



Legislation Details (With Text)

File #: O-563-21 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 11/1/2021 **In control:** City Council
On agenda: 11/9/2021 **Final action:** 11/9/2021
Title: Declaring the vacation of a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn Extension, in the City of Toledo, Lucas County, Ohio; waiving all land fees; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/9/2021	1	City Council	Suspension	Pass
11/9/2021	1	City Council	Emergency	Pass
11/9/2021	1	City Council	Passage	Pass

Zoning & Planning Committee

Declaring the vacation of a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn Extension, in the City of Toledo, Lucas County, Ohio; waiving all land fees; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 487-20 adopted on December 1, 2020, declaring its intent to vacate a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn Extension, in the City of Toledo, Lucas County, Ohio; as more fully described in Section 1 hereof.

On January 14, 2021, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn in the City of Toledo, Lucas County, Ohio.

The City Council Zoning and Planning Committee on February 17, 2021, sent as approved the request for the vacation of a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn, in the City of Toledo, Lucas County, Ohio.

The Board of Revision met on May 13, 2021 and approved the request for the vacation of a portion of Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn Extension, the City of Toledo, Lucas County, Ohio.

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. During the vacation process it was determined the City of Toledo has waived all land fees for this vacation.

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 Deepwood Lane lying between Lots 10 of Meadowlawn Subdivision and Lot 17 in the Meadowlawn Extension, in the City of Toledo, Lucas County, Ohio.

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

The following condition is listed by agency of origin. Applicants are encouraged to contact the agency to address compliance with their conditions.

Division of Engineering Services

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

Division of Engineering Services: ph. 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

1. 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.

SECTION 3. 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 4. That the Real Estate Section of the Department of 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 5. 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 6. 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