



Legislation Details (With Text)

File #: O-518-18 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 11/19/2018 **In control:** Finance Department
On agenda: 12/4/2018 **Final action:** 12/31/2018

Title: Declaring the necessity of providing sprinkling, sweeping, cleaning and snow removal services for streets, alleys and public ways in the City; providing for the assessment of the cost of those services; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Assessment Comparison, 2. Assessed Services History

Date	Ver.	Action By	Action	Result
12/4/2018	1	City Council	Dispense with the rules of Council requiring...	Pass
12/4/2018	1	City Council	declare emergency	Pass
12/4/2018	1	City Council	passage	Pass
12/4/2018	1	City Council	Dispense with the rules of Council requiring...	Pass

FIN PROVIDING 2019 STREET SERV

Taxation and Treasury

R. Martinez (x1653)

Revised

Declaring the necessity of providing sprinkling, sweeping, cleaning and snow removal services for streets, alleys and public ways in the City; providing for the assessment of the cost of those services; and declaring an emergency.

SUMMARY & BACKGROUND:

This is the annual ordinance declaring the necessity of providing sprinkling, sweeping, cleaning and snow removal services for streets, alleys and public ways within the City during the year 2019 and providing for the assessment of those services. The estimated cost for 2018 was \$21,309,707. The total program cost for 2019 is estimated to be \$20,772,516.

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

SECTION 1. That it is declared necessary to provide sprinkling, sweeping, cleaning and snow removal services in calendar year 2019 (collectively, Services) for the municipal streets, alleys and public ways in the City. For this purpose, the City shall be divided into districts as follows:

DISTRICT #1

Beginning at a point that is 133 feet North of the centerline of Michigan Street and 40 feet Northeast of the centerline of Monroe Street; thence Northeasterly along the Northwestern line of Lot 548 in "Port Lawrence Division" a plat of Record in the City of Toledo and continuing Northeasterly along the Northwestern line of Lots 548, 547, 546, 545, 544 and 543 in "Port Lawrence" and continuing along the Northwestern line of Lots 1463 through 1475 in "Vistula Division" a Plat of Record in the City of Toledo to the Southwesterly right-of-way line of Jackson Street; thence Southeasterly along the Southwesterly right-of-way line of Jackson Street to a point of intersection with the Northwestern right-of-way line of Michigan Street; thence Northerly along the West right-of-way line of Canton Street to a point of intersection with the South line of Lot 6 in the Subdivision of Lots 1476, 1477, 1478 and 1502 in "Vistula Division"; thence Northeasterly to the Southwest Corner of Lot 1 in the Subdivision of Lots 1476, 1477, 1478 and 1502 in "Vistula Division"; thence North along the East right-of-way line of Canton Street to a point of intersection with the South right-of-way line of Shepard Street; thence East along the South right-of-way line of Shepard Street to a point of intersection with the Southerly Extension of the West line of Lot 250 in "Woodruffs Addition"; thence North along the said Southerly Extension of the West line of Lot 250 and continuing along the said West line of Lots 250 and 249 in "Woodruffs Addition" to the Northwest corner of said Lot 249; thence Northeast to the Southwest corner of Lot 248 in "Woodruffs Addition"; thence North along the West line of Lots 248 and 247 in "Woodruffs Addition" to the said Northwest corner of Lot 247; thence Northeast to the Southwest corner of Lot 220 in "Woodruffs Addition"; thence North along the West line of Lots 220 and 219 in "Woodruffs Addition" to the Northwest corner of said Lot 219; thence East along the North line of said Lot 219 in "Woodruffs Addition" to a point of intersection with the Southerly Extension of the West line of Lot 218 in "Woodruffs Addition"; thence North along the Southerly extension of the West line of Lot 218 and continuing North along the West line of Lots 218 and 217 in "Woodruffs Addition" to the Northwest corner of said Lot 217; thence East along the North line of Lot 217 in "Woodruffs Addition" to a point of intersection with the Southerly Extension of the West line of Lot 181 in "Woodruffs Addition"; thence North along the Southerly Extension of the West line of Lot 181 and continuing North along the West line of Lots 181 and 180 in "Woodruffs Addition" to the Northwest corner of said Lot 180 in "Woodruffs Addition"; thence East along the North line of said Lot 180 to a point of intersection with the Southerly Extension of the West line of Lot 179 in "Woodruffs Addition"; thence North along the Southerly Extension of the West line of said Lot 179 and continuing North along the West line of Lots 179 and 262 in "Woodruffs Addition" to the Northwest corner of said Lot 262; thence East along the North line of Lot 262 in "Woodruffs Addition" to a point of intersection with the Northwestern right-of-way line of Spielbusch Avenue; thence Southeasterly to the Northeasterly Corner of Lot 1079 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lot 1079 in "Vistula Division" to the Southeasterly corner of said Lot 1079 in "Vistula Division"; thence Southeasterly to the Northeasterly corner of Lot 1078 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 1078 and 1071 in "Vistula Division" to the Southeast corner of said Lot 1071 in "Vistula Division"; thence Southwesterly along the Southeast line of Lot 1071 in "Vistula Division" to a point of intersection with the Northwestern extension of the Northeasterly line of Lot 753 in "Vistula Division"; thence Southeasterly along the Northwestern extension of Lot 753 in "Vistula Division" and continuing along the Northeasterly line of Lots 753, 752, 625, 624, 497 and 496 in "Vistula Division" to the Northeasterly corner of Lot 369 in "Vistula Division" a point on the Southeasterly right-of-way line of Superior Street; thence Northeasterly along the Northwest line of lots 370, 371, 372, 373, 374 and Lot 1 of the Subdivision of Lots 374, 375 and 376 in "Vistula Division" to the Northeast corner of Lot 1 of the Subdivision of Lots 374, 375 and 376 in "Vistula Division"; thence Northeasterly to the Northeast corner of Lot 378 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lot 378 in "Vistula Division" to the Northeasterly corner of Lot 354 in "Vistula Division"; thence Northeasterly along a straight line to the Northeast corner of Lot 345 in "Vistula Division"; thence Southeasterly along a straight line to the Southeast corner of Lot 62 in "Vistula Division"; thence Southwesterly along the

