

The City Record

Official Publication of the City of Cleveland

June the Twenty-Fourth, Nineteen Hundred and Ninety-Eight

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Larry Moran
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson.....	3448 East 123rd 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	William W. Patmon.....	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah 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.....	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1813 Tampa Avenue	44109
16	Larry Moran.....	3584 West 46th Street	44102
17	Timothy J. Melena.....	6109 West Clinton Avenue	44102
18	Jay Westbrook.....	10513 Clifton Boulevard	44102
19	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111
	Clerk of Council—Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk—Sandra Franklin.		
MAYOR—Michael R. White			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
DEPT. OF LAW – Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
DEPT. OF FINANCE – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
DIVISIONS – Accounts – Gayle Goodwin Smith, Commissioner, Room 19 City Treasury – Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies – William A. Moon, Commissioner, Room 128			
Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control – _____, Controller, Room 18			
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.			
DEPT. OF PUBLIC UTILITIES – Michael Konicek, Director, 1201 Lakeside Avenue			
DIVISIONS – 1201 Lakeside Avenue			
Water – Julius Ciaccia, Jr., Commissioner			
Water Pollution Control – Darnell Brown, Commissioner			
Utilities Fiscal Control – Morry Blech, Commissioner			
Cleveland Public Power – James F. Majer, Commissioner			
Street Lighting Bureau – Frank Schilling, Acting Chief.			
DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE – Henry Guzmán, Director, Room 113			
DIVISIONS – Waste Collection and Disposal – Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets – Randell T. Scott, Commissioner, Room 25			
Engineering and Construction – JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture – Kenneth Nobilio, Commissioner, Room 517			
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DIVISIONS – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment – Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
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DIVISIONS – Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service – Bruce Shade, Commissioner, 1708 South Pointe Drive			
DEPT. OF PARKS, RECREATION & PROPERTIES – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
DIVISIONS – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management – Vernon Robinson, Commissioner, East 49th & Harvard			

Parking Facilities – Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties – Richard L. Silva, Acting Commissioner, Public Auditorium – E. 6th & Lakeside.

Recreation – Michael Cox, Acting Commissioner, Room 8

Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Terri Hamilton, Director, 3rd Floor, City Hall.

DIVISIONS – Administrative Services – Terrence Ross, Commissioner. Neighborhood Services – Louise V. Jackson, Commissioner. Neighborhood Development – Terri Hamilton, Commissioner. Building & Housing – Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Joseph Nolan, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Christopher P. Warren, Director, Room 210

DEPT. OF AGING – Susan E. Axelrod, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Cornell P. Carter, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. McBea, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.

CIVIL SERVICE COMMISSION – Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

SINKING FUND COMMISSION – Michael R. White, President; Betsy Hruby, Asst. Sec'y.; _____, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS – Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; J. Bowes, James Williams, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Sylvester Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS – Service Director Henry Guzmán; Law Director Sylvester Summers, Jr.; Councilman Roosevelt Coats.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Sylvester Summers, Jr.; Utilities Director Michael Konicek; Council President Jay Westbrook.

CITY PLANNING COMMISSION – Room 501 – Hunter Morrison, Director; Rev. Albert T. Rowan, Chairman; _____, Vice Chairman, David Bowen, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Sylvester Summers, Jr.; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Raymond Ossovicki, Chairman; _____, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chrm.; Earl S. Bumgarner, _____, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

CLEVELAND LANDMARKS COMMISSION – Room 519 _____, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilman Craig E. Willis.

**CLEVELAND MUNICIPAL COURT JUSTICE CENTER—1200 ONTARIO
CENTRAL SCHEDULING DEPARTMENT
JUDGE COURTROOM ASSIGNMENTS**

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge Colleen C. Cooney	14A
Judge C. Ellen Connally	15C
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Gerald F. Sweeney	13D
Judge Robert J. Triozzi	12A

Earle B. Turner – Clerk of Courts, John J. O'Toole—Court Administrator, Robert C. Townsend, II—Bailiff; Kenneth Thomas—Chief Probation Officer, Michelle L. Paris—Chief Magistrate

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WEDNESDAY, JUNE 24, 1998

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CITY COUNCIL

MONDAY, JUNE 22, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Willis, Chairman; Dolan, Vice Chairman; Britt, Lewis, Polensek, Sweeney, White.

9:30 A.M.—**Public Health Committee:** Gordon, Chairman; Britt, Vice Chairman; Cimperman, Cintron, Jackson, Melena, Robinson.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Sweeney, Chairman; Cintron, Vice Chairman; Britt, Johnson, Jones, Melena, Moran, Patmon, Polensek.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Moran, Vice Chairman; Britt, Cintron, Gordon, Lewis, Johnson.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

1:30 P.M.—**Legislation Committee:** Zone, Chairman; Jones, Vice Chairman; Britt, Cimperman, Dolan, Johnson, Rybka.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Patmon, White, Willis.

10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, Moran, White, Willis.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patmon, Chairman; Coats, Vice Chairman; Britt, Cintron, Dolan, Jones, Lewis, Moran, Polensek.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 17, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 17, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Acting Director Milton, Directors Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Absent: None.

Others: William A. Moon, Commissioner, Purchases and Supplies. Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 425-98.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of May, 1998 in the amount of \$11,444.12.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 426-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Precious Communications** except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of maintenance of City telephones, products and ancillary equipment, for the Division of Information Systems Services, Department of Finance, for the period of one (1) year with two (2) one (1) year renewal options beginning with the date of execution of a contract received on the **28th day of May, 1998**, pursuant to the authority of Ordinance No. **1174-97**, passed **July 16, 1997**, which on the basis of the estimated quantity would amount to **Eighty-Five Thousand, Eight Hundred and 00/100 Dollars, (\$85,800.00), (2% - 30 Days)**, is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 094379 which shall be certified against such contract in the sum of **Eighty-Five Thousand, Eight Hundred and 00/100 Dollars (\$85,800.00)**.

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 427-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Rockport Construction and Material, Inc. for the public improvement of Veteran's Memorial Bridge Duct Line Extension C-16, for the Division of Cleveland Public Power, Department of Public Utilities, received on April 29, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, for a gross price for the improvement in the aggregate amount of **One Million Ninety One Thousand Six Hundred Sixty Three and 10/100 Dollars (\$1,091,663.10) (Net 30 Days)**, is hereby affirmed

and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Rockport Construction and Material, Inc., for Veteran's Memorial Bridge Duct Line Extension C-16 for the above-mentioned public improvement contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
RMC	\$327,500.00
Leader Electric (FBE)	\$110,000.00

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 428-98.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of Phillips/Day & Maddock, Inc. for the following: Mobile Transformer/Generator, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 8th day of April 1998, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the order quantity would amount to \$42,049.00, is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 429-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Nerone & Sons, Incorporated for the public improvement of renovating the Service Yard Pump Station, for the Division of Water Pollution Control, Department of Public Utilities, received on April 30, 1998, pursuant to the authority of Ordinance No. 1036-92, passed June 15, 1992, upon a unit basis for the improvement in the aggregate amount of One Hundred Sixty-Two Thousand Two Hundred Fifty and 00/100 (\$162,250.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors to Nerone & Sons, Incorporated for the above-mentioned public improvement hereby is approved:

Subcontractor	Work
Ballast Construction (FBE)	Guardrail installation
Lito Trucking (FBE)	Trucking
Collinwood Concrete (FBE)	Concrete supply
Steward Supply (MBE)	Pump station supply

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 430-98.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 30, 1998 for landfills for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 354-98, passed by the Council of the City of Cleveland on April 6, 1998 are hereby rejected.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 431-98.

By Acting Director Sheffield-McClain.

Whereas, by Resolutions Nos. 323-98 and 324-98, both adopted May 6, 1998, this Board of Control authorized the Director of Port Control to enter into agreements on behalf of the City of Cleveland with Landrum and Brown, Inc. ("Consultant") to provide, respectively, the services necessary for preparation of an Environmental Impact Statement ("EIS") for the Airport improvements described in the Cleveland Hopkins International Airport ("Airport") master plan/airport layout plan and a Federal Aviation Regulations Part 150 Study Update, and the planning services necessary for preparation of the Master Plan for Cleveland Hopkins International Airport, on the basis of Consultant's certain proposals describing and revising the scopes of work; and

Whereas, the Federal Aviation Administration requires the City to delete the "Demand/Capacity Study Update" from the EIS agreement scope of work and add such study to the master plan planning services agreement scope of work; and

Whereas, by its letters dated June 8, 1998; Consultant has amended its proposals for the scopes of work for such agreements to conform to the Federal Aviation Administration's requirement with respect to the Demand/Capacity Study Update; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 323-98, adopted May 6, 1998, is hereby amended by adding after "April 27, 1998," the words "and its letter dated June 8,

1998," and by substituting "Two Million Four Hundred Four Thousand Seventy-Five and No/100 Dollars (\$2,404,075.00)" for the compensation stated in said Resolution No. 323-98.

Be it further resolved, that Resolution No. 324-98, adopted May 6, 1998, is hereby amended by adding after "March 20, 1998" the words "and its letter dated June 8, 1998" and by substituting "Five Hundred Eighty-Two Thousand Five Hundred and No/100 Dollars (\$582,500.00)" for the compensation stated in said Resolution No. 324-98.

