

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

DATE: April 11, 2025

REF: V-58-25

TO: President Carrie Hartman and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Vacation of all that portion of Whitmer Drive lying between W. Alexis Road and Lyceum Place

The Toledo City Plan Commission considered the above-referenced request at its meeting on April 10, 2025 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of all that portion of Whitmer Drive lying between W. Alexis Road and Lyceum Place
Applicant	-	City of Toledo One Government Center, Suite 2250 Toledo, OH 43604
Surveyor	-	Garcia Surveyors, Inc. 1720 Indian Wood Circle, Suite E Maumee, OH 43537

Site Description

Zoning	-	IC / Institutional Campus
Area	-	± 2.448 acres
Dimensions	-	Various
Existing Use	-	Public Right-of-Way
Proposed Use	-	Parking

Area Description

North	-	Alexis Road, church and single-family homes / RS6
South	-	Single-family homes/ RS6
East	-	Whitmer School campus, Clegg Drive, and single-family homes / IC, RD6 and RS6
West	-	Whitmer Campus parking and single-family homes / IC and RS6

GENERAL INFORMATION (cont'd)

Parcel History

- | | | |
|-----------|---|--|
| Z-68-67 | - | Request for a Zone Change from R-2 to R-4 (PC rec. disapproved 5/18/1967; CC repealed Res. 68-67 6/5/1967 via Res. 160-67) |
| Z-127-67 | - | Request for a Community Unit Plan (Deferred 6/29/67) |
| Z-160-67 | - | Request for a Zone Change from R-2 to R-3 (PC rec. approval 6/29/1967; CC approved 8/7/1967 via Ord. 607-67) |
| M-8-72 | - | Request for a Playfield (PC approved 4/27/1972). |
| V-100-72 | - | Request to Vacate Edger Drive and Clegg Drive South of Edger Drive (PC rec. approval 4/19/1972; CC approved 6/27/1972 via Ord. 472-72) |
| M-15-72 | - | Review of an Addition to Whitmer High School (PC approved 6/26/1972) |
| M-21-72 | - | Request to Operate a Vocational School in the Washington Local School District (PC approved 8/31/1972) |
| Z-4001-15 | - | Zone Change from RS6 to IC (PC rec. approval 6/11/2015; CC approved 7/21/2015 via Ord. 382-15). |
| M-8-15 | - | Institutional Master Plan Adoption for Whitmer High School (PC approved 6/11/2015; CC approved 7/21/2015 via Ord. 382-15). |

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning
- Forward Toledo Comprehensive Land Use Plan

STAFF ANALYSIS

The applicant, the City of Toledo, is requesting the Vacation of all that portion of Whitmer Drive lying between Alexis Road and Lyceum Place. The purpose of the vacation is to allow for the relocation of Whitmer Drive to the east, to line up with Herst Road north of Alexis Road. Currently, Whitmer Drive separates the Whitmer School Campus and a large parking lot for the campus. Pedestrians are therefore required to cross Whitmer Drive to access the Whitmer Campus. Relocation of Whitmer Drive will improve pedestrian safety by eliminating the need for pedestrians to cross Whitmer Drive. A right-of-way dedication plat for the new location of Whitmer Drive and an amended Whitmer School Institutional Campus Master Plan will be submitted for review by the Plan Commission as a result of the proposed vacation request. Surrounding land uses include a church and single-family homes to the north across Alexis Road; single-family homes to the south; and Whitmer School Campus and single-family homes to the east and west.

Forward Toledo Comprehensive Land Use Plan

The Forward Toledo Comprehensive Land Use Plan designates the subject right-of-way and the abutting Whitmer School Campus as Institutional. The Institutional land use designation is intended to preserve regional and local anchors which require large campus areas, such as high schools, colleges, hospitals, museums and cultural institutions. Expansion should be sensitive to the well-being of neighbors and surrounding traffic patterns. The proposed vacation will better align Whitmer Drive with surrounding traffic patterns, and the submission of an amended Institution Campus Master Plan will allow for appropriate measures to be required to minimize impact of the relocation of Whitmer Drive on surrounding residential uses.

Staff recommends approval of the proposed Vacation because it will facilitate the relocation of Whitmer Drive so that it will align with Herst Road to the north, and it is consistent with the Forward Toledo Comprehensive Land Use Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-58-25, the request for the Vacation of all that portion of Whitmer Drive lying between W. Alexis Road and Lyceum Place, to Toledo City Council for the following two (2) reasons:

1. The proposed Vacation will facilitate the relocation of Whitmer Drive so that it will align with Herst Road to the north and provide for safer pedestrian access to Whitmer School Campus; and
2. The proposed Vacation is consistent with the Forward Toledo Comprehensive Land Use Plan.

