

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

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

REF: V-244-24

DATE: June 13, 2024

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

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

SUBJECT: Vacation of a portion of Champlain Street and abutting alley, located west of Michigan Street, north of Rex Street

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, June 13, 2024 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Vacation of a portion of Champlain Street and abutting alley, located west of Michigan Street, north of Rex Street
Applicant + Owner	-	Henry Gertzweiler, Inc. 921 Galena Street Toledo, OH 43611
Engineer	-	Frederick Associates 4645 N. Summit Street Toledo, OH 43611

Site Description

Zoning	-	RS6 / Single-family Residential
Area	-	± 0.38 Acres
Frontage	-	± 30' along Champlain Street
Existing Use	-	Vacant Lot
Proposed Use	-	Manufacturing

Area Description

North	-	IL, RS6 / Manufacturing, Warehouse
South	-	RD6, RS6 / Single-family Homes, Champlain Street and Res Street Right-of-way
East	-	RS6 / Single-family Homes
West	-	RS6, IG/ Single-family Home, Industrial Warehouse

GENERAL INFORMATION (cont'd)

Parcel History

Z-133-82 - Resolution No. 133-82 requesting a zoning for properties located in the "Northern Tier" of North Toledo. Approved by Ord.620-82

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant, Henry Gertzweiler, Inc. is requesting the vacation of an unimproved portion of Champlain Street and the abutting alley located west of Michigan Street and north of Rex Street. The area is surrounded by manufacturing and warehouses to the north, to the east is a predominantly single-family neighborhood, to the south is a single-family home, Champlain R.O.W and Rex Street, and to the west is an industrial warehouse and a single-family home.

The applicant owns the manufacturing business and warehouses to the north of the site. The vacation is being requested in order to facilitate the expansion of the manufacturing business. The expansion will include a new fabrication building and possibly a rebar office. The applicant is also requesting a Zone Change for the parcel north of the alley and eight (8) parcels south of the alley from IL Limited Industrial and RS6 Single Family Residential to IL Limited Industrial for the same purpose in a separate application. A Site Plan Review will be required for future development on the site.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets the site for Single-family Residential land uses. Single Family land uses typically include the development of single-dwelling units on individual lots and may also include libraries, schools, churches, and community centers that serve neighborhoods. The Single-family Residential district is intended to create, maintain and promote housing opportunities for individual households, although it may include nonresidential uses, duplexes, and planned unit developments that are typically compatible with residential neighborhoods.

Although the future land use intends this area for Single-family Residential land uses, staff recommends approval of the vacation because the applicant owns majority of the land adjacent to the alley with the exception of the single-family home at the corner of Champlain Street and Rex Street. The request activates an underutilized space and consolidates the land for business expansion.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of V-244-24, a request for vacation of a portion of Champlain Street and abutting alley, located west of Michigan Street, north of Rex Street for the following **two (2) reasons**:

1. The majority of the land is occupied by a single owner limiting the overall impact;
and
2. The request activates and secures an underutilized space

The Toledo City Plan Commission further recommend approval of V-244-24, a request for vacation of a portion of Champlain Street and abutting alley, located west of Michigan Street, north of Rex Street to Toledo City Council subject to the following eight (8) conditions:

Engineering Services

1. The property owner shall install a gate valve in a manhole on the existing 6-inch diameter water main. The portion of 6-inch diameter water main in the vacated right-of-way shall become private with the responsibility of the owner to maintain. Alternatively, the hydrant at the end of the existing water main shall be moved to the right-of-way line, and the remainder of the water main abandoned, at the expense of the property owner.
2. Install manhole at r/w line. Sanitary sewer in vacated area shall become private and the responsibility of the property owner to maintain. See attached drawing.

Bureau of Fire Prevention

3. The dead-end hydrant at the NE end of Champlain Street needs to be removed.

Toledo Edison

4. As discussed during our field meet yesterday, 6/10/2024, Toledo Edison has a span of secondary, a pole and a streetlight in the area the City of Toledo is looking to vacate the Right-of-Way. Toledo Edison can remove this overhead span, pole and streetlight but we will need a request from the City of Toledo to do so.

Law Department

5. Within the allowed limits 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 the indemnification shall be kept in the permanent file of the Clerk of Council.

