



Legislation Text

File #: O-300-18, **Version:** 1

Zoning & Planning Committee

Declaring the vacation of a portion of Front Street and Randolph Street right of ways; in the City of Toledo, Lucas County, Ohio; and declaring an emergency.

SUMMARY & BACKGROUND:

The Council of the City of Toledo, by Resolution No. 9-18 adopted January 2, 2018, declared its intent to vacate a portion of the Front Street and Randolph Street right of ways; in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 herein.

All actions have been performed as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission and City Board of Revision of Assessments have made recommendations regarding the proposed vacations.

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

SECTION 1. That the Council of the City of Toledo does hereby vacate the Front Street and Randolph Street right of ways; in the City of Toledo, Lucas County, Ohio, as more fully described as follows:

Randolph Street Right of Way Vacation 0.444 Acres

Part of Lots 10-13 Block H, Lots 8-11 Lots 10-13 Block G, Lots 10 and 11 Block K of the Plat of Ellenboro, part of Lots 13-16 of the Plat of Niles Addition, and part of Lots 3 and 4 of Fractional Section 28, Town 9 South, Range 8 East, City of Toledo, Lucas County, Ohio and being further bounded and described as follows:

Commencing from a 1-inch iron pin in a monument box found marking the intersection of the centerline of Front Street (right of way varies) with the centerline of Millard Avenue (right of way varies);

Thence Southwesterly along the centerline of said Front Street, South 43 degrees 18 minutes 33 seconds West, a distance of 40.02 feet to a 3/4-inch iron pin in a monument box found marking a point of intersection;

Thence Northwesterly along the centerline of said Front Street, North 46 degrees 26 minutes 59 seconds West, a distance of 10.09 feet to a point of intersection;

Thence Southwesterly along the centerline of said Front Street, South 43 degrees 21 minutes 49 seconds West, a distance of 178.99 feet to a 3/4-inch iron pin in a monument box found marking a point of intersection;

Thence Southwesterly along the centerline of said Front Street, South 35 degrees 39 minutes 17 seconds West, a distance of 652.01 feet to a point;

Thence Southeasterly along a line perpendicular to the centerline of said Front Street, South 54 degrees 20 minutes 43 seconds East, a distance of 30.00 feet to a mag nail found marking the intersection of the Easterly right of way line of said Front Street with the Northerly right of way line of Randolph Street (60' right of way);

Thence continuing Southeasterly along the Northerly right of way line of said Randolph Street, South 54 degrees 20 minutes 43 seconds East, a distance of 35.05 feet to the True Point of Beginning of the vacation parcel herein described;

1. Thence continuing Southeasterly along the Northerly right of way line of said Randolph Street, South 54 degrees 20 minutes 43 seconds East, a distance of 325.06 feet to a 5/8-inch iron pin with cap found;
2. Thence Southwesterly along the Easterly right of way line of said Randolph Street, South 35 degrees 39 minutes 17 seconds West, a distance of 60.00 feet to a 1/2-inch iron pin in concrete found;
3. Thence Northwesterly along the Southerly right of way line of said Randolph Street, North 54 degrees 20 minutes 43 seconds West, a distance of 319.77 feet to a point;
4. Thence Northeasterly along a line, North 30 degrees 37 minutes 00 seconds East, a distance of 60.23 feet to the True Point of Beginning, containing in all 0.444 acres of land more or less, subject however to all legal highways and prior easements of record.

The above legal description is based on a land survey performed during August of 2017, by DGL Consulting Engineers, LLC. and was prepared by Ronald J. Lumbrezer, Ohio Professional Surveyor #8029.

NOTE: The bearings in this legal description are based upon an assumed meridian and are used only for the purpose of describing angular measurements.

All references to "an iron pin set" are 5/8" diameter x 30" long iron pins with cap "DGL - RJL 8029

SECTION 2. That the vacation(s) herein shall be subject to compliance of the following condition(s):

The following eight (8) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. 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: ph. 419-245-1341

Roadway: ph. 419-245-1344

Water: ph. 419-936-2163

Stormwater Drainage: ph. 419-245-3221; 419-245-1338

Sanitary Sewers: ph. 419-936-2276

2. Right-of-way is needed to maintain the public waterlines in Front and Randolph Streets rights-of-way.

3. No objections provided that the public storm sewer that currently services the street drainage within proposed vacated right of way shall become privately owned and maintained by the petitioner.
4. Access road is needed to gain access to sewer and manholes under and/or near bridge.

Buckeye Broadband

5. Access shall be required in order to maintain facilities located within the vacated area of right-of-way.

Columbia Gas

6. Access shall be required in order to maintain facilities located within the vacated area of right-of-way.

Plan Commission

7. The concerns of utilities within the proposed vacation area shall be addressed before final approval for the vacation is granted.
8. The applicant shall work with the City of Toledo Streets, Bridges and Harbors and Sanitary Engineers in order to address access concerns for the maintenance of city infrastructure.

SECTION 3. That a full width easement in favor of the City is retained across, under and through said vacated areas as described in Section 1 herein for the City's future installation, operation, maintenance, repair, and replacement of the existing and future sewer, water and/or storm water facilities located within the vacated area. All City facilities located within said vacated area are hereby dedicated to the City for exclusive City utility use and shall not be combined with easements or rights for other utilities. The easement retained by the City shall be primary to any other utilities located therein, and any easement retained by any other utility shall be subordinate to and subject to the easement rights of the City of Toledo. Said easement shall be permanent in nature for each utility and shall run with the land. Said easement also includes reasonable rights of egress and ingress over and through the vacated area. No fence, wall, building foundation, roof overhang, or other barrier which would impede access to the easement area shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City. The City shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City's removal of any barriers which impede the City ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City shall have no obligation or duty to restore or compensate the barrier owner for any barrier removed in whole or in part by the City. Any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained separately from each utility, as to their interest(s) only, by separate recordable instrument.

In addition to the foregoing, the City further retains a full width easement over, across, under, and through the vacated area for purposes of access to the adjacent bridge and right-of-way for purposes of inspection and repair.

SECTION 4. Cost of Land in the amount of \$7,193.68 is hereby waived in consideration of the public right of way property donation of the Front/Millard Roadway Improvement Project. Payment of Additional Required Work in the amount of \$18,462.00 (Escrow) is waived at the request of the Administration. Engineering costs of \$75.00 and recording fees in the amount of \$36.00 have been paid.

SECTION 5. That the Real Estate Section of the Department of Business and Economic 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 6. 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 a 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 7. 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 _____, 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