



## Legislation Text

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**File #:** O-075-19, **Version:** 1

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Zoning & Planning Committee

**Declaring the vacation of a portion of Riverside Drive located within the City of Toledo, Lucas County, Ohio; waiving all fees; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The Council of the City of Toledo, by Resolution No. 347-18 adopted on August 28, 2018, declaring its intent to vacate a portion of Riverside Drive, in the City of Toledo, Lucas County, Ohio, as more fully described in Section 1 hereof.

On October 11, 2018, the Toledo City Plan Commission recommended approval of the request for the vacation of a portion of Riverside Drive, and the City Council Zoning and Planning Committee on November 14, 2018, sent as approved the request for the vacation of a portion of Riverside Drive.

The Board of Revision met on January 18, 2019 and approved the request for the vacation of a portion of Riverside Drive.

All of the preliminary steps have been taken as required by law, the Charter of the City of Toledo, and the Toledo Plan Commission has made reports regarding the proposed vacations; and all things required by law to be done, have been done. During the vacation process it was determined the City of Toledo has waived all fees for this vacation.

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 a portion of Riverside Drive, in the City of Toledo, Lucas County, Ohio; and more fully described as follows:

Legal Description Riverside Vacation: Being part of Riverside Drive in the Marina District as recorded in Lucas County Plat Official Record 20081008-0049841, in the City of Toledo, Lucas County, Ohio, bounded and described as follows:

Commencing at 1 inch iron bolt monument found at the intersection of the centerlines of Main Street and Riverside Drive.

Thence South 38 degrees, 25 minutes, 04 seconds East, along the centerline of Main Street, a distance of 59.96

feet to a point.

Thence North 51 degrees, 34 minutes, 56 seconds East, a distance of 46.50 feet to an aluminum plate monument found.

Thence North 03 degrees, 54 minutes, 57 seconds East, a distance of 29.74 feet to an aluminum plate monument found.

Thence North 46 degrees, 14 minutes, 39 seconds East, a distance of 914.09 feet to an aluminum plate monument found, said point also being the True Point of Beginning.

The following 37 courses are along the Northwest and Southeast Right-of-way of Riverside Drive:

Thence North 43 degrees, 45 minutes, 21 seconds West, a distance of 88.00 feet to a point.

Thence North 46 degrees, 14 minutes, 39 seconds East, a distance of 203.74 feet to a 1/2 inch galvanized steel pipe found.

Thence South 43 degrees, 45 minutes, 21 seconds East, a distance of 14.00 feet to a point. From said point a 3/8 inch iron bar can be found 0.09 feet South and 0.15 feet West.

Thence traversing an arc to the right, having a radius of 1,130.00 feet, a tangent length of 105.53 feet, a central angle of 10 degrees, 40 minutes, 13 seconds, a chord bearing of North 51 degrees, 35 minutes, 47 seconds East, a chord distance of 210.14 feet and an arc length of 210.44 feet to a found 3/8 inch iron bar.

Thence North 33 degrees, 03 minutes, 08 seconds West, a distance of 14.00 feet to a 1/2 inch galvanized steel pipe found.

Thence North 56 degrees, 54 minutes, 11 seconds East, a distance of 383.95 feet to a point of curvature. From said point a 3/8 inch iron bar can be found 0.20 feet Southeast.

Thence traversing an arc to the right, having a radius of 444.00 feet, a tangent length of 40.05 feet, a central angle of 10 degrees, 18 minutes, 35 seconds, a chord bearing of North 62 degrees, 04 minutes, 00 seconds East, a chord distance of 79.78 feet and an arc length of 79.89 feet to a found 1/2 inch galvanized steel pipe.

Thence South 22 degrees, 48 minutes, 19 seconds East, a distance of 14.00 feet to a 1/2 inch galvanized steel pipe found.

Thence North 67 degrees, 14 minutes, 03 seconds East, a distance of 216.82 feet to a point of curvature.

Thence traversing an arc to the right, having a radius of 770.00 feet, a tangent length of 18.67 feet, a central angle of 02 degrees, 46 minutes, 39 seconds, a chord bearing of North 65 degrees, 51 minutes, 18 seconds East, a chord distance of 37.32 feet and an arc length of 37.33 feet to a 1/2 inch galvanized steel pipe found.

Thence North 64 degrees, 28 minutes, 10 seconds East, a distance of 704.30 feet to a point of curvature.