STAFF RECOMMENDATION (cont'd)

Law Department (cont'd)

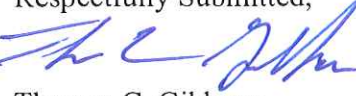
6. That a full width easement in favor of the City of Toledo is retained across, under and through said vacated area as described in Section 1 herein for the purpose of the City of Toledo's maintaining, operating, renewing, reconstructing, and removing utility facilities. All City of Toledo facilities 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. **This condition shall not apply if the applicant satisfies the requirements of condition 1.**

Plan Commission

7. The proposed vacation cannot result in the loss of access for any abutting properties.
8. A Site Plan Review shall be required for any future developments within the vacated area in accordance with the provisions of the Toledo Municipal Code.

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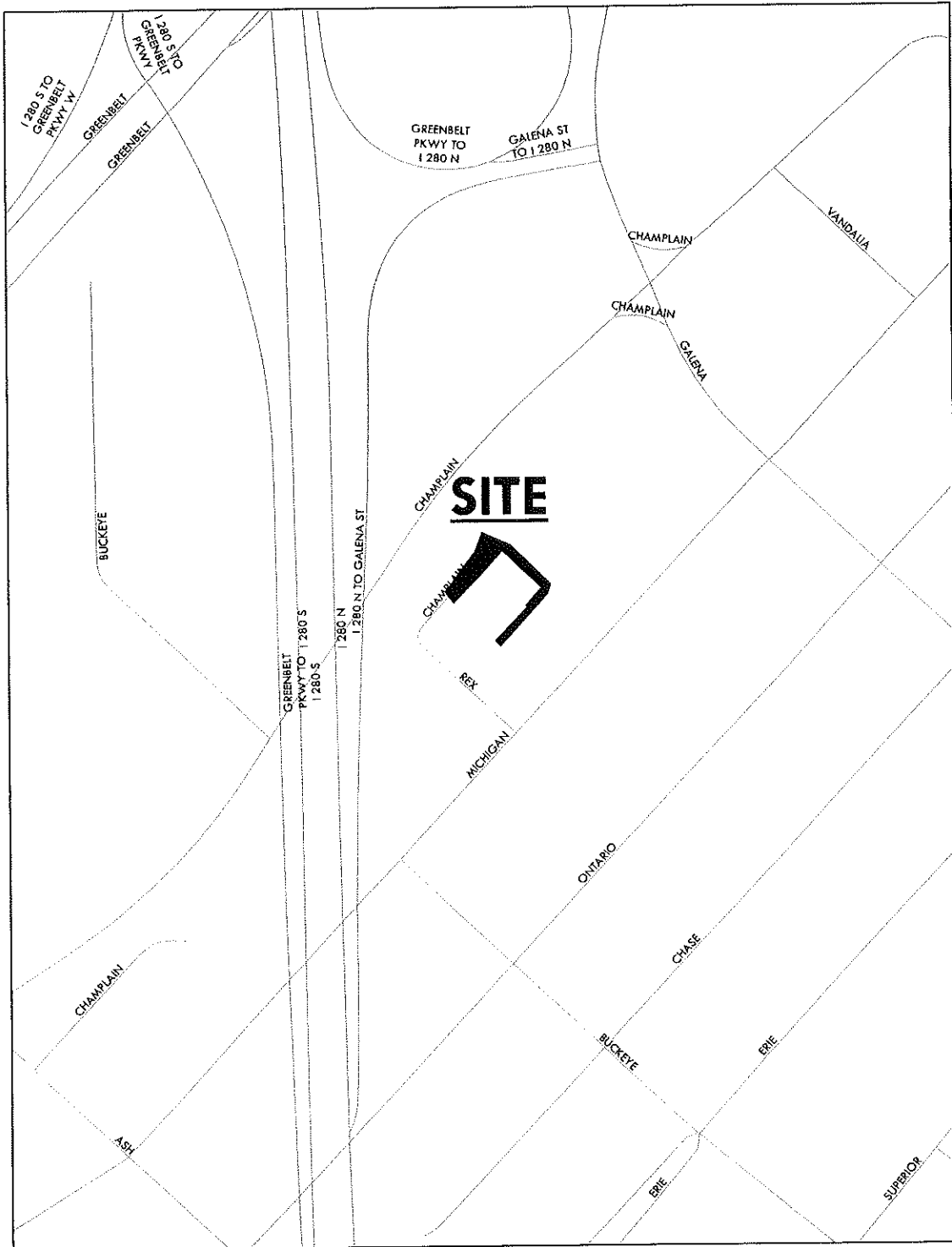
Respectfully Submitted,

Thomas C. Gibbons

Secretary.