Southeasterly line of Lots 62, 61, 60, 59 and 58 in "Vistula Division" to the Southwest corner of Lot 58 in "Vistula Division"; thence Southwesterly to the Southeast corner of Lot 47 in "Vistula Division"; thence Southwesterly to the Southeasterly corner of Lot 39 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 38, 37, 36, 35 and 999 in "Vistula Division" to the Southeast corner of said Lot 999 in "Vistula Division"; thence Southeasterly to the Northeasterly corner of Lot 991 in "Vistula Division"; thence continuing Southeasterly along the said Northeasterly line of Lot 991 in "Vistula Division" to its intersection with the Northwestern Harbor Line of the Maumee River as established by the Corps of Engineers; thence Southwesterly along the Northwestern Harbor Line to a point of intersection with the Southeasterly extension of the Northeasterly right-of-way line of Monroe Street; thence Northwesterly along the Northeasterly right-of-way line of Monroe Street to a point of intersection with the Northwestern right-of-way line of Summit Street also being the Southwesterly corner of Lot 13 in "Port Lawrence Division"; thence Southwesterly to the most Easterly corner of Lot 3 of the Subdivision of Lot 12 in "Port Lawrence Division"; thence Southwesterly to the most Southerly corner of Lot 3 of the Subdivision of Lot 12 in "Port Lawrence Division"; thence Northwesterly along the Southwest line of Lot 3, a Subdivision of Lot 12 in "Port Lawrence Division" to a point of intersection with the Southeast line of Lot 4 of the Subdivision of Lot 12 in "Port Lawrence Division"; thence Southwesterly along the Southeast line of Lot 4 of the Subdivision of Lot 12 in "Port Lawrence Division" to a point of intersection with the Northeast line of Lot 11 in "Port Lawrence Division"; thence Northwesterly along the Northeast line of Lot 11 and continuing in a straight line to a point of intersection with the Southeast line of Lot 29 in "Port Lawrence Division"; thence Southwesterly along the Southeast line of Lot 29 to the most Southerly corner of said Lot 29 in "Port Lawrence Division"; thence Northwesterly along the Southwest line of Lots 29, 30, 44 and 43 to the most Westerly corner of Lot 43 in "Port Lawrence Division"; thence Northeasterly along the Northwest line of Lot 43 in "Port Lawrence Division" to a point of intersection with the Southeasterly extension of the Northeast line of Lot 62 in "Port Lawrence Division"; thence Northwesterly along the Northeast line of Lots 62 and 212 and continuing in a straight line to a point of intersection with the Southeast line of Lot 242 in "Port Lawrence Division"; thence Southwesterly along the Southeast line of Lot 242 to the most Southerly corner of said Lot 242 in "Port Lawrence Division"; thence Northwesterly along the Southwesterly line of Lots 242, 241, 267 and 268 and Lots 1, 2 and 3 of the Subdivision of Lot 298 in "Port Lawrence Division" and continuing in a straight line along the Southwesterly line of Lots 297, 316, 345, 346, 364 and 363 to a point of intersection with the Southeasterly line of Lot 534 in "Port Lawrence Division"; thence Northeasterly along the Southeast line of Lot 534 to a point of intersection with the Southwesterly line of Lot 535 in "Port Lawrence Division"; thence Northwesterly along the Southwest line of Lot 535 to the most Westerly corner of Lot 535 in "Port Lawrence Division"; thence Northeasterly to the most Northerly corner of Lot 535 in "Port Lawrence Division"; thence Northwesterly to the most Easterly corner of Lot 549 in "Port Lawrence Division"; thence Northeasterly to the most Southerly corner of Lot 548 in "Port Lawrence Division"; thence Northwesterly along the Southwest line of Lot 548 in "Port Lawrence Division" to the point of beginning, also being the most Westerly corner of said Lot 548 in "Port Lawrence Division"; and excepting those parts of cross streets and alleys Northwest of Michigan Street between Monroe Street and Jackson Street and those parts of cross streets and alleys Northwest of Spielbusch Avenue between Jackson Street and Orange Street and those parts of cross streets and alleys Northeast of Orange Street between Spielbusch Avenue and Superior Street and that portion of Water Street adjacent to Lots 991, 992 and 999 in "Vistula Division" and Lot 1 of "Seagate", and those parts of cross streets and alleys Southwest of Monroe Street between Summit Street and Michigan Street.

