

The City Record

Official Publication of the Council of the City of Cleveland



March the Sixteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Michael J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840
First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell

Christopher S. Ronayne, Chief of Staff
Darnell Brown, Chief Operating Officer
Craig Tame, Executive Assistant
Collette J. Appolito, Director, Office of Equal Opportunity
Margreat A. Jackson, Legislative Affairs Liaison
Erik Janas, Inter-Governmental Affairs Officer
Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Teresa M. Beasley, Director, Richard F. Horvath, Chief Counsel, Rm. 106
Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – Algeron Walker, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street
Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – James F. Majer, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – John Christopher Nielson, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John C. Mok, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
Police – Edward F. Lohn, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Dennis Donahue, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Michael Cox, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Gina Routen, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Director, Room 210

DEPT. OF AGING – Jane E. Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 11, Jeffrey D. Johnson, Director; Mayor Jane

L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk,

Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President;

Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY AUDIT COMMITTEE – Robert Rawson, Chairman; Bracey Lewis, Frank Jackson,

Stephen J. Strinisha, Teresa Beasley, Yvette M. Ittu.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell,

Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Leohr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud,

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance

Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair;

Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Joan Syneberg	12A
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff;

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MARCH 16, 2005

No. 4762

CITY COUNCIL

MONDAY, MARCH 14, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chairman; White, Vice Chairman; Cimperman, Dolan, Jones, Rybka, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Cimperman, Johnson, O'Malley, Polensek, White, Zone.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chairman; Conwell, Vice Chairman; Cintron, Coats, Johnson, Reed, Polensek.

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Coats, Gordon, O'Malley, Reed, Pierce Scott, Westbrook, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

TUESDAY—Alternating

1:00 P.M. — **Health & Human Services Committee:** Britt, Chairman; Zone, Vice Chairman; Cintron, Conwell, Gordon, Pierce Scott, Polensek.

1:30 P.M. — **Legislation Committee:** White, Chairman; Pierce Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Britt, Dolan, Gordon, Reed, Rybka.

10:00 A.M. — **Public Safety Committee:** Reed, Chairman; Britt, Vice Chairman; Brady, Cimperman, Coats, Conwell, Jones, White, Zone.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; O'Malley, Vice Chairman; Brady, Cintron, Jones, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Rybka, Vice Chairman, Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; O'Malley, Reed, Sweeney, Westbrook.

Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Pierce Scott.

Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, March 14, 2005

The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Mayor Campbell, Chief of Staff Ronayne, Chief Operating Officer Brown and Directors Beasley, Baker, Ciaccia, Mok, Ricchiuto, Carroll, Watson, Ronayne, Rush, Williams, Routen, Fumich, Taylor, Johnson, Appolito, Brown and Margreat Jackson, Legislative Affairs Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Pastor Bryant Taylor of Southeast Seventh Day Adventist Church, 16602 Tarkington Avenue, Cleveland, Ohio located in Ward 1. Pledge of Allegiance.

MOTION

On the motion of Council Member Cimperman, the reading of the minutes of the last meeting was dis-

pensed with and the journal approved. Seconded by Council Member Pierce Scott.

COMMUNICATIONS

File No. 433-05.

From the Northeast Ohio Regional Sewer District — CSO Control Program Fact Sheet. Received.

File No. 434-05.

From Congressman Dennis J. Kucinich — next NASA summit, meeting. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 435-05.

Re: New Application — 6416350 — 974 Parkwood, Inc., d.b.a. Al's Market, 974 Parkwood Drive. (Ward 8). Received.

File No. 436-05.

Re: New Application — 7677421 — Farid Said, d.b.a. Tom's Food Market, 8202 Denison Avenue. (Ward 18). Received.

File No. 437-05.

Re: Transfer of Ownership Application — 0173854 — Amicorum, Inc., 5th floor east end, Suite 520 & Patio, 2100 Superior Viaduct. (Ward 13). Received.

File No. 438-05.

Re: Transfer of Ownership Application — 65492780005 — 1146 Old River, Inc., d.b.a. Shark Club, 2000 Sycamore Street, Unit 100. (Ward 13). Received.

File No. 439-05.

Re: Transfer of Location Application — 84594050001 — S. & R. Browns Food Market, Inc., d.b.a. Brown's Food Market, 1001 Fairfield Avenue. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolutions were adopted by a rising vote:

Res. No. 441-05—Rosetta Dowthard Gregory.

Res. No. 442-05 — Wesley Ann Scott.

Res. No. 443-05 — Joyce Medley Morton.

Res. No. 444-05 — Henry Edward Bufford.

Res. No. 445-05—John Alexander Levy.

Res. No. 446-05—Kostag D. Mihal.

Res. No. 447-05—James Flannery.

CONGRATULATION RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

- Res. No. 448-05**—Sgt. Sue Sazima.
- Res. No. 449-05**—Sean Lackey.
- Res. No. 450-05**—Lee Friedman Hill.
- Res. No. 451-05**—Todd Solondz.

- Res. No. 452-05**—Rev. & Mrs. Edward Alexander, Jr.
- Res. No. 453-05**—Ken Zalar.
- Res. No. 454-05**—Donald F. Slapnik.
- Res. No. 455-05**—Henry Guzel, Jr.
- Res. No. 456-05**—Sophie Matuch.
- Res. No. 457-05** — Deanna Marie Miklich.
- Res. No. 458-05**—Genevieve Drobnic.

RECOGNITION RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

- Res. No. 459-05**—Catherine Gund.
- Res. No. 460-05** — Microcinema.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 410-05.
By Mayor Campbell.

An emergency ordinance to make additional appropriations of the General Fund as a result of the passage of Ordinance 2-05 and the lease extension authorized in it.

Whereas, Ordinance No. 2-05 authorizes the extension of the North Point Garage Lease, and if the Lease is extended, the City will realize additional revenue in the amount of \$3,250,000; and

Whereas, a portion of the revenue, in the amount of \$250,000, will restore the City's 2005 ending balance; and

Whereas, there remains an unappropriated balance in the sum of \$3,000,000 which is available for additional appropriation; and

Whereas, from this additional revenue the Administration proposes to restore the following amounts removed by amendment from the 2005 Budget, Ordinance No. 125-05, summarized as:

- \$1,200,000 Fire Uniformed Overtime;
- \$ 600,000 Cops Grant Match for 15 Police Officers;
- \$ 750,000 Elimination of Delayed Hiring;

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 there is hereby appropriated the additional revenue as set forth in an Amended Official Certificate of Estimated Resources previously unappropriated as follows:

GENERAL FUND	\$ 3,000,000
TOTAL ALL FUNDS	\$ 3,000,000

GENERAL FUND

Office of the Mayor		\$24,937
I. Personnel and Related Expenses	\$24,937	

DEPARTMENT OF PUBLIC SAFETY

Division of Police		\$768,120
I. Personnel and Related Expenses	\$768,120	
Division of Fire		\$1,200,000
I. Personnel and Related Expenses	\$1,200,000	
Division of Emergency Medical Services		\$82,630
I. Personnel and Related Expenses	\$82,630	

TOTAL DEPARTMENT OF PUBLIC SAFETY	\$2,050,750
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DEPARTMENT OF PUBLIC SERVICE

Division of Waste Collection and Disposal		\$156,236
I. Personnel and Related Expenses	\$156,236	
Division of Engineering and Construction		\$17,860
I. Personnel and Related Expenses	\$17,860	
Division of Traffic Engineering		\$13,499
I. Personnel and Related Expenses	\$13,499	

TOTAL DEPARTMENT OF PUBLIC SERVICE	\$187,595
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DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Recreation		\$13,260
I. Personnel and Related Expenses	\$13,260	
Division of Parking Facilities-On Street		\$9,105
I. Personnel and Related Expenses	\$9,105	

Division of Property Management		\$43,729
I. Personnel and Related Expenses	\$43,729	
Division of Park Maintenance and Properties		\$15,199
I. Personnel and Related Expenses	\$15,199	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$81,293
URBAN PLANNING AND DEVELOPMENT DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir. Office		\$9,046
I. Personnel and Related Expenses	\$9,046	
Division of Code Enforcement		\$12,299
I. Personnel and Related Expenses	\$12,299	
Division of Construction Permit		\$21,398
I. Personnel and Related Expenses	\$21,398	
TOTAL BUILDING AND HOUSING		\$42,743
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$14,675
I. Personnel and Related Expenses	\$14,675	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$14,675
Office of Equal Opportunity		\$18,092
I. Personnel and Related Expenses	\$18,092	
TOTAL URBAN PLANNING AND DEVELOPMENT		\$75,510
SUPPORT FUNCTIONS FINANCIAL AND LEGAL ADMINISTRATION DEPARTMENT OF FINANCE		
Division of Assessments and Licenses		\$10,253
I. Personnel and Related Expenses	\$10,253	
Division of Purchases and Supplies		\$21,398
I. Personnel and Related Expenses	\$21,398	
Information Systems Services		\$60,732
I. Personnel and Related Expenses	\$60,732	
TOTAL DEPARTMENT OF FINANCE		\$92,383
Department Law		\$13,161
I. Personnel and Related Expenses	\$13,161	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$105,544
TOTAL SUPPORT FUNCTIONS		\$105,544
TRANSFERS TO OTHER FUNDS		\$474,371
II. Other Expenses	\$474,371	
TOTAL GENERAL FUND		\$3,000,000

Section 2. 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.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 411-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and refurbish existing unit process equipment and chemical feeding equipment, including appurtenances, for the Division of Water, Department of Public Utilities.

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 the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of labor and materials necessary to test and refurbish existing unit process equipment and chemical feeding equipment, including appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 149021)

Section 3. 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.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 412-05.

By Council Members Coats, Gordon, White and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into a tax-sharing agreement or agreements with the Village of Richfield for the purpose of sharing in tax revenues generated in the Joint Economic Development District located in Richfield Township in exchange for the City's extension of water service.

Whereas, the City of Cleveland's Division of Water provides water service to the Village of Richfield under direct Water Service Agreement No. 32095, entered into on April 16, 1982; and

Whereas, the Village of Richfield and the Township of Richfield are engaged in negotiations to enter into a Joint Economic Development District ("JED District") agreement to improve and develop designated property within the Township of Richfield and to share income-tax revenues generated by businesses that locate within the JED District; and

Whereas, one of the contributions the Village of Richfield wishes to provide to the District is the provision of Cleveland water service; and

Whereas, the Village of Richfield has requested the Division of Water to amend the service area contained in the Water Service Agreement to include the JED District; and

Whereas, as a condition to providing water to the JED District, the Division of Water wishes to enter into an agreement with the Village of Richfield, so that Cleveland's General Fund may share equally with the Village of Richfield and the Township of Richfield in the net income-tax revenues generated by the JED District; and

Whereas, retaining existing water customers and adding new customers through the expansion of the Division of Water's service area increases the rate base, promotes rate stability, minimizes the need for future rate increases, and improves the Division of Water's bond credit rating, to the benefit of all Division of Water customers and bondholders; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to enter into a tax-sharing agreement or agreements with the Village of Richfield and other necessary public authorities to share in the income-tax receipts generated through the JED District agreement between the Village of Richfield and the Township of Richfield.

Section 2. That the agreements authorized by this ordinance shall entitle the City to share equally with the Village of Richfield and the Township of Richfield in the JED District's net income-tax revenues, which, after payment of administrative expenses, shall consist of not less than ninety percent (90%) of the gross income-tax revenues.

Section 3. That the initial term of the agreements authorized by this ordinance shall not exceed fifty years with an option to renew for an additional fifty years.

Section 4. That all payments by the Village of Richfield under the

agreements authorized by this ordinance shall be deposited in the City's General Fund.

Section 5. That the Director of Public Utilities and the Director of Finance are authorized to execute on behalf of Cleveland all necessary documents to effectuate the purposes of this ordinance.

Section 6. 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.

Referred to Directors of Public Utilities, Economic Development, Finance, Law; Committees on Public Utilities, Community and Economic Development, Legislation, Finance.

Ord. No. 413-05.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of deicing chemicals, for the various divisions of the Department of Port Control, for a period of two years.

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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of deicing chemicals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129216)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or

more contracts with the vendors selected through that cooperative process.

Section 4. 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 414-05.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of the rental of snow removal equipment and heavy-duty equipment with operators for the various divisions of the Department of Port Control, for a period not to exceed two years.

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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period not to exceed two years of the necessary items of the rental of snow removal equipment and heavy-duty equipment with operators in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial procurement, which procurement, together with all later procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129215)

Section 3. 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 415-05.

By Council Members Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain or replace exterior landscaping and other site landscaping for the various divisions of the Department of Port Control.

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 the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of labor and materials necessary to maintain or replace exterior landscaping and other site landscaping, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Port Control is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Port Control by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 129211)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Port Control may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 416-05.

By Council Members Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into one or more contracts with Ceridian Benefits Services, Inc. for professional services necessary to administer the City's COBRA program and HIPAA compliance.

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 the Director of Personnel and Human Resources is authorized to enter into one or more contracts with Ceridian Benefits Services, Inc. for professional services necessary to administer the City's COBRA program and HIPAA compliance on the basis of its proposal dated March 9, 2005, in the total sum of \$35,000, for the Department of Personnel and Human Resources. The contracts or contracts shall be paid from Fund No. 01-040201-632400, Request No. 107549.

Section 2. 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.

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 417-05.

By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, for the Division of Traffic Engineering, Department of Public Service.

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 the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year or two years of the necessary items of traffic signal and pavement marking equipment, including but not limited to poles, signals, controllers, sign blanks, traffic paint, beads, hardware, related incidental supplies and materials, and labor when necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Traffic Engineering, Department of Public Service. Bids shall be taken in a manner that permits an award to be

made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Service is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Service by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154897)

Section 3. 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.

Referred to Directors of Public Service, Finance, Law; Committees on Public Service, Finance.

Ord. No. 418-05.

By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, for the COPS Universal Hiring Program.

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 the Director of Public Safety is authorized to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, in the total amount of \$2,250,000 to conduct the COPS Universal Hiring Program for a three-year period, to be implemented in phases with the first phase consisting of 15 officers and a second phase consisting of an additional 15 officers subject to annual appropriation; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant proposal contained in the file described below.

