



Legislation Details (With Text)

File #: O-634-22 **Version:** 1 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 11/21/2022 **In control:** Finance Department
On agenda: 12/20/2022 **Final action:** 12/20/2022
Title: Declaring it necessary to improve certain streets, alleys, and public ways outside the Downtown Area of the City by providing street lighting; providing for the assessment of costs of that lighting; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
12/20/2022	1	City Council		
12/20/2022	1	City Council		
12/6/2022	1	City Council		

FIN PROVIDING 2023 NDT ST LIGHTS

Department of Finance

Roberto Martinez (x1653)

Revised

Declaring it necessary to improve certain streets, alleys, and public ways outside the Downtown Area of the City by providing street lighting; providing for the assessment of costs of that lighting; and declaring an emergency.

SUMMARY & BACKGROUND:

Certain streets, alleys and public ways outside the Downtown Area of this City are provided with various types of street lighting, which assist in preventing crime and hazards to pedestrian and vehicular traffic. The street lighting provided outside the Downtown Area of this City is different from that provided in the lighting of the Downtown Area of the City, and this Council has determined accordingly to provide separately for that street lighting outside the Downtown Area and the assessment of a portion of the costs of providing it. The total estimated cost of street lighting outside the Downtown Area for the year 2022 was \$5,130,738 (including an estimated property owners' portion of \$3,517,792 to be specially assessed and an estimated City portion of \$1,613,146). The total estimated cost of the street lighting outside the Downtown Area for the year 2023 is estimated to be \$5,456,339 (including an estimated property owners' portion of \$3,957,251 to be specially assessed and an estimated City portion of \$1,776,750).

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

SECTION 1. That it is necessary to improve all of the streets, alleys and public ways having street lights and located in the City but outside of the following described area by providing street lighting during calendar year 2023:

Beginning at a point of intersection of the Northeasterly line of Washington Street and the Northwestern line of Lot 553 in the Record Plat of "Port Lawrence" in the City of Toledo; thence Northeasterly along the Northwestern line of Lots 553, 552, 551, 550, 549, 548, 547, 546, 545, 544 and 543 in "Port Lawrence" and continuing along the Northwestern line of Lots 1463 through 1475 in "Vistula Division" a plat of Record in the City of Toledo to the Southwesterly right-of-way line of Jackson Street; thence Southeasterly along the Southwesterly right-of-way line of Jackson Street to a point of intersection of the Northwestern right-of-way line of Michigan Street; thence Northerly along the West right-of-way line of Canton Street to a point of intersection of the South line of Lot 6 in the Subdivision of Lots 1476, 1477, 1478 and 1502 in "Vistula Division"; thence Northeasterly to the Southwest Corner of Lot 1 in the Subdivision of Lots 1476, 1477, 1478 and 1502 in "Vistula Division"; thence North along the East right-of-way line of Canton Street to a point of intersection with the South right-of-way line of Shepard Street; thence East along the South right-of-way line of Shepard Street to a point of intersection with the Southerly Extension of the West line of Lot 250 in "Woodruffs Addition"; thence North along the said Southerly Extension of the West line of Lot 250 and continuing along the said West line of Lots 250 and 249 in "Woodruffs Addition" to the Northwest corner of said Lot 249; thence Northeast to the Southwest corner of Lot 248 in "Woodruffs Addition"; thence North along the West line of Lots 248 and 247 in "Woodruffs Addition" to the said Northwest corner of Lot 247; thence Northeast to the Southwest corner of Lot 220 in "Woodruffs Addition"; thence North along the West line of Lots 220 and 219 in "Woodruffs Addition" to the Northwest corner of said Lot 219; thence East along the North line of said Lot 219 in "Woodruffs Addition" to a point of intersection with the Southerly Extension of the West line of Lot 218 in "Woodruffs Addition"; thence North along the Southerly extension of the West line of Lot 218 and continuing North along the West line of Lots 218 and 217 in "Woodruffs Addition"; thence East along the North line of Lot 217 in "Woodruffs Addition" to a point of intersection with the Southerly Extension of the West line of Lot 181 in "Woodruffs Addition"; thence North along the Southerly Extension of the West line of Lot 181 and continuing North along the West line of Lots 181 and 180 in "Woodruffs Addition" to the Northwest corner of said Lot 180 in "Woodruffs Addition"; thence East along the North line of said Lot 180 to a point of intersection with the Southerly Extension of the West line of Lot 179 in "Woodruffs Addition"; thence North along the Southerly Extension of the West line of said Lot 179 and continuing North along the West line of Lots 179 and 262 in "Woodruffs Addition" to the Northwest corner of said Lot 262; thence East along the North line of Lot 262 in "Woodruffs Addition" to a point of intersection with the Southerly Extension of the West line of Lot 141 in "Woodruffs Addition"; thence North along the Southerly Extension of the said West line of Lot 141 and continuing North along said West line of Lot 141 in "Woodruffs Addition" to the Northwest corner of said Lot 141 in "Woodruffs Addition"; thence East along the North line of Lot 141 in "Woodruffs Addition" to the Northeast Corner of said Lot 141; thence Northeasterly to the Northwest Corner of Lot 1 in the Subdivision of Lot 1120 in "Vistula Division"; thence Northeasterly along the Northwest line of Lot 1 in the Subdivision of Lot 1120 in "Vistula Division" to the Northeasterly corner of said Lot 1; thence Southeasterly along the Northeasterly line of Lot 1 in the Subdivision of Lot 1120 in "Vistula Division" to the Southeasterly corner of said Lot 1; thence Southeasterly to the monumented intersection of Cherry Street and Champlain Street; thence Northeasterly along a straight line to a point of intersection with the Northwestern line of Lot 1083 in "Vistula Division," at a point 107.5 feet Northeasterly of the original Northwest corner of said Lot 1083, as measured along said Northwestern line of Lot 1083 in "Vistula Division"; thence Northeasterly along the said Northwestern line of Lot 1083 in "Vistula Division" to the Northeast corner of said Lot 1083; thence Southeasterly along the Northeasterly line of said Lot 1083 to the Southeast Corner of said Lot 1083 in "Vistula Division"; thence Southwesterly along the Southeasterly line of Lot 1083 in "Vistula Division" to the Northeasterly corner of Lot 983 in "Vistula Division"; thence Southeasterly along the Northeasterly line of said Lot 983 to the Southeast corner of said Lot 983 in "Vistula

