

# Ordinance No. 1243-17

## AN EMERGENCY ORDINANCE

To vacate a portion of Southpoint Drive S.W., Eglindale Avenue S.W., West 17th Street, West 22nd Place and Ginger Court.

**Council Members Cummins, K. Johnson, Brancatelli and Kelley (by departmental request)**

WHEREAS, under Resolution No. 725-16, adopted July 13, 2016, this Council declared its intention to vacate a portion of Southpoint Drive S.W., Eglindale Avenue S.W., West 17th Street, West 22nd Place and Ginger Court; 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 26, 2017, 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:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lots numbers 66 and 73, further described as follows:

Being all that portion of Southpoint Drive S.W. (50.00 feet wide) (formerly known as Aiken Avenue), (changed by Ord. 394-92 passed 5/18/1992), extending from the East line of Scranton Road S.W. (65.00 feet wide) easterly to its terminus.

Being all that portion of Eglindale Avenue S.W. (50.00 feet wide), extending from the East line of Scranton Road S.W. (65.00 feet wide) easterly to its terminus.

Being all that remaining portion of Ginger Court S.E. (12.00 feet wide), extending from that portion vacated by Ord. 921 passed 6-14-1971 Easterly and Northerly to the South line of Southpoint Drive S.E. (50.00 feet wide).

Being all that remaining portion of West 17th Street (60.00 feet wide) extending from the South line of Southpoint Drive S.E. (50.00 feet wide) southerly and northerly to its terminus.

Being all that portion of West 22nd Place (12.00 feet wide) extending from the South line of Southpoint Drive S.E. (50.00 feet wide) to the North line of Eglindale Avenue S.E. (50.00 feet wide)

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

# Ordinance No. 1243-17

---

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, the Illuminating Company, the Water Department and that access be maintain and approved throughout construction for Cleveland Fire Department.

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, the Illuminating Company, the Water Department , the Cleveland Fire Department 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.

RC:nl  
10-16-17

FOR: Director Dumas

**Ord. No. 1243-17**

**Council Members Cummins, K. Johnson, Brancatelli and Kelley  
(by departmental request)**

**AN EMERGENCY ORDINANCE**

To vacate a portion of Southpoint Drive S.W., Eglindale Avenue S.W., West 17th Street, West 22nd Place and Ginger Court.

**READ FIRST TIME on OCTOBER 16**  
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. \_\_\_\_\_ 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

---

---

---

---

---

---

---

---

---

---