Be it further resolved, that all other terms of said Resolutions Nos. 323-98 and 324-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 432-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Grinnell Fire Protection Systems Company for the public improvement of installing a fire sprinkler system for the Central Receiving Building at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on March 25, 1998, pursuant to the authority of Ordinance No. 224-97, passed April 14, 1997, upon a unit basis for the improvement in the aggregate amount of One Hundred Eighteen Thousand Three Hundred Forty Dollars (\$118,340.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Grinnell Fire Protection Systems Co. for the installation of a fire sprinkler system for the Central Receiving Building at Cleveland Hopkins International Airport is hereby approved:

Subcontractor	Service
Clark Mechanical, Inc. (MBE - \$3,885.00 /3.30%)	Installation of fireline and materials for fireline

Yeas: Mayor White, Acting Director Milton, Director Carmody, Konicek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 433-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Miles Mechanical, Inc. for the public improvement of installing a HVAC unit (No. AC-8) and associated appurtenances at

Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on April 15, 1998, pursuant to the authority of Ordinance No. 545-96, passed May 6, 1996, upon a unit basis for the improvement in the aggregate amount of Seventy Nine Thousand Dollars (\$79,000.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 434-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of American National Fleet Service, Inc. for labor and materials necessary to repair one (1) Oshkosh dump truck for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on April 23, 1998, pursuant to authority of Ordinance No. 1270-97, passed September 22, 1997, which on the basis of the order quantity would amount to Twenty Seven Thousand Five Hundred Sixty One Dollars and Twenty-Seven Cents (\$27,561.27) is hereby approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by American National Fleet Service, Inc. for labor and materials necessary to repair one (1) Oshkosh dump truck for the Division of Cleveland Hopkins International Airport is hereby approved:

Subcontractor	Service
Independent Brokers, Ltd. 2860 East 130th Street Shaker Heights, OH 44120 (MBE)(\$689.03 - 2.5%)	Sales consultant

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 435-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Bob McDorman Chevrolet, Inc.** for an estimated quantity of one (1) **Walk-In Step Van (14,000 GVW) all items** for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the **1st day of May, 1998**, pursuant to the authority of Ordinance No. **1113-97**, passed **July 16, 1997**, which on the basis of the estimated quantity would amount to **approximately Fifty One Thousand Six Hundred**

Eighty Seven and 00/100 Dollars, (\$51,687.00) (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Service** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19681

which shall be certified against such contract in the sum of **Fifty One Thousand Six Hundred Eighty Seven and 00/100 Dollars, (\$51,687.00).**

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 436-98.

By Director Staib.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Walter F. Stephens, Jr., Inc.** for an estimated quantity of **Inmate clothing, bedding and shoes (Items 3, 7, 12 and 15)** for the Division of **Correction, Department of Public Health**, for the period of one (1) year beginning with the date of execution of a contract received on the **22nd day of April, 1998**, pursuant to the authority of Ordinance No. **1861-97**, passed **December 15, 1997**, which on the basis of the estimated quantity would amount to **Two Thousand Nine Hundred Two and 97/100 Dollars, (\$2,902.97), (2% 30 Days)** is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Health** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 25660

Inmate clothing and bedding which shall be certified against such contract in the sum of **Two Hundred Seventy-Five and 61/100 (\$275.61) Dollars.**

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 437-98.

By Director Staib.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Norix Group, Inc.** for an estimated quantity of **Inmate clothing, bedding and shoes (Item 1)** for the Divi-

sion of Correction, Department of Public Health, for the period of one (1) year beginning with the date of execution of a contract received on the **22nd day of April, 1998**, pursuant to the authority of Ordinance No. **1861-97**, passed **December 15, 1997**, which on the basis of the estimated quantity would amount to **Five Thousand Six Hundred Twenty and 20/100 Dollars (\$5,620.20), (Net),** is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Health** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 25659

which shall be certified against such contract in the sum of **Five Thousand Six Hundred Twenty and 20/100 (\$5,620.20) Dollars.**

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 438-98.

By Director Staib.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Wex Corporation** for an estimated quantity of **Inmate clothing, bedding and shoes (Items 5, 6, 9 and 16)** for the Division of **Correction, Department of Public Health**, for the period of one (1) year beginning with the date of execution of a contract received on the 22nd day of April, 1998, pursuant to the authority of Ordinance No. **1861-97**, passed **December 15, 1997**, which on the basis of the estimated quantity would amount to **Eight Thousand Three Hundred Fifty-Seven and 80/100 Dollars (\$8,357.80), (Net),** is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Health** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 25661

Inmate clothing and bedding which shall be certified against such contract in the sum of **One Thousand Five Hundred Thirty and 00/100 (\$1,530.00) Dollars.**

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 439-98.By Director **Staib**.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Robinson Textiles** for an estimated quantity of **Inmate clothing, bedding and shoes (Items 2, 4, 17, 18, 19 and 21 thru 27)** for the Division of **Correction**, Department of **Public Health**, for the period of one (1) year beginning with the date of execution of a contract received on the **22nd day of April, 1998**, pursuant to the authority of Ordinance No. **1861-97**, passed **December 15, 1997**, which on the basis of the estimated quantity would amount to **Thirteen Thousand One Hundred Forty-Nine and 90/100 Dollars, (\$13,149.90), (Net 30 Days)**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Health** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 25662

Inmate clothing and bedding which shall be certified against such contract in the sum of **One Thousand Three Hundred Five and 60/100 (\$1,305.60) Dollars**.

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 440-98.By Director **Jackson**.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of **Montgomery KONE Inc.** for the public improvement of rehabilitation of four (4) hydraulic elevators at the West Side Market for the Division of Cleveland Convention Center, Department of Parks, Recreation and Properties, received on February 19, 1998, pursuant to the authority of Ordinance No. **855-97** and **761-98**, passed June 16, 1997, and May 18, 1998, respectively for a gross price for the improvement in the aggregate amount of **Twenty-seven Thousand, Six Hundred and Six and 00/100ths (\$27,606.00) Dollars**, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 441-98.By Director **Jackson**.

Resolved, by the Board of Control of the City of Cleveland that the bid of Montgomery **KONE Inc.** for an estimated quantity of **elevator and escalator maintenance (all items)** for the Division of Cleveland Convention Center, Department of Parks, Recreation and Properties, for the period of three (3) years beginning with the date of execution of a contract received on **March 27, 1998**, pursuant to the authority of Ordinance No. **2034-97**, passed **December 15, 1997**, which on the basis of the estimated quantity would amount to **One Hundred Forty-Four Thousand, Three Hundred Ninety-Four and 00/100ths Dollars (\$144,394.00)**, is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition Nos. 11425 and 094788

which shall be certified against such contract in the sum of **Eighteen Thousand Eight Hundred Seventy and 00/100ths (\$18,870.00)** and **Five Thousand, One Hundred Ninety-Six and 00/100ths Dollars (\$5,196.00)**, respectively.

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 442-98.By Acting Director **Sheffield-McClain**.

Resolved by the Board of Control of the City of Cleveland, that all bids received on **May 21, 1998** for Residential Sound Insulation Group J for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. **469-98** and **930-95** passed by the Council of the City of Cleveland on **May 18, 1998** and **June 19, 1995** respectively be and the same are hereby rejected.

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 443-98.By Acting Director **Sheffield-McClain**.

Resolved by the Board of Control of the City of Cleveland, that the bid of Koch Corporation for the public improvement of Phase 2 Continuation of residential sound insulation

Group "K" for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on **May 21, 1998**, pursuant to the authority of Ordinance Nos. **930-95** and **469-98**, passed **June 19, 1995** and **May 18, 1998**, respectively, upon a unit basis for the improvement in the aggregate amount of **Five Hundred Sixty Three Thousand Seven Hundred Ninety Seven Dollars (\$563,797.00)**, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Koch Corporation for the public improvement of the Phase 2 continuation of residential sound insulation Group "K", hereby is approved:

New Era Builder
\$150,515.00 - (29%)
(MBE)

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 444-98.By Acting Director **Sheffield-McClain**.

Resolved by the Board of Control of the City of Cleveland, that the bid of Koch Corporation for the public improvement of Phase 2 Continuation of residential sound insulation Group "L" for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on **May 21, 1998**, pursuant to the authority of Ordinance Nos. **930-95** and **469-98**, passed **June 19, 1995** and **May 18, 1998**, respectively, upon a unit basis for the improvement in the aggregate amount of **Four Hundred Eighty Six Thousand Six Hundred Thirty Two Dollars (\$486,632.00)**, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Koch Corporation for the public improvement of Phase 2 Continuation of residential sound insulation Group "L", hereby is approved:

Cyngier
\$94,723.00 - (19%)
(FBE)

New Era Builder
\$48,646.00 - (31%)
(MBE)

Yeas: Mayor White, Acting Director Milton, Director Carmody, Koniczek, Acting Directors Sheffield-McClain, Ricchiuto, Director Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

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 stated 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.

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS****MONDAY, JULY 6, 1998****9:30 A.M.**

Calendar No. 98-107: 3404 West 62nd Street

McArthur and Diana O'Neal owners, appeal to erect a 7' x 16' one-story enclosed front porch to an existing 16' x 35' 1-1/2 story one-family dwelling house all on a 40' x 100' lot and located in a Two-Family District on the northwesterly side of West 62nd Street, at 3404 West 62nd Street said enclosure being contrary to Section 357.13(b)(4) where the enclosed front porch shall project 4' instead of the proposed 7' and where the required setback line on West 62nd Street is 20' and the proposed setback is 13' per Section 357.06(a) of the Codified Ordinances.

Calendar No. 98-120: 1921 West 48th Street

Robert Franklin, owner, appeals to erect a 21' x 23' 2-story frame addition with a private garage on first floor and bedrooms on 2nd floor to the front of an existing 21' x 48' one-family dwelling house all located on a 30' x 102' lot and located in a Two-Family District on the East side of West 48th Street at 1921 West 48th Street; said building addition to be 4' from the dwelling house to the north at 1919 West 48th Street but not less than 10' from a main building on an adjoining premises as required by Section 357.09(b)(2)(A) and the aggregate side yards to be 9' instead of 10' as required by Section 357.09(b)(2)(a) of the Codified Ordinances.