Section 2. That the proposal for the grant, File No. 418-05-A made a part of this ordinance as if fully rewritten, is approved in all respects, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$600,000 for Phase I in 2005 from the fund or funds to which are credited the proceeds of the North Point Garage Lease extension, autho-

rized by Ordinance No. 2-05, and cash matching funds for the remainder of the program from the fund or funds appropriated by the Council for this purpose.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. 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.

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 419-05.

By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

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 the Director of Economic Development is authorized to enter into contract with ZEN Industries, Inc. to provide economic development assistance to partially finance the purchase of machinery and equipment for their facility located at 2340 East 69th Street, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 419-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the costs of the contract shall not exceed Forty-Six Thousand Five Hundred Dollars (\$46,500.00), and shall be paid from Fund No. 17 SF 008, which funds are appropriated for this purpose, Request No. 103642.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appro-

riated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. 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.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 420-05.

By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Hamilton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements, assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to assist with business expansion, retain and create jobs within the City of Cleveland, and increase the City's tax base, it is in the public interest and a proper public purpose for the City to provide financing assistance for projects that have business retention, expansion, and attraction implication or that have certain job creation potential; and

Whereas, in compliance with Section 13, of Article VIII, Ohio Constitution, the City has established the Cleveland Citywide Development Corporation for review of proposed economic development projects; and

Whereas, after review by the City's Department of Economic Development and the Cleveland Citywide Development Corporation, the project has been approved; and

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Department of Economic Development and the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; 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 the Director of Economic Development is authorized to enter into contract with Hamilton/Marquette Limited Partnership, to provide development assistance to partially finance the acquisition of real property, construction of leasehold improvements,

assistance with architectural, engineering and other consulting fees, and other renovation costs for the property located at 5401 Hamilton Avenue, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 420-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Three Hundred and Ten Thousand Dollars (\$310,000), and shall be paid from Fund No. 10 SF 541, which funds are appropriated for this purpose, Request No. 103640.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 542.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. 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.

Referred to Directors of Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 421-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Olive Court to Melanie Shounnette Powell Brazil.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the

terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-03-071, 118-03-072 and 118-03-073, as more fully described below, to Melanie Shounnette Powell Brazil.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 118-03-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 17 in Geo. E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northerly line of Olive Court, N.E., (formerly Olive Court), at its intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches; thence Northerly and parallel with the Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly and parallel with the Northerly line of Olive Court, N.E., 26 feet 9-1/4 inches to the Westerly line of said Subdivision; thence Southerly along the Westerly line of said Subdivision, 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 16 and 17 in Geo E. Dascomb's Subdivision of part of Original One Hundred Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Northerly line of Olive Court NE, (formerly Olive Court), 38 feet wide, at a point 26 feet 9-1/4 inches Westerly, measured along said Northerly line from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along said Northerly line of Olive Court NE, 31 feet; thence Northerly on a line parallel with said Westerly line of said Clara M. Hannon's Subdivision, 95 feet; thence Easterly on a line parallel to said Northerly line of Olive Court NE, 31 feet; thence Southerly 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-03-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 16 in George A. Dascomb's Subdivision of part of Original 100 Acre Lot No. 337, as shown by the recorded plat in Volume 3 of Maps, Page 56 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of Olive Court N.E. at a point distant Westerly measured along said Northerly line 57 feet, 9-1/4 inches from its point of intersection with the Westerly line of Clara M. Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Westerly along the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to the Southeastly corner of a parcel of land conveyed to Elizabeth C. Warren by deed dated July 6, 1896 and recorded in Volume 649, Page 264 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to Elizabeth Warren as aforesaid a distance of 95 feet to the Northeastly corner thereof; thence Easterly and parallel with the Northerly line of Olive Court N.E. a distance of 30 feet 2 inches to a point; thence Southerly in a direct line a distance of 95 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby 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.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 422-05.**By Council Member Lewis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Crawford Road to Terrence Thompkins and Veora Croft-Thompkins.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-03-032, as more fully described below, to Terrence Thompkins and Veora Croft-Thompkins.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 119-03-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 10 in the Subdivision made by Eliza Hough and the heirs of Oliver Hough of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 3 of Maps, Page 21 of Cuyahoga County Records bounded and described as follows:

Beginning at a point in the Northwesterly line of Crawford Road, N.E., 38.01 feet Southwesterly from its intersection with the Northerly line of said Sublot; thence Westerly 126.78 feet to a point 30.87 feet Southerly from the Northerly line of said Sublot; thence Southerly 35.68 feet to the Northerly line of Brookline Avenue, N.E., (formerly Crawford Place), said Northerly line of Brookline Avenue, N.E., running parallel with and 90 feet Northerly from the Southerly line of said Sublot No. 10 which Southerly line is also the Southerly line of said Original Lot No. 391; thence Easterly along the Northerly line of said Brookline Avenue, N.E. 101.66 feet to the Northwesterly line of Crawford Road, N.E.; thence Northeasterly along said Northwesterly line, 43.64 feet to the place of beginning, said premises are also known as a part of Sublot No. 21 in a proposed Subdivision intended to be made by F.B. Fox, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance

authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby 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.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 423-05.**By Council Member Pierce Scott.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Home Builders Association of Greater Cleveland or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-121 as

more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 109-10-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bonded and described as follows, to wit:

And known as being part of Sublot No. 11 in C.C. Baldwin's Allotment of a part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and bounded and described as follows:

Being on the Easterly line of East 101st St., (formerly Eaton Street), as the Northwesterly corner of Sublot No. 11;

Thence Southerly along the Easterly line of East 101st Street, 40 feet to the Southerly corner of said Sublot;

Thence Easterly along the Southerly line of said Sublot, 117.70 feet to the Southwesterly corner of land conveyed Julia Baisch by Deed dated January 31, 1921 and recorded in Volume 2475, Page 294 of Cuyahoga County Records;

Thence Northerly along the Westerly line of land so conveyed, 40 feet to the Northeasterly corner of said Sublot No. 11;

Thence Westerly along the Northerly line of said Sublot No. 117.70 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-128 as more fully described below to Home Builders Association of Greater Cleveland or designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet as appears by said plat.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-129 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of Eaton Street (now known as East 101st Street) and extending back of equal width 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-130 as more fully described, to Home Builders Association of Greater Cleveland or designee.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-130

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 19 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lots Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-131 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street and extending back of equal width 112 feet as appears by said plat.

Subject to zoning ordinances if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-132 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Charles C. Baldwin Subdivision known of part of Original One Hundred Acre Lot Numbers 384 and 385, as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 101st Street (formerly East 101st St.) and extending back of equal width 112 feet as appears by said plat, be the same, more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-137 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in C.C. Baldwin's Allotment of part of Original One Hundred Acre Lot Nos. 384 and 385 as shown by the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records, and being 33 feet front on the Easterly line of East 100th Street and extending back between parallel lines 112 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-138 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. 109-10-138

Tract No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as all of Sublots No. 21 and 39 and part of Sublot No. 40 in the C.C. Baldwin's Subdivision of part of Original 100 Acre Lot No. 385 as shown by the recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The beginning point is on the West line of East 101st Street (40 feet wide) at the southeast corner of said Sublot No. 21;

Course 1: Thence North along said west line of East 101st Street, 40.00 feet to the northeast corner of said Sublot No. 21;

Course 2: Thence West along the north line of said Sublot No. 21, 111.98 feet to the northwest corner of said Sublot No. 21;

Course 3: Thence South 00 degrees 00' 10" West along the west line of said Sublot No. 21, 1.64 feet;

Course 4: Thence West along the north line of a brick building, 5.70 feet;

Course 5: Thence South along the wall of a brick building, 2.60 feet;

Course 6: Thence West along said brick building, 2.55 feet;

Course 7: Thence South along said brick building, 2.59 feet;

Course 8: Thence South 89 degrees 38' 20" West along the north wall of a two story brick building and its westerly prolongation, 103.73 feet to a point on the east line of East 100th Street (40 feet wide) which is distant South 00 degrees 00' 20" West along said east line, 31.49 feet from the northwest corner of said Sublot No. 40;

Course 9: Thence South 00 degrees 00' 20" West along said east line of East 100th Street 34.51 feet to the southwest corner of said Sublot No. 39;

Course 10: Thence South 89 degrees 59' 40" East along the south line of said Sublot No. 39, 111.98 feet to the southeast corner of said Sublot No. 39;

Course 11: Thence North 00 degrees 00' 10" East along the east line of said Sublot No. 39, 2.00 feet to the southwest corner of said Sublot No. 21;

Course 12: Thence East along the south line of said Sublot No. 21, 111.98 feet to the beginning.

Together with an easement for purposes of a driveway and ingress and egress in or from the above described premises over Sublot No. 38 in said C.C. Baldwin's Subdivision, which easement is bounded and described as follows:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as part of Sublot No. 38 in the C.C. Baldwin's Subdivision of part of Original 100 Acre Lot No. 385 as shown on plat recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The Beginning point is on the east line of East 100th Street (40 feet wide) at the southwest corner of said Sublot No. 38;

Course 1: Thence South 89 degrees 59' 40" East along the south line of said Sublot No. 38, 94.47 feet;

Course 2: Thence North 00 degrees 00' 10" East parallel with the east line of said Sublot No. 38, 33.00 feet to the north line of said Sublot No. 38;

Course 3: Thence North 89 degrees 59' 40" West along said north line of Sublot No. 38, 7.50 feet;

Course 4: Thence South 00 degrees 00' 10" West, parallel with Course 2, 18.00 feet;

Course 5: Thence South 45 degrees 00' 10" West, 10.61 feet;

Course 6: Thence North 89 degrees 59' 40" West parallel with the south line of said Sublot No. 38, 79.47 feet to said east line of East 100th Street;

Course 7: Thence South 00 degrees 00' 20" West along said east line of East 100th Street 7.50 feet to the beginning.

Tract No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as part of Sublot No. 40 in the C.C. Baldwin's Subdivision of part of Original 100 Acre

Lot No. 385 as shown by the recorded in Volume 17, Page 7, Cuyahoga County Map Records and is bounded and described as follows:

The beginning point is on the east line of East 100th Street (40 feet wide) at the northwest corner of said Sublot No. 40;

Course 1: Thence South 89 degrees 59' 40" East along the north line of said Sublot No. 40, 111.99 feet to the northeast corner of said Sublot;

Course 2: Thence South 00 degrees 00' 10" West along the east line of Sublot No. 40, 25.64 feet;

Course 3: Thence West along the north line of a brick building, 5.70 feet;

Course 4: Thence South along the wall of a brick building, 2.0 feet;

Course 5: Thence West along said brick building, 2.55 feet;

Course 6: Thence South along said brick building, 2.59 feet;

Course 7: Thence South 89 degrees 33' 20" West along the north wall of a two story brick building and its westerly prolongation, 103.73 feet to a point on the east line of East 100th Street, which is distant North 00 degrees 00' 20" East along said east line 1.51 from the southwest corner of said Sublot No. 40;

Course 8: Thence North 00 degrees 00' 20" East along said east line of East 100th Street, 31.49 feet to the beginning.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-10-139 as more fully described below, to Home Builders Association of Greater Cleveland or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 109-10-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 38 in the C.C. Baldwin's Subdivision of part of Original One Hundred Acre Lots Nos. 384 and 385, as shown on the recorded plat in Volume 17 of Maps, Page 7 of Cuyahoga County Records. Said Sublot No. 38 has a frontage of 33 feet on the easterly side of Norwich St (now known as E. 100th St.) and extends back between parallel lines 112 feet as appears by said plat, be the same more or less but subject to all legal highways.

Section 19. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 20. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 21. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 22. That this ordinance is hereby 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.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 424-05.

By Council Member White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 93rd and Harvard to Cleveland Municipal School District.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 134-08-046, 134-08-047, 134-08-048 and 134-08-049, as more fully described below, to Cleveland Municipal School District.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 134-08-046

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Plat of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 93rd Street (60 feet wide) at a point distant Southerly measured along said Westerly line 90 feet from the Southerly line of Harvard Avenue, S.E. (60 feet wide); thence Southerly along said Westerly line of East 93rd Street, 75 feet; thence Westerly parallel with the Southerly line of Harvard Avenue, S.E., 57.50 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 75 feet; thence Easterly 57.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 134-08-047

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464 as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning at intersection of the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), with the Westerly side of East 93rd Street, form Woodland Hills Avenue); thence Southerly along said Westerly line of East 93rd Street 90 feet to the Northeasterly corner of land conveyed to William H. Braund and Frances Btaund by deed dated April 28, 1897 and recorded in Volume 660, Page 461 of Cuyahoga County Records; thence Westerly along said Northerly line of land so conveyed to William H. Braund and Frances Braund 20 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E., 20 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of Harvard Avenue S.E. (formerly Harvard Street), 20 feet Westerly measured along said Southerly line from the point of intersection with the Westerly line of East 93rd Street (formerly Woodland Hills Avenue); thence Southerly parallel with the Westerly line of said East 93rd Street and 20 feet distant therefrom, 90 feet to the Northerly line of land conveyed to William H. Braund and Frances Braund, by deed dated April 28, 1897, and recorded in Volume 660, Page 461 of Cuyahoga County

Records; thence Westerly along the Northerly line of land so conveyed to William H. Braund and Frances Braund, 37-1/2 feet; thence Northerly parallel to the Westerly line of East 93rd Street, 90 feet to the Southerly line of Harvard Avenue S.E.; thence Easterly along said Southerly line of Harvard Avenue S.E. 37-1/2 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 60 in the Newburgh Village Subdivision of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue S.E., (60 feet wide), (formerly Harvard Street), which pointy is 57-50/100 feet West of the intersection of said South line of Harvard Avenue S.E., and the Westerly line of East 93rd Street, (60 feet wide), (formerly Woodland Hills Avenue); thence Westerly along the Southerly line of Harvard Avenue S.E., as aforesaid, 3-99/100 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street, 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue S.E., 3-99/100 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 134-08-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, S.E., 57 feet 6 inches Westerly from its intersection with the Westerly line of East 93rd Street; thence Westerly along the Southerly line Harvard Avenue, S.E., 45 feet to the Easterly line of land conveyed to David Teese by deed recorded in Volume 112, Page 315 of Cuyahoga County Records; thence Southerly parallel with the Westerly line of East 93rd Street and along the Easterly line of land so conveyed to David Reese 165 feet; thence Easterly parallel with the Southerly line of Harvard Avenue, S.E., 45 feet; thence Northerly parallel with the Westerly line of East 93rd Street, 165 feet to the place of beginning, be the same more or less, but subject to all legal highways. Excepting therefrom the following described parcel:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being further known as part of Sublot Nos. 59 and 60 in Newburgh Village Allotment of part of Original One Hundred Acre Lot No. 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Southerly line of Harvard Avenue, 60 feet wide, (formerly Hamilton Street), which point is 57.50 feet West of the intersection of said South line of Harvard Avenue and the Westerly line of East 93rd Street, 60 feet wide, (formerly Gaylord Street); thence Westerly along the Southerly line of Harvard Avenue, as aforesaid 3.99 feet to a point; thence Southerly parallel with the Westerly line of East 93rd Street 90 feet to a point; thence Easterly parallel with the Southerly line of Harvard Avenue 3.99 feet to a point; thence Northerly parallel with the Westerly line of East 93rd Street, 90.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 134-08-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 464, and bounded and described as follows:

Beginning at the Northeast corner of land deeded by David Reese to Chatlotte and Emma Reese; thence South 165 feet; thence East 45 feet; thence North 165 feet and parallel with the West line of East 93rd Street; to the Southerly line of Harvard Avenue, S.E. (formerly Hamilton Street); thence West 45 feet to the place of beginning and being the same tract conveyed by Osias W. Lewis to David Jones by deed dated May 17, 1871 and recorded in Volume 188, Page 335 of Cuyahoga County Records, said parcel is a part of Sublot No. 59 in the Newburgh Village Plat (Volume 2, Page 20 of Cuyahoga County Records) and fronts on the South side of Harvard Avenue, S.E. to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-

tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby 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.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 426-05.