DISTRICT #2

Beginning at a point of intersection of a line 150 feet North of the centerline of Manhattan Boulevard

and the centerline of the Ann Arbor Railroad thence Easterly along a line that is 150 feet North of and parallel to the centerline of Manhattan Boulevard and its Easterly extension to the Northwestern Harbor line of the Maumee River; thence Southwesterly along the Northwestern Harbor line of the Maumee River to its intersection the Northwestern extension of the centerline of East Broadway; thence Southeasterly along the Northwestern extension of East Broadway and continuing Southeasterly and Southerly along the centerline of East Broadway to the centerline of Earl Street; thence Westerly along the centerline of Earl Street and its Westerly extension to its intersection with Conrail R.R.; thence Westerly along Conrail R.R. to the West Harbor line of the Maumee River; thence South along the West Harbor line of the Maumee River and continuing Southwesterly along the Northwestern Harbor Line of the Maumee River to the East line of Lot 2 in the Subdivision of Lot 14, River Tract 10 at the foot of the Rapids of the Maumee River in the City of Toledo, Lucas County, Ohio; thence North along said East line of Lot 2 in the Subdivision of Lot 14, River Tract 10 to centerline of the Anthony Wayne Trail; thence Northeast along the said centerline of Anthony Wayne Trail to the center of Swan Creek; thence Northwesterly and Southwesterly and continuing along the center of Swan Creek to its intersection with the Conrail R.R.; thence Northwesterly and Northeasterly along the Conrail R.R. to its intersection with the centerline of Dorr Street; thence West along the centerline of Dorr Street to the centerline of Upton Ave.; thence North along the centerline of Upton Ave. to the centerline of W. Bancroft St.; thence West along the centerline of W. Bancroft St. to the West right-of-way line of Torrey Hill Dr.; thence North along the West right-of-way line of Torrey Hill Dr. to the centerline of the Ottawa River; thence Northeast along the centerline of the Ottawa River to the centerline of Upton Ave.; thence North along the centerline of Upton Ave. to the centerline of W. Central Ave.; thence East along the centerline of W. Central Ave. to the Conrail R.R.; thence Northeasterly along the centerline of the Conrail R.R. to the centerline of Berdan Ave.; thence Southeasterly along the centerline of Berdan Ave. to its intersection with the centerline of Cherry St.; thence Southerly along the centerline of Cherry St. to a point of intersection with the centerline of Mettler St.; thence Northeasterly and Easterly along the said centerline of Mettler St. to the centerline of Mulberry St.; thence South along the centerline of Mulberry St. to the centerline of Ashwood Ave.; thence East along the centerline of Ashwood Ave. to the centerline of Stickney Ave.; thence North along the centerline of Stickney Ave. to the centerline of Paxton St.; thence East along the centerline of Paxton St. and continuing East to the centerline of the Ann Arbor R.R.; thence Northeasterly along the centerline of the Ann Arbor R.R. to the point of beginning.