The Toledo City Plan Commission further recommends approval of V-58-25, the request for the Vacation of all that portion of Whitmer Drive lying between W. Alexis Road and Lyceum Place, to Toledo City Council subject to the following six (6) conditions:

PLAN COMMISSION RECOMMENDATION (cont'd)

The conditions of approval are as follows and listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Law Department

1. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo's maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities located within said vacated area are hereby dedicated to the City of Toledo for exclusive City of Toledo utility use only and shall not be combined with easements or rights for other utilities. The easement retained by the City of Toledo 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 shall be constructed or maintained. Driveways, parking lots, walkways and other similar improvements are permitted subject to the prior written consent of the City of Toledo. The City of Toledo shall be released and held harmless for any liability, responsibility costs, or damages resulting from the City of Toledo's removal of any barriers which impede the City of Toledo ingress or egress from the easement or which obstruct access to the utilities located within the vacated area. The City of Toledo 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 of Toledo. 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. Easements shall be retained unless utilities are relocated.

Division of Engineering Services

2. An update is needed to the existing easement granted to Toledo by Washington Local for the enclosed Silver Creek. The easement is 30 feet wide, running approximately east-west, except it does not cover the right-of-way. The easement needs to be updated to be continuous where it crosses the vacated land. The current recorded document is number 20160413-0013806.
3. Provide easement for sanitary sewer crossing parking lot and then going down Edgar Street.
4. Show full width easement on Edgar Street per Ordinance 472-72. See attached map in Exhibit A.

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PLAN COMMISSION RECOMMENDATION (cont'd)

Division of 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.

Plan Commission

6. Right-of-way for the relocated Whitmer Drive shall be dedicated for public use per Final Plat procedures of the City of Toledo Subdivision Rules and Regulations.

