



Legislation Text

File #: O-437-21, Version: 1

DPU081721APPROPRIATE3949RIVERRD.ORD

DPU Admin for Engineering Services

Jamie Miller (x1409)

Revised

Authorizing the Director of Law to proceed with the appropriation of portions of property owned by Toledo Country Club located at 3949 and 4576 River Road, respectively, required for the Anthony Wayne Trail Improvement Project (Detroit to Glendale); authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$20,800; and declaring an emergency.

SUMMARY & BACKGROUND:

The City is proceeding with the Anthony Wayne Trail Improvement Project, which will include a complete reconstruction and lane reduction of the Anthony Wayne Trail (Lucas County Route 25) roadway from Detroit Avenue to Glendale Avenue, as well as the construction of multi-use path and utility improvements, which will better meet the current needs of the public and enhance the aesthetic appearance in this area. The project will require the purchase of highway easements, totaling 0.5994 acres, more or less, across portions of properties located at 3949 and 4576 River Road, respectively, from Toledo Country Club. Negotiations with Toledo Country Club have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the City's interest in the right-of-way to be acquired and keep the project on schedule.

A copy of Resolution No. 371-21 has been served upon Toledo Country Club via Certified Express U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via "Quick Take" procedures.

This project will require the City to expend funds.

The fiscal impact of this ordinance is as follows:

- The amount of funds requested: \$20,800
- The expenditure budget line item: 5040-35000-8CP1903STREET
- 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)? yes
- Is this a capital project (yes/no)? yes
- If yes, is it new or existing (new/existing)? Existing roadway, new multi-use path
- What section of the City's Strategic Plan does this support:
 - o Excellence in Basic Services (yes/no) yes
 - o Quality Community Investment (Livable City, Development) (yes/no) no
 - o Workplace Culture & Customer Service (yes/no) no
 - o Environment (yes/no) no

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

SECTION 1. That the Director of Law is authorized to appropriate, from Toledo Country Club, portions of the real estate located at 3949 and 4576 River Road (TD 18-75671, 14-55317 & 14-55307), respectively, as more fully described in **Exhibit A** attached hereto and incorporated herein by reference.

SECTION 2. That the Director of Law be and hereby is authorized and directed to petition a court of proper jurisdiction to have a jury impaneled to inquire into and assess the compensation to be paid for the real estate described in Section 1 of this ordinance.

SECTION 3. That expenditure of \$20,800 is authorized from the Capital Improvement Fund Account Code 5040-35000-8CP1903STREET for deposit with the Lucas County Clerk of Courts for the purpose of appropriating the aforementioned property required for the Anthony Wayne Trail Improvement Project (Detroit to Glendale).

SECTION 4. That the Director of Finance is authorized to draw a warrant or warrants in payment of the above authorized obligations from the above listed account code in a total amount not to exceed \$20,800 upon presentation of proper vouchers.

SECTION 5. 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 the same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the filing of an appropriation action to acquire the property from Toledo Country Club is necessary for the timely construction of certain public roadway and other public improvements required for the Anthony Wayne Trail Improvement Project (Detroit to Glendale) being undertaken in conjunction with the Ohio Department of Transportation.

Vote on emergency clause: yeas 12, nays 0.

Passed: August 17, 2021, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

August 17, 2021
Wade Kapszukiewicz
Mayor