



Legislation Text

File #: O-643-22, **Version:** 1

Zoning & Planning Committee

Declaring to vacate a portion of Y Street, south of Marine Drive abutting lots 22 and 23 in Airline Gardens, 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. 162-19 adopted on April 2, 2019, declaring its intent to vacate that portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens, all within the City of Toledo, Lucas County Ohio.

On June 13, 2019, the Toledo City Plan Commission recommended approval of the request for the vacation of that portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens, all within the City of Toledo, Lucas County Ohio.

The City Council Zoning and Planning Committee on April 14, 2021, sent as approved the request for the vacation of that portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens, 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 that portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens, 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 that portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens, all within the City of Toledo, Lucas County Ohio. And more fully described as follows:

That portion of Y Street, south of Marine Drive, abutting Lots 22 and 23 in Airline Gardens,

SECTION 2. 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 3. 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 4. Land Fees totaling \$ 617.10 have been paid. The engineering fee of \$75.00 and the Recording fee of \$75.00 have been paid.

SECTION 5. 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 6. 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