Legislation Details (With Text)

File #:	O-238-19	**Version:**	1	**Name:**	
Type:	Ordinance			**Status:**	Approved
File created:	5/6/2019			**In control:**	City Council
On agenda:	5/14/2019			**Final action:**	5/14/2019

Title: Declaring the vacation of the 30 Foot Right-of-Way Strip adjacent to Lot 8 in the Plat of the Marina District; 30 Foot Right-of-Way strip adjacent to Lot 12 in the Plat of the Marina District; 30 foot Right-of -Way strip adjacent to Lot 13 in the Plat of the Marina District and the 30 foot Right-of-Waystrip adjacent to Private Place “G” in the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio; waiving all fees; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Development Agreement, 2. Audio: Agenda Review 5/7/2019, 3. Audio: City Council 5/14/2019

Date	Ver.	Action By	Action	Result
5/14/2019	1	City Council	Dispense with the rules of Council requiring...	Pass
5/14/2019	1	City Council	declare emergency	Pass
5/14/2019	1	City Council	passage	Pass

Zoning & Planning Committee

Declaring the vacation of the 30 Foot Right-of-Way Strip adjacent to Lot 8 in the Plat of the Marina District; 30 Foot Right-of-Way strip adjacent to Lot 12 in the Plat of the Marina District; 30 foot Right-of-Way strip adjacent to Lot 13 in the Plat of the Marina District and the 30 foot Right-of-Waystrip adjacent to Private Place “G” in the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio; waiving all fees; and declaring an emergency.

SUMMARY & BACKGROUND:
The Council of the City of Toledo, by Resolution No. 161-18 adopted on April 24, 2018, declaring its intent to vacate several 30-foot right-of-way strips within the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio.

On June14, 2018, the Toledo City Plan Commission recommended approval of the request for the vacation of several 30-foot right-of-way strips within the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio.

On July 18, 2018, City Council Zoning and Planning Committee approved the request for the vacation of several 30-foot right-of-way strips within the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio.

The Board of Revision met on November 16, 2018 and recommended to Council approval of the request for the vacation of several 30 foot right-of-way strips within the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio, and the waiver of all fees.

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.

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 a portion of several 30-foot right-of-way strips within the Plat of the Marina District, in the City of Toledo, Lucas County, Ohio, in the City of Toledo, Lucas County, Ohio; and more fully described as follows:

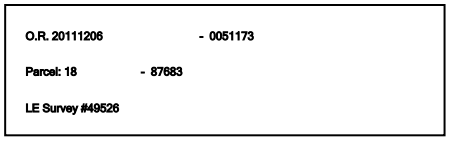
Legal Description: Being part of lot 8 in the Marina District as recorded in O.R. 20081008-0049841 in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the most Easterly most corner of lot 8.

Thence South 45 degrees, 54 minutes, 02 seconds East along the prolongation of the Northerly line of lot 8, a distance of 30.26 feet to a point on a line that is 40.00 feet distant and parallel to the centerline of Front Street, so called.
Thence South 51 degrees, 38 minutes, 01 second West along a line that is parallel and 40.00 feet distant from the centerline of Front Street, a distance of 568.11feet to a point on the prolongation of the Northerly parcel line of land owned by Toledo-Lucas County Port Authority, parcel number 18-63507.

Thence North 26 degrees, 36 minutes, 59 seconds West along the prolongation of the Northerly parcel line of land owned by Toledo-Lucas County Port Authority, a distance of 30.64 feet to a point on a line that is parallel with and 70.00 feet distant from the centerline of Front Street.

Thence North 51 degrees, 38 minutes, 01 second East along a line parallel and 70.00 feet distant from the centerline of Front Street, a distance of 557.90 feet to the True Point of Beginning.



Legal Description: Being part of lot 12 in the Marina District as recorded in O.R. 20081008-0049841 in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a stone with drill hole monument found 3.50 feet Northeast from the centerline intersection of Main Street, so called, with Front Street, so called.

Thence North 51 degrees, 33 minutes, 33 seconds East along the centerline of Front Street, a distance of 186.50 feet to a point of intersection with the prolongation of the Southerly line of lot 12 in the Marina District.

