C OF C 125-174

Ordinance No. 980-2025

AN EMERGENCY ORDINANCE
To vacate all of Joy Court and Day Alley.

By Council Members McCormack, Bishop, Hairston (by departmental request)

FOR PASSAGE
AUGUST 13, 2025

WHEREAS, under Resolution No. 1254-2024, adopted December 2, 2024, this Council declared its intention to vacate all of Joy Court and Day Alley, 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 April 3, 2025, 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, being part of Township 7, Range 13 of the Connecticut Western Reserve Survey, Original Brooklyn Township Lot 68, and being all of Joy Court (formerly Joy Alley) and all of Day Alley as shown in A.M. McGregors Reallotment as recorded in Plat Volume 12, Page 14 of Cuyahoga County Map Records and being more completely described as follows:

Commencing at a drill-hole in a stone in a monument box found at the centerline intersection of Train Avenue (60 feet wide) (formerly Walworth Avenue SW) and West 32nd Street (60 feet wide) (formerly Hitchcock Street), thence South 1° 46' 09" East along the centerline of said West 32nd Street, 252.18 feet to the centerline of Barber Avenue SW (56 feet wide) (formerly South Street), thence North 89° 22' 06" East along the centerline of said Barber Avenue SW, 466.79 feet, thence North 0° 37' 54" West, 28.00 feet to the southeasterly corner of Sublot 25 in said re-allotment and being the PLACE OF BEGINNING for the parcel herein described;

Course No. 1: thence North 0° 37' 54" West, along the easterly line of said Sublot 25, 120.00 feet, to a northeasterly corner of said Sublot 25;

Course No. 2: thence North 45° 37' 55" West, along the northeasterly line of said Sublot 25, 7.07 feet, to a northeasterly corner of said Sublot 25;

Course No. 3: thence South 89° 22' 04" West, along the northerly line of said Sublot 25 and Sublots 24, 23, 22, 21, 20 and 19 in said re-allotment, 289.89 feet, to the easterly right-of-way of West 32nd Place (20 feet wide) (formerly Bohne Court);

Course No. 4: thence North 1° 46' 54" West, along the easterly right-of-way of said West 32nd Place, 16.00 feet, to the southwesterly corner of Sublot 18 in said re-allotment;

Course No. 5: thence North 89° 22' 04" East, along the southerly line of said Sublot 18 and Sublot 17 in said re-allotment, 343.79 feet, to an angle point;

Course No. 6: thence North 60° 18' 34" East, continuing along the southerly line of said Sublot 17, 26.46 feet, to the westerly right-of-way of West 30th Street (50 feet wide) (formerly Mill Street);

Course No. 7: thence South 29° 57' 10" East, along the westerly right-of-way of said West 30th Street, 16.00 feet, to the northeasterly corner of Sublot 27 in said re-allotment;

Course No. 8: thence South 60° 18' 34" West, along the northerly line of said Sublot 27, 30.68 feet, to the northeasterly corner of Sublot 26 in said re-allotment;

Course No. 9: thence South 89° 22' 04" West, along the northerly line of said Sublot 26, 42.72 feet, to the northwesterly corner of said Sublot 26;

Course No. 10: thence South 0° 37' 54" East, along the westerly line of said Sublot 26, 125.00 feet, to the northerly right-of-way of said Barber Avenue SW;

Course No. 11: thence South 89° 22' 06" West, along the northerly right-of-way of said Barber Avenue SW, 10.00 feet to the PLACE OF BEGINNING, containing 0.1665 acres, more or less, but subject to all highways, covenants, and easements of legal record.

Legal Description approved by Eric B. Westfall, P.S., 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, Enbridge Gas Ohio, The Illuminating Company (an easement for the existing poles and overhead conductor on Day Alley and portion of Joy Court to end of Day Alley), and City of Cleveland Division of Water.

That there is reserved special easements of full width as described above for AT&T (a 5 ft. wide utility easement), Enbridge Gas Ohio (a permanent easement in the vacant street(s) for the purposes of maintaining, operating, renewing, reconstructing, and removing Enbridge Gas Ohio's facilities and for purposes of access to said facilities pursuant to Ohio Revised Code Section 723.041), and City of Cleveland Division of Water (a standard City of Cleveland Division of Water easement on 4" water main on Joy Court).

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 AT&T, Enbridge Gas Ohio, The Illuminating Company, and City of Cleveland Division of Water.

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.

VG:ds
8-13-2025
FOR: Director Barrett

Ord. No. 980-2025

REPORT
after second Reading

By Council Members McCormack, Bishop, Hairston
(by departmental request)

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READ FIRST TIME **REPORTS**
and referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on AUGUST 13, 2025

PRESIDENT

CITY CLERK

APPROVED

MAYOR

READ FIRST, SECOND AND THIRD TIME

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