By Council Member Coats. An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with TLS Holdings Co. for Physical Improvements to Smith Funeral Home through the use of Ward 10 Neighborhood Equity Funds.

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 the Director of Economic Development is authorized to enter into an agreement with TLS Holdings Co. for physical improvements to the 14601 St. Clair Avenue occupied by Smith Family Funeral Home, for the purpose of retaining and creating jobs that will benefit the residents of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$24,250 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 427-05.**By Council Member Gordon.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Senior Citizens Resources, Inc. for the Holiday Meal Program for Senior Citizens through the use of Ward 15 Neighborhood Equity Funds.

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 the Director of Community Development is authorized to enter into an agreement with Senior Citizens Resources, Inc. for the Holiday Meal Program for Senior Citizens for the public purpose for providing hot meals to senior citizens during the holiday season who reside in the City of Cleveland through the use of Ward 15 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 425-05.

By Council Members Polensek, Cintron, Reed, Zone, Brady, Pierce Scott, White, Jones, Conwell, Jackson, Britt, Cimperman, Coats, Dolan, Gordon, Johnson, Lewis, O'Malley, Rybka, Sweeney and Westbrook.

An emergency resolution objecting to the new authority of the Ohio Department of Natural Resources to charge parking fees at Ohio's state parks and urging the Mayor to review the City's lease with the Ohio Department of Natural Resources to determine if such charge violates the terms of the lease.

Whereas, the Ohio Department of Natural Resources (ODNR) has received approval from the Taft administration to charge a parking fee at all state parks in Ohio; and

Whereas, beginning this spring, the fee to park at any of the state's 74 state parks is \$5.00 a visit, or \$25 a year for Ohioans; and

Whereas, the City's five lakefront parks, Edgewater Park, East 55th

Street Marina, Gordon Park, Euclid Beach, and Villa Angela/Wildwood, would all charge this fee; and

Whereas, this would have a negative impact on the ability of City residents to use the state parks located in the City; and

Whereas, in order to avoid paying such a fee, parkgoers will simply park their vehicles on the streets and on private property in the vicinity of the state parks, which will result in increased traffic, trespassing, noise, and disruption to citizens residing near the state parks; and

Whereas, the lease that the City of Cleveland has with ODNR may prohibit charging a fee to park in our lakefront state parks; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council objects to the new authority of the Ohio Department of Natural Resources to charge parking fees at Ohio's state parks and urges the Mayor to review the City's lease with the Ohio Department of Natural Resources to determine if such charge violates the terms of the lease.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to ODNR Director Sam Speck and State Parks Chief Daniel West and state legislators representing the City of Cleveland.

Section 3. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 428-05.**By Council Member Cimperman.**

An emergency resolution objecting to the transfer of liquor license of a C1 and C2 Liquor Permit to 1001 Fairfield Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C1 and C2 Liquor Permit from S & R Browns Food Market, Inc., DBA Browns Food Market, 761 Starkweather Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 8459405 to S & R Browns Food Market, Inc., DBA Browns Food Market, 1001 Fairfield Avenue, Cleveland, Ohio 44113, Permanent Number 84594050001; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best

interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of liquor license of a C1 and C2 Liquor Permit from S & R Browns Food Market, Inc., DBA Browns Food Market, 761 Starkweather Avenue, 1st floor and basement, Cleveland, Ohio 44113, Permanent Number 8459405 to S & R Browns Food Market, Inc., DBA Browns Food Market, 1001 Fairfield Avenue, Cleveland, Ohio 44113, Permanent Number 84594050001; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 429-05.
By Council Member Cimperman.
An emergency resolution object-
ing to a New C1 Liquor Permit at
4030 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 4030 Convenient Deli, Inc., 4030 St. Clair Avenue, Cleveland, Ohio 44113, Permanent Number 2847850; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 4030 Convenient Deli, Inc., 4030 St. Clair Avenue, Cleveland, Ohio 44113, Permanent Number 2847850; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 430-05.
By Council Member Coats.
An emergency resolution with-
drawing objection to the renewal of
a C2 and C2X Liquor Permit at 12702
Shaw Avenue and repealing Resolu-
tion No. 1556-04, objecting to said
renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 12702 Shaw Avenue by Resolution No. 1556-04 adopted by the Council on August 11, 2004; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 objection to a C2 and C2X Liquor Permit to Belinda Allen, DBA Shaw Beverage and Deli, 12702 Shaw Avenue, Cleveland, Ohio 44110, Permanent Number 0127313 be and the same is hereby withdrawn and Resolution No. 1556-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 431-05.
By Council Member Polensek.
An emergency resolution with-
drawing objection to the renewal of
a D1, D2, D3 and D6 Liquor Permit
at 16101 Arcade Avenue, and repeal-
ing Resolution No. 1341-04, objecting
to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D6 Liquor Permit to 16101 Arcade Avenue by Resolution No. 1341-04 adopted by the Council on July 14, 2004; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed by Councilmember Michael D. Polensek and Applicant, Walter H. Scott, DBA Arcade Bar, 16101 Arcade Avenue, Cleveland, Ohio 44110; 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 objection to a D1, D2, D3 and D6 Liquor Permit to Walter H. Scott, DBA Arcade Bar, 16101 Arcade Avenue, Cleveland, Ohio 44110, Permanent Number 7931681 be and the same is hereby withdrawn and Resolution No. 1341-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 432-05.
By Council Member Dolan.
An emergency resolution encour-
aging the Cleveland Municipal
School District, in the event that
schools are closed, to enter into dis-
ussions with entities interested in
using closed schools for educational
purposes.

Whereas, the Cleveland Municipal School District ("CMSD") has indicated that it plans to close several schools at the end of the 2004-2005 school year; and

Whereas, this Council is concerned about educational opportunities available to students in the City of Cleveland; and

Whereas, the CMSD is contemplating the closure of two elementary schools in Ward 21; and

Whereas, a private entity has expressed interest in operating charter schools in these two elementary schools; and

Whereas, such operation would provide increased educational opportunities to children in the City of Cleveland; and

Whereas, in the event that schools are closed, this Council encourages the CMSD to enter into discussions with entities interested in using closed schools for educational purposes; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby encourages the Cleveland Municipal School District, in the event that public schools are closed, to enter into discussions with entities interested in using closed schools for educational purposes.

Section 2. That the Clerk of Council is requested to transmit copies of this resolution to Mayor Jane Campbell, Chief Executive Officer Barbara Byrd Bennett, and Mosaica Education, Inc.

Section 3. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 1.

Those voting yea: Council Members: Jackson, Brady, Britt, Cimperman, Cintron, Coats, Conwell, Dolan, Gordon, Johnson, Jones, Lewis, O'Malley, Pierce Scott, Polensek, Rybka, Sweeney, Westbrook, White, Zone.

Those voting nay: Council Member Reed.

Res. No. 440-05.

By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to redevelop up to 39 units of Senior housing in the Wade Chateau Apartment building at 9501 Wade Park Avenue; and

Whereas, 100% of these units will be occupied by low-income seniors, with no market rate units; and

Whereas, no less than 100% of the units will serve a special needs population, specifically households for elderly residences and in need of senior supportive services as defined in the 2005 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

Section 3. That this resolution is hereby 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.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2366-04.

By Council Members Cimperman, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement with the Cleveland Sight Center to operate a cafeteria at 205 St. Clair Avenue, for a period of three years, with one three-year option to renew.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning; Passage recommended by Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 10-05.

By Council Members Cimperman, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies and the Director of the City Planning Commission to enter into a Purchase Agreement for the Old River Property; authorizing the Commissioner of Purchases and Supplies to acquire the real property known as the Old River Property; and authorizing the Director of the City Planning Commission to transfer the property to the control, possession, and use of the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committees on Public Parks, Property and Recreation, City Planning; Passage recommended by Finance; when amended as follows:

1. At the end of Section 3, insert the following: "**The results of any Phase II study or other environmental audit conducted on the subject property shall be provided to the Council member for Ward 17.**"

2. In Section 7, line 3, strike "Property Management" and insert "**Park Maintenance and Properties**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 170-05.

By Council Members Polensek, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of park and recreational use, located at 16300 Lakeshore Boulevard.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved by Committees on Public Parks, Property and Recreation, City Planning, Passage recommended by Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 234-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from Cuyahoga County Employment and Family Services for the Healthcare Career Pathways Program; to authorize one or more contracts with The Cleveland Clinic Foundation; and authorizing the purchase by one or more requirement contracts of materials, equipment, and services to implement the grant.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 275-05.

By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary for the repair of vehicle frames and vehicle alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 276-05.

By Council Members Sweeney and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to repair, rebuild and replace hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Approved by Directors of Public Service, Finance, Law; Passage recommended by Committees on Public Service, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 374-05.

By Council Members Cintron and Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Stockyard Redevelopment Organization or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development; Passage recommended by Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 131-05.

By Council Member Jackson.

An emergency resolution declaring the intention to vacate a portion of East 72nd Place.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

MOTION

The Council Meeting adjourned at 8:07 p.m. to meet on Monday, March 21, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

The following measure will be on its final passage on March 28, 2005:

Ord. No. 125-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005.

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2005, the following sums be and they are hereby appropriated viz:

The sum of Four Hundred Seventy Seven Million Nine Hundred Forty Seven Thousand Sixty Two Dollars (\$477,947,062) from the General Fund;

The sum of Fifty Nine Million Six Hundred Twenty Two Thousand Nine Hundred Thirty Two Dollars (\$59,622,932) from the Special Revenue Funds;

The sum of Twenty Four Million Three Hundred Sixty Three Thousand Six Hundred Eighty Six Dollars (\$24,363,686) from the Internal Service Funds;

The sum of Six Hundred Thirteen Million Five Hundred Fifty Eight Thousand Six Hundred Fifty Eight Dollars (\$613,558,658) from the Enterprise Funds;

The sum of Nine Million Five Hundred Seven Thousand Two Hundred Seventy Two Dollars (\$9,507,272) from the Trust and Agency Funds;

The sum of Sixty Million Three Hundred Thirty Nine Thousand Five Hundred Sixteen Dollars (\$60,339,516) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 125-05-B in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 2005

GENERAL FUND

Legislative Branch	\$ 5,721,807
Municipal Court	\$ 33,712,379
Executive Branch	
Office of the Mayor	2,166,544
Department of Public Safety	270,825,866
Community Relations Board	990,269
Department of Consumer Affairs	288,285
Department of Public Service	36,021,854
Department of Parks, Recreation & Properties	37,581,172
Urban Planning & Development	17,070,418
Department of Public Health	12,346,955
Department of Aging	512,105
Support Functions	40,694,303
Transfers to Other Funds	20,015,105
	<hr/>
TOTAL EXECUTIVE BRANCH	\$ 438,512,876
	<hr/>
TOTAL GENERAL FUND	\$ 477,947,062
	<hr/>
Special Revenue Funds	\$ 59,622,932
Internal Service Funds	24,363,686
Enterprise Funds	613,558,658
Trust and Agency Funds	9,507,272
Debt Service Funds	60,339,516
	<hr/>
TOTAL APPROPRIATIONS FOR 2005	\$1,245,339,126
	<hr/> <hr/>

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$5,721,807
I. Personnel and Related Expenses	\$4,310,888	
II. Other Expenses	1,410,919	
TOTAL LEGISLATIVE BRANCH		\$5,721,807

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$21,003,577
I. Personnel and Related Expenses	\$18,555,597	
II. Other Expenses	2,447,980	
Municipal Court - Housing Division		\$9,921,289
I. Personnel and Related Expenses	\$8,012,620	
II. Other Expenses	1,908,669	
Municipal Court - Clerk's Division		\$2,787,513
I. Personnel and Related Expenses	\$2,646,043	
II. Other Expenses	141,470	
TOTAL JUDICIAL BRANCH		\$33,712,379

EXECUTIVE BRANCH

Office of the Mayor		\$2,166,544
I. Personnel and Related Expenses	\$1,950,689	
II. Other Expenses	215,855	
TOTAL OFFICE OF THE MAYOR		\$2,166,544

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$2,752,666
I. Personnel and Related Expenses	\$2,371,709	
II. Other Expenses	380,957	
Division of Police		\$166,970,024
I. Personnel and Related Expenses	\$155,986,404	
II. Other Expenses	10,983,620	
Division of Fire		\$78,917,221
I. Personnel and Related Expenses	\$75,887,397	
II. Other Expenses	3,029,824	
Division of Emergency Medical Services		\$21,352,183
I. Personnel and Related Expenses	\$19,577,962	
II. Other Expenses	1,774,221	
Division of Dog Pound		\$833,772
I. Personnel and Related Expenses	\$703,792	
II. Other Expenses	129,980	
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$270,825,866

