



## Legislation Details (With Text)

<b>File #:</b>	O-342-18	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Approved	
<b>File created:</b>	8/17/2018	<b>In control:</b>		Public Utilities Department	
<b>On agenda:</b>	8/28/2018	<b>Final action:</b>		8/28/2018	
<b>Title:</b>	Authorizing the director of law to proceed with the appropriation of a portion of the property located at 5074 Monroe Street, required for the Monroe Street Safety Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$31,413; and declaring an emergency.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Exhibit A				

Date	Ver.	Action By	Action	Result
8/28/2018	1	City Council		
8/28/2018	1	City Council		
8/28/2018	1	City Council		

DPU091118APPROPRIATE5074MONROE  
DPU Admin for Engineering Services  
Jamie Miller (x1409)  
(Revised)

**Authorizing the director of law to proceed with the appropriation of a portion of the property located at 5074 Monroe Street, required for the Monroe Street Safety Improvement Project; authorizing the expenditure and payment to the Lucas County Clerk of Courts in the amount of \$31,413; and declaring an emergency.**

### SUMMARY & BACKGROUND:

The city is proceeding with the construction of certain safety improvements along portions of Monroe Street, from Flanders Road to Secor Road. Some of the improvements to be constructed as part of this public improvement project will include reconstruction of Monroe Street roadway, construction center medians to restrict and limit left turns at certain areas, construction of designated turn lanes at certain intersections, and other necessary and related pedestrian walkway, utility and infrastructure improvements along Monroe Street between Flanders Road and Secor Road. The project will require the purchase of a total of 0.3408 acre of land, more or less, of which the present road occupies 0.3088 acre of land, more or less, for a net take area of 0.0320 acre of land more or less, in fee, and also requiring the purchase of a temporary construction easement consisting of 0.0149 acre of land, more or less, across portions of the property located at 5074 Monroe Street (TD Parcel 22-12371). This appropriation is necessary because negotiations between the city of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 266-18 has been served upon the title holder, as well as all other interested parties, via certified 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. The funds necessary for this expenditure were anticipated and budgeted within the Franklin Park/Westfield Municipal Public Improvement Tax Increment Fund.

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

SECTION 1. That the director of law is authorized to appropriate, in fee, a portion of the real estate located at and known as 5074 Monroe Street (TD Parcel 22-12371), and more fully described below:

PARCEL 46-WD

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE

WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Being a parcel of land situated in the Southwest Quarter of the Northwest Quarter of Section 18, Town-9-South, Range-7-East in Washington Township, Lucas County and all within the City of Toledo, State of Ohio and more fully described as follows:

Commencing at an Iron Rod Found within a Monument Box, marking the intersection of the centerlines of Monroe Street with Talmadge Road, both having varying right-of-way widths (said monument having a Plan Station along Monroe Street of 214+58.11 at 0.00 feet Left), and being the southwesterly corner of a parcel now or formerly in the name of “CRE JV Mixed Fifteen Branch Holdings, LLC”, recorded in Lucas County Microfiche Deed Record 20060815-0054192, and being the POINT OF BEGINNING for this description;

1. Thence NORTH 00°-33’-59” WEST for a distance of 185.37 feet to a point intersection of the northerly lot line of said “CRE JV Mixed Fifteen Branch Holdings, LLC” parcel and the centerline of Talmadge Road, said point having a Plan Station of 213+76.05 at 166.22 feet Left;
2. Thence NORTH 89°-26’-01” EAST on said northerly lot line for a distance of 40.00 feet to a point on the easterly right-of-way of said existing Talmadge Road, said point having a Plan Station of 214+11.92 at 183.93 feet Left;
3. Thence SOUTH 00°-33’-59” EAST and being parallel to said centerline of Talmadge Road for a distance of 137.52 feet to an Iron Bar Set with Plastic Cap, said iron bar having a Plan Station of 214+72.77 at 60.62 feet Left;
4. Thence SOUTH 32°-37’-24” EAST for a distance of 20.24 feet to an Iron Bar Set with Plastic Cap, said iron bar having a Plan Station of 214+90.00 at 50.00 feet Left;
5. Thence SOUTH 64°-16’-22” EAST and being parallel to the centerline of existing Monroe Street for a distance of 127.41 feet to an Iron Bar Set with Plastic Cap, said iron bar having a Plan Station of 216+17.41 at 50.00 feet Left;
6. Thence SOUTH 00°-33’-59” EAST and being parallel to the centerline of Talmadge Road for a distance of 55.77 feet to a point on the centerline of said Monroe Street, said point having a Plan Station of 216+42.11 at 0.00 feet Left;
7. Thence NORTH 64°-16’-22” WEST on said centerline of existing Monroe Street a distance of

184.01 feet to the POINT OF BEGINNING.

