

Ordinance No.975-2019

Council Members Griffin, Johnson,
Brancatelli and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

To vacate a portion of East 103rd Street.

WHEREAS, under Resolution No. 1236-18, adopted November 26, 2018, this Council declared its intention to vacate a portion of East 103rd 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 July 16, 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:

A PORTION OF EAST 103rd STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original 100 Acre Lot No. 409 and further bounded and described as follows:

Beginning at 1" iron pin found in a monument box at the intersection of the centerline of East 105th Street (formerly Doan Street) (formerly 50 feet wide) (width varies) and the extension of the southerly right of way of Cedar Avenue (66 feet wide);

Thence North 87°01'52" West along said southerly right of way of Cedar Avenue, 25.05 feet to a 5/8" iron pin set on the westerly right of way of East 105th Street, also being the northeasterly corner of proposed State of Ohio Parcel 1062- WD;

Thence North 87°01'52" West continuing along said southerly right of way of Cedar Avenue, 246.77 feet to the easterly right of way of East 103rd Street (formerly Halsey Street) (40 feet wide) and being the Principal Place of Beginning of the premises herein described;

Thence South 01°41'28" East along said easterly right of way of East 103rd Street, 140.46 feet to a 5/8" iron pin set on the northerly line of Sublot No. 79 in W.H. Doans Subdivision as shown by the plat recorded in Volume 12, Page 32 of Cuyahoga County Map Records;

Thence North 87°01'52" West along the extension of said northerly line of Sublot No. 79, 40.14 feet to a drill hole found (0.06 feet south, 0.07 feet east) at the westerly line of East 103rd Street;

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Thence North 01°41'28" West along said westerly right of way of East 103rd Street, 140.46 feet the southerly right of way of Cedar Avenue;

Thence South 87°01'52" East along the southerly right of way of Cedar Avenue, passing through a 1" iron pin found in a monument box at on the centerline of East 103rd Street at 20.07 feet, 40.14 feet to the easterly right of way of East 103rd Street and the Principal Place of Beginning and containing 0.1290 acres of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in April 2019, subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing:

The centerline of East 105th Street as North 00°44'23" West in the East 105th Street Centerline Plat as shown on the plat recorded in Volume 376, Pages 30-33 of Cuyahoga County Map Records.

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 Division of Fire, ATT, Dominion, Cleveland Water, CEI 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 Division of Fire and the City of Cleveland, ATT, Dominion, Cleveland Water, CEI and Water Pollution Control .

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
7-23-19

FOR: Director Dumas

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REPORT
after second Reading

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READ FIRST TIME on AUGUST 21, 2019
and referred to **DIRECTORS** of Capital Projects,
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability

REPORTS

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 _____