COMMUNITY RELATIONS BOARD

Community Relations Board		\$990,269
I. Personnel and Related Expenses	\$909,440	
II. Other Expenses	80,829	
TOTAL COMMUNITY RELATIONS BOARD		\$990,269

DEPARTMENT OF CONSUMER AFFAIRS

Consumer Affairs		\$288,285
I. Personnel and Related Expenses	\$231,180	
II. Other Expenses	57,105	
TOTAL DEPARTMENT OF CONSUMER AFFAIRS		\$288,285

DEPARTMENT OF PUBLIC SERVICE

Public Service Administration		\$520,803
I. Personnel and Related Expenses	\$505,793	
II. Other Expenses	15,010	
Division of Architecture		\$682,053
I. Personnel and Related Expenses	\$646,295	
II. Other Expenses	35,758	
Division of Waste Collection and Disposal		\$25,568,972
I. Personnel and Related Expenses	\$14,227,820	
II. Other Expenses	11,341,152	
Division of Engineering and Construction		\$4,959,410
I. Personnel and Related Expenses	\$4,571,290	
II. Other Expenses	388,120	
Division of Traffic Engineering		\$4,290,616
I. Personnel and Related Expenses	\$3,108,684	
II. Other Expenses	1,181,932	
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$36,021,854

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Parks, Recreation, and Properties Administration		\$733,939
I. Personnel and Related Expenses	\$570,318	
II. Other Expenses	163,621	
Division of Research, Planning, and Development		\$747,359
I. Personnel and Related Expenses	\$671,899	
II. Other Expenses	75,460	
Division of Recreation		\$12,302,438
I. Personnel and Related Expenses	\$8,700,386	
II. Other Expenses	3,602,052	
Division of Parking Facilities-On Street		\$1,136,302
I. Personnel and Related Expenses	\$1,086,621	
II. Other Expenses	49,681	
Division of Property Management		\$9,125,687
I. Personnel and Related Expenses	\$6,258,714	
II. Other Expenses	2,866,973	
Division of Park Maintenance and Properties		\$13,535,447
I. Personnel and Related Expenses	\$8,756,022	
II. Other Expenses	4,779,425	
TOTAL PARKS, RECREATION, AND PROPERTIES		\$37,581,172

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$826,667
I. Personnel and Related Expenses	\$721,667	
II. Other Expenses	105,000	
Director's Office		\$191,722
I. Personnel and Related Expenses	\$191,722	
Division of Neighborhood Development		\$934,174
I. Personnel and Related Expenses	\$734,174	
II. Other Expenses	200,000	
Division of Neighborhood Services		\$383,346
I. Personnel and Related Expenses	\$383,346	
TOTAL COMMUNITY DEVELOPMENT		<u><u>\$2,335,909</u></u>
DEPARTMENT OF BUILDING AND HOUSING		
Building and Housing Dir. Office		\$2,129,359
I. Personnel and Related Expenses	\$1,682,448	
II. Other Expenses	446,911	
Division of Code Enforcement		\$7,145,199
I. Personnel and Related Expenses	\$6,932,186	
II. Other Expenses	213,013	
Division of Construction Permit		\$1,524,745
I. Personnel and Related Expenses	\$1,504,545	
II. Other Expenses	20,200	
TOTAL BUILDING AND HOUSING		<u><u>\$10,799,303</u></u>
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$171,377
I. Personnel and Related Expenses	\$163,142	
II. Other Expenses	8,235	
Board of Building Standards and Appeals		\$105,511
I. Personnel and Related Expenses	\$94,284	
II. Other Expenses	11,227	
Board of Zoning Appeals		\$217,036
I. Personnel and Related Expenses	\$201,517	
II. Other Expenses	15,519	
Fair Campaign Finance Commission		\$2,500
II. Other Expenses	\$2,500	
TOTAL REGULATORY BOARDS		<u><u>\$496,424</u></u>
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$1,094,892
I. Personnel and Related Expenses	\$1,031,511	
II. Other Expenses	63,381	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u><u>\$1,094,892</u></u>
Office of Equal Opportunity		\$792,538
I. Personnel and Related Expenses	\$750,049	
II. Other Expenses	42,489	
City Planning Commission		\$1,551,352
I. Personnel and Related Expenses	\$1,467,058	
II. Other Expenses	84,294	
TOTAL URBAN PLANNING AND DEVELOPMENT		<u><u>\$17,070,418</u></u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$726,986
I. Personnel and Related Expenses	\$647,992	
II. Other Expenses	78,994	
Division of Correction		\$6,761,646
I. Personnel and Related Expenses	\$5,200,476	
II. Other Expenses	1,561,170	
Division of Health		\$3,315,681
I. Personnel and Related Expenses	\$2,272,419	
II. Other Expenses	1,043,262	
Division of Environment		\$1,117,117
I. Personnel and Related Expenses	\$901,935	
II Other Expenses	215,182	
Division of Air Quality		\$425,525
I. Personnel and Related Expenses	\$107,723	
II. Other Expenses	317,802	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$12,346,955

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$512,105
I. Personnel and Related Expenses	\$426,053	
II. Other Expenses	86,052	
TOTAL DEPARTMENT OF AGING		\$512,105

**SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION****DEPARTMENT OF FINANCE**

Finance Administration		\$794,234
I. Personnel and Related Expenses	\$728,774	
II. Other Expenses	65,460	
Division of Accounts		\$1,749,309
I. Personnel and Related Expenses	\$1,102,051	
II. Other Expenses	647,258	
Division of Assessments and Licenses		\$1,504,327
I. Personnel and Related Expenses	\$1,307,111	
II. Other Expenses	197,216	
Division of Treasury		\$515,855
I. Personnel and Related Expenses	\$445,920	
II. Other Expenses	69,935	
Division of Purchases and Supplies		\$622,675
I. Personnel and Related Expenses	\$501,630	
II. Other Expenses	121,045	
Bureau of Internal Audit		\$669,763
I. Personnel and Related Expenses	\$387,794	
II. Other Expenses	281,969	
Division of Financial Reporting and Control		\$1,298,176
I. Personnel and Related Expenses	\$1,114,870	
II. Other Expenses	183,306	
Information Systems Services		\$2,736,980
I. Personnel and Related Expenses	\$2,137,831	
II. Other Expenses	599,149	
Information Tech & Planning		\$278,751
I. Personnel and Related Expenses	\$271,026	
II. Other Expenses	7,725	
TOTAL DEPARTMENT OF FINANCE		\$10,170,070

Office of Budget & Management-Budget Admin.		\$608,543
I. Personnel and Related Expenses	\$586,602	
II. Other Expenses	21941	
Department Law		\$8,093,322
I. Personnel and Related Expenses	\$6,141,600	
II. Other Expenses	1,951,722	
TOTAL FINANCE AND LEGAL ADMINISTRATION		\$18,871,935
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,700,699
I. Personnel and Related Expenses	\$1,289,019	
II. Other Expenses	411,680	
Civil Service Commission		\$755,855
I. Personnel and Related Expenses	\$594,835	
II. Other Expenses	161,020	
TOTAL PERSONNEL ADMINISTRATION		\$2,456,554
NONDEPARTMENTAL		
County Auditor Deductions		\$1,615,000
II. Other Expenses	\$1,615,000	
Other Administrative		\$17,750,814
II. Other Expenses	\$17,750,814	
TOTAL NONDEPARTMENTAL		\$19,365,814
TOTAL SUPPORT FUNCTIONS		\$40,694,303
Transfers To Other Funds		\$20,015,105
II. Other Expenses	\$20,015,105	
TOTAL EXECUTIVE BRANCH		\$438,512,876
TOTAL GENERAL FUND		\$477,947,062
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$33,114,702
I. Capital	\$17,114,702	
II. Debt Service	16,000,000	
Street Construction, Maintenance & Repair Fund		\$24,508,230
I. Personnel and Related Expenses	\$14,417,700	
II. Other Expenses	10,090,530	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS		\$59,622,932

INTERNAL SERVICE FUND

Information Technology and Services-Telephone Exchange		\$6,346,115
I. Personnel and Related Expenses	\$982,394	
II. Other Expenses	5,363,721	
Division of Motor Vehicle Maintenance		\$15,552,017
I. Personnel and Related Expenses	\$6,202,163	
II. Other Expenses	9,349,854	
Division of Printing and Reproduction		\$1,498,936
I. Personnel and Related Expenses	\$770,020	
II. Other Expenses	728,916	
City Storeroom and Central Warehouse		\$966,618
I. Personnel and Related Expenses	\$85,877	
II. Other Expenses	880,741	
TOTAL INTERNAL SERVICE FUNDS		\$24,363,686

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,868,790
I. Personnel and Related Expenses	\$1,341,603	
II. Other Expenses	527,187	
Radio		\$2,345,247
I. Personnel and Related Expenses	\$147,131	
II. Other Expenses	2,198,116	
Division of Fiscal Control		\$2,825,892
I. Personnel and Related Expenses	\$2,669,646	
II. Other Expenses	156,246	
Division of Water		\$235,479,890
I. Personnel and Related Expenses	\$77,562,372	
II. Other Expenses	157,917,518	
Division of Water Pollution Control		\$23,770,257
I. Personnel and Related Expenses	\$10,641,027	
II. Other Expenses	13,129,230	
Division of Cleveland Public Power		\$167,052,406
I. Personnel and Related Expenses	\$28,396,420	
II. Other Expenses	138,655,986	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$433,342,482

DEPARTMENT OF PORT CONTROL

Airports - Operations		\$149,087,023
I. Personnel and Related Expenses	\$24,413,504	
II. Other Expenses	124,673,519	
TOTAL DEPARTMENT OF PORT CONTROL		\$149,087,023

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,147,643
I. Personnel and Related Expenses	\$1,620,432	
II. Other Expenses	527,211	
Golf Course Fund		\$2,575,445
I. Personnel and Related Expenses	\$1,293,857	
II. Other Expenses	1,281,588	

Division of Parking Facilities-Off Street Parking		\$8,822,378
I. Personnel and Related Expenses	\$1,334,407	
II. Other Expenses	7,487,971	
Division of Convention Center		\$6,614,441
I. Personnel and Related Expenses	\$3,742,662	
II. Other Expenses	2,871,779	
Division of Convention Center & Stadium-West Side Market		\$1,227,024
I. Personnel and Related Expenses	\$585,930	
II. Other Expenses	641,094	
Division of Convention Center & Stadium-Stadium		\$9,663,846
II. Other Expenses	\$9,663,846	
Division of Property Management - East Side Market		\$78,376
I. Personnel and Related Expenses	\$55,431	
II. Other Expenses	22,945	
TOTAL PARKS, RECREATION, & PROPERTIES		\$31,129,153
		=====
TOTAL ENTERPRISE FUNDS		\$613,558,658
		=====
AGENCY FUND		
Central Collection Agency		\$9,507,272
I. Personnel and Related Expenses	\$6,327,243	
II. Other Expenses	3,180,029	
TOTAL AGENCY FUND		\$9,507,272
		=====
DEBT SERVICE FUND		
Sinking Fund Commission		\$60,339,516
I. Personnel and Related Expenses	\$157,133	
II. Other Expenses	548,231	
III. Debt Service	59,634,152	
TOTAL DEBT SERVICE FUNDS		\$60,339,516
		=====

Section 2. That the appropriations made are based on the detail of expenditures set forth in the Mayor's Estimate placed in the above-mentioned file, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in detail. Any unencumbered balance in an appropriation fund at the close of the year 2004 is appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2005 or prior years. The Mayor's Estimate placed in the above-mentioned file, as modified by the schedule published under Section 39 of the Charter shall within the sums appropriated in Section 1 of this ordinance, constitute the expenditure budget for the year 2005 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

Section 4. 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.

BOARD OF CONTROL

March 9, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 9, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Absent: Director Fumich.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 102-05.

By Director Ricchiuto.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 2146-03 passed by the Council of the City of Cleveland on February 9, 2004, the firm of Dynatech Consulting Engineers ("Engineer") is selected upon the nomination of the Director of Public Service from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Public Service as the firm of engineers to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture in order to provide the professional services necessary for building improvements for the Glenville Waste Station.

Be it further resolved, that the Director of Public Service is authorized to enter into a written contract with Dynatech Consulting Engineers, based upon its proposal dated September 24, 2004 which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest. The total compensation to the Engineer for all services under the contract authorized shall not exceed \$38,000.

Be it further resolved, that the employment of the following sub-consultants by Dynatech Consulting Engineers is approved:

Sandhu & Associates
(MBE) — \$12,000 — (31.58%)

Kalapos Architects
(FBE) — \$12,000 — (31.58%)

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth and Williams.

Nays: None.

Absent: Directors Fumich and Taylor.

Resolution No. 103-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland that all bids received on July 7, 2004, for medical supplies, all items, for the Division of Emergency Medical Service, Department of Public Safety, under the authority of Ordinance No. 2232-03, passed by Cleveland City Council on December 15, 2003, be and the same are hereby rejected.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 104-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that under Ordinance No. 1092-04, passed by the Council of the City of Cleveland on June 14, 2004, as amended by Ordinance No. 1503-04, passed August 11, 2004, the firm of Ralph Tyler Companies ("Engineer"), is selected upon the nomination of the Director of Parks, Recreation, and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation, and Properties as the firm of engineers to be employed by contract for the purpose of supplementing the regularly employed staff of the Division of Architecture to provide the professional planning and evaluation services necessary for the rehabilitation of the Cleveland Harbor Coast Guard Station.

Be it further resolved, that the Director of Public Service is authorized to enter into a written contract with Ralph Tyler Companies, based upon its proposal dated November 16, 2004 which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest. The total compensation to the Engineer for all services to be performed under the contract authorized shall not exceed \$50,000.

Be it further resolved, that the employment of the following sub-consultants by Ralph Tyler Companies is approved:

Pardo Consultants
(MBE) — \$7,500 — (15%)

City Blue
(FBE) — \$2,500 — (5%)

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 105-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 002-34-075, located at West 48th Street under said Land Reutilization Program; and

Whereas, Ordinance No. 1518-04 passed October 11, 2004, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, MGK Properties LTD has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1518-04 passed October 11, 2004, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with MGK Properties LTD for the sale and development of Permanent Parcel No. 002-34-075, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$500.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchiuto, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 106-05.

