

# Ordinance No. 668-2021

## AN EMERGENCY ORDINANCE

To vacate a portion of Frankfort Avenue N.W. extending from West 6<sup>th</sup> Street to West 3<sup>rd</sup> Street.

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

**FOR PASSAGE**  
**August 18, 2021**

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WHEREAS, under Resolution No.486-2021, adopted July 14, 2021, this Council declared its intention to vacate a portion of Frankfort Avenue N.W. extending from West 6<sup>th</sup> Street to West 3<sup>rd</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 August 9, 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:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Lots 53, 54, 55 and 56, being more fully bounded and described as follows;

Beginning at a 1" iron pin found in a monument box assembly at the centerline intersection of Superior Avenue N.W., 132 feet wide and West 3rd Street, 99 feet wide, said point also being on the west line of Original Lot 56, thence North 34°33'02" West along the centerline of said West 3rd Street, a distance of 330.00 feet to a point, thence South 55°27'14" West, a distance of 49.50 feet to a point on the westerly line of said West 3rd street and southerly line of Frankfort Ave, 41 feet wide to a Drill Hole set at the principal place of beginning of the parcel herein described.

Course No.1 Thence along the southerly line of said Frankfort Ave. South 55°27'14" West, a distance of 433.39 feet to a set point on the easterly line of West 6th Street, 99 feet wide referenced by a drill hole found South 0.99 feet, West 0.47 feet,

Course No.2 Thence along easterly line of said West 6th Street, North 34°28'33" West, a distance of 41.00 feet to a Drill Hole Set on the northerly line of said Frankfort Ave.

Course No.3 Thence along northerly line of said Frankfort Ave North 55°27'14" East, a distance of 433.33 feet to a drill hole set on the westerly line of said West 3rd Street,

Course No.4 Thence along the westerly line of said West 3rd Street, South 34°33'02" East, a distance of 41.00 feet to the Principal Place of Beginning said parcel containing 17,768 square feet or 0.4079 acres of land according to a survey by Langan Engineering and Environmental Services dated May 2021 and being the same more or less and being subject to all legal highways and easements. The basis of bearings of this

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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 (acting).

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, Cleveland Division of Water, 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 the City of Cleveland, AT&T, Cleveland Division of Water, Dominion Energy, and The Illuminating Company.

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.

SD:nl  
8-18-2021  
FOR: Interim Director Gentile

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**REPORT  
after second Reading**

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

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**READ FIRST, SECOND AND THIRD TIME**

**READ FIRST TIME  
and referred to**

**REPORTS**

**CITY CLERK**

**READ SECOND TIME**

**CITY CLERK**

**READ THIRD TIME on AUGUST 18, 2021**

**PRESIDENT**

**CITY CLERK**

**APPROVED**

**MAYOR**

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

Published in the City Record \_\_\_\_\_