



Legislation Text

File #: O-219-23, **Version:** 1

Zoning & Planning Committee

Declaring the vacation of a portion of Boers-Boyer Way, City of Toledo, Lucas County Ohio; waiving all fees; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 467-22 adopted on September 13, 2022, declaring its intent to vacate a portion of Boers-Boyer Way, in the City of Toledo, Lucas County Ohio.

On November 3, 2022, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of Boers-Boyer Way, City of Toledo, Lucas County Ohio.

The City Council Zoning & Planning Committee on December 7, 2022, sent as approved the request for the vacation of a portion of Boers-Boyer Way, City of Toledo, Lucas County Ohio.

The Board of Revision met on March 24, 2023 and approved the request for the vacation of a portion of Boers-Boyer Way, 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. During the vacation process it was determined the City of Toledo has waived all fees for this vacation.

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 Boers-Boyer Way, City of Toledo, Lucas County Ohio:

Legal Description of a portion of Boers - Boyer Way: Being part of Boers - Boyer Way, per Ordinance 751-07, as recorded in Lucas County Official Record 20080214-0007589, in River Tract 87 in the 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 a 3/8 inch iron bar monument found at the Southeast corner of Fractional Section 1, Town 10 South, Range 7 East, said point also being the centerline intersection of Oak Street and Navarre Avenue. Thence South 89 degrees, 14 minutes, 27 seconds West, along the South line of Fractional Section 1 and its Southwesterly prolongation, said line also being the centerline of Navarre Avenue, a distance of 1,503.68 feet to a point.

Thence North 00 degrees, 45 minutes, 33 seconds West, a distance of 47.67 feet to a 3/8 inch iron bar in concrete monument found at the Southwesterly corner of the unrecorded plat of Boers - Boyer Way, said point being the True Point of Beginning.

The following 14 courses are along the Northwesterly Right-of-way of Boers - Boyer Way:

Course 1: Thence North 16 degrees, 00 minutes, 54 seconds West, a distance of 183.73 feet to a 1/2 inch

galvanized steel pipe found at a point of curvature.

Course 2: Thence traversing a non-tangent arc to the right, having a radius of 2,914.93 feet, a tangent length of 258.83 feet, a central angle of 10 degrees, 08 minutes, 54 seconds, a chord bearing of North 14 degrees, 18 minutes, 34 seconds West, a chord distance of 515.63 feet and an arc length of 516.30 feet to a 1/2 inch galvanized steel pipe found.

Course 3: Thence North 09 degrees, 14 minutes, 22 seconds West, a distance of 38.40 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 4: Thence traversing a tangent arc to the right, having a radius of 4,784.23 feet, a tangent length of 171.72 feet, a central angle of 04 degrees, 06 minutes, 40 seconds, a chord bearing of North 07 degrees, 11 minutes, 02 seconds West, a chord distance of 343.21 feet and an arc length of 343.28 feet to a 1/2 inch galvanized steel pipe found.

Course 5: Thence North 05 degrees, 49 minutes, 06 seconds West, a distance of 464.28 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 6: Thence traversing a non-tangent arc to the right, having a radius of 500.00 feet, a tangent length of 22.70 feet, a central angle of 05 degrees, 11 minutes, 55 seconds, a chord bearing of North 03 degrees, 10 minutes, 50 seconds West, a chord distance of 45.35 feet and an arc length of 45.37 feet to a 1/2 inch galvanized steel pipe found.

Course 7: Thence North 00 degrees, 34 minutes, 52 seconds West, a distance of 60.64 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 8: Thence traversing a tangent arc to the right, having a radius of 1,200.00 feet, a tangent length of 175.53 feet, a central angle of 16 degrees, 38 minutes, 39 seconds, a chord bearing of North 07 degrees, 44 minutes, 27 seconds East, a chord distance of 347.37 feet and an arc length of 348.59 feet to a magnetic nail found.

Course 9: Thence North 16 degrees, 03 minutes, 47 seconds East, a distance of 448.32 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 10: Thence traversing a non-tangent arc to the right, having a radius of 500.00 feet, a tangent length of 26.93 feet, a central angle of 06 degrees, 10 minutes, 01 second, a chord bearing of North 19 degrees, 08 minutes, 48 seconds East, a chord distance of 53.79 feet and an arc length of 53.82 feet to a 1/2 inch galvanized steel pipe found.

Course 11: Thence North 22 degrees, 13 minutes, 49 seconds East, a distance of 340.31 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 12: Thence traversing a tangent arc to the right, having a radius of 500.00 feet, a tangent length of 21.25 feet, a central angle of 04 degrees, 52 minutes, 05 seconds, a chord bearing of North 24 degrees, 39 minutes, 52 seconds East, a chord distance of 42.47 feet and an arc length of 42.48 feet to a 1/2 inch galvanized steel pipe found.

Course 13: Thence North 27 degrees, 05 minutes, 57 seconds East, a distance of 692.57 feet to a magnetic nail found.

Course 14: Thence North 26 degrees, 19 minutes, 01 second East, a distance of 449.85 feet to the Southerly most corner of a parcel of land as conveyed to Louisville Title Agency for Northwest Ohio, Inc., as recorded in Lucas County Official Record 20210614-0029897, from said point a 5/8 inch iron bar can be found 0.07 feet Southeast.

