



## Legislation Text

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**File #: O-159-19, Version: 1**

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Zoning & Planning Committee

**Declaring the vacation of an alley colloquially known as Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378, City of Toledo, Lucas County, Ohio; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The Council of the City of Toledo, by Resolution No. 459-18 adopted on October 23, 2018, declaring its intent to vacate that portion of the alley colloquially known as Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378, in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 hereof.

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 received 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 that portion of the alley colloquially known as Part of Tryon Lane; being part of LK Parks Subdivision of Lot 378, in the City of Toledo, Lucas County, Ohio; and more fully described as follows:

Commencing at a 1 inch iron bar monument found at the intersection of the centerlines of Maplewood Avenue and Monroe Street.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the centerline of Monroe Street, a distance of 701.64 feet to a point.

Thence North 30 degrees, 28 minutes, 40 seconds East, a distance of 40.02 feet to a 1/2 inch galvanized steel pipe set on the Northeast 40 foot Right-of-way of Monroe Street, said point also being on a line that is parallel with is 20 feet distant from the Southeast line of Lot 5 in LK Parks Subdivision, said point also being the True Point of Beginning.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the North Right-of-way of Monroe Street, a distance of 20.01 feet to drill hole set on the Southeast line of Lot 5 in LK Parks Subdivision of Lot 378, as recorded in Lucas County Plat Volume 13, Page 31.

Thence North 30 degrees, 28 minutes, 40 seconds East, along the Southeast line of Lot 5, a distance of 150.08 feet to a point on the Southwest line of a 15 foot wide alley, said line also being the Northeast line of Lot 5.

Thence North 57 degrees, 36 minutes, 47 seconds West, along the Northeast line of Lot 5, said line also being the Southwest line of a 15 foot wide alley, a distance of 17.97 feet to a point on the Southerly prolongation of the East line of Lot 34 in LK Parks Subdivision.

Thence North 00 degrees, 42 minutes, 44 seconds West, along the East line of Lot 34 in LK Parks Subdivision and its Southerly prolongation, a distance of 137.72 feet to a magnetic nail set on the North line of Lot 34 in LK

Parks Subdivision.

Thence South 88 degrees, 51 minutes, 13 seconds West, along the North line of Lot 34, a distance of 138.54 feet to a point.

Thence North 01 degree, 08 minutes, 47 seconds West, a distance of 15.00 feet to a point on the South line of Lot 23 in LK Parks Subdivision.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lots 23, 24 and 25 in LK Parks Subdivision, a distance of 128.65 feet to a point on the East line of Lot 25.

Thence North 00 degrees, 42 minutes, 44 seconds West, along the East line of Lot 25, a distance of 10.00 feet to a point on the South line of Lot 26 in LK Parks Subdivision.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lot 26, a distance of 25.00 feet to a point on the West line of Lot 29 in LK Parks Subdivision.

Thence South 00 degrees, 42 minutes, 44 seconds East, along the West line of Lot 29, 30 and 31, a distance of 115.00 feet to a point being the Southwest corner of Lot 31.

Thence North 88 degrees, 51 minutes, 13 seconds East, along the South line of Lot 31, a distance of 18.00 feet to a point.

Thence South 00 degrees, 42 minutes, 44 seconds East, a distance of 66.76 feet to a magnetic nail set on a line that is parallel with and 20 feet distant from the Southeast line of Lot 5 in LK Parks Subdivision.

Thence South 30 degrees, 28 minutes, 40 seconds West, along a line that is parallel with and 20 feet distant from the Southeast line of Lot 5, a distance of 152.36 feet to the True Point of Beginning.

Containing 8,837.84 square feet or 0.2029 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 24, 2018.

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following 6 (six) condition(s):

The following six (6) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: 419-245-1341

Roadway: ph. 419-245-1344

Water: ph. 419-936-2163

Stormwater Drainage: 419-245-3221; 419-245-1338

Sanitary Sewers: ph. 419-936-2276

2. Eliminate access on Monroe Street by removing existing ally apron, and installing new curb through existing right-of-way. The curb height should match the exiting curb on Monroe Street.
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419)-245-1220.

Contact 419) 245-1341 for inspection of above mentioned items.

4. Applicant shall relocate existing public sanitary sewer from the proposed vacated right of way. Alternatively, a full width easement shall be retained by the City of Toledo over vacated right of way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County's real estate records:

“That a full width easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing sewer and/or water facilities located in said vacated alley, together with any other utilities located therein, as they exist at the time of passage of this Ordinance. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls or other barriers, nor plant trees or other large vegetation which would impede access onto the easement. No temporary or permanent structures including building foundations, roof overhangs or other barriers denying access may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.”

#### Division of Transportation

5. The alley creates a dead-end and a turnaround will be required at the end of the remaining alley.

#### Plan Commissions

6. A Site Plan Review shall be required for any future developments on the Vacation area in accordance with the provisions of the Toledo Municipal Code Part Eleven, Planning and Zoning, Sec. 1111.0800, *Site Plan Review*.

SECTION 3. Payment of fees for costs was paid at the rate of \$5181.38.

SECTION 4. 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 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