



Legislation Text

File #: R-446-19, **Version:** 1

All Council Members

Declaring the intent to vacate the 60-foot strip adjacent to Lots 7 and 8 in the Plat of West Central Stores and the 60 foot strip adjacent to Lots 181-184, 201 202 in the Plat of Kingston, AKA Briar Cliff Street Vacation, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate the 60-foot strip adjacent to Lots 7 and 8 in the Plat of West Central Stores and the 60 foot strip adjacent to Lots 181-184, 201 202 in the Plat of Kingston, AKA Briar Cliff Street Vacation, in the City of Toledo, Lucas County, Ohio.

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

SECTION 1. That the City Council does hereby declare its intent to vacate the 60-foot strip adjacent to Lots 7 and 8 in the Plat of West Central Stores and the 60 foot strip adjacent to Lots 181-184, 201 202 in the Plat of Kingston, AKA Briar Cliff Street Vacation, in the City of Toledo, Lucas County, Ohio; further described below:

Legal Description of Proposed Briar Cliff Vacation: in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a 1 inch iron bar found at the intersection of Central Avenue and Briar Cliff Road.

Thence South 00 degrees, 09 minutes, 10 seconds East, along the centerline of Briar Cliff Road, a distance of 40.00 feet to a point, said point being the True Point of Beginning.

Thence continuing South 00 degrees, 09 minutes, 10 seconds East, along the centerline of Briar Cliff Road, a distance of 15.00 feet to a point.

Thence North 89 degrees, 49 minutes, 00 seconds East, a distance of 30.00 feet to a point on the East Right-of-way of Briar Cliff Road.

The following four courses are along the East Right-of-way of Briar Cliff Road.

Thence South 00 degrees, 09 minutes, 10 seconds East, a distance of 80.79 feet to a point of curvature.

Thence traversing a non-tangent arc to the left having a radius of 150.00 feet, a tangent length of 61.49 feet, a central angle of 44 degrees, 34 minutes, 56 seconds, a chord bearing of South 21 degrees, 40 minutes, 17 seconds East, a chord distance of 113.79 feet and an arc length of 116.72 feet to a point of curvature.

Thence traversing a non-tangent arc to the left having a radius of 84.70 feet, a tangent length of 34.43 feet, a

central angle of 44 degrees, 14 minutes, 54 seconds, a chord bearing of South 64 degrees, 56 minutes, 52 seconds East, a chord distance of 63.80 feet and an arc length of 65.41 feet to a point.

Thence South 87 degrees, 23 minutes, 31 seconds East, a distance of 61.65 feet to a point of curvature on the North Right-of-way of Jermain Drive.

The following two courses are along the North Right-of-way of Jermain Drive.

Thence traversing a non-tangent arc to the left having a radius of 181.41 feet, a tangent length of 60.10 feet, a central angle of 36 degrees, 39 minutes, 40 seconds, a chord bearing of South 74 degrees, 16 minutes, 39 seconds West, a chord distance of 114.11 feet and an arc length of 116.08 feet to a point.

Thence South 55 degrees, 56 minutes, 49 seconds West, a distance of 54.78 feet to a point of curvature on the West Right-of-way of Briar Cliff Road.

The following three courses are along the West Right-of-way of Briar Cliff Road.

Thence traversing a non-tangent arc to the left having a radius of 25.42 feet, a tangent length of 32.41 feet, a central angle of 103 degrees, 46 minutes, 39 seconds, a chord bearing of North 04 degrees, 03 minutes, 30 seconds East, a chord distance of 40.00 feet and an arc length of 46.04 feet to a point curvature.

Thence traversing a non-tangent arc to the right having a radius of 210.00 feet, a tangent length of 94.23 feet, a central angle of 48 degrees, 19 minutes, 53 seconds, a chord bearing of North 23 degrees, 39 minutes, 53 seconds West, a chord distance of 171.94 feet and an arc length of 177.14 feet to a point.

Thence North 00 degrees, 09 minutes, 10 seconds West, a distance of 95.40 feet to a point on the Easterly prolongation of the Southerly existing 40 foot Right-of-way of Central Avenue.

Thence North 89 degrees, 50 minutes, 33 seconds East, along the Easterly prolongation of the Southerly existing 40 foot Right-of-way of Central Avenue, a distance of 30.00 feet to the True Point of Beginning.

Containing 17,702.58 square feet or 0.4064 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 September 4, 2019.

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 12, nays 0.

Passed: September 17, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

**Gerald E. Dendinger
Clerk of Council**

**Matt Cherry
President of Council**

Approved:

**September 17, 2019
Wade Kapszukiewicz
Mayor**