Excepting therefrom District #1.

DISTRICT #3

Beginning at a point of intersection of the centerline of Suder Ave. and the Ohio-Michigan state line; thence Southwesterly along the centerline of Suder Ave. to the center of Interstate 75 Expressway; thence Southerly along the centerline of the Interstate 75 Expressway to a point of intersection with the centerline of the Interstate 280 Expressway; thence Southerly along the centerline of the Interstate 280 Expressway to a point of intersection with a line 150 feet North of and parallel to the centerline of Manhattan Boulevard, thence Easterly and parallel to the centerline of Manhattan Boulevard and its Easterly extension to its intersection with the city line; thence in a generally Southerly direction along said city line to its intersection with the Lucas-Wood County line; thence West along the Lucas-Wood County line (also the present city line) to its intersection of the center of the Maumee River; thence Southwesterly along the center of the Maumee River to a point of intersection with the Southerly Extension of a line that is 400 feet Easterly of and parallel to the West line of Lot 9 in "Comstock's Subdivision" of River Tracts 12 and 13 in Town (3) of the United States Reserve in the City of Toledo, Lucas County, Ohio; thence North and parallel to the West line of Lot 9 in "Comstock's Subdivision" of

River Tracts 12 and 13 to the centerline of the N & W R.R. (Wabash R.R.); thence Southwesterly along the centerline of the N & W R.R. (Wabash R.R.) to a point of intersection with the West line of the East (1/2) of the Northeast (1/4) of Section 16, T.3, of the United States Reserve; thence North along the said West line of the East (1/2) of the Northeast (1/4) of said Section 16, T.3 of the United States Reserve to a point 100 feet south of the centerline of Arlington Ave.; thence West and parallel to the centerline of Arlington Ave. to a point 100 feet Northwest of the centerline of Detroit Ave.; thence Northeasterly and parallel to the centerline of Detroit Ave. to the center of Swan Creek; thence Southwesterly along the center of Swan Creek to a point 100 feet west of the centerline of Byrne Road; thence North and parallel to the centerline of Byrne Road to the centerline of Dorr St.; thence East along the centerline of Dorr St. to a point 100 feet west of the centerline of Secor Road; thence Northerly and parallel to the centerline of Secor Road to the centerline of the Conrail and the Toledo, Angola & Western Railroads, thence easterly along said centerline to its intersection with the said centerline of Secor Road; thence Northerly along the said centerline of Secor Road to its intersection with the northerly line of the Village of Ottawa Hills, thence westerly along said northerly line of the Village of Ottawa Hills to a point 100 feet west of the said centerline of Secor Road thence Northerly and parallel with the said centerline of Secor Road, to a point 90 feet North of the centerline of Laskey Road; thence East and parallel to the centerline of Laskey Road to a point 100 feet North of the centerline of E. Laskey Road; thence East and parallel to the centerline of E. Laskey Road to a point 100 feet Northwest of the centerline of N. Detroit Ave.; thence Northeasterly and parallel to the centerline of N. Detroit Ave. to the Ohio-Michigan state line; thence East along the Ohio-Michigan state line to the point of beginning.