Containing 0.3408 acre of land, more or less, of which the present road occupies 0.3088 acre of land, more or less, for a NET TAKE AREA of 0.0320 acre of land more or less, subject to all legal highways, leases, easements and restrictions of record. The land in the above description is contained all within Lucas County Permanent Parcel Number 22-12371.

SECTION 2. That the director of law is further authorized to appropriate a temporary easement, for grading and property restorations purposes, across portion of the real estate located at and known as 5074 Monroe Street (TD Parcel 22-12371), and more fully described below:

**46-T**

**A NON-EXCLUSIVE TEMPORARY CONSTRUCTION EASEMENT  
FOR A PERIOD OF 12 MONTHS IMMEDIATELY FOLLOWING  
THE DATE ON WHICH WORK IS COMMENCED ON THE SUBJECT PROPERTY FOR  
THE PUBLIC IMPROVEMENT PROJECT**

Being a parcel of land situated in the Southwest Quarter of the Northwest Quarter of Section 18, Town-9-South, Range-7-East in Washington Township, Lucas County and all within the City of Toledo, State of Ohio and more fully described as follows:

Commencing at an Iron Rod Found within a Monument Box, marking the intersection of the centerlines of Monroe Street with Talmadge Road, both having varying right-of-way widths (said monument having a Plan Station along Monroe Street of 214+58.11 at 0.00 feet Left), and being the southwesterly corner of a parcel now or formerly in the name of "CRE JV Mixed Fifteen Branch Holdings, LLC", recorded in Lucas County Microfiche Deed Record 20060815-0054192, Thence NORTH 00°-33'-59" WEST for a distance of 185.37 feet to a point intersection of the northerly lot line of said "CRE JV Mixed Fifteen Branch Holdings, LLC" parcel and the centerline of Talmadge Road, said point having a Plan Station of 213+76.05 at 166.22 feet Left, Thence NORTH 89°-26'-01" EAST on said northerly lot line for a distance of 40.00 feet to a point on the easterly right-of-way of said existing Talmadge Road, said point having a Plan Station of 214+11.92 at 183.93 feet Left; Thence SOUTH 00°-33'-59" EAST and being parallel to said centerline of Talmadge Road for a distance of 137.52 feet to an Iron Bar Set with Plastic Cap, said iron bar having a Plan Station of 214+72.77 at 60.62 feet Left; Thence SOUTH 32°-37'-24" EAST for a distance of 10.71 feet to a point, said point having a Plan Station of 214+81.89 at 55.00 feet Left and being the POINT OF BEGINNING for this description;

1. Thence SOUTH 64°-16'-22" EAST and being parallel to the centerline of existing Monroe Street for a distance of 133.05 feet to a point on the east line of said "CRE JV Mixed Fifteen Branch Holdings, LLC" parcel, said point having a Plan Station of 216+14.94 at 55.00 feet Left;
2. Thence SOUTH 00°-33'-59" EAST and being parallel to the centerline of Talmadge Road for a distance of 5.58 feet to a point, said point having a Plan Station of 216+17.41 at 50.00 feet Left;
3. Thence NORTH 64°-16'-22" WEST and being parallel to said centerline of existing Monroe Street a distance of 127.41 feet to a point, said point having a Plan Station of 214+90.00 at 50.00 feet Left;

4. Thence NORTH 32°-37'-24" WEST for a distance of 9.53 feet to the POINT OF BEGINNING.

Containing 0.0149 acre of land, more or less, subject to all legal highways, leases, easements and restrictions of record. The land in the above description is contained all within Lucas County Permanent Parcel Number 22-12371.

SECTION 3. That the director of law is authorized 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 and property rights described in Sections 1 and 2 of this ordinance.

SECTION 4. That the total expenditure of \$31,413 is authorized from account code 5031-35000-8CT1801MONROE to the Lucas County Clerk of Courts, for the purpose of appropriating the aforementioned property required for the Monroe Street Safety Improvement Project.

SECTION 5. That the director of finance is authorized to draw her warrant or warrants in payment of obligations from the above listed account code in a total amount not to exceed \$31,413 upon presentation of proper vouchers.

SECTION 6. That it is found and determined that all formal actions of Council concerning and relating to the passage of this ordinance were adopted in a 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 7. 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 and for the further reason that the filing of an appropriation action to acquire a fee interest, and a temporary construction easement, across portions of the property located at 5074 Monroe Street is necessary for the timely construction of certain public roadway and other public improvements required for the Monroe Street Safety Improvement Project being undertaken in conjunction with the Ohio Department of Transportation.

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