

**Ordinance No. 709-2019**

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

**An emergency ordinance to vacate a portion of Utopia Avenue N.E.**

**WHEREAS**, under Resolution No. 1332-18, adopted December 3, 2018, this Council declared its intention to vacate a portion of Utopia Avenue N.E.; 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 30, 2019, 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 Utopia Avenue N.E. (15.00 feet wide)

Situated in the City of Cleveland (formerly the Village of Collinwood), County of Cuyahoga and State of Ohio and known as being the southerly 15 feet of Sublots 3 and 13 in the Wood Gibson and others Subdivision of part of Original Euclid Township Lot No. 1 as shown in the recorded plat in Volume 17 of Maps, Page 11 of Cuyahoga County Records, authorized for street purposes by Collinwood ordinance 1599 dated July 13, 1908, as shown in Volume 1175, Page 341 of Cuyahoga County Deed Records, further described as follows:

Being all that portion of Utopia Avenue N.E. (15.00 feet wide) extending from the East line of East 150th Street (60.00 feet wide)(formerly known as Mars Avenue) to the West line of East 152nd Street (60.00 feet wide)(formerly known as Collamer Avenue).

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

**Section 2.** That there is reserved a permanent easement as required by law to any public utility with a current use or occupation within the above described vacated portion of the street, highway or road.

That no structures shall be erected on the above described vacated area except those in compliance with federal, state and local law and under the approval of plans by those deemed to have an easement by right of law 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.

**Passed July 24, 2019.**

**Effective July 26, 2019.**