

**Resolution No. 407-2019**

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

**An emergency resolution declaring the intent to vacate a portion of Gehring Avenue.**

**WHEREAS**, this Council is satisfied that there is good cause to vacate a portion of Gehring Avenue, as described; and

**WHEREAS**, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

**A portion of Gehring Avenue**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and being part of original Brooklyn Township Lot Number 69, being part of Gehring Avenue (66 feet wide), originally dedicated as Brainard Street as part of Willeyville Allotment as recorded in Plat Book 2, Page 16, being further bounded and described as follows:

Beginning at a stone with a drill hole found on the centerline of said Gehring Avenue and the centerline of vacated Eureka Court (16.5 feet wide, Vacation Ordinances 640-99 and 72358) said stone being the **POINT OF BEGINNING** of the parcel of land hereinafter described:

1. Thence S 58° 16' 39" W for a distance of 47.89 feet to a rebar set;
2. Thence N 31° 43' 21" W for a distance of 47.95 feet to a point on the existing east right of way line of West 25<sup>th</sup> Street (82 1/2' wide) at the southwest corner of a parcel conveyed to Ohio City Legacy LLC as recorded in AFN 201901150661, as shown on Assembly Plat recorded in Plat Book 243, Page 85;
3. Thence on the south line of said Ohio City Legacy LLC and the north right of way line, N 58° 04' 00" E for a distance of 38.36 feet to a point at the southeast corner of said Ohio City Legacy LLC and the west right of way line of said Gehring Avenue;
4. Thence on the east line of said Ohio Legacy LLC and west right of way line of Gehring Avenue N 0° 37' 09" W for a distance of 557.08 feet to a point;
5. Thence on the east line of said Ohio Legacy LLC and west right of way line of

Gehring Avenue northwesterly on a curve to the left, having an arc distance of 31.62 feet, having a central angle of  $120^{\circ} 47' 54''$ , a radius of 15.00 feet, and a chord bearing N  $61^{\circ} 01' 06''$  W for a chord distance of 26.08 feet to a point on the south right of way line of Lorain Avenue (102 feet wide);

6. Thence N  $58^{\circ} 34' 57''$  E for a distance of 40.34 feet to a drill hole set;
7. Thence S  $25^{\circ} 55' 03''$  E for a distance of 7.60 feet to a drill hole set;
8. Thence southeasterly on a curve to the left, having an arc distance of 47.49 feet, having a central angle of  $16^{\circ} 08' 23''$ , a radius of 168.61 feet, and a chord bearing S  $34^{\circ} 03' 56''$  E for a chord distance of 47.34 feet to a drill hole set;
9. Thence S  $30^{\circ} 21' 53''$  W for a distance of 49.16 feet to a drill hole set;
10. Thence parallel to and 17.00 feet west of the centerline of said Gehring Avenue S  $0^{\circ} 37' 09''$  E for a distance of 278.85 feet to a drill hole set;
11. Thence N  $89^{\circ} 22' 51''$  E for a distance of 50.00 feet to a drill hole found on the existing east right of way line of said Gehring Avenue at the northwest corner of a parcel conveyed to West Side Market House Tenants Association as recorded in Volume 14639, Page 801 and the southwest corner of a parcel conveyed to Gehring Property Company, LLC as recorded in AFN 201704070331;
12. Thence along the existing east right of way line of Gehring Avenue, S  $0^{\circ} 37' 09''$  E for a distance of 259.51 feet to a point in the centerline of said vacated Eureka Court;
13. Thence on the centerline of vacated Eureka Court, S  $89^{\circ} 22' 51''$  W for a distance of 33.00 feet to the Point of Beginning, containing 0.5864 acres (25,543 sq.ft.) of land, more or less, and subject to all easements, restrictions and covenants of record. The above description prepared by Steven L. Mullaney, P.S. 7900 of Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, and based on a field survey made in January of 2019.

All bearings referred to herein, are relative to grid north of the Ohio State Plane Coordinate System, North Zone, NAD83 (2011), as determined from GNSS measurements tied to the Ohio Department of Transportation's VRS system.

Legal Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**Section 2.** That this resolution 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Adopted June 3, 2019.**

**Effective June 5, 2019.**