



## Legislation Details (With Text)

**File #:** R-448-19      **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 a 50 foot strip adjacent to Lots 108-109 & 157-158 in the Plat of Kingston, AKA Rathbun Drive 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 a 50 foot strip adjacent to Lots 108-109 & 157-158 in the Plat of Kingston, AKA Rathbun Drive Street Vacation, in the City of Toledo, Lucas County, Ohio; and declaring an emergency.**

### SUMMARY & BACKGROUND:

Petitioner has filed a request to vacate a 50 foot strip adjacent to Lots 108-109 & 157-158 in the Plat of Kingston, AKA Rathbun Drive 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 a 50 foot strip adjacent to Lots 108-109 & 157-158 in the Plat of Kingston, AKA Rathbun Drive Street, in the City of Toledo, Lucas County, Ohio; further described below:

Legal Description of Proposed Rathbun 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 Monroe Street and Upton Avenue.

Thence North 56 degrees, 50 minutes, 12 seconds West, along the centerline of Monroe Street, a distance of 1,273.06 feet to a point on the centerline intersection of Monroe Street and Rathbun Drive.

Thence North 33 degrees, 09 minutes, 48 seconds East, along the centerline of Rathbun Drive, a distance of 40.00 feet to a point on the North 40 foot Right-of-way of Monroe Street, said point also being the True Point

of Beginning.

Thence North 56 degrees, 50 minutes, 12 seconds West, along the North 40 foot Right-of-way of Monroe Street, a distance of 23.19 feet to a point of curvature of the Northwesterly Right-of-way of Rathbun Drive.

Thence traversing a non-tangent arc to the right, along the Northwesterly Right-of-way of Rathbun Drive, having a radius of 560.29 feet, a tangent length of 45.15 feet, a central angle of 09 degrees, 12 minutes, 48 seconds, a chord bearing of North 33 degrees, 09 minutes, 48 seconds East, a chord distance of 90.00 feet and an arc length of 90.10 feet to a point on the Northwesterly prolongation of the Northeasterly line of Lot 109 in the plat of Kingston as Recorded in Lucas County Plat Volume 35 Page 27.

Thence South 56 degrees, 50 minutes, 12 seconds East, along the Northwesterly prolongation of the Northeasterly line of Lot 109, a distance of 50.18 feet to the Northerly corner of Lot 109, said point also being a point of curvature of the Southeasterly Right-of-way of Rathbun Drive.

Thence traversing a non-tangent arc to the left, along the Southeasterly Right-of-way of Rathbun Drive, having a radius of 510.29 feet, a tangent length of 22.54 feet, a central angle of 05 degrees, 03 minutes, 33 seconds, a chord bearing of South 35 degrees, 41 minutes, 35 seconds West, a chord distance of 45.04 feet and an arc length of 45.06 feet to a point on the Southeasterly Right-of-way of Rathbun Drive.

Thence South 33 degrees, 09 minutes, 48 seconds West, along the Southeasterly Right-of-way of Rathbun Drive, a distance of 45.00 feet to a point on the North 40 foot Right-of-way of Monroe Street.

Thence North 56 degrees, 50 minutes, 12 seconds West, along the North 40 foot Right-of-way of Monroe Street, a distance of 25.00 feet to the True Point of Beginning.

Containing 4,475.53 square feet or 0.1027 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**