

Ordinance No. 1367- 2019

Council Member(s) McCormack, Johnson,
Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

To vacate a portion of the Detroit Superior Viaduct and a portion of Detroit Avenue.

WHEREAS, under Resolution No. 704-2019, adopted July 24, 2019, this Council declared its intention to vacate a portion of Detroit Superior Viaduct and a portion of Detroit Avenue;

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 September 18, 2019, 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 a portion 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:

THE VACATION OF A PORTION OF THE DETROIT SUPERIOR VIADUCT

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:

Beginning at an Iron Pin Monument found at the intersection of West 25th Street, 60 feet wide, and Detroit Avenue, 66 feet wide.

Thence North 30°28'45" West, along the centerline of said West 25th Street, a distance of 142.71 feet to a point;

Thence North 59°31'15" East a distance of 30.00 feet to the easterly line of said West 25th Street;

Thence North 39°50'15" East, along the northwesterly line of the Detroit Superior Viaduct, 80.00 feet wide, a distance of 21.32 feet to the proposed easterly line of said West 25th Street and the Principal Place of Beginning of land herein described:

Thence North 39°50'15" East, along the northwesterly line of the Detroit Superior Viaduct, a distance of 190.93 feet to a point;

Thence North 59°26'52" East a distance of 238.36 feet to the southeasterly line of said Detroit Superior Viaduct;

Thence South 39°50'15" West, along the southeasterly line of said Detroit Superior Viaduct, a distance of 415.95 feet to a point;

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Thence South 30°03'48" East a distance of 5.19 feet to the proposed northeasterly line of said West 25th Street;

Thence, along the proposed northeasterly line of said West 25th Street along a curve deflecting to the right, an arc distance of 35.46 feet to a point. Said curve having delta of 67°43'19", a radius of 30.00 feet and a chord that bears North 68°12'01" West, 33.43 feet;

Thence, continuing along the proposed northeasterly line of said West 25th Street along a curve deflecting to the left, an arc distance of 54.58 feet to a point. Said curve having a delta of 4°55'03", a radius of 636.00 feet and a chord that bears North 36°47'53" West, 54.57 feet to the principal place of beginning and containing 24,915 square feet (0.5720 acres) of land, be the same more or less but subject to all legal highways;

THE VACATION OF A PORTION OF DETROIT AVENUE

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:

Beginning at an Iron Pin Monument found at the centerline intersection of West 24th Street, 33 feet wide, and Detroit Avenue, 66 feet wide.

Thence North 35°10'04" West, along the centerline of said West 24th Street, a distance of 29.08 feet to a point;

Thence South 54°49'56" West a distance of 16.50 feet to the southwesterly line of said West 24th Street also being the northwesterly line of Detroit Avenue:

Thence South 34°31'16" West, along the northwesterly line of said Detroit Avenue, a distance of 35.12 feet to the Principal Place of Beginning of land herein described;

Thence South 35°12'07" East a distance of 37.33 feet;

Thence South 55°43'14" West a distance of 96.83 feet to the northwesterly line of said Detroit Avenue;

Thence North 34°31'16" East, along said northwesterly line of Detroit Avenue, a distance of 103.21 feet to the Principal Place of Beginning and containing 1,807 square feet (0.0415 acres) of land, be the same more or less but subject to all legal highways.

Legal Description approved by Greg Esber, 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 Energy, Illuminating Company, Cleveland 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, AT&T, Dominion Energy, Illuminating Company, Cleveland Water, and Water Pollution Control.

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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:dd
11-11-19

FOR: Director Dumas

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READ FIRST TIME on November 11, 2019 **REPORTS**
and referred to **DIRECTORS** of Capital Projects; City Planning Commission;
Finance; Law;
COMMITTEES on Municipal Services and Properties; Development Planning
and Sustainability, Finance

CITY CLERK

READ SECOND TIME

by the council _____

CITY CLERK

READ THIRD TIME

by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ 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

FILED WITH COMMITTEE

