

# Ordinance No. 694-2020

## AN EMERGENCY ORDINANCE

To vacate a portion of West 37<sup>th</sup> Place and West 36<sup>th</sup> Street.

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

WHEREAS, under Resolution No. 1328-2019, adopted December 2, 2019, this Council declared its intention to vacate a portion of West 37<sup>th</sup> Place & West 36<sup>th</sup> 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 29, 2020, 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 West 37<sup>th</sup> Place and West 36<sup>th</sup> Street**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of West 37<sup>th</sup> Place (10.00 feet wide) and West 36<sup>th</sup> Street (40.00 feet wide) in Sargent and Dixon's Re-Subdivision of part of Original Brooklyn Township Lot Number 52 as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, further described as follows:

Being all that portion of West 37<sup>th</sup> Place (10.00 feet wide) and West 36<sup>th</sup> Street (40.00 feet wide) extending from the First Un-named Alley (width varies) South of Lorain Avenue and East of West 38<sup>th</sup> Street (Dedicated in Volume 342, Page 296 of the Court of Common Pleas) Southerly to the Easterly prolongation of the South line of Sub lot 106 in said Sargent and Dixon's Re-Subdivision.

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 The Illuminating Company, Cleveland Division of Water, and Cleveland Public Power.

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 Illuminating Company, Cleveland Division of Water, and Cleveland Public Power.

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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:JOS  
8-26-2020  
FOR: Director Dumas

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

## AN EMERGENCY ORDINANCE

To vacate a portion of West 37<sup>th</sup> Place and West 36<sup>th</sup> Street.

READ FIRST TIME on AUGUST 26, 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

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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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

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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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