



## Legislation Details (With Text)

**File #:** R-447-19      **Version:** 1      **Name:**  
**Type:** Resolution      **Status:** Approved  
**File created:** 9/9/2019      **In control:** City Council  
**On agenda:** 9/17/2019      **Final action:** 9/17/2019

**Title:** Declaring the intent to vacate part of Lot 20 in the Plat of Fairfax, AKA Kelly Avenue Street Vacation, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Audio: Agenda Review September 11, 2019

Date	Ver.	Action By	Action	Result
9/17/2019	1	City Council		
9/17/2019	1	City Council		
9/17/2019	1	City Council		

All Council Members

### **Declaring the intent to vacate part of Lot 20 in the Plat of Fairfax, AKA Kelly Avenue Street Vacation, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

#### **SUMMARY & BACKGROUND:**

Petitioner has filed a request to vacate part of Lot 20 in the Plat of Fairfax, AKA Kelly Avenue Street Vacation, in the City of Toledo, Lucas County, Ohio.

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

SECTION 1. That the City Council does hereby declare its intent to vacate part of Lot 20 in the Plat of Fairfax, AKA Kelly Avenue Street Vacation, in the City of Toledo, Lucas County, Ohio; further described below:

Legal Description of Proposed Kelly Vacation: in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at a 1 inch iron bar monument found at the intersection of the centerlines of Central Avenue and Kelly Avenue.

Thence North 00 degrees, 54 minutes, 12 seconds West, along the centerline of Kelly Avenue, a distance of 35.00 feet to a point on the existing North 35 foot Right-of-way of Central Avenue.

Thence North 89 degrees, 50 minutes, 49 seconds East, along the existing North 35 foot Right-of-way of Central Avenue, a distance of 30.00 feet to a point on the East Right-of-way of Kelly Avenue, said point being the True Point of Beginning.

Thence North 00 degrees, 54 minutes, 12 seconds West, along the East Right-of-way of Kelly Avenue, a distance of 14.00 feet to a point on the North Right-of-way of Central Avenue, from said point an iron bar can be found 0.04 feet East and 0.05 feet South.

Thence South 27 degrees, 00 minutes, 48 seconds East, along the North Right-of-way of Central Avenue, a distance of 10.02 feet to a point of deflection of the North Right-of-way of Central Avenue, from said point a 1/2 inch iron pipe can be found 0.10 feet East.

Thence South 75 degrees, 16 minutes, 15 seconds East, along the North Right-of-way of Central Avenue, a distance of 19.68 feet to a point on the existing North 35 foot Right-of-way of Central Avenue.

Thence South 89 degrees, 50 minutes, 49 seconds West, along the existing North 35 foot Right-of-way of Central Avenue, a distance of 23.37 feet to the True Point of Beginning.

Containing 89.92 square feet or 0.0021 acres of land. Bearings used herein are based upon an assumed meridian and are intended to indicate angular measurement only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on September 4, 2019.

SECTION 2. That this matter be referred to the Toledo City Plan Commission for its review, recommendation and appropriate hearing date.

SECTION 3. That this Resolution hereby is declared to be an emergency measure and shall be in force and effect from and after its adoption. 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 Resolution must be immediately effective so that the vacation can be expeditiously completed to enable property owners to obtain the resulting benefits at the earliest time.

**Vote on emergency clause: yeas 12, nays 0.**

**Passed: September 17, 2019, as an emergency measure: yeas 12, nays 0.**

**Attest:**

**Gerald E. Dendinger**  
**Clerk of Council**

**Matt Cherry**  
**President of Council**

**Approved:**

**September 17, 2019**  
**Wade Kapszukiewicz**  
**Mayor**