



## Legislation Text

File #: O-463-19, Version: 1

DPU100119STATEEASEMENTDETROIT

Utilities Administration

Jamie Miller (x1409)

(Revised)

**Authorizing the mayor to enter into an easement agreement with the State of Ohio, together with subsequent renewals and/or replacements as necessary and appropriate, for roadway and sewer rights-of-way along portions of Detroit and Arlington Avenues; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The State of Ohio is the fee owner of approximately 30+/- acres of property located at 1101 S. Detroit Avenue (TD 18-07653), which has frontage along both Detroit and Arlington Avenues. On or about July 1, 1976, the City of Toledo entered into Easement Agreements with the State of Ohio, through the Department of Administrative Services, for the construction and maintenance of certain roadway and sewer utility improvements along portions of Detroit and Arlington Avenues.

The original Easement Agreements were each for a term of forty (40) years and expired on or about June 30, 2016. The roadway and sewer utilities that were constructed as part of those agreements are still in place and an active part of the city's current roadway and sewer utility infrastructure systems. Therefore, it is necessary to enter into a new easement agreement to preserve the city's rights and interests in these improvements.

Pursuant to the current provisions of Ohio Revised Code Section 123.01(A)(5), the state may grant easements for a period of no more than fifteen (15) years. Therefore, the easement(s) will need to be renewed and/or replaced every fifteen (15) years, so long as the infrastructure is still active and/or in use. The roadway and sewer infrastructure that are the subject of the previous easements are still active for the use and/or benefit of the City of Toledo and its citizens.

This ordinance is to authorize the execution of a current Easement Agreement with the State of Ohio, at no cost and expiring on August 31, 2034, together with subsequent renewals and/or replacements as necessary so long as the infrastructure remains active, to protect the city's rights to and interests in certain roadway and sewer utility improvements along portions of Detroit and Arlington Avenues.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$0
- The expenditure budget line item: none
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? no
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? existing
- What section of the City's Strategic Plan does this support:

- Excellence in Basic Services (yes/no) yes
- Quality Community Investment (Livable City, Development) (yes/no) no
- Workplace Culture & Customer Service (yes/no) no
- Environment (yes/no) yes

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the mayor is authorized to enter into an Easement Agreement with the State of Ohio, as well as subsequent under such terms and conditions as the mayor may deem requisite and proper and shall be subject to approval by the Directors of Law and Public Utilities.

SECTION 2. That the Real Estate Section is directed to cause a copy of said properly executed easement document to be recorded in the records of the Lucas County Recorder.

SECTION 3. That it is 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 resulted 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 4. That this ordinance is 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 this ordinance 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 in order to preserve the city's rights and interests in the public infrastructure.

**Vote on emergency clause: yeas 12, nays 0.**

**Passed: October 1, 2019, as an emergency measure: yeas 12, nays 0.**

**Attest:**

**Gerald E. Dendinger  
Clerk of Council**

**Matt Cherry  
President of Council**

**Approved:**

**October 1, 2019  
Wade Kapszukiewicz  
Mayor**