Division"; then Southeasterly to the Northeasterly corner of Lot 1 in the Subdivision of Lots 873, 874 and 875 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 1, 2, 3, 4, 5 and 6 in the Subdivision of Lots 873, 874 and 875 in "Vistula Division" to the Southeast Corner of Lot 6 in the Subdivision of Lots 873, 874 and 875 in "Vistula Division"; thence Southeasterly to the Northeast Corner of Lot 871 in "Vistula Division"; thence Southeasterly along a straight line to the Southeast corner of Lot 615 in "Vistula Division"; thence Southeasterly to the Northeasterly corner of Lot 1 in the Subdivision of Lots 505 and 506 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 1, 2, 3, 4 and 5 in the Subdivision of Lots 505 and 506 in "Vistula Division" to the Southeast corner of said Lot 5; thence Southeasterly to the Northeasterly corner of Lot 8 in the Subdivision of Lots 487 and 488 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 8, 7, 6, 5, 4, 3, 2 and 1 in the Subdivision of Lots 487 and 488 in "Vistula Division" to the Southeast corner of Lot 1 in the Subdivision of Lots 487 and 488 in "Vistula Division"; thence Southeasterly to the Northeasterly corner of Lot 378 in "Vistula Division"; thence Southeasterly along a straight line to the Northeast corner of Lot 354 in "Vistula Division"; thence Northeasterly along a straight line to the Northeast corner of Lot 345 in "Vistula Division"; thence Southeasterly along a straight line to the Southeast corner of Lot 62 in "Vistula Division"; thence Southwesterly along the Southeasterly line of Lots 62, 61, 60, 59 and 58 in "Vistula Division" to the Southwest corner of Lot 58 in "Vistula Division"; thence Southwesterly to the Southeast corner of Lot 47 in "Vistula Division"; thence Southwesterly to the Southeasterly corner of Lot 39 in "Vistula Division"; thence Southeasterly along the Northeasterly line of Lots 38, 37, 36, 35 and 999 in "Vistula Division" to the Southeast corner of said Lot 999 in "Vistula Division"; thence Southwesterly to the Southeast corner of Lot 1 in the Record Plat of "Seagate"; thence Southwesterly along the Southeasterly line of Lots 1, 2 and 3 in "Seagate" and continuing along a straight line Southeasterly to the Southwesterly line of Lot 379 in "Vistula Division"; thence Northwesterly along the Northeasterly right-of-way line of Monroe Street to its intersection with the Southeasterly right-of-way line of Summit Street; thence Southwesterly along the Southeasterly right-of-way line of Summit Street to its intersection with the Southwest right-of-way line of Monroe Street; thence Southeasterly along the Southwesterly right-of-way line of Monroe Street to the Northwesterly line of Swan Creek; thence Southwesterly along the Northwesterly line of Swan Creek to its intersection with the Northeasterly right-of-way line of Washington Street; thence Northwesterly along the Northeasterly right-of-way line of Washington Street to the point of beginning.

