



Legislation Text

File #: R-290-18, **Version:** 1

DPU073118APPROPRIATE3188BYRNE

DPU Admin for Engineering Services

Jamie Miller (x1409)

Revised

Declaring the necessity and intention of appropriating, in fee, a portion of the property located 3188 S. Byrne Road, required for the South Detroit and Byrne Roadway and Intersection Improvement Project; and declaring an emergency.

SUMMARY & BACKGROUND:

The city is proceeding with the reconstruction of S. Detroit Avenue from the Anthony Wayne Trail to Copland Boulevard. Some of the improvements to be constructed as part of this public improvement project will include a complete re-construction of Detroit Avenue roadway pavement, the construction of a single lane roundabout at the intersection of Byrne Road, and other necessary and related pedestrian walkway, utility and infrastructure improvements between the Anthony Wayne Trail and Copland Boulevard. The project will require the purchase of .0529 acre of land, more or less, in fee, across a portion of the property located at 3188 S. Byrne Road (TD Parcel 10-19161). Negotiations to purchase the property interests have been unsuccessful to date and it is now necessary to begin appropriation proceedings to protect the City's interest in the right-of-way to be acquired and keep the project on schedule.

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

SECTION 1. That this Council declares its intention to appropriate, in fee, a portion of the real estate located at and known as 3188 S. Byrne Road (TD 10-19161), as more fully described below:

PARCEL 53-WD

ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE

WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS

Being a parcel of land situated within Grant 581, Town 3 United States Reserve in Adams Township, Lucas County, Ohio, lying west of the Miami and Erie Canal and also being a part of Lot 157 lying within a Plat in the name of "Milton Place - First Addition" recorded in Lucas County Plat Volume 32 on page 25, all within the City of Toledo, State of Ohio, and more fully described as follows:

Commencing at an Iron Pipe Monument found within a Monument Box and marking the intersection of the centerline of Detroit Avenue, having a varying right-of-way width and the northeasterly line of Grant 581, also being the centerline of Byrne Road (having a full right-of-way of 60.00 feet, said Iron Pipe having a Plan Station of 18+67.80 at 0.00 feet Left), thence NORTH 22°-40'-27" EAST for a distance of 1.50 feet to a point on said Detroit Avenue

centerline, having a Plan Station of 18+69.30 at 0.00 feet Left, Thence NORTH 67°-19'-33" WEST for a distance of 52.27 feet to the southeasterly corner of Lot Number 157 within said Plat of "Milton Place - First Addition", having a Plan Station of 18+69.30 at 52.27 feet Left, said corner also being the POINT OF BEGINNING for this description;

1. Thence SOUTH 85°-45'-10" WEST for a distance of 138.80 feet to a point on the northerly right-of-way of Devonshire Road to an Iron Bar Set with Plastic Cap at a point of non-tangent curvature to the left, having a Plan Station of 18+06.40 at 176.01 feet Left;
2. Thence on said non-tangent curvature to the left having a Delta of 24°-06'-24", a Radius of 300.00 feet, a Curve Length of 126.22 feet, and having the Chord Bearing of NORTH 66°-33'-31" EAST for a Chord Distance of 125.29 feet to an Iron Bar Set with Plastic Cap on the southwesterly right-of-way of Byrne Road, having a Plan Station of 18+96.76 at 89.17 feet Left;
3. Thence SOUTH 30°-40'-30" EAST on said southwesterly right-of-way of Byrne Road for a distance of 46.00 feet to the POINT OF BEGINNING.

The above described area contains 2,305.1225 Square Feet or 0.0529 Acre of land more or less, of which the present road occupies, 0.0000 Acre of land, more or less, for a NET TAKE AREA of 2,305.1225 Square feet or 0.0529 Acre of land more or less, subject to all legal highways, leases, easements and restrictions of record.

The land in the above description is contained all within Lucas County Permanent Parcel Number 10-19161.

SECTION 2. That negotiations for the acquisition of the above described property has been unsuccessful to date and that the acquisition of the property described in Section 1 is necessary for the S. Detroit and Byrne Roadway and Intersection Improvement Project.

SECTION 3. That it is ordered and directed that once adopted, the Clerk of Council shall serve this Resolution as required by law, via certified mail, upon the representatives of the owner of the described real estate.

SECTION 4. That this Resolution 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 this Resolution is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the acquisition of the property interests from a portion of the property located at 3188 S. Byrne Road is necessary for the timely construction of the S. Detroit and Byrne Roadway and Intersection Improvement Project.

Vote on emergency clause: yeas _____, nays _____.

Adopted: _____, 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 a Resolution adopted by Council

_____.

Attest: _____
Clerk of Council