

Ordinance No. 471-2022

By Council Members Starr and Griffin
(by departmental request)

FOR PASSAGE
May 9, 2022

AN EMERGENCY ORDINANCE

To vacate a portion of Rawlings Avenue between East 75th Street and East 79th Street, a portion of Holton Avenue between East 75th Street and East 79th Street and a portion of East 78th Street from the south line of Holton Avenue to the prolongation of the south lines of Sublots 84 and 75 in J.H. Hardy's Subdivision.

WHEREAS, under Resolution No. 693-2021, adopted October 04, 2021, this Council declared its intention to vacate a portion of Rawlings Avenue between East 75th Street and East 79th Street, a portion of Holton Avenue between East 75th Street and East 79th Street and a portion of East 78th Street from the south line of Holton Avenue to the prolongation of the south lines of Sublots 84 and 75 in J.H. Hardy's Subdivision, as described; 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 May 3, 2022, 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 portions 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:

Rawlings Avenue S.E. (formerly Rawlings Street & Wyman Avenue, 50 feet wide):

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Rawlings Avenue (50 feet wide) between East 75th Street (fka Maple Grove, 60 feet wide) and East 79th Street (fka Madison Avenue, 60 feet wide) in the J.H. Hardy's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 4 Cuyahoga County Records and in the R. Yeakel's H.P.S. Sichley's, J.W. Walkey's and E.A. Hoffmen's Subdivision of part of Original One Hundred Acre Lot No. 330 and 423, as shown by the recorded plat in Volume 4 of Maps, Page 33 of Cuyahoga Records and further described as follows;

Beginning at a point at the intersection of the easterly line of East 75th Street, 60 feet wide and the southerly line of Rawlings Avenue, 50 feet wide;

Thence North 06° 47' 19" East, 50.38 feet to a point on the northerly line of said Rawlings Avenue;

Thence North 89° 42' 42" East, along said northerly line of Rawlings Avenue, a distance of 800.20 feet to a point;

Thence South 01° 01' 45" East, a distance of 50.00 feet to a point on said southerly line of Rawlings Avenue.

Thence South 89° 42' 42" West, along said southerly line of Rawlings Avenue, a distance of 807.05 feet to the Place of Beginning and containing 40178 square feet (0.9224 acres) of land, be the same more or less. As calculated and described from

Ordinance No. 471-2022

Record information on April 27, 2022 by Eric B. Westfall, P.S. 7677. Basis for bearings for herein; northerly line of Rawlings Avenue South 89° 42' 42" West as shown on CUY-oC3 EXCESS LAND map.

Holton Avenue S.E. (formerly Morton Street & Holton Street, 50 feet wide):

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of the portion of said Holton Avenue extending from the east line of East 75th Street (formerly Maple Grove Street, 60 feet wide) to the west line of East 79th Street (formerly Madison Avenue, 60 feet wide), dedicated in J.H. Hardy's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records and by deed conveying land to the City of Cleveland found in Volume 1027 of Records, Page 280 of Cuyahoga County Records.

East 78th Street (formerly Leon Street, 50 feet wide):

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a portion of said East 78th Street extending from the south line of Holton Avenue S.E. (formerly Morton Street & Holton Street, 50 feet wide) 150.00 feet to the prolongation of the southerly lines of Sublots 84 & 75 in J.H. Hardy's Subdivision of part of Original One Hundred Acre Lot No. 330, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records.

Legal Description approved by Eric Westfall, Section Chief, Plats, Surveys, and House Numbering Section (acting).

Section 2. That there is reserved to the City of Cleveland an easement of full width as described in the above legal descriptions for the Division of Water along Holton Avenue S.E. and East 78th Street; Division of Water Pollution Control along Holton Avenue S.E. between East 75th Street and East 78th Street and the portion of East 78th to be vacated; Dominion Energy along Holton Avenue S.E. and East 78th Street; and The Illuminating Company along Rawlings Avenue S.E. between East 75th Street and East 79th Street.

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 City of Cleveland, Division of Water, Division of Water Pollution Control, Dominion Energy, 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.

DS:lb
5-9-2022
FOR: Director Abonamah

Ord. No. 471-2022

**REPORT
after second Reading**

By Council Members Starr and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

To vacate a portion of Rawlings Avenue between East 75th Street and East 79th Street, a portion of Holton Avenue between East 75th Street and East 79th Street and a portion of East 78th Street from the south line of Holton Avenue to the prolongation of the south lines of Sublots 84 and 75 in J.H. Hardy's Subdivision.

READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on MAY 9, 2022

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. **109** Page _____

Published in the City Record _____