Calendar No. 98-122: 1241 East 61st Street

Rysar Properties owner, c/o Stuart Friedman, appeal to erect a 20' x 34' 2-story single family dwelling house with a 20' x 8' open front porch and a 20' x 20' one-story detached private garage all on a 36' x 140' lot located in a Two-Family District on the East side of East 61st Street at 1241 East 61st Street; said dwelling house being contrary to Section 357.09(b)(2) where said building to be less than 10' from a main building on an adjoining premises and said garage to be 7' instead of 10' from a dwelling house at 6206 Edna Avenue contrary to the Residential Requirements of Section 337.23(a) and said porch to be in excess of the size limits of Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 98-123: 4413 East 158th Street

Harvey Gibson, owner, appeals to erect a 20' x 6' front porch enclosure on an existing 24' x 33' 1-1/2 story dwelling house located on a 40' x 125' lot and located in a One-Family District on the Easterly side of East 158th Street at 4413 East 158th Street; said use being contrary to the setback and enclosure limitations of Sections 357.06 and 357.13(B)(4) of the Codified Ordinances.

Calendar No. 98-124: 4396-4418 West 130th Street

Dorothy Perconti, owner, and Gotit Development Co. c/o Brian P. Brennan, prospective purchaser, appeal to erect a 60' x 245' 14,700 sq. ft. one-story masonry contractor's and General warehouse building and a 58' x 245' asphalt parking lot for 20 cars, all on a vacant 128'-6" x 250' lot located in a General Retail Business District on the Westerly side of West 130th Street at 4369-4418 West 130th Street; said new construction being contrary to the retail limitations of Section 343.11 and the proposed parking being 5' behind the setback building line instead of 10' as required by Sections 357.07 and 349.05 but subject to the approval authority of Section 357.14 of the Codified Ordinances.

Calendar No. 98-125: 1601 Amberley Avenue, S.W.

Charlotte Derosha, owner, appeals to construct a 23' x 8' porch enclosure to an existing two-story 23' x 26' single-family dwelling house on an existing 40' x 94' lot located in a One-Family District at 1601 Amberley Avenue; said construction being contrary to the setback Yard Encroachment Regulations of Section 357.13(b)(4) and Section 357.06 of the Codified Ordinances.

POSTPONED FROM AUGUST 18, 1997**10:30 A.M.**

Calendar No. 97-173: 1921 West 48th Street

Robert Franklin, owner, appeals to add a 21' x 38' two story frame "L" shaped extension (for a private garage on the first floor and three bedrooms and bath on second floor) to the rear wall of the 21' x 48' "L" shaped one family dwelling house on a 30' x 102' lot located in a Two-Family District at 1921 West 48th Street; said addition to reduce the rear yard to 3' instead of 20' in

depth as required by Section 357.08 and increase the total floor area of the building to more than 52% of the lot area instead of not more than 50% as limited by Section 355.04 and the distance to the adjoining dwelling house to the north being less than 10' as required by Section 357.09 and said addition to constitute an expansion contrary to the limitations of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS****MONDAY, JUNE 22, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, June 15, 1998, the following appeals were heard by the Board, and, on Monday, June 22, 1998 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 98-80: 4316 Warner Road, S.E. and 8317 Goodman Avenue

Michael Boukzam, owner, appealed under Sections 329.01(e) and 329.02(d) from the refusal to approve a lot split.

Calendar No. 97-232: 4164 E. 97th Street

Christopher Brown, appealed, to change use to a group home (adult care facility) for a maximum of six adults. (Conditional grant).

Calendar No. 98-93: 3525 Scranton Road

County of Cuyahoga, acting by and through MetroHealth Board of Trustees, owner c/o Cecelia R. Huffman and MetroHealth Skilled Nursing, tenant c/o Cecelia R. Huffman and Multiple Sclerosis Association of America/HUD, tenant c/o Dominick Durante, appealed, to erect a 380' x 450' one-story masonry irregular shaped nursing home and 150' x 50' two story frame 17 dwelling units apartment building, and accessory parking areas.

Calendar No. 98-97: 8618 Carnegie Avenue, S.E.

Cleveland Clinic Foundation, owner, c/o Brian Smith and Vienna Distributing Co. c/o Regan Schaleck, tenant, appealed, to erect a 61' x 85' one-story masonry wholesale food dealer building with a 37' x 21' one-story truck dock and a 34 car accessory off-street parking lot. (Conditional grant).

The following appeal was **Refused:**

Calendar No. 98-86: 3230-34 Euclid Avenue

Emile Daher and Hayat Daher, owners, and Downtown Office Inc. c/o Natalie Modic and Robert Modic, tenant, appealed, under Sections 329.01(e) and 329.02(d) of the Codified Ordinances from the Violation Notice dated April 17, 1998.

The following appeal was **Postponed** to July 6, 1998.

Calendar No. 98-105: 570 East 105th Street, a.k.a. 564-576 East 105th Street

The following appeals were **Withdrawn**:

Calendar No. 98-119: 3454 Warren Road, N.W.

Calendar No. 97-260: 1266 Parkwood Drive, N.E.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

The following are in violation of C.O. 623.14:

Richard Alt, last known address, 1742 West 29th Street, Cleveland, Ohio 44113.

Richard Norris, last known address, 10127 South Blvd., Apartment 2, Cleveland, Ohio 44108.

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 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, 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, JULY 1, 1998

Abbey Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-97, passed by the Council of the City of Cleveland, July 16, 1997.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

June 17, 1998 and June 24, 1998

THURSDAY, JULY 2, 1998

Tire Recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 362-98, passed by the Council of the City of Cleveland, April 6, 1998.

Galion Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 428-98, passed by the Council of the City of Cleveland, April 27, 1998.

Computer Related Hardware Equipment, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1471-97, passed by the Council of the City of Cleveland, October 13, 1997.

Painting Roadways, Runways and Other Paved Areas, for the various divisions of Port Control, as authorized by Ordinance No. 2149-97, passed by the Council of the City of Cleveland, February 2, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 23, 1998, 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

June 17, 1998 and June 24, 1998

WEDNESDAY, JULY 8, 1998

Hepatitis B Vaccine, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2152-97, passed by the Council of the City of Cleveland, March 2, 1998.

Landfill Sites, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 354-98, passed by the Council of the City of Cleveland, April 6, 1998.

HVAC Controls and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 247-98, passed by the Council of the City of Cleveland, April 6, 1998.

June 17, 1998 and June 24, 1998

THURSDAY, JULY 9, 1998

Traffic Cones and Safety Drums, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 430-98, passed by the Council of the City of Cleveland, May 18, 1998.

Asphalt Concrete Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 295-98, passed by the Council of the City of Cleveland, April 27, 1998.

HFRS2 Emulsion and Equipment Management Services and Paving Solution, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 302-98, passed by the Council of the City of Cleveland, April 27, 1998.

Gutter Brooms and Gutter Broom Sets, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 299-98, passed by the Council of the City of Cleveland, April 27, 1998.

Manhole Risers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 297-98, passed by the Council of the City of Cleveland, April 27, 1998.

Rental of Large Capacity Trucks with Operators, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 296-98, passed by the Council of the City of Cleveland, April 27, 1998.

June 17, 1998 and June 24, 1998

THURSDAY, JULY 9, 1998

West 10th Street and St. Clair Avenue Sewer, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2021-97, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, JULY 6, 1998, 9:00 A.M. AT THE OFFICE OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

June 24, 1998 and July 1, 1998

FRIDAY, JULY 10, 1998

Repair of Valves at Morgan Water Plant, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 67-98, passed by the Council of the City of Cleveland April 6, 1998.

A PRE-BID MEETING WILL BE HELD ON THE SITE AT THE MORGAN PUMPING STATION, 1245 WEST 45TH STREET, CLEVELAND, OHIO 44102, THURSDAY, JULY 2, 1998, 9:30 A.M. THE GATE VALVE AND ONE OF THE CONE VALVES WILL BE AVAILABLE FOR INSPECTION ON THAT DATE UNTIL THE BID OPENING DATE.

Various Spreader, Insert and Plow Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 429-98, passed by the Council of the City of Cleveland, May 18, 1998.

June 24, 1998 and July 1, 1998

WEDNESDAY, JULY 15, 1998

One Mail Inserter Processing System, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2100-97, passed by the Council of the City of Cleveland, February 2, 1998.

City Hall Carpet Replacement — Community Development, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

June 24, 1998 and July 1, 1998

THURSDAY, JULY 16, 1998

Curb Bumpers and Plow Blades, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 299-98, passed by the Council of the City of Cleveland, May 18, 1998.

June 24, 1998 and July 1, 1998

FRIDAY, JULY 17, 1998

Decorative Safety Post Light Program (Installation), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 508-98, passed by the Council of the City of Cleveland, May 25, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 9, 1998, 3:00 P.M., AT THE CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Ford Passenger Car Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 553-98, passed by the Council of the City of Cleveland, May 18, 1998.

EZ Pack Packer Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 552-98, passed by the Council of the City of Cleveland, May 18, 1998.

June 24, 1998 and July 1, 1998

FRIDAY, JULY 24, 1998

Chevrolet Car and Light Duty Truck Parts and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 555-98, passed by the Council of the City of Cleveland, May 18, 1998.

June 24, 1998 and July 1, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 564-98.

By: Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate a portion of Stone Court N.W.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Stone Court N.W., as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 it hereby declares its intention to vacate a portion of the following described real property:

STONE COURT N.W. (12.00 feet wide). Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all that portion of Stone Court N.W. (12.00 feet wide) extending Westeryly from the Westeryly line of West 25th Street (82.5 feet wide), a distance of 193.00 feet.

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 June 15, 1998.

Effective June 23, 1998.

Res. No. 930-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency resolution to provide for the issuance and sale of Waterworks Improvement And Refunding Revenue Bonds, Series I, 1998, of the City of Cleveland in an aggregate principal amount not to exceed \$155,000,000 with respect to bonds for new improvements and in an aggregate principal amount not to exceed \$200,000,000 with respect to refunding bonds (except, in each case, in the event that any Series I Bonds are to be offered at an Original Issue Discount); to award the Series I Bonds to Original Purchasers thereof; to prescribe the form and content and authorize the execution and delivery of a Series I Bond Purchase Agreement; to authorize a Series I Certificate of Award fixing the principal amount, date, interest rates, maturities, redemption provisions and other terms, provisions and details of the Series I Bonds subject to the restrictions set forth in the Series I and Series 2002 Bond Legislation; to determine certain other matters required to be determined herein by the Series I and Series 2002 Bond Legislation; and declaring and emergency.