By Director Rush.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 110-31-013 located at 1267 East 114th Street in Ward 9; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowner; and

Whereas, Devetta Taylor, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Devetta Taylor for the sale and development of Permanent Parcel No. 110-31-013 located at 1267 East 114th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider, Majer, Williams, Directors Ricchuito, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

Resolution No. 107-05.

By Director Routen.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 2325-04, passed by the Council of the City of Cleveland on December 13, 2004, Acxiom Information Security Services is selected upon the nomination of the Director of Personnel and Human Resources from a list of consultants or firms of consultants determined, after a full and complete canvass by the Director, as the firm to be employed by contract for the purposes of supplementing the regularly employed staff of the department of the City of Cleveland in order to provide professional services necessary to perform pre-employment background and criminal record checks including, but not limited to, automated motor vehicle license and point checks, automated worker's compensation checks, automated social security traces, and automated credit checks, for the Department of Personnel and Human Resources.

Be it further resolved that the Director of Personnel and Human Resources is authorized to enter into contract with Acxiom Information Security Services, based on its proposal dated December 28, 2004, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as contained in the proposal, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the compensation to be paid to Acxiom Information Security Services for the services to be rendered under the contract authorized by this resolution shall be at the rates stated in Acxiom's proposal, provided that the cost of all services under the contract shall not exceed \$25,000.00.

Yeas: Mayor Campbell, Director Beasley, Acting Directors Schneider,

Majer, Williams, Directors Ricchuito, Carroll, Acting Director Pettus, Director Ronayne, Acting Director Wilbur, Directors Routen, Huth, Taylor and Williams.

Nays: None.

Absent: Director Fumich.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 28, 2005

9:30 A.M.

Calendar No. 05-41: 3596 East 131st Street (Ward 3)

Minnie Adams and Tyrone Reeder, owners, appeal to establish use for a car wash and a barber shop in an existing one-story masonry building, situated on a 120' x 208' lot in a Local Retail Business District on the west side of East 131st Street at 3596 East 131st Street; contrary to Section 343.01, a car wash is not permitted in a Local Retail Business District but first permitted in a General Retail Business District, provided that it meets the required 100' distance from the abutting Two-Family District at the rear; and contrary to Sections 339.03(b) and 339.03(b)(1) there are no bumper guards proposed for the accessory off-street parking and where only one driveway is permitted for each 100' of lot frontage, three driveways are proposed in the 120' lot frontage along East 131st Street; and contrary to the 10' specific building line setback established by the zon-

ing map, a 6' setback is proposed with parking, contrary to Section 357.07 and the Yards and Courts Requirements of the Codified Ordinances.

Calendar No. 05-42: 12510-12 Buckeye Road (Ward 4)

Margrette Williams, owner, appeals to expand a day care facility, previously approved by the Board of Zoning Appeals on November 24, 2003 to be established for children whose ages range from 6 weeks to 5 years old and with hours of operation from 6:00 am to 11:00 pm, Monday through Saturday, in an existing 28' x 93' first floor store space of a two-story mixed use brick building, situated on a 40' x 135' lot in a Residence-Office District on the south side of Buckeye Road at 12510-12 Buckeye Road; subject to Section 359.01, the expansion of a nonconforming use requires the Board of Zoning Appeals approval and in a Residence-Office District, the day care and accessory uses are regulated under Section 337.10(c)(7) that requires it to be a distance of at least 15' from any adjoining premises in a Residence District and the property abuts a Two-Family District.

Calendar No. 05-51: 11619 Lorain Avenue (Ward 19)

Uptown Development Group Ltd. c/o Jacqueline Slyman and Fred Peters, owners, appeal to change the use from 12 dwelling units, an office and three stores to 12 dwelling units, an office and a tavern in an existing 52' x 105' two-story masonry building, situated on a 55' x 161' lot in a Local Retail Business District on the south side of Lorain Avenue at 11619 Lorain Avenue; contrary to the requirements for accessory off-street parking spaces and Section 349.04, of the 26 required off-street parking spaces, there are 16 spaces credited and a remainder of 10 additional spaces are needed; and in a Local Retail Business District, an amusement and recreation use, a billiard table, is not permitted in Section 343.01 but first allowed in a General Retail Business District under Section 343.11(b)(2)(L) of the Codified Ordinances.

Calendar No. 05-52: 11532 Buckeye Road (Ward 4)

The Buckeye Area Development Corporation c/o John Hopkins, owner, and Lachelle Williams, lessee, appeal to establish use for a manicuring school in the second floor of an existing two-story, mixed use brick building on a 76' x 131' corner lot in a Local Retail Business District on southeast corner of Buckeye Road and East 116th Street at 11532 Buckeye Road; contrary to Section 343.01, the proposed use is not permitted in a Local Retail Business District and is first permitted in a General Retail Business District; and the requirement for accessory off-street parking is one space for each two employees and one parking space for each 10 seats in a classroom, based upon a planned classroom capacity, and none has been provided, contrary to Section 349.04(c) of the Codified Ordinances.

Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MARCH 14, 2005

At the meeting of the Board of Zoning Appeals on Monday, March 14, 2005, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 05-30: 1976 West 79th Street

Emerald Alliance LP appealed to construct a three-story building with 52 supportive units and office space in an E2/E3 Multi-Family District.

Calendar No. 05-32: 19115 St. Clair Avenue

Vincent Godina appealed to maintain a parking lot at the front of a commercial building in a General Industry District; allowed with the condition of a specific period of time.

Calendar No. 05-33: 12526 Kinsman Road

Derek Jackson appealed to change an existing nonconforming store to a beauty salon in a B1 Two-Family District.

Calendar No. 05-35: 2478 West 7th Street

Cleveland Housing Network appealed to change an existing two-story dwelling from a two to a one family dwelling in a Two-Family District; with conditions.

The following appeal was **Denied**:

Calendar No. 05-34: 6213 Dellbank Drive

Philip Seger appealed to install 10' of 6' high privacy fence along the western of a 40' x 125' lot in an A1 Single Family District.

The following appeal was **Dismissed**:

Calendar No. 04-317: 14114-14118 Miles Road

Susman-Cohen Properties appealed to change from auto repair, towing and storage of wrecked vehicles to a user as an auto wrecking yard and storage of vehicles pending wrecking and dismantling, a 227' x 387' lot in a Semi-Industry District.

The following appeal was **Postponed**:

Calendar No. 05-31: 7007 Quincy Avenue postponed to April 18, 2005.

In Executive Session on March 14, 2005, the following appeals heard by the Board on March 7, 2005 were adopted and approved.

The following appeals were **Approved**:

None.

The following appeal was **Denied**:

Calendar No. 05-18: Appeal of Charles Hart Communications Inc., 870 East 185th Street

Charles F. Hart appealed from an order issued by the Commissioner of Assessments and Licenses on January 7, 2005 to remove an outdoor payphone.

Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

Re: Report of the Meeting of
March 9, 2005

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

* * *

Docket A-12-05.

RE: Appeal of Alfred H. Kuklinski, Owner of the Residential Garage Property located on the premises known as 8122 Booth Avenue from a 30 DAY CONDEMNATION ORDER — GARAGE of the Director of the Department of Building and Housing, dated January 19, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 10th, 2005 in which to rebuild the garage or demolish the garage; the property is REMANDED at this time to the Department of Building and Housing for supervision or any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Bradley.

* * *

Docket A-14-05.

RE: Appeal of The Salvation Army — Harbor Light Complex, Owner of the Property located on the premises known as 1720 Prospect Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 28, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the elevator to be installed as proposed, noting the review and agreement of the Building Department and the chief elevator inspector. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Bradley.

Docket A-15-05.

RE: Appeal of Brian E. Williams, Owner of the Four Dwelling Units/Two Story Masonry Property located on the premises known as 221 East 156th Street from a VACATE ORDER/NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Director of the Department of Building and Housing, dated February 17, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC). Docket A-15-05 has been POSTPONED; to be rescheduled for March 23, 2005.

* * *

Docket A-17-05.

RE: Appeal of CTC Analytical Services, Owner of the Property located on the premises known as 18419 Euclid Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 27, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the explosive venting to be to the rear of the building, noting that the adjacent property is approximately twenty-five (25) feet from the fence, and with the provision that should the neighbor wish to build a structure closer to the property line, that the explosive vent must be redirected per the code and that that notation must be added to the "Certificate of Occupancy". Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

* * *

Docket A-19-05.

RE: Appeal of Zaremba, Owner of the Properties located on the premises known as 1941, 1947, 1949, 1951 & 1953 East 85th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 10, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the sanitary and storm sewers to be installed in the following manner: the storm and sanitary sewers are to be run out of the building onto the site separated, and to be connected one to the other separately and only join to the common sewer at the point where they intersect the common sewer; an easement is to be part of the filing to allow future maintenance of both of these lines on the side, noting that this will apply to all properties in this location. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

Docket A-21-05.

RE: Appeal of Douglass & Associates Co., LPA, Court-appointed Receiver of the Property located on the premises known as 2341 Carnegie Avenue from a NOTICE OF VIOLATION — HVAC of the Director of the Department of Building and Housing, dated November 19, 2004, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the installation to remain as it is shown, noting that a more accessible washer/dryer is being installed in the units where they are forced to be in the same closet with the heating equipment; and that a letter be sent indicating that the owner is aware of the maintenance responsibilities and accepting the responsibility, and that Mr. Lang will warrant the radiant heating system for two (2) years. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

* * *

Docket A-22-05.

RE: Appeal of Cuyahoga County Board of Commissioners (County Court House), Owner of the Property located on the premises known as 1 Lakeside Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated February 28, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the system to be installed as shown on the drawings, noting that proper protection is provided throughout all distribution and that the emergency generator provides illumination throughout the building providing a much safer building. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

* * *

Docket A-23-05.

RE: Appeal of Mental Health Services for Homeless People, Inc., Owner of the Property located on the premises known as 1744 Payne Avenue from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated March 1, 1005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the fire wall to be located as indicated on the drawings behind several of the houses, with the provision that a door closer be provided and that the door be a solid door with sprinkler heads to be located above the window on the office side above the window side-

light. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

* * *

Docket A-24-05.

RE: Appeal of Melamed Riley Advertising, Owner of the Property located on the premises known as 1468 West 9th Street from an ADJUDICATION ORDER of the Director of the Department of Building and Housing, dated January 12, 1005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the doors to be constructed of glass with the sprinkler heads on either side of the glass to achieve a one-hour rating. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Saunders.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saunders for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-9-05—C.W.R.U.
- A-10-05—Kamm's Corners Dev. Corporation.
- A-11-05—The Ferchill Group.
- A-13-05—Michael Bongers.

Yeas: Messrs. Denk, Saunders, Gallagher, Saab. Nays: None. Absent: Mr. Bradley.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

February 23, 2005

Yeas: Messrs. Denk, Saunders, Saab, Bradley. Nays: None. Not Voting: Mr. Gallagher.

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MARCH 23, 2005

Fitness Equipment, for the Division of Recreation, Department of Parks, Recreation & Properties, as authorized by Ordinance No. 184-05, passed by the Council of the City of Cleveland, February 7, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MARCH 17, 2005 AT 11:00 A.M., ROOM 8, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

One (1) Cab/Chassis With Air/Light Unit Body for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1086-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MARCH 18, 2005 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 9, 2005 and March 16, 2005

WEDNESDAY, MARCH 30, 2005

Labor And Materials Necessary to Maintain and Repair Automatic Doors, for Various Divisions, Department of Port Control, as authorized by Ordinance No. 2237-04, passed by the Council of the City of Cleveland, January 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 18, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

March 9, 2005 and March 16, 2005

THURSDAY, MARCH 31, 2005

2005-6 Labor And Materials to Repair Water Mains — Area East, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2292-04, passed by the Council of the City of Cleveland, January 31, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MARCH 18, 2005 AT 10:00 A.M., PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 9, 2005 and March 16, 2005

FRIDAY, APRIL 1, 2005

Purchase of Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 764-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 22, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 9, 2005 and March 16, 2005

THURSDAY, APRIL 7, 2005

Fence Installation And/Or Repairs, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 785-04, passed by the Council of the City of Cleveland, June 7, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, MARCH 24, 2005 AT 11:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

March 9, 2005 and March 16, 2005

WEDNESDAY, APRIL 20, 2005

Baldwin Rapid Mix/Flocculation/Sedimentation Project, for the Division of Water, Department of Public

Utilities, as authorized by Ordinance No. 2294-04 Pending.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MARCH 21, 2005 AT 9:00 A.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 9, 2005 and March 16, 2005

THURSDAY, MARCH 31, 2005

The West 89th Street Sewer Project, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 284-05, passed by the Council of the City of Cleveland, pending.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 24, 2005 AT 10:00 A.M., CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 16, 2005 and March 23, 2005

THURSDAY, APRIL 7, 2005

2005-6 Labor and Materials to Repair Water Mains-Area West, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2292-04, passed by the Council of the City of Cleveland, January 31, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 24, 2005 AT 10:00 A.M., PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

March 16, 2005 and March 23, 2005

FRIDAY, APRIL 8, 2005

Processing of Recyclable Materials Contract "EW", for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 775-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MARCH 24, 2005 AT 10:00 A.M., DIVISION OF WASTE COLLECTION, CONFERENCE ROOM, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

Former Miles/Broadway YMCA Roof Replacement, for the Division of Recreation, Department of Parks, Recreation, and Properties, as authorized by Ordinance No. 2153-03, passed by the Council of the

City of Cleveland, December 15, 2003.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 24, 2005 AT 10:00 A.M., FORMER MILES/BROADWAY YMCA, 11300 MILES ROAD, LOBBY AREA, CLEVELAND, OHIO.

Harley Davidson Police Motorcycle Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 924-04, passed by the Council of the City of Cleveland, August 11, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 1, 2005 AT 2:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Daimler Chrysler Vehicle Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 776-04, passed by the Council of the City of Cleveland, May 17, 2004.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, APRIL 1, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

March 16, 2005 and March 23, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 228-05.

By Council Members Coats, Polensek, Johnson, Cimperman and Jackson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public use of constructing an all-weather track and football-field complex located at 1050 East 152nd Street.