Thence traversing an arc to the right, having a radius of 370.00 feet, a tangent length of 23.55 feet, a central angle of 07 degrees, 17 minutes, 03 seconds, a chord bearing of North 60 degrees, 42 minutes, 42 seconds East,

a chord distance of 47.01 feet and an arc length of 47.04 feet to a point.

Thence North 57 degrees, 11 minutes, 03 seconds East, a distance of 248.31 feet to a point.

Thence North 52 degrees, 26 minutes, 30 seconds East, a distance of 142.02 feet to a point.

Thence South 38 degrees, 26 minutes, 18 seconds East, a distance of 49.42 feet to a point.

Thence North 51 degrees, 33 minutes, 42 seconds East, a distance of 14.00 feet to a point.

Thence South 38 degrees, 26 minutes, 18 seconds East, a distance of 24.04 feet to a point.

Thence South 57 degrees, 11 minutes, 05 seconds West, a distance of 409.66 feet to an aluminum plate monument found at a point of curvature.

Thence traversing an arc to the left, having a radius of 430.00 feet, a tangent length of 27.98 feet, a central angle of 07 degrees, 26 minutes, 49 seconds, a chord bearing of South 60 degrees, 38 minutes, 05 seconds West, a chord distance of 55.85 feet and an arc length of 55.89 feet to a point. From said point a 5/8 inch iron bar can be found 0.11 feet Southwest.

Thence South 64 degrees, 28 minutes, 10 seconds West, a distance of 704.38 feet to a 5/8 inch iron bar found at a point of curvature.

Thence traversing an arc to the left, having a radius of 830.00 feet, a tangent length of 20.12 feet, a central angle of 02 degrees, 46 minutes, 37 seconds, a chord bearing of South 65 degrees, 51 minutes, 18 seconds West, a chord distance of 40.23 feet and an arc length of 40.23 feet to a found 5/8 inch iron bar.

Thence South 67 degrees, 14 minutes, 03 seconds West, a distance of 216.80 feet to a 1/2 inch galvanized steel pipe set.

Thence South 22 degrees, 45 minutes, 24 seconds East, a distance of 14.00 feet to a 5/8 inch iron bar found at a point of curvature.

Thence traversing a non-tangent arc to the left, having a radius of 356.00 feet, a tangent length of 32.17 feet, a central angle of 10 degrees, 19 minutes, 42 seconds, a chord bearing of South 62 degrees, 03 minutes, 26 seconds West, a chord distance of 64.09 feet and an arc length of 64.17 feet to a 1/2 inch galvanized steel pipe set.

Thence South 56 degrees, 54 minutes, 11 seconds West, a distance of 383.90 feet to a 1/2 inch galvanized steel pipe set at a point of curvature.

Thence traversing an arc to the left, having a radius of 1,056.00 feet, a tangent length of 23.60 feet, a central angle of 02 degrees, 33 minutes, 38 seconds, a chord bearing of South 55 degrees, 39 minutes, 00 seconds West, a chord distance of 47.19 feet and an arc length of 47.19 feet to a point of curvature.

Thence traversing a non-tangent arc to the right, having a radius of 5.00 feet, a tangent length of 2.05 feet, a central angle of 44 degrees, 36 minutes, 00 seconds, a chord bearing of South 10 degrees, 23 minutes, 02 seconds East, a chord distance of 3.79 feet and an arc length of 3.89 feet to a found 1/2 inch galvanized steel

pipe.

Thence South 11 degrees, 54 minutes, 58 seconds West, a distance of 5.76 feet to a 1/2 inch galvanized steel pipe found at point of curvature.

Thence traversing an arc to the left, having a radius of 5.00 feet, a tangent length of 2.07 feet, a central angle of 45 degrees, 00 minutes, 00 seconds, a chord bearing of South 10 degrees, 35 minutes, 02 seconds East, a chord distance of 3.83 feet and an arc length of 3.93 feet to a found 1/2 inch galvanized steel pipe.

Thence South 33 degrees, 05 minutes, 02 seconds East, a distance of 36.97 feet to a found 1/2 inch galvanized steel pipe.

Thence South 51 degrees, 29 minutes, 56 seconds West, a distance of 79.22 feet to a found 1/2 inch galvanized steel pipe.

