



Legislation Details (With Text)

File #: O-275-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 5/1/2023 **In control:** Public Utilities Department
On agenda: 5/16/2023 **Final action:** 5/16/2023
Title: Authorizing the Mayor to enter into a Real Estate Purchase, Sale and Development Agreement with the Board of Education for the Washington Local School District ("Washington Local"); authorizing the acceptance of a portion of the property located at 1936 Northover Road, in fee, from Washington Local, for the future construction of two elevated water storage tanks and other required improvements; authorizing the acceptance of a temporary construction easement over the remainder of the property located at 1936 Northover, from Washington Local; and declaring an emergency.

Sponsors:**Indexes:****Code sections:****Attachments:** 1. Exhibit A, 2. Exhibit B, 3. Exhibit C

Date	Ver.	Action By	Action	Result
5/16/2023	1	City Council	Suspension	Pass
5/16/2023	1	City Council	Emergency	Pass
5/16/2023	1	City Council	Passage	Pass

DPU051623WLSNORTHOVEREXCHANGE

Water Treatment

Andrew McClure (x3058)

Revised

Authorizing the Mayor to enter into a Real Estate Purchase, Sale and Development Agreement with the Board of Education for the Washington Local School District ("Washington Local"); authorizing the acceptance of a portion of the property located at 1936 Northover Road, in fee, from Washington Local, for the future construction of two elevated water storage tanks and other required improvements; authorizing the acceptance of a temporary construction easement over the remainder of the property located at 1936 Northover, from Washington Local; and declaring an emergency.

SUMMARY & BACKGROUND:

On October 7, 2020, Toledo City Council passed Ordinance Number 400-20 authorizing the transfer of the then City-owned property located at 1936 Northover Road (TD 22-03411) to the Board of Education of Washington Local School District (Washington Local) in support of its initiative to "establish outdoor learning areas, enhance environmental education, create walking paths and nature trails, and build a storm water retention pond." That conveyance was completed on or about November 25, 2020.

As part its approved general plan for finished water storage, the Division of Water Treatment needs to build 2 two-million-gallon elevated water storage tanks near the area of Jackman and Northover Roads. Numerous options were explored and it was determined that the property at 1936 Northover provided the acreage required

and was the most practical and cost-efficient site available.

Washington Local has agreed to deed approximately 3.6277 acres of the property located at and known as at 1936 Northover back to the City for the construction of the necessary elevated water storage tanks, for the total sum of \$1. It has also agreed to grant a temporary construction easement for necessary equipment and material staging and other construction-related activities. Since the majority of the property is a delineated wetlands area, and in support of Washington Local's outdoor learning objectives, City of Toledo has agreed to construct a boardwalk on the parcel as part of the property and wetlands restoration upon completion of the water storage tank project.

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

SECTION 1. That the Mayor is authorized to enter into a Real Estate Purchase, Sale and Development Agreement with the Board of Education of the Washington Local School District, regarding the property located at and known as 1936 Northover Road (TD 22-03411) under such terms and conditions approved by the mayor, the Director of Law and the Department of Public Utilities.

SECTION 2. That the Mayor is authorized to accept approximately 3.6277 acres of land from the Board of Education for the Washington Local School District, as described in Exhibit A and depicted on Exhibit C.

SECTION 3. That the Mayor is authorized to accept a temporary construction easement from the Board of Education of the Washington Local School District for construction and material staging, property wetlands restoration, and the construction of a boardwalk, over a portion of the property located at and known as 1936 Northover Road (TD 22-03411), as described in Exhibit B and depicted on Exhibit C.

SECTION 4. That the Mayor is authorized to execute and deliver such documents, certifications and instruments as are necessary or appropriate, as well as any other lawful action as may be required to fully implement, effectuate, and/or finalize the agreements and understandings between the Board of Education of the Washington Local School District and the City of Toledo as set forth in this Ordinance.

SECTION 5. That the City of Toledo, Department of Public Utilities, Real Estate Section, is authorized to cause proper recording of said needed instruments with the Recorder of Lucas County, Ohio.

SECTION 6. That it is 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 Ohio Revised Code.

SECTION 7. That this Ordinance is declared to be an emergency measure and shall take effect and be in force immediately from and after its passage. The reason for the emergency lies in the fact that the 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 to facilitate the execution and delivery of the agreement and conveyances described hereinabove so that the planned public improvements may commence in a timely manner.

Vote on emergency clause: yeas 11, nays 1.

Passed: May 16, 2023, as an emergency measure: yeas 11, nays 1.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

May 16, 2023
Wade Kapszukiewicz
Mayor