

File
463-2019

Beta PropCo, LLC

c/o Beta GP, LLC, P.O. Box 93461
Cleveland, Ohio 44101

VIA CERTIFIED MAIL

29 August 2019

Patricia J. Britt
City Clerk, Clerk of Council
Cleveland City Council
City Hall Room 216
601 Lakeside Avenue, N.E.
Cleveland, OH 44114

RE: Resolution No. 463-2019 - Intent to Vacate a Portion of Barber Court

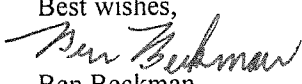
Dear Clerk Britt:

Pursuant to City of Cleveland Charter §§174, 176 and Ohio Revised Code (ORC) §723.04, the Council of the City of Cleveland passed Resolution No. 463-2019 declaring its intent to vacate a portion of Barber Court. This Resolution was adopted on June 3, 2019 and became effective on June 5, 2019.

The City of Cleveland Charter §176 and ORC §723.07 requires notification to abutting property owners. I am a duly authorized signatory of Beta PropCo, LLC ("**Company**"). From and after April 26, 2019, Company has owned parcel 007-25-001 and the portions of parcels 007-25-041 and 007-25-084 (collectively, "**Parcels**") that abut the aforementioned street vacation.

Pursuant to ORC §723.06, this letter is the Company's filing of written consent to the street vacation described in Resolution No. 463-2019. The Company hereby waives its notification rights established under City of Cleveland Charter §176 and ORC §723.07. The Company understands and agrees that this waiver is binding upon all of its successors and assigns and may not be revoked.

If you have any questions, please feel free to contact me at bbeckman@seatonwoods.com or 216-334-6339.

Best wishes,

Ben Beckman
Authorized Person

Enclosures: Res. No. 463-2019

Cc: Dedrick C. Stephens, CFE, Commissioner, Division of Assessments and Licenses (via email)

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 407-2019.

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

An emergency resolution declaring the intent to vacate a portion of Gehring Avenue.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Gehring Avenue, as described; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council declares its intent to vacate a portion of the

following described real property:

A portion of Gehring Avenue

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of Gehring Avenue (66 feet wide), originally dedicated as Bralnard Street as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Beginning at a stone with a drill hole found on the centerline of said Gehring Avenue and the centerline of vacated Eureka Court (16.5 feet wide, Vacation Ordinances 640-99 and 72355) said stone being the POINT OF BEGINNING of the parcel of land hereinafter described:

1. Thence S 58° 16' 39" W for a distance of 47.89 feet to a rebar set;

2. Thence N 31° 43' 21" W for a distance of 47.95 feet to a point on the existing east right of way line of West 25th Street (82 1/2" wide) at the southwest corner of a parcel conveyed to Ohio City Legacy LLC as recorded in AFN 201901150661, as shown on Assembly Plat recorded in Plat Book 243, Page 85;

3. Thence on the south line of said Ohio City Legacy LLC and the north right of way line, N 58° 04' 00" E for a distance of 38.36 feet to a point at the southeast corner of said Ohio City Legacy LLC and the west right of way line of said Gehring Avenue;

4. Thence on the east line of said Ohio City Legacy LLC and west right of way line of Gehring Avenue N 0° 37' 09" W for a distance of 557.08 feet to a point;

5. Thence on the east line of said Ohio City Legacy LLC and west right of way line of Gehring Avenue northwesterly on a curve to the left, having an arc distance of 31.62 feet, having a central angle of 120° 47' 54", a radius of 15.00 feet, and a chord bearing N 61° 01' 06" W for a chord distance of 26.08 feet to a point on the south right of way line of Lorain Avenue (102 feet wide);

6. Thence N 58° 34' 57" E for a distance of 40.34 feet to a drill hole set;

7. Thence S 25° 55' 03" E for a distance of 7.80 feet to a drill hole set;

8. Thence southeasterly on a curve to the left, having an arc distance of 47.49 feet, having a central angle of 16° 08' 23", a radius of 168.61 feet,

and a chord bearing S 34° 03' 56" E for a chord distance of 47.34 feet to a drill hole set;

9. Thence S 30° 21' 53" W for a distance of 49.16 feet to a drill hole set;

10. Thence parallel to and 17.00 feet west of the centerline of said Gehring Avenue S 0° 37' 09" E for a distance of 278.85 feet to a drill hole set;

11. Thence N 89° 22' 51" E for a distance of 50.00 feet to a drill hole found on the existing east right of way line of said Gehring Avenue at the northwest corner of a parcel conveyed to West Side Market House Tenants Association as recorded in Volume 14639, Page 301 and the southwest corner of a parcel conveyed to Gehring Property Company, LLC as recorded in AFN 201704070331;

12. Thence along the existing east right of way line of Gehring Avenue, S 0° 37' 09" E for a distance of 259.51 feet to a point in the centerline of said vacated Eureka Court;

13. Thence on the centerline of vacated Eureka Court, S 89° 22' 51" W for a distance of 33.00 feet to the Point of Beginning, containing 0.5864 acres (25,543 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record. The above description prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in January of 2019.

All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system.

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

Section 2. That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted June 3, 2019.
Effective June 5, 2019.

Res. No. 463-2019.

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

An emergency resolution declaring the intent to vacate a portion of Barber Court S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Barber Court S.W., as described; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Barber Court S.W.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Barber Court S.W. (14.00 feet wide) in the H. Stone's Addition Subdivision of part of Original Brooklyn Township Tract No's 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, further described as follows:

Being all that portion of Barber Court S.W. (14.00 feet wide) extending from the East line of West 30th Street (50.00 feet wide) easterly to its intersection with the Northerly prolongation of the West line of land conveyed to Urbano Perez and Julia Perez by deed in A.F.N. 20020260077 of Cuyahoga County Records.

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

Section 2. That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted June 3, 2019.
Effective June 5, 2019.

Res. No. 477-2019.

By Council Members Santana, Johnson and Brancatelli (by departmental request).

An emergency resolution declaring the intent to vacate a portion of the 1st Un-named Alley North of Trent Avenue and East of West 40th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of the 1st Un-named Alley North of Trent Avenue and East of West 40th Street, as described; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of the 1st Un-named Alley (12.00 feet wide) North of Trent Avenue (50.00 feet wide) (formerly East Trent Street) and East of West 40th Street (50.00 feet wide) (formerly Kell Street) extending from the Easterly line of said West 40th Street, Easterly approximately 120 feet to its terminus as shown in the Rhodes, Hartnell, Barber & Selden Re-Subdivision, recorded in Volume 27, Page 8 of the Cuyahoga County Map Records.

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

Section 2. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all