Thence North 43 degrees, 45 minutes, 16 seconds West, a distance of 36.77 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Thence traversing an arc to the left, having a radius of 5.00 feet, a tangent length of 2.07 feet, a central angle of 45 degrees, 00 minutes, 00 seconds, a chord bearing of North 66 degrees, 15 minutes, 16 seconds West, a chord distance of 3.83 feet and an arc length of 3.93 feet to a found 1/2 inch galvanized steel pipe.

Thence North 88 degrees, 45 minutes, 16 seconds West, a distance of 5.76 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Thence traversing an arc to the left having a radius of 5.00 feet, a tangent length of 2.07 feet, a central angle of 45 degrees, 00 minutes, 00 seconds, a chord bearing of North 66 degrees, 15 minutes, 16 seconds West, a chord distance of 3.83 feet and an arc length of 3.93 feet to a found 1/2 inch galvanized steel pipe.

Thence North 43 degrees, 45 minutes, 16 seconds West, a distance of 0.31 feet to a 1/2 inch galvanized steel pipe found at a point of curvature.

Thence traversing a non-tangent arc to the left, having a radius of 1,056.00 feet, a tangent length of 23.64 feet, a central angle of 02 degrees, 33 minutes, 53 seconds, a chord bearing of South 47 degrees, 32 minutes, 40 seconds West, a chord distance of 47.27 feet and an arc length of 47.27 feet to a found 1/2 inch galvanized steel pipe.

Thence South 46 degrees, 14 minutes, 39 seconds West, a distance of 203.73 feet to the True Point of Beginning.

Containing 162,675.00 square feet or 3.735 acres of land. Bearings used hereon are based upon an assumed meridian and are intended to indicate angular measurements only. All 1/2 inch galvanized steel pipe set are capped with the company name and PLS No. 7476. This legal description is based upon a field survey prepared by Lewandowski Engineers on July 6, 2018.

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

The following five (5) 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:

Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: 419-245-1341

Roadway: 419-245-1344

Water: 419-936-2163

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

Sanitary Sewers: 419-936-2276

2. Right-of-way is needed to maintain the 16-inch diameter public water main in Riverside Drive, until such time as proposed water mains included in the “Morrison Road Extension in the Replat of the Marina District” project are constructed.

A full width easement shall be retained by the City of Toledo over the vacated right of way until such time as the above-referenced project is constructed and the 16-inch water main in Riverside Drive is abandoned. The following language shall appear in the authorizing vacation ordinance which shall be recorded and a notation placed in the remarks section of the County’s real estate records:

“That a full width (60 foot) easement is hereby retained over, across, under and through said vacated area as described in Section 1 herein, for the existing water main, sanitary sewer and storm sewer located in said vacated right of way. All City of Toledo facilities located within said easement are hereby dedicated to the City of Toledo, for City utility use only, to allow for future maintenance, repairs, replacements, etc. and shall not be combined with easements for other utilities. The easement hereby retained by the City of Toledo herein shall be primary in nature to any other utilities located therein, and any easement retained by any other utility as a result of this Ordinance shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utilities located within the easement. The property owner shall not construct fences, walls or other barriers, which would impede access onto the easement. No temporary or permanent structure including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City’s removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities. Further, any modification and/or release of any easement granted or retained by any utility as a result of this Ordinance shall be obtained by the owner separately from each utility, as to their interest(s) only, by separate, recordable instrument.”

3. A portion of the existing storm sewer within the proposed vacation shall remain in service to provide drainage from Marina Drive and the Museum Parking lot. The location of the storm sewer that shall remain in service is the eastern two hundred feet of the proposed vacation. All other storm sewers

within the proposed vacation shall become privately owned and may be proposed to be removed at the owner's discretion by submitting new drainage plans for city approval. No objection to vacation.

- 4. All sewers in the vacated area shall become private. New manholes shall be installed in the R/w where the sewers transition from public to private

Transportation

- 5. Within the limits allowed by law, the applicant shall indemnify the City of Toledo, its officials, agents or employees, from any and all claims, demands, causes of action, suits or liability in connection with the performance of any and all acts authorized or permitted under this vacation. Said indemnification language shall be contained within and evidenced by the endorsement on a certified copy of the final vacating legislation by the owner which indemnification shall be kept in the permanent file of the Clerk of Council.

SECTION 3. That fees for vacation are waived in the amount of \$68,109.15.

SECTION 4. That the Real Estate Section of the Department of 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 5. 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 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 of the Ohio Revised Code.

SECTION 6. 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