



Legislation Text

File #: O-120-24, **Version:** 1

TDOT032724UTEASEMENTDOUGLAS

Division of Engineering and Construction Management

Soncrant (ext.2851)

Revised

Authorizing the Mayor to enter into easement agreement(s) with the University of Toledo for the grant of two surface easements within City right-of-way along portions of Douglas Rd. and a grant of an aerial easement across a connecting section of Douglas Rd. for the purpose of a pedestrian bridge (the “Easements”); authorizing the Mayor to execute other documents and agreements in connection with such easement grants; authorizing the acceptance and deposit of funds associated with such Easements; making findings related thereto; and declaring an emergency.

SUMMARY & BACKGROUND:

The City of Toledo operates, maintains, and owns certain dedicated right-of-way in and adjacent to Douglas Rd. south of Bancroft St. and located between property owned by the University of Toledo. In order to improve access and safety for students and guests, the University of Toledo (“UT”) desires to construct, maintain and operate a pedestrian bridge connecting UT owned property. The easements will encumber portions of the Douglas Rd. right-of-way; however, it has been determined that the proposed Easements will not conflict with the City’s or public’s continuing use Douglas Rd., and will enhance public safety and access to University facilities.

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

SECTION 1. That the Mayor is authorized to enter into an Easement Agreement(s), under terms and conditions approved by the Mayor and Director of Law, granting two surface easements in portions of the east and west City right-of-way along and adjacent to Douglas Rd., and granting a connecting aerial easement above Douglas Rd., each as generally shown on the drawing attached as Exhibit A and as legally described in Exhibit B, for the purpose of the University of Toledo constructing, maintaining and operating a pedestrian bridge to provide improved public access and safe connection to its property on either side of Douglas Rd., subject to any modifications to the easement areas or revision of the legal descriptions or surveys, as deemed necessary by the mayor, Director of Transportation and the Director of Law.

SECTION 2. That the Mayor and other appropriate City officials are further authorized to enter into and execute such other agreements, instruments and documents, and take such further actions, as may be necessary and appropriate to effectuate, implement and evidence the Easements authorized in Section 1, under such terms and conditions as in the opinion of the Mayor, Director of Transportation and the Director of Law are in the best interests of the City.

SECTION 3. That the Mayor is authorized to accept and deposit any funds from the University of Toledo that may be received as nominal consideration or as cost reimbursement into the General Fund, Account

Code 1001-35000-5651003STDSTD.

SECTION 4. That it is found and determined that the interests in the City real property and/or right-of-way to be conveyed by the Easement Agreement(s) are real property interests that are not needed for other municipal purposes; that the disposition of such interests in the City property to the University of Toledo is in the best interests of the City; and that the disposition of such real property interests without competitive bidding is appropriate given the public benefit from improved public safety and pedestrian access to University of Toledo facilities to be provided by the grant of the Easements; and that Council approves the conveyance of the Easements notwithstanding the notice, publication, and bidding provisions of Section 187.19 of the Toledo Municipal Code, and waives the same.

SECTION 5. That it is found and determined that all formal actions of City 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 the committees that resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6. 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 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 in order to authorize the execution of the Easements and to allow a timely start of construction on the proposed pedestrian bridge to improve access and safety to University of Toledo facilities.

Vote on emergency clause: yeas 11 , nays 0.

Passed: March 27, 2024, as an emergency measure: yeas 11, nays 0.

Attest: Julie Gibbons

Carrie Hartman

Clerk of Council

President of Council

Approved: February 21, 2024

Wade Kapszukiewicz

Mayor