ET
Three (3) sketches follow

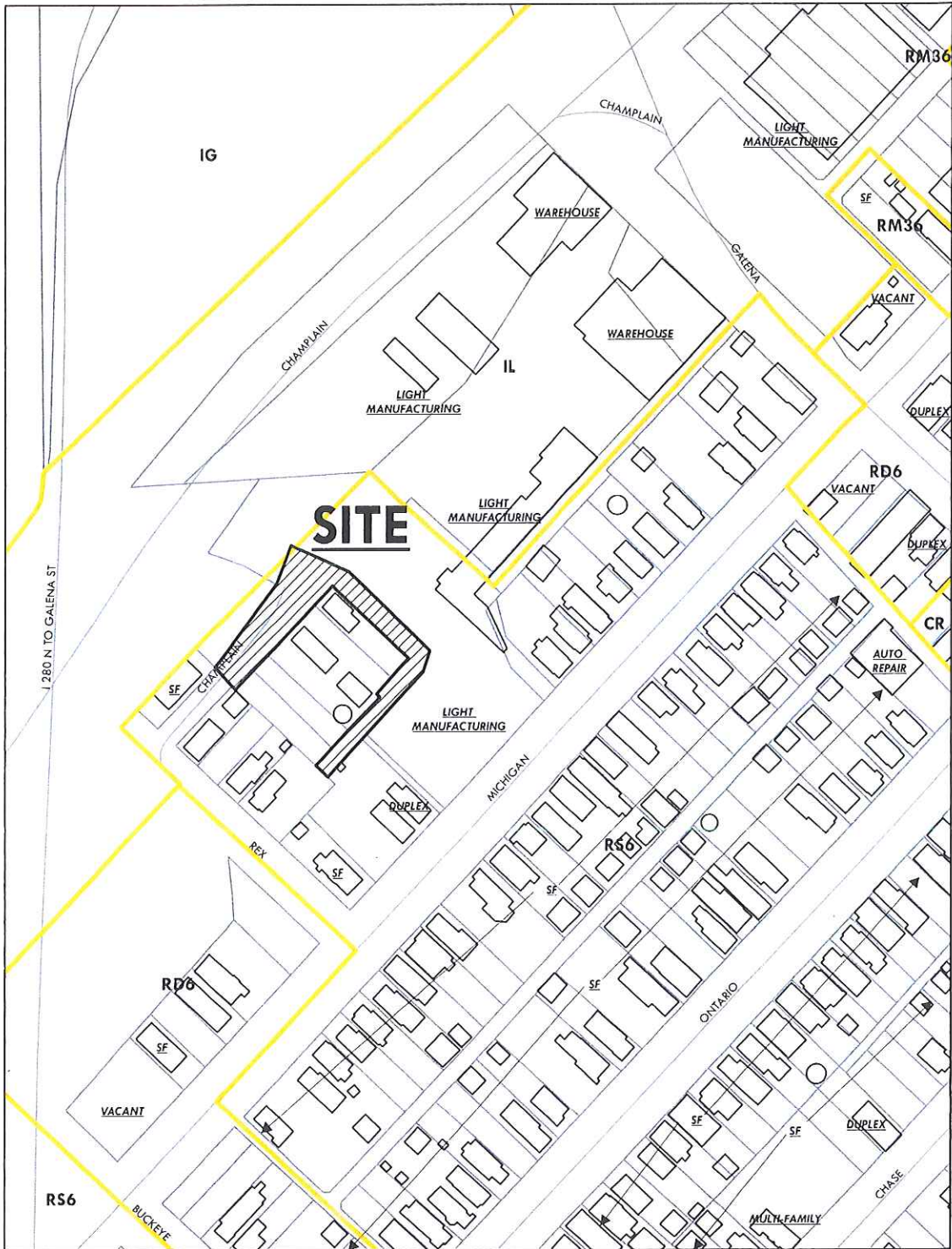
GENERAL LOCATION

V-244-24



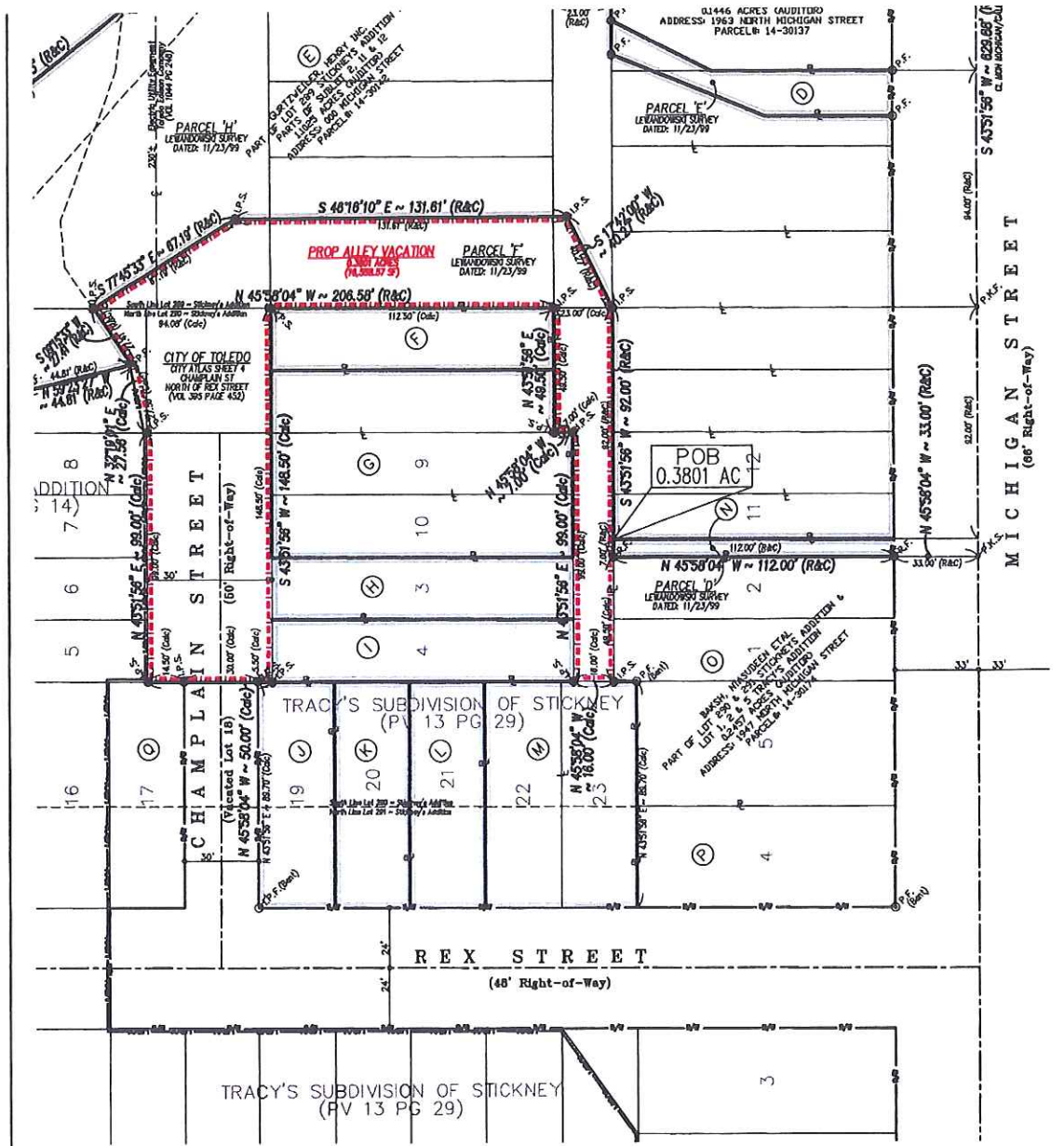
ZONING & LAND USE


V-244-24



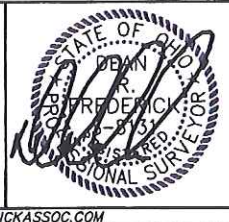
SURVEY

V-244-24



 **FREDERICK ASSOCIATES**
 ENGINEERS - SURVEYORS - PLANNERS
 4645 NORTH SUMMIT STREET PHONE 419-340-2650
 TOLEDO, OHIO 43611 FAX 419-726-1995
 4/26/24
 SCALE: 40
 DRAWN: ASR
 CHECKED: DRF

ALLEY VACATION
 HENRY GURTZWELER, INC
 0.3801 ACRES
 PART OF LOT 290 & LOT 291
 STICKNEY'S 3RD ADDITION (PV 2A PG 2)
 STICKNEY'S ADDITION OF LOT 290 (PV 16 PG 14)
 CITY OF TOLEDO
 LUCAS COUNTY, STATE OF OHIO



DATE: APR 2024
 JOB No: 23-2397
 SHEET
 1/3

DFREDERICK@FREDERICKASSOC.COM