

# Ordinance No. 418-2024

## AN EMERGENCY ORDINANCE

To vacate a portion of Curtis Avenue N.E., east of East 59<sup>th</sup> Street.

By Council Members Howse-Jones,  
Bishop, Hairston and Griffin (by  
departmental request)

WHEREAS, under Resolution No. 517-2023, adopted June 5, 2023, this Council declared its intention to vacate a portion of Curtis Avenue N.E., east of East 59<sup>th</sup> Street, 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 March 14, 2024, 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 all 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, State of Ohio and known as being a portion of Original 100 Acre Lot No. 337, being more fully bounded and described as follows;

Beginning at the intersection of the southerly extended right of way line of Hough Avenue N.E., 60 feet wide, and the centerline of East 59th Street, 49 feet wide, being referenced by a drill hole in stone within a monument box assembly found north 0.05 feet thereof, thence South 01°12'00" East along the centerline of said East 59th Street, a distance of 488.68 feet to a point, thence North 88°57'07" East, a distance of 24.50 feet to a point on the easterly right of way line of said East 59th Street at the intersection with the northerly right of way line of Curtis Avenue N.E., 66 feet wide, also being the Principal Place of Beginning for the land herein described;

Course No. 1 Thence North 88°57'07" East, along the northerly right of way line of said Curtis Avenue, being the southerly line of lands now or formerly owned by the MAGNET QALICB, INC., also being known as the southerly lines of Sub Lot Nos 11 through 19 and a 10-foot wide alley as shown in the Porter Allotment of part of Original 100 Acre Lot No. 337, as recorded in Volume 3 Page 44 of the Cuyahoga County Records, a distance of 454.43 feet to a point;

Course No. 2 Thence South 00°57'49" East partially along a westerly line of Sub Lot 12 in said Porter Allotment and partially along a westerly right of way line of Chester Avenue N.E., width varies, a distance of 58.31 feet to a point;

Course No. 3 Thence along the arc of a curve deflecting to the left, a distance of 183.65 feet, having a radius of 2065.53 feet, a delta of (05° 05' 40"), and a chord distance of 183.59 feet which bears South 86° 33' 00" West to a point on the southerly

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right of way line of said Curtis Avenue, being the northerly right of way line of said Chester Avenue N.E.

Course No. 4 Thence South 88°57’07” West, continuing along said southerly right of way line of Curtis Avenue, a distance of 270.74 feet to a point on the easterly right of way line of said East 59th Street;

Course No. 5 Thence North 01°12’00” West, a distance of 66.00 feet to the Principal Place of Beginning said parcel containing 29,028 square feet or 0.6664 acres of land according to a survey by Langan Engineering and Environmental Services dated January 2021 and being the same more or less and being subject to all legal highways and easements. The basis of bearings of this survey is based on the Ohio State Plane Coordinate System, North Zone, NAD 83 (2011) derived from GPS observations and bearings are to denote angles only.

Legal Description approved by Eric Westfall, 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, City of Cleveland Division of Fire, The Illuminating Company, City of Cleveland Division of Water, and Water Pollution Control.

That there is reserved special easements of full width as described above for AT&T (a 10 ft. wide utility easement and 5x5 utility pole easement), the City of Cleveland Division of Fire (a load-bearing easement and 150 ft. access around all sides of the building), City of Cleveland Division of Water (a standard CWD easement for the installation and maintenance of water for supply purposes), and The Illuminating Company (a 15 ft. aerial easement with trimming rights, a load-bearing easement, and 10 ft. easement from centerline to equipment).

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 City of Cleveland, AT&T, Cleveland Public Power, Division of Fire, The Illuminating Company, Division of Water, and Water Pollution Control.

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:lb  
4-15-2024  
FOR: Director Abonamah

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By Council Members Howse-Jones, Bishop, Hairston and Griffin  
(by departmental request)

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READ FIRST TIME on APRIL 15, 2024 **REPORTS**  
and referred to DIRECTORS of Capital Projects,  
City Planning Commission, Finance, Law;  
COMMITTEES on Municipal Services and Properties,  
Development Planning and Sustainability,  
Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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

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FINANCE, DIVERSITY, EQUITY  
and INCLUSION

FILED WITH COMMITTEE