Excepting therefrom Districts 1 and 2.

DISTRICT #4

All remaining territory within the City of Toledo not included in District 1, 2 and 3.

SECTION 2. That the plans, specifications, estimate of cost and schedules for the Services, prepared by the Director of Public Service and now on file with the Clerk of Council and available for public inspection, are approved. The Services shall be provided in accordance with those plans, specifications and schedules, and the grade of each of the streets, alleys and public ways serviced and of the Services shall be the existing grade. The Director of Public Service is authorized to purchase or rent the necessary tools, machinery, appliances and materials and to employ the necessary labor to carry out the provision of the Services in accordance with the plans, specifications and schedules.

SECTION 3. That this Council finds and determines that (i) the Services are conducive to the public health, convenience and welfare of the City and the inhabitants of the City and (ii) the lots and lands to be assessed for the Services as described in Section 4 of this Ordinance are specially benefited by the Services. This Council further finds and determines the Services are of a nature, and the streets, alleys and public ways to be serviced are so situated, that the Services should be provided at the same time and consistently with the plans and specifications as a single program and improvement.

SECTION 4. That the entire cost of the Services, presently estimated at Twenty Million Seven Hundred Seventy-two Thousand Five Hundred Sixteen and 00/100 Dollars (\$20,772,516) of which Twelve Million Eight Hundred Sixty-seven Thousand Five Hundred Forty-three and 00/100 Dollars (\$12,867,543) is for sprinkling, sweeping and cleaning and Seven Million Nine Hundred Four Thousand Nine Hundred Seventy-three and 00/100 Dollars (\$7,904,973) is for snow removal, shall be assessed in proportion to the benefits that may result from the Services upon all lots and lands bounding and abutting upon the municipal streets, alleys and public ways in the City, after the provision of the Services has been completed.

SECTION 5. That the cost of the Services shall include the cost of preliminary and other surveys, plans, specifications, profiles, estimates and schedules and of printing, serving and publishing notices and ordinances, the costs incurred in connection with preparation, levy and collection of the special assessments, expenses of legal services including obtaining approving legal opinions, costs of labor and material, and interest on bonds and notes issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 6. That the Commissioner of Treasury is authorized to prepare and file in the office of the Clerk of Council the estimated special assessments of the cost of the Services. Those estimated special assessments shall be based upon the estimate of cost of the Services now on file in the office of the Clerk of Council and shall be prepared pursuant to the provisions of this Ordinance. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the passage of this Ordinance and the filing of the estimated special assessments to be given to the owners of all lots and lands to be assessed by publishing a notice in a newspaper of general circulation in the City once a week for two consecutive weeks in accordance with Section 907.05 of the Toledo Municipal Code.

SECTION 7. That the special assessments so levied shall be paid in one annual installment (two semi-annual installments), with interest on the unpaid principal amount of each special assessment at the same effective rate as shall be borne by the bonds or notes to be issued in anticipation of the collection of the total of the unpaid special assessments; provided that the owner of any property assessed may pay the special assessment in cash within 30 days after passage of the assessing ordinance. The assessments shall be levied and collected after the Services shall have been performed and the actual cost and expense thereof determined.

SECTION 8. That to provide a fund out of which shall be paid the entire cost of the Services, bonds or notes of this City shall be issued and sold as needed in anticipation of the levy and collection of the special assessments.

SECTION 9. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 10. That this Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 11. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City and for the further reason that such sprinkling, sweeping, cleaning and snow removal services must be immediately authorized to prevent and eliminate hazards to pedestrian and vehicular traffic; wherefore this Ordinance shall be in full force and effect from and immediately after its passage, or at the earliest time allowed by law.

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