

Ordinance No. 1087-2023

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

AN EMERGENCY ORDINANCE

To vacate all of East 59th Street, from Central Avenue to Hawthorne Avenue and a portion of Hawthorne Court, from East 59th Street to PPN 118-19-030.

WHEREAS, under Resolution No. 44-2023, adopted May 8, 2023, this Council declared its intention to vacate all of East 59th Street, from Central Avenue to Hawthorne Avenue and all of Hawthorne Court, from East 59th Street to East 61st 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 August 24, 2023, the Board of Revision of Assessments amended the legal description of the real property that this Council intended to vacate pursuant to Resolution No. 44-2023, all affected property owners were properly served and the amended property, as described below, is smaller in size than that contemplated in the resolution; and

WHEREAS, on August 24, 2023, the Board of Revision of Assessments approved the street 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 to vacate all of East 59th Street, from Central Avenue to Hawthorne Avenue and a portion of Hawthorne Court, from East 59th Street to parcel number 118-19-030, 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 known as being part of East 59th Street and Hawthorne Court as shown in the L.M. Southern and W.S. Chamberlain's Subdivision in Volume 11 of Maps, Page 42 of Cuyahoga County Records.

Being all of East 59th Street (10 feet wide) between Central Avenue (80 feet wide) and Hawthorne Avenue (70 feet wide) and a portion of Hawthorne Court, from East 59th Street to PPN 118-19-030.

Legal Description approved by Eric 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 in the above legal descriptions for 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.

DCS:lb
9-25-2023
FOR: Director Abonamah

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READ FIRST TIME on SEPTEMBER 25, 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