Whereas, pursuant to Article XVIII of Constitution of the State of Ohio and the Charter of the City of Cleveland, this Council (the "Governing Body") has therefore duly passed an ordinance (the "Series I and Series 2002 Bond Legislation") authorizing, among other things, the issuance by the City of Cleveland (the "Issuer") of Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998 (the

"Series I Bonds") in an aggregate principal amount not to exceed \$155,000,000 with respect to Bonds for new improvements, and in an aggregate principal amount not to exceed \$200,000,000 with respect to Refunding Bonds (except, in each case, in the event that any Series I Bonds are to be offered at an original issue discount), and further authorizing a Ninth Supplemental Indenture of Mortgage (the "Ninth Supplemental Mortgage") to secure the Series I Bonds on a parity with the Issuer's Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series D, 1986, its Waterworks Improvement First Mortgage Revenue Bonds, Series E, 1987, its Waterworks Improvement First Mortgage Revenue Bonds, Series F, 1992, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series G, 1993 and its Waterworks Improvement and Refunding First Mortgage Revenue Bonds, Series H, 1996 that are Outstanding under the Mortgage, as defined in the Series I and Series 2002 Bond Legislation, and to further amend and supplement the Indenture of Mortgage, dated as of November 1, 1977 (the "Original Mortgage"), between the Issuer and National City Bank, Cleveland, Ohio, as Trustee (the "Trustee"), as amended and supplemented; and

Whereas, the Series I and Series 2002 Bond Legislation, in Section 3 thereof, provides that the Series I Bonds shall be sold pursuant to and in the manner set forth in the Series I Resolution of Award, which shall award the Series I Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series I Bond Purchase Agreement, designate the Paying Agent for the Series I Bonds, and determine, specify and set forth the aggregate principal amount, the Purchase Price, the Specified Interest Rates, and certain other details with respect to the Series I Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation; and

Whereas, this Resolution, together with the Series I Certificate of Award hereby authorized, constitutes the Series I Resolution of Award as defined in the Series I and Series 2002 Bond Legislation;

Whereas, this Series I Resolution of Award constitutes an emergency measure, providing for the immediate preservation of the public property, health and safety, and for the further reason that this Series I Resolution of Award is required to be immediately effective to permit the issuance and sale of the Series I Bonds which is necessary to enable the Issuer to enter in to contracts for the improvement of, and to obtain debt service savings for the benefit of, its Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. All words and terms defined in the Series I and Series 2002 Bond Legislation, whether so defined therein directly or by reference to the Original Mortgage as amended and supplemented, shall have the same meanings herein.

Section 2. Award of Series I Bonds. The Series I Bonds are hereby awarded to the Original Purchasers on terms to be set forth in the Series I Bond Purchase Agreement in accordance with the Mortgage, the Series I and Series 2002 Bond Legislation and the Series I Resolution of Award.

Section 3. Series I Certificate of Award. The Mayor, the Director of Finance and the Director of Public Utilities are, and each of them is, hereby authorized and directed to negotiate the sale of the Series I Bonds to the Original Purchasers upon terms consistent with the Series I and Series 2002 Bond Legislation and the Series I Resolution of Award. Any two of those officers are hereby further authorized and directed to execute and deliver to the Original Purchasers the Series I Certificate of Award, which shall designate and further evidence the award of the Series I Bonds to the Original Purchasers, and to determine, specify and set forth therein the following details with respect to the Series I Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

- (a) the aggregate principal amount of the Series I Bonds;
- (b) the date or dates of the Series I Bonds;
- (c) the Purchase Price;
- (d) whether any Series I Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series I Bonds;
- (e) the Redemption Prices;
- (f) the Principal Retirement Dates;
- (g) the Term Maturity Dates;
- (h) the Mandatory Redemption Dates;
- (i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date;
- (j) the Specified Interest Rates;
- (k) the Paying Agent;
- (l) the Redemption Date; and
- (m) the Refunded Bonds, if any.

It is hereby determined that the Purchase Price, the Specified Interest Rates and the other terms and details of the Series I Bonds as so determined within the limitations set forth in the Series I and Series 2002 Bond Legislation and as so specified and set forth in the Series I Certificate of Award will be in the best interests of the Issuer and consistent with all legal requirements.

Section 4. Series I Bond Purchase Agreement. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series I Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series I Bond Purchase Agreement shall incorporate the terms of the Series I Bonds as determined pursuant to the Series I and Series 2002 Bond Legislation and the Series I Resolution of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series I Bonds, including, without limitation any conditions relating to the obtaining of a credit enhance-

ment facility (including any insurance policy) to enhance the security of the Series I Bonds, the obtaining of which credit enhancement facility the officers executing the Series I Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in the aggregate Debt Service that will be payable on the aggregate of the Series I Bonds from the Debt Service that would be payable thereon were no such credit enhancement facility obtained. The Series I Bond Purchase Agreement shall be substantially in the form now on file with the Clerk, in File No. 930-98-A, with such changes therein or thereto not inconsistent with the Mortgage, the Series I and Series 2002 Bond Legislation or the Series I Resolution of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series I Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series I Bonds in accordance with the terms of the Mortgage, the Series I and Series 2002 Bond Legislation, the Series I Resolution of Award and the Series I Bond Purchase Agreement.

Section 5. Official Statement. The Director of Finance and the Director of Public Utilities are each hereby authorized and directed to cooperate in the preparation of and (with respect only to the final Official Statement) to execute, on behalf of the Issuer and in their official capacities, a Preliminary Official Statement, and a final Official Statement, as described in the Series I Bond Purchase Agreement, to serve as disclosure documents in connection with the public offering and sale of the Series I Bonds. The officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statement and the final Official Statement and any supplements thereto in connection with the original issuance of the Series I Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized to execute and deliver, on behalf of the Issuer and in their official capacities, acting alone or together, such certificates with respect to the accuracy of the Preliminary Official Statement and the final Official Statement and any supplements thereto as may be required under the Series I Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate.

Section 6. Open Meeting Determination. It is found and determined that all formal actions of this Governing Body concerning or relating to the adoption of this Series I Resolution of Award were adopted in an open meeting of this Governing Body, and that all deliberations of

this Governing Body, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 7. Findings and Recitals of Validity. The Issuer hereby determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Series I Bonds in order to make such bonds legal, valid and binding obligations of the Issuer have or will have happened or have or will have been done and performed in regular and due form as required by law and the Issuer's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Series I Bonds or their issuance. It is further found and determined, and is hereby represented and recited, that the provisions of the Issuer's Charter and the rules of this Governing Body have been fully complied with and that this Series I Resolution of Award was adopted in conformity therewith.

Section 8. Severability. In case any section or provision of this Series I Resolution of Award or in case any covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under this Series I Resolution of Award, or any application thereof, is for any reason held to be illegal or invalid, or is at any time inoperative by reason or any law (State or federal), or actions thereunder, such illegality or inoperability shall not affect the remainder thereof or any other section or provision of this Series I Resolution of Award, or any other covenant, stipulation, obligation, agreement, act, or action, or part thereof, and the balance of this Series I Resolution of Award shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent, from time to time permitted by law.

Section 9. Effective Date. This Series I Resolution of Award is declared to be an emergency measure for the reasons set forth in the preambles of this Series I Resolution of Award, which are made a part hereof, and, provided that this Series I Resolution of Award receives the affirmative vote of two-thirds of all members elected to this Governing Body, 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 date allowed by law.

Adopted June 15, 1998.
Effective June 23, 1998.

Res. No. 931-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency resolution to provide for the issuance and sale of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 (except in the event that any Series 2002 Bonds are to be offered at an Original Issue Discount); to award the Series 2002 Bonds to Original Purchasers thereof; to prescribe the form and content and authorize the execution and delivery of a Series

2002 Bond Purchase Agreement; to authorize a Series 2002 Certificate of Award fixing the principal amount, date, interest rates, maturities, redemption provisions and other terms, provisions and details of the Series 2002 Bonds subject to the restrictions set forth in the Series I and Series 2002 Bond Legislation; to determine certain other matters required to be determined herein by the Series I and Series 2002 Bond Legislation; and declaring an emergency.

Whereas, pursuant to Article XVIII of Constitution of the State of Ohio and the Charter of the City of Cleveland, this Council (the "Governing Body") has therefore duly passed an ordinance (the "Series I and Series 2002 Bond Legislation") authorizing, among other things, the issuance by the City of Cleveland (the "Issuer") of Waterworks Refunding Revenue Bonds, Series 2002, (the "Series 2002 Bonds") in an aggregate principal amount not to exceed \$125,000,000 (except in the event that any Series 2002 Bonds are to be offered at an original issue discount), and further authorizing a Series 2002 Supplemental Indenture of Mortgage (the "Series 2002 Supplemental Mortgage") to secure the Series 2002 Bonds on a parity with the Issuer's Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series D, 1986, its Waterworks Improvement First Mortgage Revenue Bonds, Series E, 1987, its Waterworks Improvement First Mortgage Revenue Bonds, Series F, 1992, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series G, 1993, its Waterworks Improvement and Refunding First Mortgage Revenue Bonds, Series H, 1996 and its Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998 that are Outstanding under the Mortgage, as defined in the Series I and Series 2002 Bond Legislation, and to further amend and supplement the Indenture of Mortgage, dated as of November 1, 1977 (the "Original Mortgage"), between the Issuer and National City Bank, Cleveland, Ohio, as Trustee (the "Trustee"), as amended and supplemented; and

Whereas, the Series I and Series 2002 Bond Legislation, in Section 9 thereof, provides that the Series 2002 Bonds shall be sold pursuant to and in the manner set forth in the Series 2002 Resolution of Award, which shall award the Series 2002 Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series 2002 Bond Purchase Agreement, designate the Paying Agent for the Series 2002 Bonds, and determine, specify and set forth the aggregate principal amount, the Purchase Price, the Specified Interest Rates, and certain other details with respect to the Series 2002 Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation; and

Whereas, this Resolution, together with the Series 2002 Certificate of Award hereby authorized, constitutes the Series 2002 Resolution of Award as defined in the Series I and Series 2002 Bond Legislation;

Whereas, this Series 2002 Resolution constitutes an emergency measure, providing for the immediate preservation of the public property, health and safety, and for the fur-

ther reason that this Series 2002 Resolution is required to be immediately effective to permit the issuance and sale of the Series 2002 Bonds which is necessary to enable the Issuer to obtain debt service savings for the benefit of its Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. All words and terms defined in the Series I and Series 2002 Bond Legislation, whether so defined therein directly or by reference to the Original Mortgage as amended and supplemented, shall have the same meanings herein.