Thence North 38 degrees, 25 minutes, 16 seconds West along the prolongation of the Southerly line of lot 12, a distance of 40.00 feet to a point on a line that is parallel with and 40.00 feet distant from the centerline of Front Street, said point being the True Point of Beginning.

Thence continuing North 38 degrees, 25 minutes, 16 seconds West along the Southerly line of lot 12 a distance of 30.00 feet to a point on a line that is parallel with and 70.00 feet distant from the centerline of Front Street.

Thence North 51 degrees, 33 minutes, 33 seconds East along a line that is parallel with and 70.00 feet distant from the centerline of Front Street, a distance of 132.89 feet to a point of deflection to the left.

Thence North 51 degrees, 31 minutes, 48 seconds East along a line that is parallel with and 70.00 feet distant from the centerline of Front Street, a distance of 67.12 feet to a point on the Northerly line of lot 12.

Thence South 38 degrees, 25 minutes, 16 seconds East along the Northerly line of lot 12 a distance of 30.00 feet to a point on a line that is parallel with and 40.00 feet distant from the centerline of Front Street.
Thence South 51 degrees, 31 minutes, 48 seconds West along a line parallel with and 40.00 feet distant from the centerline of Front Street, a distance of 67.10 feet to a point of deflection to the right.

Thence South 51 degrees, 33 minutes, 33 seconds West along a line that is parallel with and 40.00 feet distant from the centerline of Front Street, a distance of 132.91 feet to the True Point of Beginning.

Containing 6,000.30 square feet or 0.138 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. This legal description is based upon a field survey prepared by Lewandowski Engineers on March 1, 2018.

O.R. 20160629	- 0025084	
Parcel: 18	- 87684 & 18	- 87679
LE Survey #49526		

Legal Description: Being part of lot 13, part of private place “G”, and part of lot 8 in the Marina District as recorded in O.R. 20081008-0049841 in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at the Southern most corner of lot 13 in the Marina District.

Thence North 38 degrees, 28 minutes, 12 seconds West along the South line of lot 13, a distance of 30.00 feet to a point on a line that is 70.00 feet distant and parallel with the centerline of Front Street, so called.

Thence North 51 degrees, 31 minutes, 48 seconds East, along a line that is 70.00 feet distant and parallel with the centerline of Front Street, a distance of 712.23 feet to a point on the Southerly parcel line of land owned by Toledo-Lucas County Port Authority, parcel number 18-63507.

Thence South 38 degrees, 28 minutes, 12 seconds East along the Southerly parcel line of land owned by Toledo

-Lucas County Port Authority a distance of 30.00 feet to a point on a line that is 40.00 feet distant and parallel from the centerline of Front Street.

Thence South 51 degrees, 31 minutes, 48 seconds West along a line that is parallel and 40.00 feet distant from the centerline of Front Street a distance of 712.23 feet to the True Point of Beginning.

Containing 21,366.90 square feet or 0.491 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. This legal description is based upon a field survey prepared by Lewandowski Engineers on March 1, 2018.

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

The following five (5) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

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

   Division of Engineering Services: 419-245-1315, fax 419-936-2850
   Right-of-Way and Inspection: 419-245-1341
   Roadway: 419-245-1344
   Water: 419-936-2163
   Stormwater Drainage: 419-245-3221; 419-245-1338
   Sanitary Sewers: 419-936-2276

2. Retain full width easement over vacated area to maintain 60” sewer that is located in that area.

Division of Transportation

3. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

Toledo Edison Company

4. Pt. Lot 8, 13, Private Place G - Toledo Edison has existing aerial facilities which will need to remain in place.

Buckeye Cablevision

5. Buckeye Cable has a facility in the right-of-way and an easement will be required.

SECTION 3. That the fees for this vacation are waived in the amount of $9,891.85 consistent with the

development agreement authorized by Ordinance 41-19.

SECTION 4. That a full width easement in favor of the City is retained across, under and through said vacated area as described in Section 1 herein for the City's future maintenance, repair, and replacement of the existing sewer, water and/or storm water facilities located in the vacated area. All City facilities located within said vacated area are hereby dedicated to the City for exclusive City utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City. The City shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City's removal of any barriers which impede the City ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument.

SECTION 5. That the Real Estate Section of the Department of Neighborhoods and Business 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 6. 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 7. 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