

Ordinance No. 124-2020

AN EMERGENCY ORDINANCE

To vacate a portion of West 48th Street and a portion of relocated Turn Avenue S.W.

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

WHEREAS, under Resolution No. 79-2019, adopted March 25, 2019, this Council declared its intention to vacate a portion of West 48th Street and a portion of relocated Turn Avenue S.W.; 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 18, 2019, the Board of Revision of Assessments motioned to approved the above vacation pending the release of an objection; and

WHEREAS, on December 18, 2019, upon the release of the objection, the Board of Revisions 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 48th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of West 48th Street (60.00 feet wide) of part of the Taylor and Hoyt Allotment as shown in Volume 1, Page 20 of Cuyahoga County Map Records further described as follows:

Being all that portion of West 48th Street (60.00 feet wide) extending from the south line of Lorain Avenue S.W. (99.00 feet wide) southerly to its intersection with the westerly prolongation of the south line of relocated Turn Avenue S.W. (40.00 feet wide) as shown in Map 3176 of the City of Cleveland Map Records.

A portion of Turn Avenue S.W.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of relocated Turn Avenue S.W. (40.00 feet wide) as shown in Map 3176 of the City of Cleveland Map Records further described as follows:

Being all that portion of said Turn Avenue S.W. (40.00 feet wide) extending from the East line of West 48th Street (60.00 feet wide) to the southerly prolongation of the West line of West 48th Place (14.00 feet wide).

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 AT&T, Cleveland Public Power, the Illuminating Company (CEI) and the Division of Water.

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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 (CEI), the Division of Water, 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.

SM:nl
1-27-20

FOR: Director Dumas