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 for the public purpose of constructing an all-weather track and football-field complex, it is necessary to appropriate in fee simple interest and this Council declares its intent to appropriate the fee simple interest in and to the following described property located at 1050 East 152nd Street:

Permanent Parcel No. 115-16-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 2,

Tract No. 10, and bounded and described as follows:

Beginning at a point in the center line of East 152nd Street, which is also the Easterly line of said Original Lot No. 2, distant South 181.60 feet from a stone monument at the intersection of said center line of East 152nd Street and the Easterly prolongation of the Southerly line of Sublot No. 44 in Cowles and Stark's Subdivision of part of Original Euclid Township Lot Nos. 1, 2, 42 and 43, Tract No. 10, as shown by the recorded plat in Volume 9 of Maps, Page 22 of Cuyahoga County Records;

Thence West at right angles with the Easterly line of said Original Lot No. 2, 446.38 feet to the Easterly line of The Ben Gray Allotment recorded in Volume 18 of Maps, Page 9 of Cuyahoga County Records; thence South 7° 01' 20" East along said Easterly line of The Ben Gray Allotment, about 150 feet to the Southwesterly corner of premises conveyed to Manuel Halle by deed recorded in Volume 198, Page 285 of Cuyahoga County Records;

Thence Easterly along the Southerly line of premises so conveyed to Manuel Halle, 427.96 feet to the Southeastly corner thereof;

Thence North along the center line of East 152nd Street, about 150 feet to the beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is authorized to cause written notice of the adoption of this resolution to be given to the owners, persons in possession, or having an interest of record in the above-mentioned premises. The notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

Section 3. 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 March 7, 2005.

Effective March 9, 2005.

Res. No. 378-05.

By Council Member Britt.

An emergency resolution supporting Fairfax Renaissance Development Corporation's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County.

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland supports the Fairfax Renaissance Development Corporation's Brownfield Redevelopment Fund Community Assessment Initiative grant application to Cuyahoga County which will assist in a Phase II environmental assessment of seven parcels comprising the northeast corner of the Cedar Avenue and East 83rd Street inter-

section. These efforts will determine the level and cost of remediation in order for St. James AME Church, in partnership with Fairfax Renaissance Development Corporation, to expand their operations by creating a multi-purpose community service center.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Board of Cuyahoga County Commissioners and the Executive Director of the Fairfax Renaissance Development Corporation.

Section 3. That this resolution is hereby 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 March 7, 2005.

Effective March 9, 2005.

Res. No. 379-05.

By Council Member Jackson.

An emergency resolution supporting the application by Phyllis Wheatley Association for the Low Income Housing Tax Credit Program by the rehabilitation and preservation of the real property known as Emeritus House.

Whereas, the Ohio Housing Finance Agency (OHFA) is requesting applications for the Low-income Housing Tax Credit Program (LIHTC) from developers to create affordable housing in areas of high need and for special populations having the highest need; and

Whereas, the OHFA Qualified Allocation Plan offers competitive points for local government support in the form of a City Council Resolution; and

Whereas, the Phyllis Wheatley Association is proposing to rehabilitate the real property known as Emeritus House, an existing historic, FHA insured Section 8 complex located at 4450 Cedar Avenue on the east side of the City of Cleveland; and

Whereas, such development will contain up to a total of fifty-six (56) units; and

Whereas, one hundred percent (100%) of these units will be affordable to and occupied by families earning sixty percent (60%) or less of the area median gross income; and

Whereas, the proposed development meets the special needs category for the elderly with a one hundred percent (100%) set aside for the elderly; and

Whereas, the property will maintain its Section 8 subsidy; and

Whereas, the Emeritus House project, proposed by the Phyllis Wheatley Association, will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland supports the application by Phyllis Wheatley Association for the Low Income Housing Tax Credit Program to attract financial investments by the rehabilita-

tion and preservation of the real property known as Emeritus House, an existing elderly historic, FHA-insured Section 8 complex on the east side of the City of Cleveland.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Director of the Phyllis Wheatley Association.

Section 3. That this resolution is hereby 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 March 7, 2005.

Effective March 9, 2005.

Res. No. 380-05.

By Council Member Zane.

An emergency resolution declaring Cleveland City Council's support of the proposal of Cogswell Hall, Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio House Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation are proposing to renovate and expand the Cogswell Hall facility located at 7200 Franklin Boulevard; and

Whereas, all forty-two (42) units will be single room occupancy units for single women with limited incomes; and

Whereas, one hundred percent (100%) of these units will be set aside for individuals with a household income at or below sixty percent (60%) of area median gross income; and

Whereas, there will be no market rate units; and

Whereas, this Council of the City of Cleveland supports the proposal to develop this affordable housing for the benefit of the citizens of Cleveland; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland supports the proposal of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation to provide affordable housing for the citizens of Cleveland through the use of housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the Executive Directors of Cogswell Hall Inc., Detroit Shoreway Community Development Organization and Lutheran Housing Corporation.

Section 3. That this resolution is hereby 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 March 7, 2005.
Effective March 9, 2005.

Res. No. 381-05.

By Council Member Coats.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14002 Lakeshore Boulevard and repealing Resolution No. 1554-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14002 Lakeshore Boulevard by Resolution No. 1554-04 adopted by the Council on August 11, 2004; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 objection to a C2 and C2X Liquor Permit to Barbara Teconchuk, 14002 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 8829845 be and the same is hereby withdrawn and Resolution No. 1554-03, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby 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 March 7, 2005.
Effective March 9, 2005.

Res. No. 382-05.

By Council Member Johnson.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3019 East 116th Street and repealing Resolution No. 1332-04, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 3019 East 116th Street by Resolution No. 1332-04 adopted by the Council on July 14, 2004; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 objection to a D5 Liquor Permit to Albert Daily, DBA Daily's Food Mart, 3019 East 116th Street, Cleveland, Ohio 44120, Permanent Number 1896113 be and the

same is hereby withdrawn and Resolution No. 1332-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby 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 March 7, 2005.
Effective March 9, 2005.

Res. No. 383-05.

By Council Member White.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 4591 Turney Road and repealing Resolution No. 21-05, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent No. 2262582, by Resolution No. 21-05 adopted by the Council on January 10, 2005; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; 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 objection to a D5 Liquor Permit to Dopey Z's, Inc., DBA Bobby's Clubhouse, 4591 Turney Road, Cleveland, Ohio 44105, Permanent Number 2262582 be and the same is hereby withdrawn and Resolution No. 21-05, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby 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 March 7, 2005.
Effective March 9, 2005.

Res. No. 384-05.

By Council Member Coats.

An emergency resolution encouraging the Ohio General Assembly to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to a distance that, at a minimum, is greater than the distance children walk to and from school and, in the alternative, to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to 2,000 feet.

Whereas, the Ohio General Assembly enacted Chapter 2950 of the Ohio Revised Code governing sex offenders and requiring registration; and

Whereas, in enacting Chapter 2950 of the Ohio Revised Code, the Ohio General Assembly determined and declared several legislative findings; and

Whereas, one such finding determined and declared "sex offenders and offenders who commit child-victim offenses pose a risk of engaging in further sexually abusive behavior and protection of members of the public from sex offenders and offenders who commit child-victim oriented offenses is a paramount governmental interest"; and

Whereas, Ohio law currently prohibits sex offenders from living within 1,000 feet of a school; and

Whereas, this 1,000 feet restriction does not adequately protect young children walking to and from school; and

Whereas, this Council is concerned about circumstances enabling sex offenders convicted of raping young children to reside near schools; and

Whereas, the documentation contained in File No. 384-05-A, documents fourteen (14) registered sex offenders who live at an address within 1,840 feet of an elementary school; and

Whereas, four (4) of these sex offenders were convicted of raping victims five (5) years of age and four (4) of these sex offenders were convicted of raping victims nine (9) years of age or younger; and

Whereas, protecting young children from sex offenders is a paramount governmental interest; and

Whereas, enabling sex offenders to reside near schools subjects children to risk; and

Whereas, this Council encourages the Ohio General Assembly to increase the current 1,000 feet restriction; and

Whereas, such increase should be, at a minimum, greater than the distance young children walk to and from school; and

Whereas, in the event, the Ohio General Assembly chooses not to or is unable to increase the prohibition to the distance children walk to and from school, this Council encourages the Ohio General Assembly to increase the prohibition to 2,000 feet; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council encourages the Ohio General Assembly to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to a distance that, at a minimum, is greater than the distance children walk to and from school.

Section 2. That this Council encourages the Ohio General Assembly, in the alternative, to enact legislation increasing the distance prohibition governing the residence of sex offenders and schools to 2,000 feet.

Section 3. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution and the legislative file to those members of the State of Ohio Legislature representing residents of the City of Cleveland.

Section 4. That this resolution is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 174-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Cuyahoga County Department of Employment and Family Services for the Building Success for Cleveland's Kinship Care Families Program; authorizing the Director to enter into one or more contracts with various entities to implement the program.

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 the Director of Aging is authorized to apply for and accept a grant in the approximate amount of \$186,954, and any other funds that may become available during the grant term from the Cuyahoga County Department of Employment and Family Services to conduct the Building Success for Cleveland's Kinship Care Families Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 174-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Aging is authorized to enter into one or more contracts with the Fairhill Center and Corporate Choice Staffing Services, Inc., to implement the program as described in the file.

Section 4. That the Director of Aging is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Aging from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Aging for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Aging, and certified by the Director of Finance.

Section 5. That the cost of contract or contracts authorized shall be paid from the fund or funds that the grant proceeds are credited.

Section 6. 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 177-05.

By Council Members White, Reed, Jackson, Cintron and Brady.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Cleveland Housing Network, LPXXII or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-078 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 135-04-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat of said allotment in Volume 12 of Maps, Page 38 and 39 of Cuyahoga County Records and bounded and described as follows:

Beginning upon the Southerly line of Orleans Avenue, S.E. and 38 feet East of the Northwest corner of said Sublot No. 18; thence Southerly and parallel with the Easterly line of said Sublot No. 18, 135 feet to the Southerly line of said Sublot No. 18; thence Easterly on the Southerly line of Sublot No. 18, 38 feet; thence Northerly and parallel with the first described line 135 feet to the Southerly line of Orleans Avenue, S.E.; thence Westerly on the Southerly line of Orleans Avenue, 38 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-04-079 as more fully described below to Cleveland Housing Network, LPXXII or designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 135-04-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 38 feet of Sublot No. 18 in the Carter Heir's Allotment of part of Original One Hundred Acre Lot Nos. 449 and 450 as shown by the recorded plat in Volume 23 of Maps, Page 8 of Cuyahoga County Records and being 38 feet front on the Southerly side of Orleans Avenue, S.E. and extending back of equal width 135 feet, as appears by said plat.

Also subject to zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-081 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-01-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 214 in the Union Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452 as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records and being 35 feet front on the Westerly side of East 117th Street and extending back between parallel lines 125 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-01-076 as more fully described, to Cleveland Housing Network, LPXXII or designee.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-01-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 151 in The Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 452 and 444, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 117th Street and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 137-07-069 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-07-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being further known as being Sublot No. 125 in the Union-Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, said Sublot No. 125 has a frontage of 35 feet on the Westerly side of East 118th Street and extends back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 137-07-070 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 137-07-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 126 in the Union Rice Subdivision of part of Original One Hundred Acre Lot Nos. 444 and 452, as shown by the recorded plat of said Subdivision in Volume 47 of Maps, Page 24 of Cuyahoga County Records. Said Sublot No. 126 has frontage of 40 feet on the Westerly side of East 118th Street, and extends back 125 feet on the Southerly line 125 feet on the Northerly line which is also the Southerly line of Benham Avenue, S.E., and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-26-067 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-26-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 38 in William and Lewis Brookers' Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 76th Street (formerly Brooker Street), at the Southwesterly corner

of said Sublot No. 38; thence Northerly, along the Easterly line of East 76th Street, 35 feet to a point distant 15 feet Southerly, measured along the Easterly line of East 76th Street, from the Northwesterly corner of said Sublot No. 38; thence Easterly and parallel with the Northerly line of said Sublot No. 38, 87 feet; thence Southerly, and parallel with the Easterly line of East 76th Street, 35 feet to the Southerly line of said Sublot; thence Westerly along the Southerly line of said Sublot, 87 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways, and subject to the conditions, restrictions, and right of way set forth in the deed recorded in Volume 7208, Page 135 of Cuyahoga County Records and subject to building restrictions, conditions or limitations of record.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-26-095 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-26-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 38 in William and Lewis Brooker's Subdivision of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 3 of Maps, Page 46 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of East 76th Street (formerly Brooker Street) at the Northwesterly corner of said Sublot No. 38; thence Southerly along the Easterly line of East 76th Street, 15 feet; thence Easterly and parallel with the Northerly line of said Sublot, 87 feet; thence Southerly and parallel with the Easterly line of East 76th Street 35 feet to the Southerly line of said Sublot; thence Easterly along the Southerly line of said Sublot, about 80 feet to the Southeasterly corner thereof; thence Northerly along the Easterly line of said Sublot, 50 feet to the Northeastly corner thereof; thence Westerly along the Northerly line of said Sublot about 167 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-059 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Philip Bieger's Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the record-

ed plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 74th Street and extending back of equal width 119.33 feet deep, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-075 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 30-1/2 feet of Sublot No. 6 and the Northerly 4-1/2 feet of Sublot No. 7 in Fenton, Robinson and Rose's Re-Subdivision of part of Original One Hundred Acre Lot No. 336 as shown by the recorded plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records. Said parts of Sublots Nos. 6 and 7 together form a parcel of land having a frontage of 35 feet on the Westerly side of East 76th Street (formerly Brooker Avenue), and extending back between parallel lines about 167 feet 5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-077 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Fenton, Robinson and Roses' Subdivision of a part of Original East Cleveland Township Lot No. 336 now in said City. Said Sublot No. 8 has a frontage of 40 feet on the West side of Brooker Avenue (now East 76th Street) an extends back of equal width 167 feet 3-1/2 inches deep on the North line and 167 feet 2-1/2 inches deep in the South line according to the recorded plat of said Subdivision recorded in Volume 4 of Maps, Page 45 of Cuyahoga County Records, be the same more less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-090 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 24. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

21 in Fenton, Robinson and Rose's Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 4 of Maps, Page 45 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 76th Street and extending back between parallel lines 166.00 feet deep on the Northerly line, 165.89 feet deep on the Southerly line and 40 feet wide in the rear be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 118-34-110 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 26. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 118-34-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 6 in the Silas Strange Subdivision of part of Original One Hundred Acre Lot No. 336, as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 76th Street (formerly Brooker Street) at the Northwesterly corner of Sublot No. 6; thence Southerly along the Easterly line of East 76th Street, 35 feet to the Southwesterly corner of said Sublot No. 6; thence Easterly along the Southerly line of Sublot No. 6, 94 feet; thence Northerly and parallel with the Easterly line of East 76th Street, 35 feet to the Northerly line of Sublot No. 6; thence Westerly along the Northerly line of said Sublot No. 6, 94 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 27. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-19-084 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 28. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 123-19-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 13 in Thomas S. and Mary L. Douse Allotment of a part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 8 of Maps, Page 28 of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Douse Avenue, S.E. and extending back between parallel lines 119.10 feet deep on the Northeasterly line, 118.60 feet deep on the Southwesterly line, be the same more or less, but subject to all legal highways.

