

Ordinance No. 123-2020

AN EMERGENCY ORDINANCE
To vacate a portion of Gehring Avenue.

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

WHEREAS, under Resolution No. 407-2019, adopted June 3, 2019, this Council declared its intention to vacate a portion of Gehring Avenue; 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 December 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:

A PORTION OF GEHRING AVE.

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of Gehring Avenue (66 feet wide), originally dedicated as Brainard Street as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Commencing at a stone with a drill hole found on the centerline of Chatham Ave. (66 feet wide) and the west right of way line of West 25th Street (82.55 feet wide); thence on the extension of the centerline of said Chatham Avenue N 58° 04' 00" E for a distance of 120.93 feet; thence N 31° 56' 00" W for a distance of 23.00 feet to a rebar set at the intersection of the west right of way line of said Gehring Avenue; with the north right of way line of said Chatham Avenue and the southeast corner of Ohio City Legacy LLC as recorded in AFN 201901150661, said rebar being the POINT OF BEGINNING of the parcel of land hereinafter described:

1. Thence on the west right of way line of said Gehring Avenue and the east line of said Ohio City Legacy LLC, N 0° 37' 09" W for a distance of 557.08 feet to a rebar set;
2. Thence on the west right of way line of said Gehring Avenue and the east line of said Ohio City Legacy LLC, northwesterly on a curve to the left, having an arc distance of 31.62 feet, a central angle of 120° 47' 54", a radius of 15.00 feet, and a chord bearing N 61° 01' 06" W for a chord distance of 26.08 feet to a rebar set on the south right of way line of Lorain Avenue (102 feet wide);
3. Thence N 58° 34' 57" E for a distance of 39.88 feet to a drill hole set;
4. Thence S 31° 25' 03" E for a distance of 4.73 feet to a drill hole set;
5. Thence S 0° 37' 09" E for a distance of 577.80 feet to a drill hole set;
6. Thence S 58° 04' 00" W for a distance of 16.39 feet to the Point of Beginning, containing 0.1910 acres (8,321 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record.

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The above description prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in January of 2019.

All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system. All rebar set are 5/8 inch diameter by 30 inch long rebar with cap marked "GPD"

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, Cleveland Public Power, Dominion Energy and the Illuminating Company.

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 AT&T, Cleveland Public Power, Dominion Energy, the Illuminating Company (CEI) and the City of Cleveland.

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.

SM:nl
1-27-20

FOR: Director Dumas

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(by departmental request)**

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**READ FIRST TIME on JANUARY 27, 2020
and referred to DIRECTORS of Capital Projects
City Planning Commission, Finance, Law;
COMMITTEES on Municipal Services and Properties,
Development Planning and Sustainability, Finance**

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **107** 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