Section 2. Award of Series 2002 Bonds. The Series 2002 Bonds are hereby awarded to the Original Purchasers on terms to be set forth in the Series 2002 Bond Purchase Agreement in accordance with the Mortgage, the Series I and Series 2002 Bond Legislation and the Series 2002 Resolution of Award.

Section 3. Series 2002 Certificate of Award. The Mayor, the Director of Finance and the Director of Public Utilities are, and each of them is, hereby authorized and directed to negotiate the sale of the Series 2002 Bonds to the Original Purchasers upon terms consistent with the Series I and Series 2002 Bond Legislation and the Series 2002 Resolution of Award. Any two of those officers are hereby further authorized and directed to execute and deliver to the Original Purchasers the Series 2002 Certificate of Award, which shall designate and further evidence the award of the Series 2002 Bonds to the Original Purchasers, and to determine, specify and set forth therein the following details with respect to the Series 2002 Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

- (a) the aggregate principal amount of the Series 2002 Bonds;
- (b) the date or dates of the Series 2002 Bonds;
- (c) the Purchase Price;
- (d) whether any Series 2002 Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series 2002 Bonds;
- (e) the Redemption Prices;
- (f) the Principal Retirement Dates;
- (g) the Term Maturity Dates;
- (h) the Mandatory Redemption Dates;
- (i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date;
- (j) the Specified Interest Rates;
- (k) the Paying Agent;
- (l) the Redemption Date; and
- (m) the Refunded Bonds, if any.

It is hereby determined that the Purchase Price, the Specified Interest Rates and the other terms and details of the Series 2002 Bonds as so determined within the limitations set forth in the Series I and Series 2002 Bond Legislation and as so specified and set forth in the Series 2002 Certificate of Award will be in the best interests of the Issuer and consistent with all legal requirements.

Section 4. Series 2002 Bond Purchase Agreement. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 2002 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 2002 Bond Purchase Agreement shall incorporate the terms of the Series 2002 Bonds as determined pursuant to the Series I and Series 2002 Bond Legislation and the Series 2002 Resolution of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 2002 Bonds, including, without limitation any conditions relating to the obtaining of a credit enhancement facility (including any insurance policy) to enhance the security of the Series 2002 Bonds, the obtaining of which credit enhancement facility the officers executing the Series 2002 Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in the aggregate Debt Service that will be payable on the aggregate of the Series 2002 Bonds from the Debt Service that would be payable thereon were no such credit enhancement facility obtained. The Series 2002 Bond Purchase Agreement shall be substantially in the form now on file with the Clerk, in File No. 931-98-A, with such changes therein or thereto not inconsistent with the Mortgage, the Series I and Series 2002 Bond Legislation or the Series 2002 Resolution of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 2002 Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 2002 Bonds in accordance with the terms of the Mortgage, the Series I and Series 2002 Bond Legislation, the Series 2002 Resolution of Award and the Series 2002 Bond Purchase Agreement.

Section 5. Official Statement. The Director of Finance and the Director of Public Utilities are each hereby authorized and directed to cooperate in the preparation of and (with respect only to the final Official Statement) to execute, on behalf of the Issuer and in their official capacities, a Preliminary Official Statement, and a final Official Statement, as described in the Series 2002 Bond Purchase Agreement, to serve as disclosure documents in connection with the public offering and sale of the Series 2002 Bonds. The officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statement and the final Official Statement and any supplements thereto in connection with the original issuance of the Series 2002 Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized to execute

and deliver, on behalf of the Issuer and in their official capacities, acting alone or together, such certificates with respect to the accuracy of the Preliminary Official Statement and the final Official Statement and any supplements thereto as may be required under the Series 2002 Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate.

Section 6. Open Meeting Determination. It is found and determined that all formal actions of this Governing Body concerning or relating to the adoption of this Series 2002 Resolution were adopted in an open meeting of this Governing Body, and that all deliberations of this Governing Body, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 7. Findings and Recitals of Validity. The Issuer hereby determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Series 2002 Bonds in order to make such bonds legal, valid and binding obligations of the Issuer have or will have happened or have or will have been done and performed in regular and due form as required by law and the Issuer's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Series 2002 Bonds or their issuance. It is further found and determined, and is hereby represented and recited, that the provisions of the Issuer's Charter and the rules of this Governing Body have been fully complied with and that this Series 2002 Resolution was adopted in conformity therewith.

Section 8. Severability. In case any section or provision of this Series 2002 Resolution or in case any covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under this Series 2002 Resolution, or any application thereof, is for any reason held to be illegal or invalid, or is at any time inoperative by reason or any law (State or federal), or actions thereunder, such illegality or inoperability shall not affect the remainder thereof or any other section or provision of this Series 2002 Resolution, or any other covenant, stipulation, obligation, agreement, act, or action, or part thereof, and the balance of this Series 2002 Resolution shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent, from time to time permitted by law.

Section 9. Effective Date. This Series 2002 Resolution is declared to be an emergency measure for the reasons set forth in the preambles of this Series 2002 Resolution, which are made a part hereof, and, provided that this Series 2002 Resolution receives the affirmative vote of two-thirds of all members elected to this Governing Body, 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 date allowed by law.

Adopted June 15, 1998.
Effective June 23, 1998.

Res. No. 1018-98.
By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Old (Relocated) Grayton Road.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Old (Relocated) Grayton Road as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 it hereby declares its intention to vacate all those portions of the following described real property:

OLD(RELOCATED) GRAYTON ROAD PROPOSED STREET VACATION

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of that part of Old Grayton Road (60.00 feet wide), as shown by the Grayton Road Alteration and Improvement Plan No. M-4493 recorded in Volume 192, Page 41 of Cuyahoga County Map Records, and sometimes known as Relocated Grayton Road, lying Northerly of the Northeasterly prolongation of the most Southerly line of a parcel of land conveyed to Emerald Research Park Ltd. by deed dated April 24, 1997, and recorded in Volume 97-3626, Page 47 of Cuyahoga County Records, and lying Southwesterly of the following described line:

Commencing in the centerline of Old Grayton Road as aforesaid at a point of curvature therein at station 27+70.93; thence North 75°-08'-00" East, and at right angles to said centerline, 30.00 feet to the Easterly right-of-way thereof; thence Northeasterly along said right-of-way being the arc of a curve deflecting to the right, and having a radius of 5699.58 feet, a tangent of 109.74 feet, a chord bearing North 23°-40'-04" East, 219.44 feet, an arc distance of 219.45 feet to the principal place of beginning of the following described line:

Thence Northeasterly along the arc of a curve deflecting to the right and having a radius of 1530.08 feet, a tangent of 149.81 feet, a chord bearing North 14°-37'-39" East, 298.20 feet, an arc distance of 298.67 feet to the Westerly right-of-way of Old Grayton Road as aforesaid and the Northwesterly terminus of said line.

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 date allowed by law.

Adopted June 15, 1998.
Effective June 23, 1998.

Res. No. 1086-98.
By Councilman Westbrook (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for development of a corporate office park.

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 developing a corporate office park, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 029-05-005

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Rockport Township Section No. 4 and more fully described as follows:

Beginning at the Northeasterly corner of land conveyed to the Horvitz Company by Dorothy Hutchinson, by deed dated May 19, 1964 and recorded in Volume 11140, Page 397, Cuyahoga County Records, said point being on the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along the Southerly line of land so conveyed to the Horvitz Company as aforesaid, South 84° 12' 40" East, 43.61 feet to an angle point in the Westerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281, Cuyahoga County Deed Records;

Thence along the Westerly line of land so conveyed South 01° 28' 16" West, 63.96 feet to a point at the Northeasterly corner of land conveyed to Dorothy Hutchinson by deed dated May 19, 1964 and recorded in Volume 11140, Page 399, Cuyahoga County Deed Records;

Thence Westerly along the Northerly line of land so conveyed, South 89° 39' 51" West, 20.06 feet to the Northwesterly corner thereof;

Thence Southerly along the Westerly line of land so conveyed, South 01° 28' 16" West, 216.28 feet to a point;

Thence along the edge of the ravine the following courses and distances:

South 56° 30' 55" West, 42.78 feet;
South 52° 05' 18" West, 27.99 feet;
South 81° 56' 53" West, 18.00 feet;
South 55° 43' 56" West, 30.48 feet;
North 65° 34' 00" West, 23.72 feet;
North 64° 07' 43" West, 26.38 feet;
North 70° 04' 16" West, 30.93 feet;
North 83° 58' 29" West, 20.78 feet;
to a tree imbedded with wire at the North edge of a ravine;

Thence Northeasterly North 30° 00' 50" East, 261.34 feet to a point;

Thence North 04° 30' 10" East, 80.69 feet to the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along said centerline of Hillside Road, proposed, North 84° 09' 11" East, 42.88 feet to the place of beginning, according to a survey by John E. Dailey, Registered Surveyor No. 5151, be the same more or less, but subject to all legal highways.