Section 29. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-22-101 as

more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 30. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 123-22-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the North-easterly 32 feet 6 inches of Sublot No. 0 in Hubbard Hollister's Allotment of part of Original One Hundred Acre Lot No. 324, as shown by the recorded plat in Volume 4 of Maps, Page 25 of Cuyahoga County Records, and being 32 feet 6 inches front on the Southeasterly side of Pershing Avenue, S.E., (formerly East Clark Avenue) and extending back of equal width 132 feet as appears by said plat.

Section 31. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-07-086 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 32. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-07-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being 22 and 1/2 feet front and rear off the Northerly side of Sublot Nos. 29 in H.H. Little's Subdivision of part of Original Brooklyn Township Lot Nos. 68 and 71, as shown by the recorded plat in Volume 5 of Maps, Page 50 of Cuyahoga County Records, and being 22.5 feet front on the Easterly side of West 18th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 33. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-07-087 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 34. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-07-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in H.H. Little's Subdivision of part of Original Brooklyn Township Lots. Nos. 68, and 71, as shown by the recorded plat in Volume 5 of Maps, Page 50 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 18th Street, and extending back 90 feet 10-1/2 inches on the Northerly line, 94 feet 4-3/4 inches on the Southerly line and having a rear line of 30 feet 2-1/2 inches, as appears by said plat.

Also subject to all zoning ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 004-20-033 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 36. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 004-20-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 34 feet from front to rear of Sublot No. 173 and the Westerly 16 feet from front to rear of Sublot No. 175 in John G. Jennings Allotment on University Heights, so called, part of Original Brooklyn Township Lots Nos. 71 and 87, as shown by the recorded plat in Volume 1 of Maps, Page 15 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southerly side of Auburn Avenue, S.W., and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 37. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 019-16-141 as more fully described below, to Cleveland Housing Network, LPXXII or designee.

Section 38. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 019-16-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 105 in the Domal Land Company's Subdivision of part of Original Rockport Township Section No. 10, as shown by the recorded plat in Volume 25, Page 20 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Leila Avenue, S.W., and extending back of equal width 111.96 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 39. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-04-105 as more fully described below, to Cleveland Housing Network, LPXXII or their designee.

Section 40. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 006-04-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 670 in James M. Hoyt's Subdivision of part of Original Brooklyn township Lot Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Dudley Avenue, N.W., (formerly Dudley Street) and extending back 86 feet, 2.5 inches on the Easterly line, 93 feet 5 inches on the Westerly line, and having a rear line of 35 feet, 8.5 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 41. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 42. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 43. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 44. That this ordinance is hereby 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 178-05.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 68th Street to Burten, Bell, Carr Development, Inc.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-23-010 and 118-23-011, as more fully described below, to Burten, Bell, Carr Development, Inc.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 118-23-010
Sited in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 67 in James H. and Harriet Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 68th Street, extending back 127 feet, 1 inch on the Northerly line, 127 feet 2 inches on the Southerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-23-011
Sited in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in James and Harriet Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 9 of Maps, Page 17 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 68th Street, and extending back 127 feet, 2 inches on the Northerly line, 127 feet 3 inches on the Southerly line, and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 179-05.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Cedar Avenue and East 37th, 38th and 39th Streets to Burten, Bell, Carr Development, Inc. or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-014 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 103-22-014
Sited in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 125 feet of the Easterly 10 feet of Sublot No. 40 and the Westerly 25 feet of Sublot No. 41 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the Southerly line of Cedar Avenue, S.E., at a point distant Easterly measured along said Southerly line 25 feet from the Northwesterly corner of said Sublot No. 41; thence Westerly along the Southerly line of said Cedar Avenue, S.E., 35 feet; thence Southerly parallel with the Easterly line of said Sublot No. 40, 125 feet; thence Easterly parallel with the Southerly line of said Cedar Avenue, S.E., 10 feet to the Westerly line of said Sublot No. 41; thence Southerly along said Westerly line, 25 feet to the Southwesterly corner of said Sublot No. 41; thence Easterly along the Southerly line of said Sublot No. 41, 25 feet; thence; Northerly parallel with the Westerly line of said Sublot No. 41, 150 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-016 as more fully described below to Burten, Bell, Carr Development, Inc. or designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-016
Sited in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwesterly 25 feet of Sublot No. 42 in

William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Southeastly side of Cedar Avenue, S.E. and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-090 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly one half of Sublot No. 5 and the Southerly 5 feet from front to rear of Sublot No. 6 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66 as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and together forming a parcel of land 25 feet front on the Easterly side of Wheat Street (now known as East 37th Street) and extending back of equal width 73 feet and 5 inches deep, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-131 as more fully described, to Burten, Bell, Carr Development, Inc. or designee.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-131

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 16 and 17 of the William W. Williams Subdivision of a part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point along the Westerly line of East 38th Street (formerly William Street) at the Southeastly corner of said Sublot No. 17; thence Westerly along the Southerly line of said Sublot No. 17, 150.5 feet to the Southwestly corner of said Sublot No. 17; thence Northerly along the Westerly line of said Sublot No. 17 about 63.5 feet, to the Southerly line of land conveyed to Anna Quagliata by deed dated December 30, 1941, and recorded in Volume 5418, Page 404 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Anna Quagliata, 12 feet to the Southeastly corner of land so conveyed to said Quagliata thence Northerly along the Easterly line of land so conveyed to said Quagliata about 15.75 feet to the Southerly line of land conveyed to Joe Artino, by deed dated June 14, 1924, as recorded in Volume 2888, Page 425 of Cuyahoga County

Records; thence Easterly along the Southerly line of lands so conveyed to Joe Artino, about 138.5 feet to the Westerly line of East 38th Street; thence Southerly along the Westerly line of East 38th Street about 78.75 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-138 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 40 feet of Sublot No. 31 in William and William's Subdivision of part of Original Ten Acre Lot Nos. 67 to 70 inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 38th Street and extending back 151.58 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-139 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly half of Sublot No. 32 in the William Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records. Said part of said Sublot No. 32 has a frontage of 25 feet on the Easterly side of East 38th Street (formerly Williams Street) and extending back between parallel lines 151 feet 7 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-140 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 14. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly half of Sublot No. 32 in William W. Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County

Records, and being 25 feet front on the Easterly side of East 38th Street an extending back between parallel lines 151 feet 7 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-148 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 16. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-148

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 37 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning the Easterly line of East 38th Street at a point distant Southerly measured along said Easterly line, 8.50 feet from the Northwesterly corner of said Sublot No. 37; thence Southerly along the Easterly line of East 38th Street, 30.50 feet; thence Easterly at right angles to the Easterly line of said East 38th Street, 151.58 feet to the Easterly line of said Sublot No. 37; thence Northerly along said Easterly line 30.50 feet; thence Westerly 151.58 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-150 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 18. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-150

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 25.50 feet of Sublot No. 38 in William Williams' Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25.50 feet front on the Easterly side of East 38th Street, and extending back between parallel lines 151.38 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-155 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 20. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-155

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet of Sublot No. 42 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Cedar Avenue and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-164 as more fully described below, to Burten, Bell, Carr Development, Inc. or designee.

Section 22. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 103-22-164

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 19 feet of the Westerly 84 feet of Sublot No. 30 and the Southerly 10 feet of the Westerly 84 feet of Sublot No. 31 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 29 feet front on the Easterly side of East 38th Street (formerly Williams Street) and extending back of equal width 84 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 24. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 25. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 26. That this ordinance is hereby 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 181-05.
By Council Member Pierce Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to Cleveland Housing Network, Inc. or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-018 as more fully described below, to Cleveland Housing Network, Inc. or designee.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 108-23-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Block "A" in the Glenville Realty Company Re-Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 44 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, N.E. at the N.E. corner of said Block "A"; thence Southwesterly along the Southerly line of St. Clair Avenue N.E., 62.66 feet to the Northeasterly corner of land conveyed to Solomon Kohner by deed dated May 20, 1915 and recorded in Volume 1655, Page 184 of Cuyahoga County Records; thence Southerly along the Easterly line so conveyed to Solomon Kohner to the Southerly line of Block "A"; thence Easterly along the Southerly line of said Block "A", 48.45 feet to the Southeasterly corner of said Block "A"; thence Northerly along the Easterly line of said Block "A"; 101.85 feet to the place of beginning. Also subject to zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 108-23-019 as more fully described below to Cleveland Housing Network, Inc. or designee.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-23-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being past of Block A in the Glenville Realty Company's Re-Subdivision of part of Mrs. Charles P. Born's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 44 of Maps, Page 20 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, N.E., at a point 62.66 feet Westerly, measured along said Southerly line from the North-easterly corner of said Block A; thence Westerly along said Southerly line of St. Clair Avenue, N.E., 45 feet to the Northwesterly corner of said Block A; thence Southerly along the Westerly line of said Block A, 93.47 feet to the Southwesterly corner of said Block A; thence Easterly along the Southerly line of said Block A, 34.78 feet; thence Northerly to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-23-020 as more fully described below, to Cleveland Housing Network, Inc. or designee.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 108-23-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 29 and parts of Sublot Nos. 28 and 30 in Mrs. Charles P. Born's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat thereof recorded in Volume 23 of Maps, Page 23 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of St. Clair Avenue, N.W., at the Northwest corner of said Sublot No. 29; thence Southerly along the Westerly line of said Sublot No. 29 and said line extended Southerly 103 feet; thence Northeasterly along a line drawn parallel to the Southerly line of said St. Clair Avenue, N.E., 45 feet; thence Northerly in a straight line about 104 feet to the Southerly line of said St. Clair Avenue, N.E., at a point 6-18/100 feet Northeasterly from the Northeasterly corner of said Sublot No. 29; thence Southwesterly along said Southerly line of St. Clair Avenue, N.E., 50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways. Together with a strip of land 10 feet wide as right of way, only for ingress to and egress from said above described premises in common with said Grantor and only such other owners of property abutting on said strip as said Grantor has granted or may hereafter grant the

use thereof to for similar right of way purposes only and which said strip of land is more particularly described as follows:

Beginning at a point in the Westerly line of East 102nd Street, at the Northeast corner of Sublot No. 23 in said Allotment; thence South along the West line of said East 102nd Street, 10 feet to a point; thence West-erly parallel with the North line of said Sublot No. 23 and 10 feet distant therefrom, 70-98/100 feet to the East line of Sublot No. 25; thence South-westerly along a straight line paral-lel with the Southerly line of St. Clair Avenue, N.E., to the Southeast corner of the premises first hereinabove de-scribed; thence Northerly along the East line of said first above de-scribed premises, 10 feet; thence Northeasterly along a line drawn paral-lel with the Southerly line of St. Clair Avenue, N.E., and 10 feet dis-tant from the Southerly line of the strip herein described to the point of intersection of this line with the North line of said Sublot No. 23 extended West-erly; thence East along said North line of said Sublot No. 23 as extended West-erly along said North line of said Sublot No. 23 to the West line of East 102nd Street, at the Northeast corner of said Sublot No. 23, to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordi-nances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ord-inances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-plies is hereby authorized to sell Permanent Parcel No. 108-23-024 as more fully described, to Cleveland Housing Network, Inc. or designee.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as fol-lows:

P. P. No. 108-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 and part of Sublot No. 116 in E.J. Weil's Subdivision of part of Original One Hundred Acre Lot No. 369, as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuya-hoga County Records:

Beginning, at a point in the South-easterly line of St. Clair Avenue, (80 feet wide) at its intersection with the Northwesterly corner of said Sublot No. 117; thence Northeasterly along said Southeasterly line of St. Clair Avenue, 80.72 feet to the North-easterly corner of said Sublot No. 116; thence Southeasterly in a direct line about 200.17 feet, intersecting the Southerly line of said Sublot No. 116 at a point 10.00 feet Southwester-ly, measured along said Southerly line from the Southeasterly corner thereof; thence Southwesterly along said Southerly line of said Sublot Nos. 116 and 117, 70.00 feet to a point at the Southwesterly corner of said Sublot No. 117; thence Northwester-ly, along the Southwesterly line of said Sublot No. 117, 189.41 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ord-inances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-plies is hereby authorized to sell Permanent Parcel No. 108-23-067 as more fully described below, to Cleve-land Housing Network, Inc. or designee.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as fol-lows:

P. P. No. 108-23-067

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 118 in E.J. Weil's Subdivi-sion of part of Original One Hun-dred Acre Lot No. 369 as shown by the recorded plat in Volume 14 of Maps, Page 30 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southeasterly line of St. Clair Avenue N.E. (former-ly St. Clair Street), 80 feet wide, at the most Northerly corner of said Sublot No. 118; thence Southwesterly along said Southeasterly line of St. Clair Avenue N.E., 45.41 feet to its intersection with the Northeasterly line of East 100th Street (formerly Ludwig Street, 50 feet wide); thence Southeasterly along said North-easterly line of East 100th Street, 134.36 feet; thence Northeasterly along a line parallel with the South-easterly line of said Sublot No. 118, 45 feet to the Northeasterly line of said Sublot No. 118; thence Norther-ly 140.41 feet to the place of begin-ning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ord-inances of Cleveland, Ohio 1976, the Commissioner of Purchases and Sup-ples is hereby authorized to sell Permanent Parcel No. 108-23-068 as more fully described below, to Cleve-land Housing Network, Inc. or designee.

