

# Ordinance No. 1388-2023

AN EMERGENCY ORDINANCE  
To vacate a portion of the Detroit Superior Viaduct.

By Council Members McCormack, Bishop, Hairston and Griffin (by departmental request)

WHEREAS, under Resolution No. 1285-2022, adopted January 23, 2023, this Council declared its intention to vacate a portion of the Detroit Superior Viaduct as described; and

WHEREAS, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

WHEREAS, on November 15, 2023, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

WHEREAS, this Council is satisfied that there is good cause for vacating all of the above and that it will not be detrimental to the general interest and that it should be made; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township Lot No. 70, bounded and described as follows:

Commencing at a 1-inch rebar in a monument box found at the intersection of West 25<sup>th</sup> Street (Variable width Right-of-way) and Detroit Avenue (U.S. Route 6 & 20) (Variable width Right-of-way); thence North 30° 28' 45" West along the centerline of West 25<sup>th</sup> Street, 142.71 feet to a point; thence North 59° 30' 58" East, 30.00 feet to a Drill Hole the northeast right-of-way line of West 25th Street; thence North 30° 28' 45" West, along the northeast right-of-way of said West 25th Street, 87.83 feet to a Drill Hole found on the southeast right-of-way line of Vermont Avenue (33 feet wide); thence North 59° 26' 35" East along the southeast right-of-way line of said Vermont Avenue, 229.00 feet to a P-K nail found; thence South 30° 29' 02" East, 6.20 feet to a P-K Nail found and being the PLACE OF BEGINNING for the parcel herein described;

Course No. 1: thence North 59° 26' 35" East, along a new split line, passing over an iron pin set at 133.60 feet, 238.36 feet to an iron pin set on the southeast right-of-way of Superior Viaduct (80 feet wide);

Course No. 2: thence South 39° 49' 58" West, along the southeast right-of-way of Superior Viaduct, 30.96 feet to a drill hole found;

Course No. 3: thence South 59° 26' 52" West, along the southeast right-of-way of Vermont Avenue, 238.36 feet to a 5/8-inch iron pin with ID cap "N.M. Juhnke S-7878" found;

Course No. 4: thence North 39° 50' 01" East, 30.96 feet to the PLACE OF BEGINNING, containing 0.0569 acres, more or less, but subject to all highways, covenants, and easements of legal record as surveyed in November 2021 by Ryan A. Snezek, Registered

# Ordinance No. 1388-2023

Professional Land Surveyor No. 8495 on behalf of McSteen Land Surveyors under Project No. 21-271.

Legal Description approved by Eric B. Westfall, P.S., Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, Dominion East Ohio Gas, The Illuminating Company, Division of Water and Water Pollution Control.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the City of Cleveland, Division of Water, Water Pollution Control, AT&T, Dominion East Ohio Gas, and The Illuminating Company.

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

DS:lb  
12-4-2023  
FOR: Director Abonamah

# Ord. No. 1388-2023

By Council Members McCormack, Bishop, Hairston and Griffin  
(by departmental request)

## AN EMERGENCY ORDINANCE

To vacate a portion of the Detroit Superior Viaduct.

**READ FIRST TIME on DECEMBER 4, 2023**  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

REPORTS

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
READ SECOND TIME

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
READ THIRD TIME

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
MAYOR

Recorded Vol. **110** Page \_\_\_\_\_

Published in the City Record \_\_\_\_\_

REPORT  
after second Reading

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

FILED WITH COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PASSAGE RECOMMENDED BY  
COMMITTEE ON  
**FINANCE, DIVERSITY, EQUITY  
and INCLUSION**

FILED WITH COMMITTEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_