Easterly Part of
Permanent Parcel No. 029-05-003

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954

and recorded in Volume 8213, Page 281 of Cuyahoga County Records, at a point distant 84.92 feet Westerly measured along said Northerly line from the Northeasterly corner thereof;

Thence South 83° 17' 15" West, along the Northerly line of land so conveyed to Dorothy Hutchinson, which is also along the centerline of Hillside Road, a private road, (20 feet wide), 102.62 feet to the Easterly line of land conveyed to The Horvitz Company by deed dated May 5, 1964 and recorded in Volume 11140, Page 397 of Cuyahoga County Records;

Thence South 00° 16' 40" West along the Easterly boundary line of land so conveyed to The Horvitz Company and along the Westerly boundary line of land so conveyed to Dorothy Hutchinson, as aforesaid, 630.19 feet to the Northerly line of land conveyed to Albert Dunham by deed dated March 11, 1871 and recorded in Volume 188, Page 486a of Cuyahoga County Records;

Thence North 89° 44' 18" East along the Northerly line of land so conveyed to Albert Dunham, 103.07 feet to its intersection with a line drawn Southerly and parallel with the Westerly line of land conveyed to Crown Construction Corporation by deed dated June 30, 1954 and recorded in Volume 8066, Page 532 of Cuyahoga County Records from the place of beginning;

Thence North 00° 10' 12" East along said parallel line, 641.71 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Westerly Part of
Permanent Parcel No. 029-05-003

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4, and bounded and described as follows:

Beginning on the Northerly line of Sublot No. 43 in Alex Fodor Realty Company's-Unis Subdivision, as shown by the recorded plat in Volume 174 of Maps, Page 18 of Cuyahoga County Records at the South-westerly corner of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records;

Thence North 00° 16' 40" East along the Westerly line of land so conveyed to Dorothy Hutchinson, 555.74 feet to a point which is distant 63.96 feet Southerly measured along said Westerly line from an angle therein;

Thence North 89° 43' 20" West at right angles to the Westerly line of land so conveyed to Dorothy Hutchinson, 20.00 feet to a point;

Thence South 00° 16' 40" West and parallel with the Westerly line of land so conveyed to Dorothy Hutchinson, 555.93 feet to the Northerly line of said Sublot No. 43;

Thence North 89° 44' 18" East along the Northerly line of said Sublot No. 43, 20.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is hereby authorized and directed 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 abovementioned premises, and such 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 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 June 15, 1998.

Effective June 23, 1998.

Res. No. 1129-98.

By Councilman Zone.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, and repealing Res. No. 1570-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, by Res. No. 1570-97, adopted August 13, 1997; 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 the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, be and the same is hereby withdrawn and Res. No. 1570-97, containing said 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 June 15, 1998.

Effective June 23, 1998.

Res. No. 1130-98.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the issuance of a D3A Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsmt., and repealing Res. No. 871-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsmt., by Res. No. 871-98, adopted May 11, 1998; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance; 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 the issuance of a C1 Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 871-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance 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 June 15, 1998.

Effective June 23, 1998.

Res. No. 1133-98.

By Councilman Cimperman (by departmental request).

An emergency resolution approving the report of the Assessment Equalization Boards on objections concerning estimated assessments for improvements of the Cleveland Theater District for the provision of additional security for the District, cleaning and maintaining of the public rights-of-way and Star Plaza within the District and collective marketing of the District in the City of Cleveland.

Whereas, the Assessment Equalization Board appointed by Resolution No. 938-98, adopted May 18, 1998, and the Assessment Equalization Board appointed by Resolution No. 1055-98, adopted June 8, 1998, to hear and determine all objections concerning the estimated assessments for the Cleveland Theater District in the City of Cleveland by providing additional security for the District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing of the District in accordance with Resolution No. 1746-97, adopted December 15, 1997, has filed its report with this Council as to its determination of such objections and said report is on file in File No. 1133-98-A; and

Whereas, this Council deems said report proper in all respects; 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 the report of the Assessment Equalization Board, appointed by Resolution No. 938-98, adopted May 18, 1998, and appointed by Resolution No. 1055-98, adopted June 8, 1998, is hereby approved.

Section 2. That the assessments as equalized by the respective Boards and recommended by it in the reports are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

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 June 15, 1998.

Effective June 24, 1998.

Res. No. 1134-98.**By Councilman Westbrook.****An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.**

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 the schedule of meetings during the summer months for the Council of the City of Cleveland is hereby fixed as follows:

Wednesday, July 29
Wednesday, August 19

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 14, 1998.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 1450-96.**By Councilmen Miller and Rokakis (by departmental request).****An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 44164 with APCOA/Etna Parking, a joint venture, to increase the leased premises on a temporary basis, for 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 hereby authorized to enter into an Amendment to Lease between the City and APCOA/Etna Parking, a joint venture ("Lessee"), City Contract No. 44164, to temporarily increase the leased premises from 9.77 acres to approximately 15.6 acres. The additional premises shall be used for vehicle parking only until such time as the new parking garage is open for use by the public. Upon 15 days of the date of the opening of the final phase of the garage, the amendment authorized herein shall terminate; Lessee's rights and obligations to use and occupy the additional premises thereunder shall cease.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1148-97.**By Councilmen Coats, Patton, Rybka and Westbrook (by departmental request).****An emergency ordinance determining the method of making the public improvement of abating erosion into Mill Creek, and authorizing the Directors of Public Service and Public Utilities to enter into contract for the making of such improvement; authorizing said directors to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for relocation purposes such real property as is necessary to make the public improvement.**

Whereas, the City of Cleveland owns certain real property in the City of Garfield Heights near the intersection of Canal and Warner Roads, upon which is located a portion of Mill Creek; and

Whereas, the City of Cleveland is under orders from the Ohio Environmental Protection Agency to abate the erosion of buried land fill material present on the City's property into Mill Creek; 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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of abating erosion into Mill Creek (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service and the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 924-97, passed June 9, 1997, the Directors of Public Service and Public Utilities are hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 924-97, passed June 9, 1997, the Directors of Public Service and Public Utilities are hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, and to execute such

other documents, certificates, instruments, and applications as may be necessary to implement the Improvements for the Division of Engineering and Construction, Department of Public Service and the Division of Water Pollution Control, Department of Public Utilities.

Section 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 924-97, passed June 9, 1997, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for purposes of the Improvement, such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its fair market value.

Section 5. That the Directors of Public Service and Public Utilities are hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, environmental assessments, escrows, appraisers, and all other costs necessary for the acquisition of such property.

Section 6. That all agreements authorized by this ordinance shall be prepared by the Director of Law and shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 7. That the costs of the Improvement and the acquisition of property herein contemplated shall be paid from the fund to which are credited the proceeds of the sale of general obligation bonds or notes issued for the purposes which include the above improvement.

Section 8. 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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 1283-97.**By Councilmen Smith, Rybka and Westbrook (by departmental request).****An emergency ordinance determining the method of making the public improvement of removing asbestos from the Cleveland Hopkins International Airport terminal; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ an engineering and environmental consultant to provide professional services necessary to design said public improvement.**

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of removing asbestos from the Cleveland Hopkins International Airport terminal, for the Division of Cleveland Hopkins International Airport, Department of Port Control,

by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers and/or environmental consultants or one or more firms of engineering and/or environmental 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 effectuate the public improvement authorized above.

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

Section 4. That the costs for such public improvement and professional services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said improvement are credited, Request No. 22510.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1868-97.

By Councilman Britt.

An ordinance establishing the Fairhill Village Historic Landmark District. (Map Change No. 19617 Sheet No. 9)

Whereas, the Cleveland Landmarks Commission has determined that the Fairhill Village Historic Landmark District represents an important aspect of Cleveland's cultural, economic, social and historic heritage and in consideration of that history, its architecture and other features of the area, the Cleveland Landmarks Commission finds that the proposed Fairhill Village Historic Landmark District meets the criteria for landmark designation; and

Whereas, the owners of the properties within the boundaries of the proposed Fairhill Village Historic Landmark District have been properly notified in accordance with Section 161.04 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, therefore,

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

Section 1. That the following area outlined in red on the map hereto attached be and the same is hereby designated the Fairhill Village Historic Landmark District:

Beginning at the intersection of the easterly line of Sublot No. 17 in the Donald Gray Non Recorded Subdivision and the northerly line of Fairhill Road, S.E.; thence westerly along said northerly line of Fairhill Road, S.E. to its intersection with the northwesterly line of Sublot No. 1 in said Donald Gray Non Recorded Subdivision; thence northeasterly along said northwesterly line of said Sublot No. 1 and continuing northeasterly along the northwesterly lines of Sublot Nos. 2, 3, and 4 in said Donald Gray Non Recorded Subdivision to its intersection with the westerly line of Sublot No. 6 in said Donald Gray Non Recorded Subdivision, thence northerly along said westerly line of said Sublot No. 6 to its intersection with the City of Cleveland Corporation Limit line; thence southeasterly along said City of Cleveland Corporation Limit line to its intersection with the north-easterly line of Sublot No. 16 in said Donald Gray Non Recorded Subdivision, thence southeasterly along said northeasterly line of said Sublot No. 16 and continuing southeasterly along the northeasterly line of said Sublot No. 17 to its intersection with said easterly line thereof; thence southerly along said easterly line of said Sublot No. 17 to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Fairhill Village Historic Landmark District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission. Further, a copy of map attached hereto shall be available for public inspection in the office of the Cleveland Landmarks Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 2101-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into contract with Ostendorf-Morris for the professional services to manage and provide all maintenance services, including janitorial, snow removal and HVAC services for the consolidated rental car facility at Cleveland Hopkins International Airport, Department of Port Control.