Section 12. That the real property to be sold pursuant to this Ordinance is more fully described as fol-lows:

P. P. No. 108-23-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and beginning at the South-easterly corner of Sublot No. 116; thence West-erly along the Southerly line of Sublot No. 116, 10 feet; thence Northerly to the Northeasterly corner of Sublot No. 116; thence Southerly along the Easterly line of said Sublot No. 116, 200.17 feet to the Southeasterly corner of said Sublot and the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That all documents necessary to complete the con-veyance authorized by this ordi-nance shall be executed within six (6) months of the effective date of this ordinance. If all of the docu-ments are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Develop-ment, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be estab-lished by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed nec-essary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Direc-tor of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain

such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary inter-ests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. That this ordinance is hereby 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 182-05.

By Council Member Zone.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Clark Avenue to Stockyard Development Organization or designee.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-tered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance consti-tutes an emergency measure provid-ing for the usual daily operation of a municipal department; now, there-fore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 183.021 of the Codified Ord-inances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-ples is hereby authorized to sell Permanent Parcel No(s). 006-30-009 and 006-30-010, as more fully de-scribed below, to Stockyard Develop-ment Organization or designee.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 006-30-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 185 in J.M. Hoyt and Son's Allotment of part of Original Brooklyn Town-ship Lot No. 34 as shown by the recorded plat in Volume 5 of Maps, Page 55 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Clark Avenue, S.W. and extending back of equal width 132 feet along the Easterly line of West 68th Street (formerly Lenox Street) to the Northerly line of Seine Court S.W., a 10 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P. P. No. 006-30-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 186

in James M. Hoyt and Sons Allotment of a part of Original Brooklyn Township Lot No. 34 as shown by the recorded plat in Volume 5 of Maps, Page 55 of Cuyahoga County Records and being 32 feet front on the Southerly side of Clark Avenue, S.W., and extending back of equal width 132 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 221-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of commercial gases, for the various divisions of City government.

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 the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of commercial gases, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as

a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118714)

Section 3. 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 222-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies, for the various divisions of City government.

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 the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year for the necessary items of janitorial supplies in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118713)

Section 3. 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 223-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of window washing services, for the various divisions of City government.

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 the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of window washing services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 118712)

Section 3. 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 March 7, 2005.
Effective March 9, 2005.

Ord. No. 229-05.
By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Procurement and Diversity for the Getting the Lead Out Program; authorizing the director to enter into one or more contracts with various entities to assess and renovate potential lead hazards; and authorizing the purchase by one or more requirement contracts of equipment and supplies to implement the grant.

Whereas, Cuyahoga County has received Temporary Assistance to Needy Families ("TANF") funding from the Federal government to be awarded to various entities to provide relevant services to the community; 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 the Director of Public Health is authorized to apply for and accept a grant of TANF funds in the approximate amount of \$466,250, and any other funds that may become available during the grant term from Cuyahoga County Office of Procurement and Diversity to conduct the Getting the Lead Out Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 229-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to authorize to enter into one or more contracts with various agencies to assess and renovate potential lead hazards in privately-owned residential property housing of low to very low income TANF-eligible families with children.

Section 6. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period during the grant term of the necessary items of equipment and supplies, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contract or contracts shall be paid from the fund or funds which are

credited the grant proceeds accepted under this ordinance and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 8. 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 230-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Kaiser Permanente of Ohio for the Worksite Wellness Expansion Program.

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 the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$15,000 and any other funds that may become available during the grant term, from Kaiser Permanente of Ohio to conduct the Worksite Wellness Expansion Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 230-05-A made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 231-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease property known as 23600 Mercantile Road, Unit J, from Mercantile Associates for a term not to exceed one year, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Whereas, the City of Cleveland requires certain space located at 23600 Mercantile Road, Unit J, in Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas, for the public purpose of leasing space to store goods necessary for the operation of the Cleveland House of Corrections; and

Whereas, Mercantile Associates has proposed to lease the space to the City of Cleveland; 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mercantile Associates certain space more fully described as follows: approximately 5,400 square feet of space located at 23600 Mercantile Road, Unit J, Beachwood, Ohio, including the exclusive use of ten parking spaces, and the non-exclusive use of common parking and loading areas ("Premises").

Section 2. That the term of the lease shall not exceed one year, beginning April 1, 2005.

Section 3. That the rent for the lease shall be a base rate of \$3,200 per month, including utilities and the Common Area Maintenance for 23600 Mercantile Road.

Section 4. That the lease may authorize the City to make improvements to the lease premises under terms to be determined by the parties consistent with the public purpose or purposes of leasing space to store goods necessary for the operation of the Cleveland House of Corrections.

Section 5. That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

Section 6. That the costs of the lease shall be paid from Fund No. 01-500302-636000, Request No. 149725.

Section 7. That the lease shall be prepared by the Director of Law.

Section 8. That the Directors of Public Health and Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 9. 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 291-05.**By Council Member Conwell.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Eddy Road and Arlington and Edmonton Avenues to Cleveland Housing Network, Inc.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-13-012 as more fully described below, to Cleveland Housing Network, Inc.

Section 2. That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 110-13-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 77, 78 and 79 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of Eddy Road N.E. at its point of intersection with the Southerly line of Edmonton Avenue, N.E.; thence Southerly along said Easterly line of Eddy Road, N.E., 62.21 feet; thence Easterly on a line parallel with said Southerly line of Edmonton Avenue, N.E., 97.73 feet; thence Northerly on a line parallel with the Easterly line of said Sublot No. 77, 60 feet to the Southerly line of Edmonton Avenue, N.E.; thence Westerly along said Southerly line of Edmonton Avenue, N.E., 114.18 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-13-013 as more fully described below to Cleveland Housing Network, Inc.

Section 4. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 110-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 77, 78 and 79 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Easterly line of Eddy Road N.E. at the Southwesterly corner of said Sublot No. 79; thence Northerly along said Easterly line of Eddy Road N.E., 15.19 feet to an angle; thence Northerly continuing along said Easterly line of Eddy Road, N.E., 38.06 feet to a point 62.21 feet Southerly (measured along said Easterly line of Eddy Road, N.E.) from its point of intersection with the Southerly line of Edmonton Avenue, N.E.; thence Easterly on a line parallel with said Southerly line of Edmonton Avenue, N.E. 97.73 feet; thence Southerly on a line parallel to the Easterly line of said Sublot No. 77, 50 feet to the Southerly line of said Sublot No. 77; thence Westerly along the Southerly line of Sublot Nos. 77, 78 and 79, 80.31 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-13-016 as more fully described below, to Cleveland Housing Network, Inc.

Section 6. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 110-13-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 4 and 5 in the Elworthy-Helwick Company's Forest Hill Parkway Subdivision, of part of Original One Hundred Acre Lot Nos. 372 and 373, as shown by the recorded plat in Volume 66 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land 70 feet front on the Northerly side of Arlington, N.E., and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-13-070 as more fully described, to Cleveland Housing Network, Inc.

Section 8. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 110-13-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 73 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373 as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and being 41

feet front on the Southerly side of Edmonton Avenue, N.E., and extending back of equal width 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-13-074 as more fully described below, to Cleveland Housing Network, Inc.

Section 10. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 110-13-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 32 feet front to rear of Sublot No. 77 in L.J. Hostetter's Subdivision No. 3 of part of Original One Hundred Acre Lot Nos. 372 and 373 as shown by the recorded plat in Volume 56 of Maps, Page 6 of Cuyahoga County Records, and being 32 feet front on the Southerly side of Edmonton Avenue, N.E., and extending back between parallel lines 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement of right of way in Volume 2835, Page 556 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

Section 11. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 12. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 13. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 14. That this ordinance is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 353-05.**By Council Members White and Jackson.****An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, relating to fees for publications and services.**

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 Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance publications reflecting amendments passed by Cleveland City Council through June 10, 2003:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 7.03
Part I. Administrative Code	\$ 28.10
Part II. Health Code	\$ 17.04
Part III. Land Use Code, Planning and Housing	\$ 14.94
Part III. Zoning Code	\$ 10.40
Part III. Land Use Code, Housing Code	\$ 14.25
Part III. Land Use Code, Fire Prevention Code	\$ 19.60
Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 28.10
Part VI. Offenses and Business Activities Code	\$ 19.75
Complete Set	\$323.12

A complete set of the Codified Ordinances includes the Charter and all Parts, the General Index, User's Guide, tabbed dividers and binder.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from June 11, 2003 through December 31, 2004:

<u>Supplement Unit</u>	<u>Cost</u>
Charter	\$ 5.65
Part I.	\$ 14.15
Part II.	\$ 12.35
Part IIIa	\$ 11.50
Part IIIb.	\$ 4.00
Part IIIc.	\$ 12.35
Part IIId.	\$ 11.50
Part IIIe.	\$ 4.00
Part IV.	\$ 3.25
Part V.	\$ 14.15
Part VI.	\$ 4.65
Complete Bound Set	\$ 51.25

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2102-03, passed October 27, 2003, is hereby repealed.

Section 3. That this ordinance is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 385-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cats in the Flats 10K & 5K Run and 2-Mile Walk, on September 18, 2005, scheduled by the Hermes Sports & Events.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cats in the Flats 10K & 5K Run and 2-Mile Walk; beginning at St. Ignatius High School, West 30th & Lorain, Lorain to Gehring, Gehring to Abbey, Abbey to Columbus, Columbus to Carter, Carter to Scranton, Scranton to Train, Train to Wiley, Wiley to Scranton, Scranton to Starkweather, Starkweather to Jefferson, Jefferson to Professor, Professor to Literary, Literary to Kenilworth, Kenilworth to Scranton, Scranton to Carter, Carter to Columbus, Columbus to Abbey, Abbey to Gehring, Gehring to Lorain, Lorain to finish at West 30th, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 386-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the Cruise for the Critters race, on September 25, 2005, scheduled by the Hermes Sports & Events.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cruise for the

Critters with the race starting at the Gateway Animal Clinic, West 15th & Abbey, Abbey to West 11th, West 11th to Starkweather, Starkweather to West 14th, West 14 to Kenilworth, Kenilworth to Scranton, Scranton to Train, turn around, Scranton to Kenilworth, Kenilworth to West 11th, West 11th to Abbey, Abbey to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.

Effective March 11, 2005.

Ord. No. 387-05.**By Council Member Cimperman.**

An emergency ordinance consenting and approving the issuance of a permit for the 24th Annual Turkey Trot, on November 24, 2005, scheduled by the Hermes Sports & Events.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 24th Annual Turkey Trot; beginning at Lakeside and West 3rd, West 3rd to St. Clair, St. Clair to East 9th, East 9th to South Marginal, South Marginal to East 26th, East 26th to North Marginal, North Marginal to Eriesside, Eriesside to West 3rd, West 3rd to Lakeside, Lakeside to West 6th, West 6th to St. Clair, St. Clair to West 3rd, West 3rd to Lakeside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 388-05.**By Council Members Britt and Pierce Scott.**

An emergency ordinance consenting and approving the issuance of a permit for the 2005 Hudson Relays, on April 23, 2005, sponsored by Case Western Reserve University.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2005 Hudson Relays; starting at "The Rock" next to Fribley, near the bottom of the elephant steps in front of Carlton Commons, top of stairs; top of Edgehill at Overlook in front of the Greenhouse Restaurant, corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall) in front of the Peter B. Lewis building corner of Bellflower and Ford just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road in front of Pierce house in the Northside Residential Village in front of Clark Hall on the Math-er Quad; back to "The Rock" President's last lap only; the last runner "President" receives the baton at the rock by Adelbert Hall and runs into the Quad up the Pardee side and around and back to "The Rock" down the Yost side, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.

Effective March 9, 2005.

Ord. No. 389-05.
By Council Member Cimperman
An emergency ordinance consenting and approving the issuance of a permit for the Winking Lizard 4 Mile Run & 2 Mile Walk, on July 30, 2005, sponsored by the Hermes Sports & Events.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Winking Lizard 4 Mile Run & 2 Mile Walk; beginning at Huron & East 4th Street, Huron to East 4th East 4th to Prospect, Prospect to East 36th, East 36th to Carnegie, Carnegie to East 40th, East 40th to Prospect, Prospect to East 4th, East 4th to Huron, Huron to finish — in front of the Winking Lizard, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.
 Effective March 9, 2005.

Ord. No. 390-05.
By Council Member Cimperman
An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Bench Bar Halloween Run, on October 29, 2005, scheduled by the Hermes Sports & Events.

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 pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Cleveland Bench Bar Halloween Run; starting at Ontario & Lakeside, Lakeside to West 3rd, West 3rd to Eriesside, Eriesside across East 9th to Aviation High School, turn around and return same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby 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 March 7, 2005.
 Effective March 9, 2005.

ulation, specifically households for elderly residences and in need of senior supportive services as defined in the 2005 Qualified Allocation Plan; and

Whereas, Famicos Foundation's proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby declares its support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of the Famicos Foundation.

Section 3. That this resolution is hereby 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 February 28, 2005.
 Effective March 2, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, March 14, 2005
11:00 a.m.

Public Service Committee: Present: Sweeney, Chair; Jones, Vice Chair; Polensek, White, O'Malley, Zone, Brady. *Authorized Absence:* Cimperman, Johnson. *Pro-tem:* Jackson.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Coats, O'Malley, Reed, Pierce Scott, Westbrook, White, Gordon, Britt.

Wednesday, March 16, 2005
1:30 p.m.

City Planning Committee: Present: Cimperman, Chair; Rybka, Vice Chair; Conwell, Lewis, O'Malley, Pierce Scott, Westbrook.

REPRINT

Res. No. 288-05.
By Council Member Lewis.

An emergency resolution declaring this Council's support of the proposal of Famicos Foundation and/or its assigns for the development and construction of affordable housing using housing tax credits from the Ohio Housing Finance Agency.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to redevelop 40 units of Senior housing in the Wade Chateau Apartment building at 9501 Superior Avenue; and

Whereas, 100% of these units will be occupied by low-income seniors, with no market rate units; and

Whereas, no less than 100% of the units will serve a special needs pop-

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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