Respectfully Submitted,



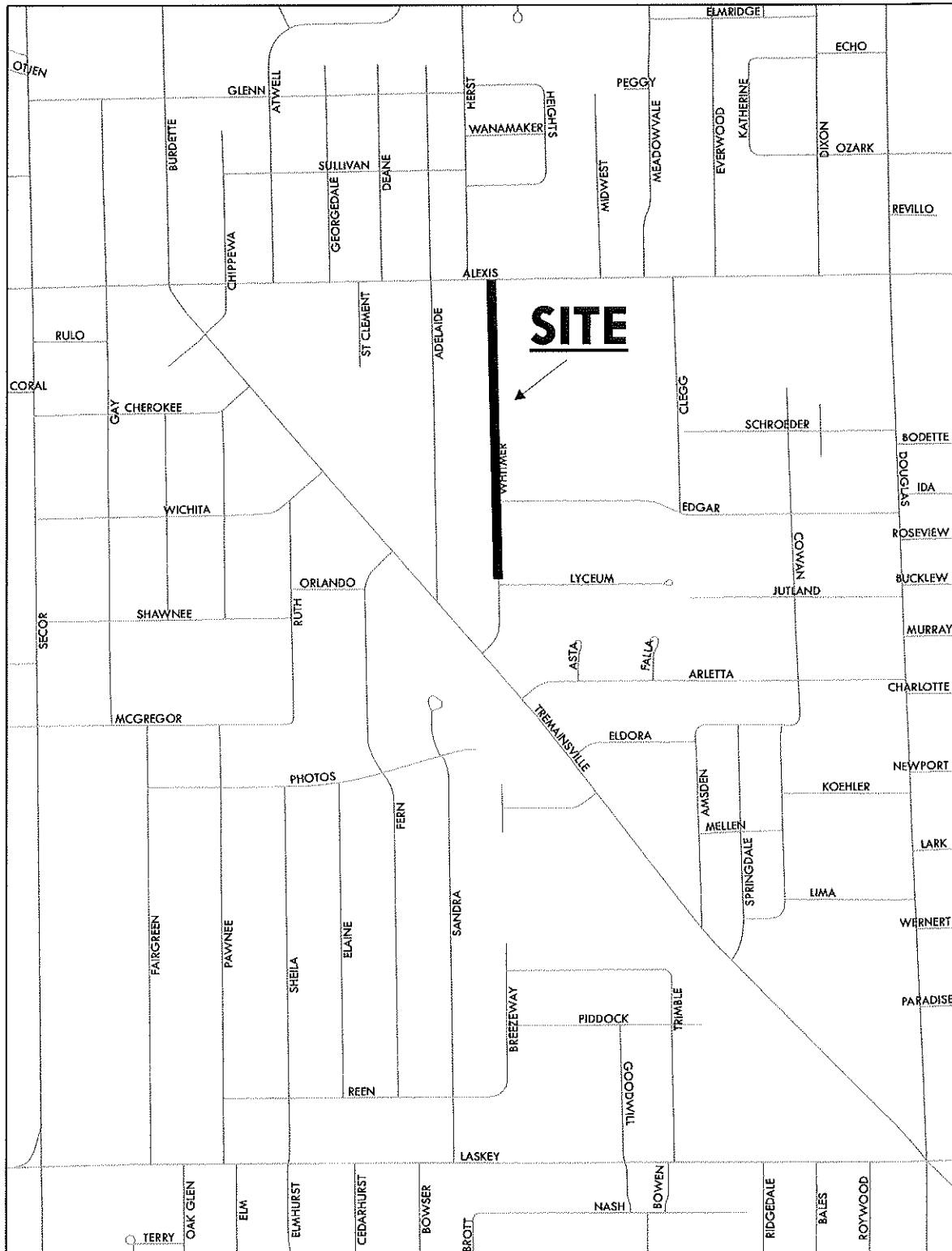
Thomas C. Gibbons
Secretary

Four (4) sketches follow
Exhibit "A" follows

cc: Kristine Martin, Superintendent, Washington Local Schools
Sarah Martin, Manager of Real Estate, Department of Economic Development
Lisa Cottrell, Deputy Director
Lisa Karcher, Planner