Whereas, the Department of Port Control desires to supplement the regularly employed staff of the several departments of the City of Cleveland in order to obtain the professional services necessary to manage and provide all required main-

tenance services, including but not limited to janitorial, snow removal and HVAC services for the consolidated rental car facility at Cleveland Hopkins International Airport; and

Whereas, Ostendorf-Morris has proposed to provide such services, which shall include the use of union labor and hiring preferences to City residents for janitorial services, and landscaping provided by Cooper Landscaping, Inc., a minority business enterprise; 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 Port Control is hereby authorized to enter into contract with Ostendorf-Morris for services, including but not limited to janitorial, snow removal and HVAC services, for the new consolidated rental car facility at Cleveland Hopkins International Airport, on the basis of its proposal dated February 25, 1998, as amended by, *inter alia*, letter dated April 20, 1998, in the total sum of not to exceed \$330,000 per year for a period of one year, payable from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105 and 60 SF 106, Request No. 22600, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The Director of Port Control shall require that prevailing wage rates are paid to all maintenance service providers.

Section 2. That the Director of Port Control shall provide a written report on May 1, 1999 to the Chairman of the Aviation and Transportation Committee detailing the employment practices of Ostendorf-Morris pursuant to said agreement, including the number of City residents hired, and a written report to the full Council including the same information, as well as the total expenditures made, the wages and benefits provided by Ostendorf-Morris, a comparison of those wages and benefits with the same if provided by the City, and the rate of employee turnover for Ostendorf-Morris.

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 June 15, 1998.

Effective July 25, 1998.

Ord. No. 2195-97.

By Councilmen Skrha, Jackson, Rybka and Westbrook (by departmental request).

An emergency ordinance establishing a Community Reinvestment Area in the area of Prospect Avenue, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at Prospect Avenue is an area in which housing facilities or structures of historical significance are located

and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at Prospect Avenue and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the area located at 750 Prospect Avenue (Permanent Parcel No. 101-29-007) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code.

Section 3. That the renovation of four buildings at 750 Prospect Avenue, known as the Pointe at Gateway, and to include 42 market rate apartments and 65,000 square feet of retail space in the Community Reinvestment Area, is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for the construction activities described above.

Section 4. That the Director of Community Development ("Director") shall annually, not later than June 1 of each year during the period of the exemption, report to the Community and Economic Development Committee ("Committee") on the rate of return on equity participation generated by the property authorized herein for exemption (Rate of Return). Where the annual average Rate of Return for the period beginning on the date the exemption becomes effective to December 31, immediately preceding said report exceeds Fifteen Percent (15%), the Director shall make a recommendation to the Committee regarding reducing or eliminating the exemption.

Section 5. That, in the event the owner of such property authorized herein for exemption desires to transfer fee ownership of the property during the exemption period, the Director shall report same to the Committee with a recommendation

regarding reducing or eliminating the exemption.

Section 6. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance. That this exemption from real property taxation is contingent upon all applicable requirements of Section 3735.65 et seq. of the Ohio Revised Code and this ordinance having been met.

Section 7. That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

Section 8. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 159-98.

By Councilmen Rybka, Jackson and Johnson (by departmental request).

An emergency ordinance to authorize the Director of Economic Development to enter into a Tax Increment Financing Agreement with Third Federal Savings and Loan Association to collect service payments for the purpose of repayment of NDIF funds used to partially finance certain infrastructure improvements on Broadway Avenue and for the purpose of payment to the Cleveland School District, and to declare certain improvements to real property to be a public purpose.

Whereas, by Ordinance No. 875-97, passed June 16, 1997, this Council designated the Broadway Union Redevelopment Area ("Area") and approved the Broadway Urban Redevelopment Plan ("Plan"), for purposes of Ohio Revised Code Sections 5709.41 and 5709.42; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property within the Area and consistent with the Plan, may be declared to be a public purpose where fee title of such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 1320-97, passed December 15, 1997, the City acquired fee title to certain real property within the Area prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvements not been exempt; 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 improvements to be constructed in the Area by Third Federal Savings and Loan Association of Cleveland ("Third Federal"), as more fully described in the plans contained in File No. 159-98-A ("Improvements"), on the property fully described in said file, are found by this Council to be consistent with the Plan and are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of twenty (20) years; and that in no event shall be exemption period extend beyond December 31, 2020.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, Third Federal (or the owners of the Improvements) shall make service payments for a period of twenty (20) years in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount equal to the taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 5. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in Fund No. 10 SF 501 to recover expenditures from the Neighborhood Development Investment Fund ("NDIF") in an amount equal to NDIF funds, plus interest, to be appropriated, by separate legislation, to those public improvements and such other purposes more fully described in such appropriating legislation; said appropriation of NDIF funds shall not exceed \$2,000,000.00.

Section 6. That the Director of Economic Development is hereby

authorized to enter into an agreement with Third Federal to provide for the exemption and service payments described herein; said agreement shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this ordinance, and shall contain such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 7. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 160-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on the northeasterly side of Ivanhoe Road, N.E. between Yorick Avenue, N.E. and south of Mandalay Avenue, N.E. (Map Change No. 1968, Sheet No. 7)

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of the center line of Ivanhoe Road, N.E. and the center line of Yorick Avenue, N.E.; thence northeasterly along said center line of Yorick Avenue, N.E. to its intersection with the northwesterly extension of a line located one hundred fifty (150) feet northeast of the northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said northwesterly extension and along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with a line located one hundred eighty (180) feet southeast of the southeasterly line of Yorick Avenue, N.E.; thence southwesterly along said line which is parallel to and one hundred eighty (180) feet southeast of said southeasterly line of Yorick Avenue, N.E. to its intersection with a line located one hundred ten (110) feet northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said line which is parallel to and one hundred ten (110) feet northeast of said northeasterly line of Ivanhoe Road, N.E. and along its southeasterly extension to the center line of Kipling Avenue, N.E.; thence southwesterly along said center line of Kipling Avenue, N.E. to its intersection with the northwesterly extension of a line located approximately eighty five (85) feet northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said northwesterly extension and along said line which is parallel to and approximately eighty five (85) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with the northwesterly

line of Sublot No. 42 in the A.B. Hinman Subdivision as recorded in Volume 9, Page 29 of the Cuyahoga Map Records; thence northeasterly along said northwesterly line of said Sublot No. 42 to its intersection with the northeasterly line thereof; thence southeasterly from said point to a point located approximately eighty (80) feet northwest of the northwesterly line of Sublot No. 35 in said A.B. Hinman Subdivision and approximately one hundred ninety (190) feet six (6) inches northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly from said point along the southwesterly line of Sublot No. 45 in said A.B. Hinman Subdivision to its intersection with the northwesterly line of said Sublot No. 35; thence southwesterly along said northwesterly line of said Sublot No. 35 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Sublot No. 35 and along its southeasterly extension to the center line of Halliday Avenue, N.E.; thence continuing southeasterly along the northwesterly extension of a line located one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. and along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with the northwesterly line of Sublot No. 5 in the Moran McCurdy and DeWolf Subdivision as recorded in Volume 9, Page 23 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 5 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Sublot No. 5 and along its southeasterly extension to the center line of Mandalay Avenue, N.E.; thence continuing southeasterly along the northwesterly extension of the northeasterly line of Sublot No. 3 in said Moran McCurdy & DeWolf Subdivision; and along said northeasterly line of said Sublot No. 3 and along its southeasterly extension to its intersection with the southeasterly line of Sublot No. 6 in said Moran McCurdy and DeWolf Subdivision; thence southwesterly along the southwesterly extension of said southeasterly line of said Sublot No. 6 and along its southwesterly extension to the center line of Ivanhoe Road, N.E.; thence northwesterly along said center line of Ivanhoe Road, N.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1968, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 161-98.

By Councilman Polensek.

An ordinance to change the Use, and Area Districts of lands on the westerly side of East 200 Street from Mohican Avenue, N.E., north to City Line. (Map Change No. 1967, Sheet No. 7)

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

Section 1. That the Use and Area District of lands bounded and described as follows:

Beginning at the intersection of the center line of East 200 Street and the center line of Mohican Avenue, N.E.; thence westerly along said center line of Mohican Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 33 in the George M. Hermle Subdivision (Non Recorded) (said easterly line of said Sublot No. 33 being located approximately one hundred forty one and thirty two hundredths (141.32) feet west of the westerly line of East 200 Street); thence northerly along said southerly extension and along said easterly line of said Sublot No. 33 and continuing northerly along the easterly line of Sublot No. 43 in said George Hermle Subdivision (Non Recorded) and along its northerly extension to the center line of Shawnee Avenue, N.E.; thence easterly along said center line of Shawnee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 526 in the Berwick Subdivision as recorded in Volume 27, Page 11 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 526 and continuing northerly along the easterly line of Sublot No. 385 in said Berwick Subdivision and along its northerly extension to the center line of Kewanee Avenue, N.E.; thence easterly along said center line of Kewanee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 370 in said Berwick Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 370 and continuing northerly to its intersection with the easterly line of Sublot No. 7 in the John Fabec Subdivision (Non Recorded); thence northerly along said easterly line of said Sublot No. 7 and along its northerly extension to the center line of Kildeer Avenue, N.E.; thence continuing northerly along the southerly extension of the easterly line of Sublot No. 16 in said John Fabec Subdivision (Non Recorded) and along said easterly line of said Sublot No. 16 and continuing northerly along the easterly line of Sublot No. 619 in the Berwick Extension Subdivision as recorded in Volume 28, Page 14 of the Cuyahoga County Map Records and along its northerly extension to the center line of Cherokee Avenue, N.E.; thence westerly along said center line of Cherokee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 632 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 632 and continuing northerly along the easterly line of Sublot No. 813 in said Berwick Extension Subdivision and along its northerly extension to the center line of Arrowhead Avenue, N.E.; thence westerly

along said center line of Arrowhead Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 822 in said Berwick Extension Subdivision and continuing northerly along the easterly line of Sublot No. 1003 in said Berwick Extension Subdivision and along its northerly extension to the center line of Muskoka Avenue, N.E.; thence westerly along said center line of Muskoka Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 1012 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1012 and continuing northerly along the easterly line of Sublot No. 1193 in said Berwick Extension Subdivision and along its northerly extension to the center line of Mohawk Avenue, N.E.; thence westerly along said center line of Mohawk Avenue, N.E. to its inter-

section with the southerly extension of the easterly line of Sublot No. 1202 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1202 and continuing northerly along the easterly line of Sublot No. 1363 in said Berwick Extension Subdivision and along its northerly extension to the center line of Pawnee Avenue, N.E.; thence easterly along said center line of Pawnee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 1368 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1368 to its intersection with the northerly line of Sublot No. 1367 in said Berwick Extension Subdivision; thence easterly along said northerly line of said Sublot No. 1367 and along its easterly extension to said center

line of East 200 Street; thence southerly along said center line of East 200 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Local Retail Business District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1967, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 196-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various entities for the Housing Opportunities for Persons with AIDS Program.