Course 15: Thence South 59 degrees, 15 minutes, 09 seconds East, passing a 5/8 inch iron bar found at a distance of 0.07 feet, an overall distance of 50.15 feet to a point on the Southeasterly Right-of-way of Boers - Boyer Way.

The following 13 courses are along the Southeasterly Right-of-way of Boers - Boyer Way:

Course 16: Thence South 26 degrees, 19 minutes, 01 second West, a distance of 445.99 feet to a 1/2 inch galvanized steel pipe found.

Course 17: Thence South 27 degrees, 05 minutes, 55 seconds West, a distance of 693.25 feet to a 1/2 inch

galvanized steel pipe found at a point of curvature.

Course 18: Thence traversing a non-tangent arc to the left, having a radius of 450.00 feet, a tangent length of 19.13 feet, a central angle of 04 degrees, 52 minutes, 09 seconds, a chord bearing of South 24 degrees, 39 minutes, 52 seconds West, a chord distance of 38.23 feet and an arc length of 38.24 feet to a 1/2 inch galvanized steel pipe found.

Course 19: Thence South 22 degrees, 13 minutes, 49 seconds West, a distance of 340.31 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 20: Thence traversing a non-tangent arc to the left, having a radius of 450.00 feet, a tangent length of 24.24 feet, a central angle of 06 degrees, 10 minutes, 00 seconds, a chord bearing of South 19 degrees, 08 minutes, 48 seconds West, a chord distance of 48.41 feet and an arc length of 48.43 feet to a 1/2 inch galvanized steel pipe found.

Course 21: Thence South 16 degrees, 03 minutes, 47 seconds West, a distance of 448.32 feet to a magnetic nail found at a point of curvature.

Course 22: Thence traversing a tangent arc to the left, having a radius of 1,150.00 feet, a tangent length of 168.22 feet, a central angle of 16 degrees, 38 minutes, 40 seconds, a chord bearing of South 07 degrees, 44 minutes, 27 seconds West, a chord distance of 332.90 feet and an arc length of 334.07 feet to a magnetic nail found.

Course 23: Thence South 00 degrees, 34 minutes, 52 seconds East, a distance of 60.64 feet to a magnetic nail found at a point of curvature.

Course 24: Thence traversing a tangent arc to the left, having a radius of 450.00 feet, a tangent length of 20.43 feet, a central angle of 05 degrees, 11 minutes, 57 seconds, a chord bearing of South 03 degrees, 10 minutes, 50 seconds East, a chord distance of 40.82 feet and an arc length of 40.83 feet to a 1/2 inch galvanized steel pipe found.

Course 25: Thence South 05 degrees, 49 minutes, 06 seconds East, a distance of 464.55 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 26: Thence traversing a non-tangent arc to the left, having a radius of 4,734.23 feet, a tangent length of 170.07 feet, a central angle of 04 degrees, 06 minutes, 53 seconds, a chord bearing of South 07 degrees, 10 minutes, 55 seconds East, a chord distance of 339.92 feet and an arc length of 339.99 feet to a 1/2 inch galvanized steel pipe found.

Course 27: Thence South 09 degrees, 14 minutes, 22 seconds East, a distance of 38.40 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Course 28: Thence traversing a non-tangent arc to the left, having a radius of 2,864.93 feet, a tangent length of 352.11 feet, a central angle of 14 degrees, 00 minutes, 48 seconds, a chord bearing of South 16 degrees, 14 minutes, 31 seconds East, a chord distance of 698.96 feet and an arc length of 700.70 feet to a 1/2 inch galvanized steel pipe found on the North line of the Roadway Dedication Plat for a Portion of Relocated Miami Street, per Ordinance 883-01, as recorded in Lucas County Deed 01-711A06.

Course 29: Thence South 78 degrees, 49 minutes, 31 seconds West, along the North line of the Roadway Dedication Plat for a Portion of Relocated Miami Street, a distance of 68.00 feet to the True Point of Beginning. Containing 201,954.50 square feet or 4.6362 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 August 09, 2022.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following 5 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. Site shall be platted with easements to the satisfaction of the Division of Engineering & Construction Management for the City of Toledo.

Division of Traffic Management

2. A turn around or other arrangement to the satisfaction of the Division of Traffic Management shall be provided.

Plan Commission

3. A petition for a Zone Change from POS-Parks & Open Space and IG-General Industrial to POS-Parks & Open Space shall be submitted for the site prior to development.
4. A petition for a Special Use Permit for community recreation - active shall be submitted prior to development.
5. North arrow on survey drawing shall be corrected and pointed north.

SECTION 3. That the cost of land and all fees are hereby waived per the Development Agreement in the amount of \$189,406.37.

SECTION 4. That the city of Toledo relinquishes its rights to their half of the vacated portion described.

SECTION 5. 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 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 11, nays 0.

Passed: April 18, 2023, as an emergency measure: yeas 11, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved: April 18, 2023
 Wade Kapszukiewicz
 Mayor