

Ordinance No. 122-2020

AN EMERGENCY ORDINANCE
To vacate a portion of East 176th Street.

Council Members J. Jones, Johnson,
Brancatelli and Kelley (by departmental
request)

WHEREAS, under Resolution No. 78-2019, adopted March 25, 2019, this Council declared its intention to vacate a portion of East 176th 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 September 18, 2019, the Board of Revision of Assessments motioned to approve the above vacation pending consolidation of the parcels; and

WHEREAS, on December 18, 2019, upon verifying the consolidation of the parcels, 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:

A portion of East 176th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of East 176th Street in the Miles-Melbourne Subdivision of part of Original Warrensville Township Lot 83. Recorded in Volume 96 of Maps, Page 39 of Cuyahoga County Records, further described as follows:

Being all that portion of East 176th Street (40.00 feet wide) extending from the South line of Miles Avenue S.E. (86.00 feet wide) to that portion of East 176th Street vacated by City of Cleveland ordinance 1717-58, passed September 17, 1958 as shown on the recorded Vacation Plat of Parts of East 176th Street and Manoa Avenue S.E. in Volume 171 of Maps, Page 33 of Cuyahoga County Records.

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 the Division of Water and the Illuminating Company (CEI).

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 Division of Water, the Illuminating Company (CEI) 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.

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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

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READ FIRST TIME on JANUARY 27, 2020
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. **107** 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
