, nays 0.

Passed: October 24, 2023, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

October 24, 2023  
Wade Kapszukiewicz  
Mayor