

# Ordinance No.1368-2019

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

AN EMERGENCY ORDINANCE  
To vacate a portion of Spruce Avenue N. W.

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WHEREAS, under Resolution No. 169-2019, adopted April 29, 2019, this Council declared its intention to vacate a portion of Spruce Avenue N. W.; 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 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:

## **A PORTION OF SPRUCE AVENUE**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Spruce Avenue N.W. (66.00 feet wide)(formerly Spruce Street) of part of the Buffalo Allotment as shown in Volume 3, Page 31 of Cuyahoga County Map Records further described as follows:

Being all that portion of Spruce Avenue N.W. (66.00 feet wide) extending from the south line of Elm Street N.W. (66.00 feet wide) southerly to the north line of Center Street N.W. (66.00 feet wide).

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 Illuminating Company, Water Pollution Control and Cleveland Water.

That no structures or impediments to access shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Illuminating Company, Water Pollution Control and Cleveland Water.

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.

# Ordinance No. 1368-2019

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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  
10-28-19

FOR: Director Dumas

# Ord. No. 1368-2019

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

## AN EMERGENCY ORDINANCE

To vacate a portion of Spruce Avenue N. W.

**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

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CITY CLERK

READ SECOND TIME

by the council \_\_\_\_\_

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CITY CLERK

READ THIRD TIME

by the council \_\_\_\_\_

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PRESIDENT

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CITY CLERK

APPROVED

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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

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY

FILED WITH COMMITTEE

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PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE

FILED WITH COMMITTEE

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