

Ordinance No. 445-2023

AN EMERGENCY ORDINANCE

To vacate a portion of Rockhurst Avenue N.E. (12 feet wide), east of East 105th Street.

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

WHEREAS, under Resolution No. 694-2022, adopted October 3, 2022, this Council declared its intention to vacate a portion of Rockhurst Avenue N.E. (12-foot wide) between East 105th Street and East 107th Street; 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 March 8, 2023, the Board of Revision of Assessments amended the legal description of the real property that this Council declared its intention to vacate in Resolution No. 694-2022 to be smaller in size than described in such resolution so no new notice was required; and

WHEREAS, on March 8, 2023, the Board of Revision of Assessments approved the street vacation, as amended, 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 to vacate a portion of Rockhurst Avenue N.E., as described; 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 further known as being part of One Hundred Acre Lot No. 386 of original East Cleveland, being Township Number 8 North in the 12th Range West of Townships in the Connecticut Western Reserve; and further known as being a portion of Rockhurst Avenue (12 feet wide) of the Sarah Phillips subdivision as recorded in volume 19 of maps, page 23 of Cuyahoga County Records;

Beginning at a 5/8 inch iron pin found in a monument box assembly at the intersection of the centerline of Superior Avenue (U.S. RT. 6; 80 feet wide) with the centerline of East 105th Street (f.k.a. Doan Street; 60 feet wide);

Thence North 81°20'14" East along the centerline of said Superior Avenue, 30.29 feet to the northerly extension of the easterly right-of-way line of said East 105th Street;

Thence South 00°45'04" East along said easterly right-of-way line of East 105th Street, 141.61 feet to an iron pin set at the southwesterly corner of land conveyed to Famicos Foundation by Afn: 2018-08010111 of Cuyahoga County Records (Ppn: 120-01-001) and the principal place of beginning;

Course 1: Thence North 88°58'16" East along the southerly line of said Famicos Foundation (Ppn: 120-01-001), said line also being the northerly line of said

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Rockhurst Avenue, 128.56 feet to an iron pin set at the southwesterly corner of land conveyed to Three Black Knights Llc by Afn: 2019-09110129 of Cuyahoga County Records (Ppn: 120-01-003);

Course 2: Thence South $01^{\circ}01'44''$ East, 12.00 feet to an iron pin set in the northerly line of land conveyed to Famicos Foundation by Afn: 2012-11260868 of Cuyahoga County Records (Ppn: 120-01-107); said line also being the southerly line of said Rockhurst Avenue;

Course 3: Thence South $88^{\circ}58'16''$ West along said northerly line of Famicos Foundation (Ppn: 120-01-107), said line also being the southerly line of said Rockhurst Avenue, 128.62 feet to an iron pin set in the easterly right-of-way line of said East 105th Street;

Course 4: Thence North $00^{\circ}45'04''$ West, 12.00 feet to the principal place of beginning and containing 0.0354 acres of land, be the same more or less, but subject to all legal highways and easements of record. Calculated and described based on a field survey made under my supervision in March 2023 by Richard A. Thompson Jr., Ohio Registered Professional Land Surveyor #7388 of Polaris Engineering And Surveying Inc. This description has been made in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code. Bearings refer to The Ohio State Coordinate System of 1983 (north zone) based on the ODOT CORS/VRS System NAD83 (2011) Datum. All iron pins set are 5/8 inch diameter by 30-inch-long rebar with identification cap Polaris "7388".

The intent of this description is to describe 0.0354 acres of Rockhurst Avenue (12 feet wide) to be vacated.

Legal Description approved by Eric Westfall, 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 in the above legal descriptions for AT&T 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.

VG:lb
4-10-2023
FOR: Director Abonamah

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

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To vacate a portion of Rockhurst Avenue N.E. (12 feet wide), east of East 105th Street.

READ FIRST TIME on APRIL 10, 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
