



Legislation Details (With Text)

File #: O-208-19 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 4/15/2019 **In control:** Public Utilities Department
On agenda: 5/14/2019 **Final action:** 5/14/2019

Title: Authorizing the mayor to execute needed instruments for the granting of a temporary right-of-way over a portion of city-owned real property to the State of Ohio Department of Transportation (ODOT), required for the construction of a new interchange and related improvements at Interstate 475 (I-475) and Dorr Street, a portion of which will be within the City of Toledo; authorizing the mayor to enter into a donation agreement with ODOT for the temporary property rights required over said land; dedicating portions of city-owned land as public right-of-way required for ODOT's I-475/Dorr Street Interchange Project; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A, 2. Exhibit B, 3. Exhibit C, 4. Audio: Agenda Review 4/23/2019, 5. Audio: City Council 4/30/2019, 6. Audio: Agenda Review 5/7/2019, 7. Audio: City Council 5/14/2019

Date	Ver.	Action By	Action	Result
5/14/2019	1	City Council	declare emergency	Pass
5/14/2019	1	City Council	passage	Pass
4/30/2019	1	City Council	First Reading	

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Department of Public Utilities

Jamie Miller (x1409)

(Revised)

Authorizing the mayor to execute needed instruments for the granting of a temporary right-of-way over a portion of city-owned real property to the State of Ohio Department of Transportation (ODOT), required for the construction of a new interchange and related improvements at Interstate 475 (I-475) and Dorr Street, a portion of which will be within the City of Toledo; authorizing the mayor to enter into a donation agreement with ODOT for the temporary property rights required over said land; dedicating portions of city-owned land as public right-of-way required for ODOT's I-475/Dorr Street Interchange Project; and declaring an emergency.

SUMMARY & BACKGROUND:

On June 19, 2018, City Council passed Ordinance Number 227-18, which authorized the mayor to enter into cooperative agreements with the Ohio Department of Transportation (ODOT) for the construction of a new interchange and related improvements along Interstate 475 (I-475) at Dorr Street, a portion of which shall be within the City of Toledo. This project will improve the safety and operation of I-475 within and near the City of Toledo.

The City of Toledo is the fee simple owner of a certain parcel of land located at 6300 Dorr Street (TD 20-24596), also known as Cuba-Saturn Park, that is near I-475. Due to certain re-designed and new local roadway

improvements to be constructed by ODOT as part of this Interchange Project, certain portions of this property need to be dedicated as public right-of-way, for public highway and road purposes, as well as utilities and other public purposes.

The State of Ohio Department of Transportation (ODOT) desires to acquire a temporary right-of-way across a portion of the city-owned property known as Cuba-Saturn Park, to accommodate construction equipment and activities, and property restoration purposes, required for the I-475/Dorr Street Interchange Project, at no cost.

The City of Toledo and ODOT have cooperated in the past and continue to cooperate extensively with one another in connection with numerous and extensive transportation improvement projects in, around and throughout the City of Toledo. It is in the best interest of the city, as well as the public welfare, to convey the requested temporary easement, at no cost, to ODOT and to dedicate the required portion of city-owned property as public right-of-way.

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

SECTION 1. That the mayor is authorized to execute needed instruments for the granting of temporary right-of-way, over a portion of real property owned by the City of Toledo, to the State of Ohio Department of Transportation (ODOT) required for the Interstate 475 (I-475)/Dorr Street Interchange Project, which is more fully described as follows:

See legal description attached hereto and labeled as EXHIBIT "A", which is incorporated herein and made a part hereof by reference.

SECTION 2. That it is found and determined that the temporary property rights to be granted are not needed by the city for any municipal purpose and that said granting is in the best interest of the city in order to preserve the spirit of cooperation with ODOT and for the construction of the I-475/Dorr Street Interchange, and related improvements, within the city's jurisdictional limits.

SECTION 3. That the mayor is authorized to enter into a donation agreement with the ODOT for the granting of the temporary property rights to be granted, as previously described in Section 1.

SECTION 4. That the following parcel(s) of land be and the same are dedicated as and for public right-of-way, highway and road purposes, as well as utilities and other public purposes as deemed necessary and appropriate by the City of Toledo:

See legal description attached hereto and labeled as EXHIBIT "B", which is incorporated herein and made a part hereof by reference.

SECTION 5. That the Department of Public Utilities, Real Estate Section, is directed to cause a copy of this Ordinance to be recorded in the records of the Lucas County Recorder.

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 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 7. That this ordinance is declared to be an emergency measure, and shall take effect and be in force immediately 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 in order to satisfy present and future requirements for roadway and utility improvements, and in accordance with ODOT's timetable for completing construction activities associated with the I-475/Dorr Street Interchange Project and related local roadways within the City of Toledo.

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