Excepting therefrom dedicated public rights-of-way Northwest of the Northwest rights-of-way of Michigan Street, Canton Street and Spielbusch Avenue, also excepting therefrom that part of dedicated public rights-of-way, Northeast of the Northeast right-of-way line of Cherry Street, also that part of Jefferson Avenue Southeast of the Southeast right-of-way line of Summit Street (exception includes street and alley rights-of-ways).

The street lighting services to be provided by the City in that area during 2023 are referred to in this Ordinance as the "Services".

SECTION 2. That the plans, specifications, estimate of cost, profiles and schedules for the Services, prepared by the Director of Public Utilities in coordination and the Director of Transportation and now on file in the office of the Clerk of Council and available for public inspection, are approved. The Services shall be provided in accordance with those plans, specifications, profiles, estimates and schedules, and the grade of each of the streets, alleys and public ways and of the Services shall be the existing grade.

SECTION 3. That this Council finds and determines that (i) the Services are conducive to the public health, convenience, and welfare of the City and the inhabitants of the City, (ii) the lots and lands to be assessed as provided in Section 4 of this Ordinance are specially benefited by the Services, and (iii) the streets, alleys

and public ways to be improved by the Services are so situated in relation to each other that in order to complete the improvement thereof in the most practical and economical manner they should be improved at the same time and in the same manner by lighting them as provided in the plans, specifications and schedules.

SECTION 4. That Three Million Nine Hundred Fifty-seven Thousand Two Hundred Fifty-one and 00/100 Dollars (\$3,957,251) of the entire cost of the Services shall be assessed in proportion to the benefits derived from the Services upon the lots and lands bounding and abutting on the streets, alleys and public ways described in Section 1 of this Ordinance, after the provision of the Services has been completed. The City shall assume and pay the remainder of the cost of the Services as its portion of the entire cost.

SECTION 5. That the cost of the Services shall include the cost of preliminary and other surveys, plans, specifications, profiles, estimates and schedules and of printing, serving and publishing notices and ordinances, the costs incurred in connection with the preparation, levy and collection of the special assessments, expenses of legal services including obtaining approving legal opinions, costs of labor, material and electricity used to light the streets, alleys and public ways, and interest on notes and any bonds issued in anticipation of the levy and collection of the special assessments, together with all other necessary expenditures.

SECTION 6. That the Commissioner of Treasury is authorized to prepare and file in the office of the Clerk of Council the estimated assessments. Those estimated assessments shall be based upon the estimate of cost of the Services now on file in the office of the Clerk of Council and shall be prepared in accordance with the provisions of this Ordinance. When the estimated special assessments have been so filed, the Clerk of Council shall cause notice of the passage of this Ordinance and the filing of the estimated assessments to be given by publishing a notice in a newspaper of general circulation in the City, once a week for two consecutive weeks, in accordance with Section 907.05 of the Toledo Municipal Code.

SECTION 7. That the special assessments to be levied shall be paid in one annual installment (two semi-annual installments), with interest on the unpaid principal amount of each special assessment at the same effective rate as shall be borne by the notes or bonds to be issued in anticipation of the collection of all of the unpaid special assessments; provided that the owner of any property assessed may, at his option, pay the special assessment in cash within thirty days after passage of the assessing ordinance.

SECTION 8. That notes or bonds of the City shall be issued in anticipation of the levy and collection of the special assessments. The remainder of the entire cost of the Services, after application of the special assessment (which remainder exceeds two percent of the entire cost of improving the streets, alleys and public ways by providing the Services together with all costs of so improving intersections) shall be paid from other funds of this City available and appropriated for that purpose.

SECTION 9. That the Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 15 days after its passage.

SECTION 10. That this Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

SECTION 11. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that it is necessary to provide immediately for the lighting of the streets, alleys and public ways to assist in preventing

crime and eliminate hazards to pedestrian and vehicular traffic and to residents and users of structures on the streets, alleys and public ways and their property which result from unlit streets; wherefore, this Ordinance shall be in full force and effect from and immediately upon its passage, or at the earliest time permitted by law.

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