Legislation Details (With Text)

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Title:	Declaring the vacation of the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, City of Toledo, Lucas County Ohio; and declaring an emergency.				
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Date	Ver.	Action By	Action	Result
1/18/2022	1	City Council	Suspension	Pass
1/18/2022	1	City Council	Emergency	Pass
1/18/2022	1	City Council	Passage	Pass

Zoning & Planning Committee

Declaring the vacation of the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, City of Toledo, Lucas County Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:
The Council of the City of Toledo, by Resolution No. 397-21 adopted on July 20, 2021, declaring its intent to vacate the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, City of Toledo, Lucas County Ohio.

On September 9, 2021, the Toledo City Plan Commission recommended approval of the request for the vacation of the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, City of Toledo, Lucas County Ohio.

The City Council Zoning & Planning Committee on October 13, 2021, sent as approved the request for the vacation of the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, City of Toledo, Lucas County Ohio.

The Board of Revision met on December 21, 2021 and approved the request for the vacation of the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, 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:

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SECTION 1. That the Council of the City of Toledo does hereby vacate the 33-foot alley bounded by Lagrange, Locust, Summit and Superior Streets, 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 Transportation

1. Access must be maintained to existing parking lot.

2. 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.

Division of Engineering Services

3. 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

4. A full width easement shall be retained by the City of Toledo over vacated right of way. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County's real estate records:

   "That a full width (33 foot) easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing sewer and/or water facilities located in said vacated right of way, together with any other utilities located therein, as they exist at the time of passage of this Ordinance. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct

fences, walls or other barriers, nor plant trees or other large vegetation which would impede access onto the easement. No temporary or permanent structure including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument."

Plan Commission

5. The proposed vacation cannot result in the loss of access for any abutting properties.

6. A full-width access agreement shall be maintained for all adjacent property owners.

SECTION 3. That the cost of land and fees in the amount of $10,462.36 have been paid.

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 9, nays 0.

Passed: January 18, 2022, as an emergency measure: yeas 9, nays 0.

Attest:
Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

January 24, 2022
Wade Kapszukiewicz
Mayor

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