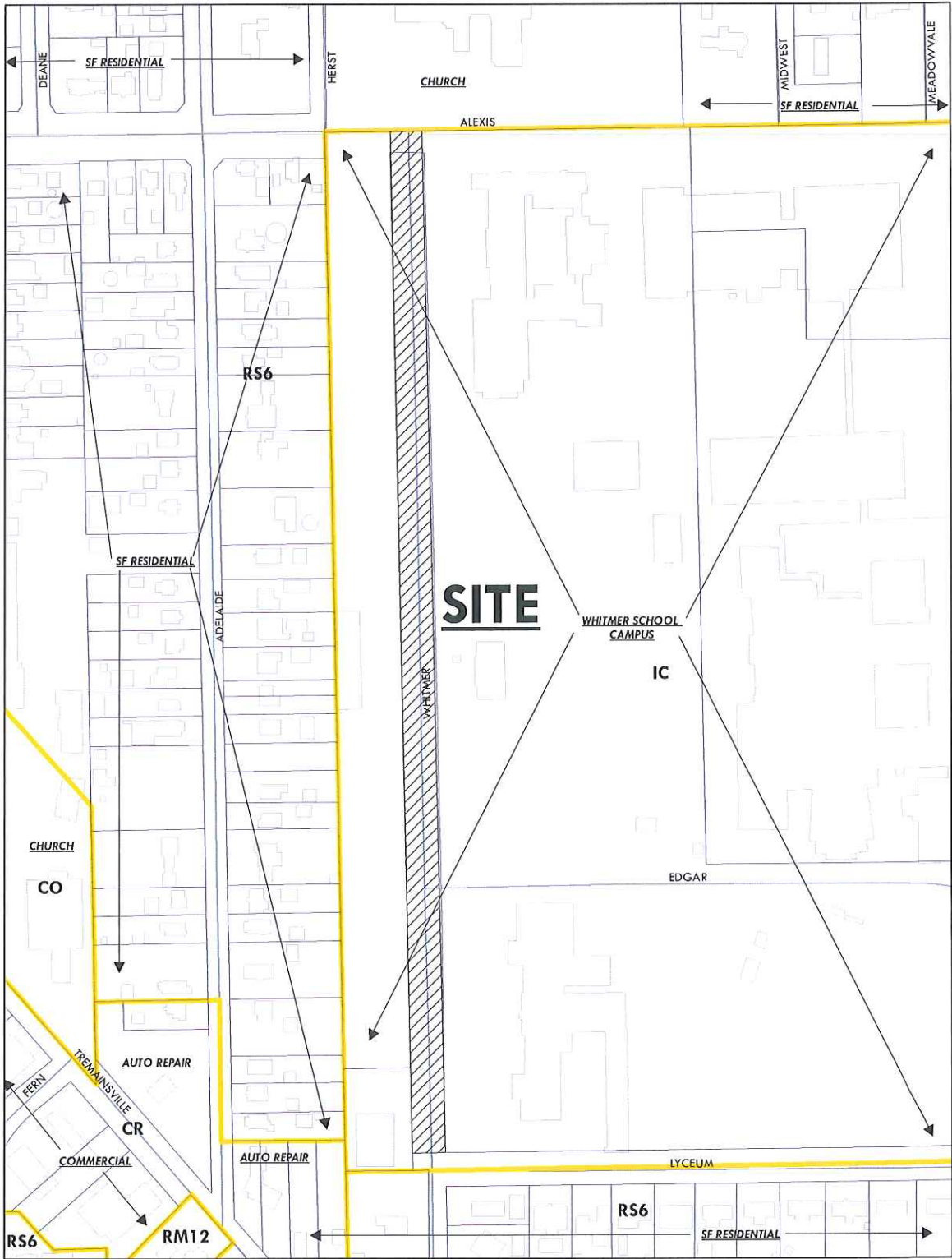
GENERAL LOCATION

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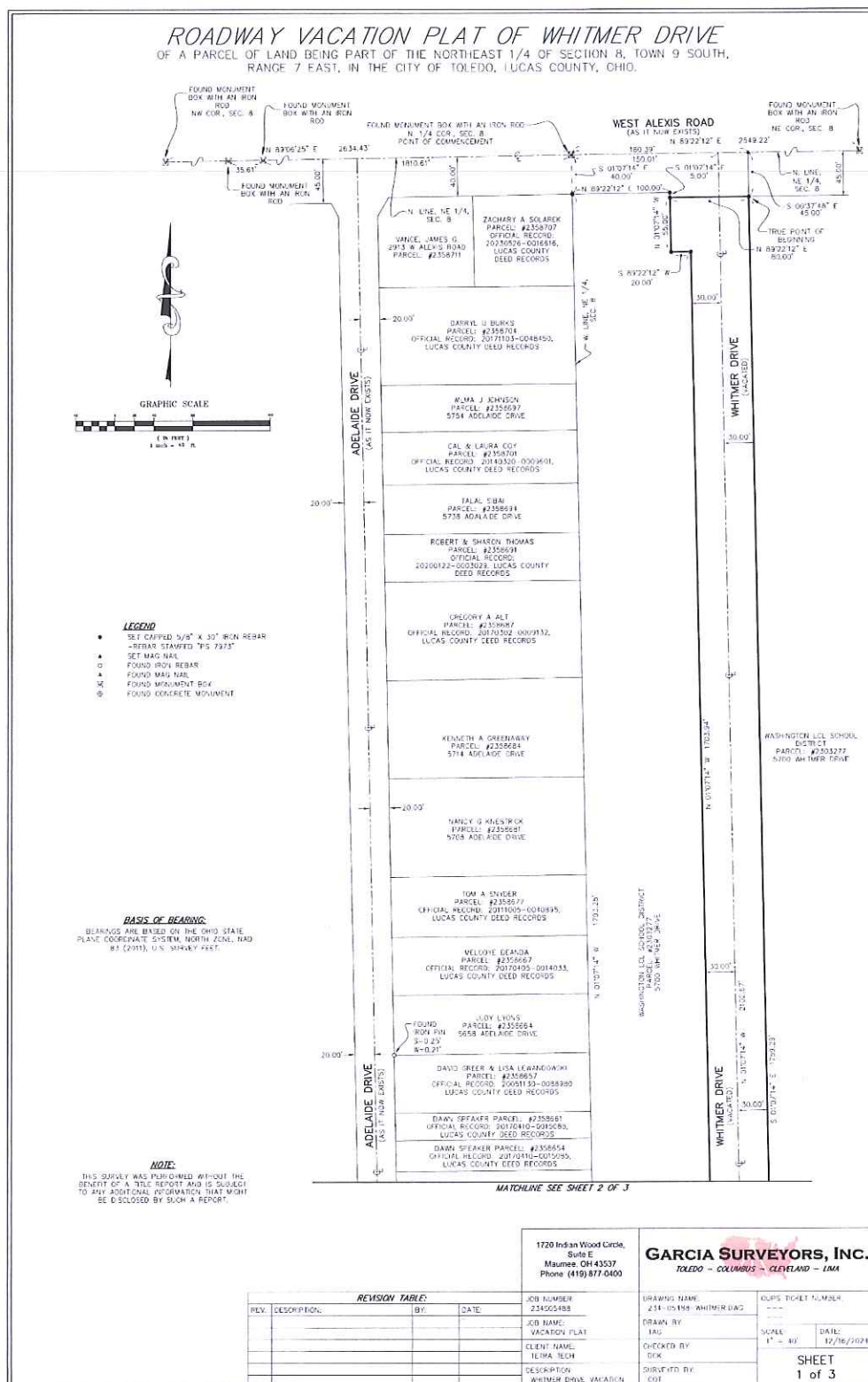


