



Legislation Text

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DPU111417APPROPRIATE3301CENTRAL.ORD

DPU Admin for Engineering Services

Jamie Miller (x1409)

Revised

**Authorizing the Director of Law to proceed with the appropriation of a fee interest, across a portion of the property located at 3301 Central Avenue required for the Central & Secor Intersection Safety Improvement Project; authorizing the appropriation and expenditure in the amount of \$35,853 for payment to the Lucas County Clerk of Courts; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The City is proceeding with the Central & Secor Intersection Safety Improvement Project. This public improvement project will include the construction of new center median islands and new roadway pavement at this intersection, as well certain sidewalk, curb, drainage and utility improvements, which will improve the traffic flow and safety for both vehicular and pedestrian traffic at and near this intersection. The project will require the purchase of 0.0486 acres of land, more or less, in fee, across a portion of the property located at 3301 Central Avenue (TD Parcel 22-43024). This appropriation is necessary because negotiations between the City of Toledo and the owner and/or other parties with interests in the subject property have failed. A copy of Resolution No. 387-17 has been served upon the title holder, as well as all other interested parties via certified U.S. mail. It is the intent of the Division of Engineering Services to begin work related to the public improvement project as soon as possible upon the filing of the petition in Common Pleas Court, via “Quick Take” procedures.

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

SECTION 1. That the Director of Law is authorized to appropriate .0486 acres of land, more or less, in fee, across a portion of the property located at 3301 Central Avenue (TD Parcel 22-43024) more fully described below:

**ALL RIGHT, TITLE AND INTEREST  
IN FEE SIMPLE  
WITHOUT LIMITATION OF ACCESS**

**Right-of-way to City of Toledo from Lucas County Parcel #22-43024**

Being a parcel of land situated within Lot Number One of a Plat in the name of “Westgate Village”, as recorded in Lucas County Plat Volume Number 55 on page 6, all within the City of Toledo, Lucas County, State of Ohio and being fully described as follows:

Commencing at an Iron Rod Monument found within monument box marking the Northeast corner of the Northeast Quarter of said Section Number 30, Town 9 South, Range 7 East, also being the intersection of the centerline of Central Ave (having a varying right-of-way width) with the centerline of Secor Road (having a varying right-of-way width) said Iron Rod having a Plan Station of 702+09.93 at 0.00 feet Right, Thence SOUTH 89°-35'-58" WEST on said centerline of Central Ave for a distance of 102.00 feet to a point on said centerline, having a Plan Station of 701+07.93 at 0.00 feet Right, Thence SOUTH 00°-24'-02" EAST for a distance of 67.42 feet to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 701+07.93 at 67.42 feet Right to a point on the westerly right-of-way of Secor Road and being the Point of Beginning;

1. Thence NORTH 82°-32'-30" WEST for a distance of 90.85 feet to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 700+17.93 at 55.00 feet Right;
2. Thence SOUTH 89°-35'-58" WEST and being parallel to the centerline of said Central Ave. for a distance of 152.00 to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 698+65.93 at 55.00 feet Right;
3. Thence SOUTH 00°-24'-02" EAST for a distance 2.50 feet to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 698+65.93 at 57.50 feet Right;
4. Thence SOUTH 89°-35'-58" WEST and being parallel to the centerline of said Central Ave. for a distance of 8.00 to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 698+57.93 at 57.50 feet Right;
5. Thence NORTH 00°-24'-02" WEST for a distance of 2.50 feet to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 698+57.93 at 55.00 feet Right;
6. Thence SOUTH 89°-35'-58" WEST and being parallel to the centerline of said Central Ave. for a distance of 88.00 to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 697+69.93 at 55.00 feet Right;
7. Thence NORTH 00°-24'-02" WEST for a distance of 5.00 feet to a ½ diameter iron rod with a plastic cap set, having a Plan Station of 697+69.93 at 50.00 feet Right;
8. Thence NORTH 89°-35'-58" EAST and being parallel to the centerline of said Central Ave. for a distance of 320.39 to a point referenced by an iron rod found being, south 0.27 feet by east 0.46 feet, said point having a Plan Station of 700+90.32 at 50.00 feet Right;
9. Thence SOUTH 45°-42'-06" EAST for a distance of 24.77 feet to the Point of Beginning for this description.

Containing an area of 2,115.6500 square feet or 0.0486 acre of land more or less, subject to all easements, leases and restrictions of record.

The above-described area is contained within Lucas County Auditor Permanent Parcel Number #22-43024.

SECTION 2. That the Director of Law is authorized and directed to petition a court of proper jurisdiction to have a jury impaneled to inquire into and assess the compensation to be paid for the real estate described in Sections 1 and 2 of this ordinance.

SECTION 3. That the appropriation of \$35,853 is authorized from the Franklin Park/Westfield Muni Public Improvement TIF Fund to Account Code 5031-35000-8C05045STDSTD and the expenditure of same is authorized for payment to the Lucas County Clerk of Courts for the purpose of appropriating the aforementioned property required for the Central & Secor Intersection Safety Improvement Project.

SECTION 4. That the Director of Finance is authorized to draw a warrant or warrants in payment of obligations from the above listed account code, in a total amount not to exceed \$35,853 upon presentation of proper vouchers therefor.

SECTION 5. That this Ordinance is 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 the same is necessary for the immediate preservation of the public peace, health, safety, and property, and for the further reason that the filing of an appropriation action to acquire a fee interest, and a temporary construction easement, across portions of the property located at 3301 Central Avenue is necessary for the timely construction of certain public roadway and other public improvements required for the Central & Secor Intersection Safety Improvement Project being undertaken in conjunction with the Ohio Department of Transportation.

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