

# Ordinance No. 988-2021

By Council Members Bishop, Brancatelli and Kelley (by departmental request)

## AN EMERGENCY ORDINANCE

To vacate a portion Morgana Avenue (60 feet wide), a portion of East 52<sup>nd</sup> Street (50 feet wide) and a portion of East 53<sup>rd</sup> Street (35 feet wide).

WHEREAS, under Resolution No. 449-2021, adopted June 7, 2021, this Council declared its intention to vacate a portion Morgana Avenue (60 feet wide), a portion of East 52<sup>nd</sup> Street (50 feet wide) and a portion of East 53<sup>rd</sup> Street (35 feet wide), 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 September 29, 2021, 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:

### **PROPOSED VACATION OF A PORTION OF MORGANA AVENUE**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot Nos. 316 and 320 and bounded and described as follows:

Beginning at a point in the northerly line of Morgana Avenue, 60 feet wide at its intersection with the easterly line of East 49<sup>th</sup> Street, 50 feet wide;

Thence South 74 degrees 50 minutes 42 seconds East along the northerly line of Morgana Avenue, 418.42 feet to an angle point, therein;

Thence South 80 degrees 50 minutes 20 seconds East along the northerly line of Morgana Avenue, 195.11 feet to an angle point, therein;

Thence North 86 degrees 30 minutes 46 seconds East along the northerly line of Morgana Avenue, 193.48 feet to an angle point, therein;

Thence North 74 degrees 15 minutes 56 seconds East along the northerly line of Morgana Avenue, 195.23 feet to an angle point, therein;

Thence North 68 degrees 20 minutes 01 seconds East along the northerly line of Morgana Avenue, 568.92 feet to a point in the westerly line of East 55<sup>th</sup> Street, variable width;

Thence South 20 degrees 04 minutes 11 seconds East along the westerly line of East 55<sup>th</sup> Street, 60.02 feet to a point in the southerly line of Morgana Avenue;

Thence South 68 degrees 20 minutes 01 seconds West along the southerly line of Morgana Avenue, 570.36 feet to an angle point, therein;

# Ordinance No. 988-2021

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Thence South 74 degrees 15 minutes 56 seconds West along the southerly line of Morgana Avenue, 204.77 feet to an angle point, therein;

Thence South 86 degrees 30 minutes 46 seconds West along the southerly line of Morgana Avenue, 206.57 feet to an angle point, therein;

Thence North 80 degrees 50 minutes 20 seconds West along the southerly line of Morgana Avenue, 204.90 feet to an angle point, therein;

Thence North 74 degrees 50 minutes 42 seconds West along the southerly line of Morgana Avenue, 394.63 feet to a point in the easterly line of East 49th Street;

Thence North 9 degrees 00 minutes 57 seconds West along the easterly line of East 49th Street, 65.77 feet to the place of beginning, and containing 94,572 square feet or 2.1711 acres of land according to the survey by Donald G. Bohning & Associates, Inc. dated February, 2021.

## **PROPOSED VACATION OF A PORTION OF EAST 52<sup>nd</sup> STREET**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot 316 and bounded and described as follows:

Beginning at a point in the centerline of East 52<sup>nd</sup> Street, 50 feet wide, at its intersection with the centerline of Blanche Avenue, 40 feet wide;

Thence South 87 degrees 55 minutes 07 seconds West, along the centerline extension of Blanche Avenue, 25.00 feet to a point in the westerly line of East 52<sup>nd</sup> Street;

Thence South 2 degrees 00 minutes 14 seconds East along the westerly line of East 52<sup>nd</sup> Street, 246.16 feet to a point at its intersection with the northerly line of Deed Parcel 1 of land conveyed to Morgana Properties, LLC recorded as A.F.N. 201910170350 of Cuyahoga County Records, and the principal place of beginning of the vacation herein described;

Thence North 87 degrees 59 minutes 46 seconds East, 50.00 feet to a point in the easterly line of East 52<sup>nd</sup> Street;

Thence South 2 degrees 00 minutes 14 seconds East along the easterly line of East 52<sup>nd</sup> Street, 114.16 feet to a point in the northerly line of Morgana Avenue, 60 feet wide;

Thence South 74 degrees 15 minutes 56 seconds West along the northerly line of Morgana Avenue, 51.47 feet to a point in the westerly line of East 52<sup>nd</sup> Street;  
Thence North 2 degrees 00 minutes 14 seconds West along the westerly line of East 52<sup>nd</sup> Street, 126.38 feet to the principal place of beginning, and containing 6,013 square feet or 0.1381 acres of land according to the survey by Donald G. Bohning & Associates, Inc. dated February, 2021.

## **PROPOSED VACATION OF A PORTION OF EAST 53<sup>rd</sup> STREET**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being former Sublot 14 in The Mound Street Allotment of part of Original 100 Acre Lot 316 as shown by the plat recorded in Volume 26, Page 19 of Cuyahoga County Map Records, and part of Original 100 Acre Lot 316 and bounded and described as follows:

# Ordinance No. 988-2021

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Beginning at a point in the northerly line of Eliza Avenue, 50 feet wide at its intersection with the westerly line of East 53<sup>rd</sup> Street, 35 feet wide;

Thence North 1 degree 10 minutes 42 seconds West along the westerly line of 53<sup>rd</sup> Street, being also the easterly line of Deed Parcel 2 of land conveyed to Morabito Enterprises, Inc. recorded as A.F.N. 201910170347 of Cuyahoga County Records and the easterly line of Deed Parcel 2 of land conveyed to Morabito Properties, LLC recorded as A.F.N. 201910170350 of Cuyahoga County Records, 430.97 feet to a point in the southerly line of Morgana Avenue;

Thence North 74 degrees 15 minutes 56 seconds East, 18.00 feet to an angle point, therein;

Thence North 68 degrees 20 minutes 01 seconds East, 18.76 feet to its intersection with the easterly line of East 53<sup>rd</sup> Street;

Thence South 1 degree 10 minutes 42 seconds East along the easterly line of East 53<sup>rd</sup> Street, being also the westerly line of Deed Parcel 1 of land conveyed to Morabito Properties, LLC recorded as A.F.N. 200307070876 of Cuyahoga County Records, 442.09 feet to a point in the northerly line of Eliza Avenue;

Thence South 88 degrees 51 minutes 29 seconds West along the northerly line of Eliza Avenue, 35.00 feet to the place of beginning, and containing 15,261 square feet or 0.3503 acres of land according to the survey by Donald G. Bohning & Associates, Inc. dated February, 2021.

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 above for Division of Water Pollution Control, Dominion Energy and The Illuminating Company.

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 Division of Water Pollution Control, Dominion Energy and The Illuminating Company 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:cb  
11-8-2021  
FOR: Interim Director Gentile

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READ FIRST TIME on NOVEMBER 8, 2021  
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

Recorded Vol. **108** Page \_\_\_\_\_  
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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