

# Ordinance No. 705-2019

## AN EMERGENCY ORDINANCE

To vacate a portion of East 55th Street.

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

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WHEREAS, under Resolution No. 1348-18, adopted December 3, 2018, this Council declared its intention to vacate a portion of East 55th 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 April 30, 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:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Ten Acre Lot Number 166 and the Northerly Extension thereof, forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 55th Street (100.00 feet wide), at its point of intersection with the Northwesterly line of Lake Court N.E. (formerly Lake View Avenue), (50.00 feet wide);

Thence North 00° 22' 31" West along said Westerly line of East 55th Street, a distance of 710.00 feet to an angle point;

Thence North 37° 06' 47" West along a Southwesterly line of East 55th Street (100.00 feet wide), a distance of 386.39 feet to a point on the Northwesterly line of Cleveland Memorial Shoreway, said point being the Southerly corner of the following described parcel and its principle place of beginning;

Thence continuing North 37° 06' 47" West along said Southwesterly line of East 55th Street, a distance of 253.57 feet to the Westerly corner of said parcel;

Thence North 76° 03' 20" East, a distance of 108.77 feet to the Northerly corner of said parcel and the Northeasterly line of East 55th Street;

Thence South 37° 06' 47" East along said Northeasterly line of East 55th Street, a distance of 173.01 feet to the Easterly corner of said parcel, being a point on the Northwesterly line of the Cleveland Memorial Shoreway;

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Thence South 32° 12' 02" West along said Northwesterly line of the Cleveland Memorial Shoreway, a distance of 106.89 feet to the Southwesterly corner of said parcel and the principle place of beginning.

Containing within said bounds 21,329 square feet (0.4896 Acres) of land and water, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

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

Section 2. That there is reserved a permanent easement as required by law to any public utility with a current use or occupation within the above described vacated portion of the street, highway or road.

That no structures shall be erected on the above described vacated area except those in compliance with federal, state and local law and under the approval of plans by those deemed to have an easement by right of law 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.

DS:cm  
6-3-19

FOR: Director Dumas

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(by departmental request)

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To vacate a portion of East 55th Street.

READ FIRST TIME on JUNE 3, 2019  
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

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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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