ZONING & LAND USE

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VACATION PLAT

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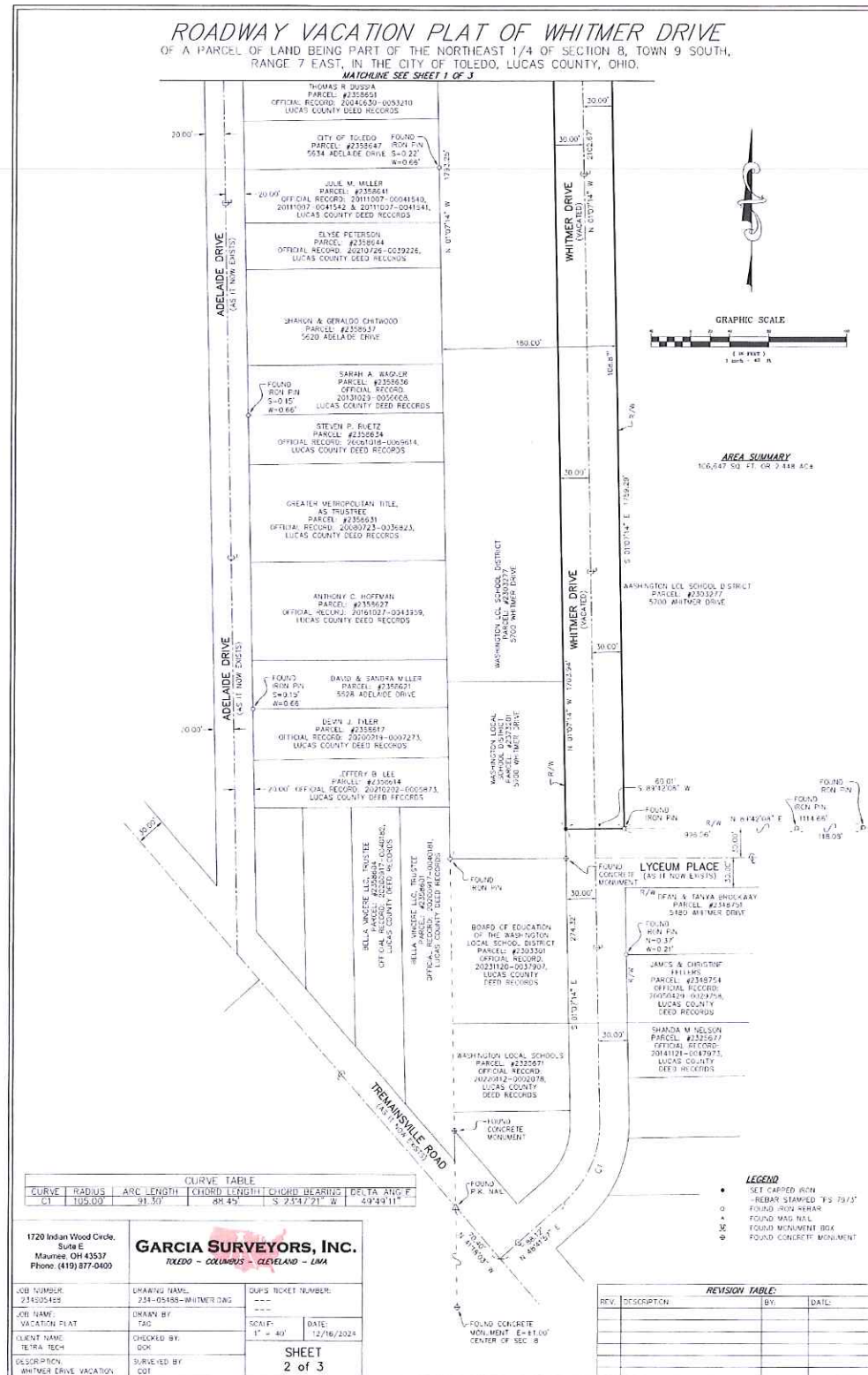


Exhibit "A"
Division of Engineering Services Map