Section 1. That the Director of Public Health is authorized to amend Contract Nos. 51609, 51610, 51611, and 51612 with various entities to provide additional housing related services in connection with the Housing Opportunities for People with AIDS Program and to increase the amount of the contracts as follows:

Contract No.	Organization	Increase	Total
51609	AIDS Housing Council	\$18,710.00	\$112,257.00
51610	AIDS Task Force	\$31,550.00	\$189,300.00
51611	AIDS Housing Council	\$37,678.00	\$226,065.00
51612	AIDS Housing Council	\$22,564.00	\$135,382.00

Section 2. That the additional responsibilities of the Department of Public Health for administering this Program shall be memorialized in an amendment to Memorandum of Understanding No. 51634 between it and the Department of Community Development.

Section 3. That the costs for such services herein contemplated shall be paid from Fund No. 13 SF 482, Request No. 24508.

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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 241-98.

By Councilmen Rybka, Sweeney, Jackson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Broadway Avenue and Aetna Avenue, including but not limited to streetscape and roadway improvements; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Economic Development to apply for and accept a grant from the State of Ohio Department of Development Infrastructure Fund; and authorizing the Director of Public Service to accept a gift from Third Federal Savings in conjunction with the improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improve-

ment of rehabilitating Broadway Avenue and Aetna Avenue, including but not limited to land acquisition, streetscape and roadway improvements, for the Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Service is hereby authorized and directed to enter into a contract for the making of the above improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Economic Development is hereby authorized to apply for and accept a grant in the amount of \$100,000.00 from the State of Ohio Department of Development Infrastructure Fund, to assist in the rehabilitation of Broadway and Aetna Avenues and the Director of Economic Develop-

ment is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said grant funds, if awarded, be and are hereby appropriated for the improvement authorized above.

Section 4. That, if the total cost of the improvement exceeds \$2,000,000, plus the amount of any grant funds received pursuant to Section 3 and 4 of this ordinance, the Director of Public Service is hereby authorized to accept a gift from Third Federal Savings for the remainder of the cost of the improvement.

Section 5. That the cost of the improvement hereby authorized shall be paid from Fund No. 10 SF 501 in an amount not to exceed \$2,000,000, and from the fund or funds to which are credited the proceeds of the grant and gift money accepted pursuant, respectively, to Sections 3 and 4 of this ordinance, Request No. 23340.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 250-98.

By Councilman Zone.

An ordinance to change the Use and Area Districts of lands on the easterly side of West 130 Street between Matherson Avenue, S.W. and Leeila Avenue, S.W. (Map Change No. 1970, Sheet No. 12)

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

Section 1. That the Use and Area Districts of lands bounded and described as follows:

Beginning at the intersection of the center line of West 130 Street and the center line of Matherson Avenue, S.W.; thence easterly along said center line of Matherson Avenue, S.W. to its intersection with the northerly extension of a line located approximately one hundred forty seven (147) feet six (6) inches east of the easterly line of West 130 Street; thence southerly along said northerly extension and along said line which is parallel to and approximately one hundred forty seven (147) feet six (6) inches east of said easterly line of West 130 Street and along its southerly extension to the center line of Leeila Avenue, S.W.; thence westerly along said center line of Leeila Avenue, S.W. to the center line of West 130 Street; thence northerly along said center line of West 130 Street to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Use District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1970, Sheet No. 12 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 312-98.

By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating the Kinsman Water Tower and constructing a control room therein, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating the Kinsman

Water Tower and constructing a control room therein, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 001 and 52 SF 987, Request No. 24001.

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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 330-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on both sides of Lakeport Road, N.E. to Lakeshore Boulevard, N.E. approximately 345,80' southwest of Brazil Road, N.E. (Map Change No 1969, Sheet No. 7)

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

Section 1. That the Use District of lands bounded and described as follows,

Beginning at the intersection of the southeasterly line of Sublot No. 518 in the East Shore Park (Kangesser Company) Allotment No. 2 as recorded in Volume 110, Page 37 of the Cuyahoga County Map Records and a line located approximately four hundred thirty nine and ninety seven hundredths (439.97) feet southwest of the northwesterly extension of the northwesterly line of Lakeport Road, N.E.; thence southeasterly along said line which is parallel to and approximately four hundred thirty nine and ninety seven hundredths (439.97) feet southwest of said northwesterly extension of said northwesterly line of Lakeport Road, N.E. and along its southeasterly extension to the center line of Lakeport Road, N.E.; thence southwesterly along said center line of Lakeport Road, N.E. to its intersection with the northwesterly prolongation of the southwesterly line of Parcel No. 4 of land conveyed to Janulis Enterprises Incorporated by deed recorded in Volume 11877, Page 729 of Cuyahoga County Records; thence southeasterly along the northwesterly prolongation and southwesterly line of said Parcel No. 4 about 211.20 feet to the southeasterly corner thereof; thence northwesterly along the southeasterly line of said Parcel No. 4 about 14.39 feet to an angle point therein. Said point also being the southwesterly corner of a parcel of land conveyed to Ann Perna by deed

recorded in Volume 10140, Page 85 of Cuyahoga County Records; thence southeasterly along the southwesterly line of land so conveyed to Ann Perna about 239.82 feet to the centerline of Lakeshore Boulevard; thence southwesterly along said centerline of Lakeshore Boulevard to its intersection with the southeasterly prolongation of the northwesterly line of land conveyed to the Regional Sewer District by deed recorded in Volume 85-6255, Page 70 of Cuyahoga County Records; thence northwesterly along the southeasterly prolongation and the northwesterly line of land so conveyed to the Regional Sewer District to a north-easterly corner thereof; thence southwesterly along the northwesterly line of land so conveyed to the Regional Sewer District about 22 feet to a northwesterly corner thereof and an angle point in the easterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 85-1526, Page 4 of Cuyahoga County Records; thence northwesterly, along said easterly line of land so conveyed to the City of Cleveland about 114.73 feet to an angle point therein; thence northeasterly along said easterly line of land so conveyed to the City of Cleveland about 37 feet to an angle point therein; thence northwesterly along said easterly line of land so conveyed to the City of Cleveland about 52 feet to the southeasterly corner of Lakeport Road; thence northwesterly along the southwesterly line of Lakeport Road to the center line thereof; thence northeasterly along the centerline of said Lakeport Road to its intersection with the southeasterly prolongation of the northwesterly line of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 83-2044, Page 47 of Cuyahoga County Records; thence northwesterly along the southeasterly prolongation and the northwesterly line of land so conveyed to the City of Cleveland to an angle point therein; thence northwesterly along said northwesterly line of land so conveyed to the City of Cleveland about 27.29 feet to an angle point therein; thence northwesterly along said northwesterly line of land so conveyed to the City of Cleveland about 75.02 feet to the southeasterly line of the Kangesser Company's East Shore Park Subdivision No. 2 as shown by the recorded plat in Volume 110, Page 37 of the Cuyahoga County Records; thence northeasterly along the southeasterly line of said Kangesser Company's East Shore Park Subdivision No. 2 to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Townhouse RA - 2 District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1969, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 332-98.
By Councilman Westbrook.
An ordinance establishing the
Lorain Station Historic Landmark
District. (Map Change No. 1971,
Sheets Nos. 1 & 2)

Whereas, the Cleveland Landmarks Commission has determined that the Lorain Station Historic Landmark District represents an important aspect of Cleveland's cultural, economic, social and historic heritage and in consideration of that history, its architecture and other features of the area, the Cleveland Landmarks Commission finds the proposed Lorain Station Historic Landmark District meets the criteria for landmark designation; and

Whereas, the owners of the properties within the boundaries of the proposed Lorain Station Historic Landmark District have been properly notified in accordance with Section 161.04 of the Codified Ordinances of the City of Cleveland, Ohio 1976, therefore,

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

Section 1. That the following area outlined in red on the map hereto attached be and the same is hereby designated the Lorain Station Historic Landmark District:

Beginning at the intersection of the northeasterly line of West Boulevard and the center line of Regina Avenue, N.W.; thence northeasterly along said center line of Regina Avenue, N.W. and along its northeasterly extension to the center line of West 101 Street; thence continuing northeasterly along the southwesterly extension of said center line of Regina Avenue, N.W. and along said center line of Regina Avenue, N.W. to its intersection with the westerly line of Sublot No. 1 in the Wensink Subdivision as recorded in Volume 23, Page 1 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 1 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 1 and along its easterly prolongation to the center line of West 100 Street; thence northerly along said center line of West 100 Street to its intersection with the westerly extension of the southerly line of Sublot No. 48 in said Wensink Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 48 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 48 to its intersection with the southerly line of Sublot No. 55 in said Wensink Subdivision; thence easterly along said southerly line of said Sublot No. 55 and along its easterly extension to the center line of West 99 Street; thence northerly along said center line of West 99 Street to its intersection with the westerly extension of the southerly line of Sublot No. 80 in said Wensink Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 80 to its intersection with a line located two hundred seven and twenty two hundredths (207.22) feet west of the westerly line of West 98 Street; thence northerly along said line which is parallel to and two hundred seven and twenty two hundredths (207.22) feet west of said westerly line of West 98 Street to its intersection with the southerly line of Theodore Avenue, N.W.; thence easterly along said southerly line of Theodore Avenue, N.W. and along

its easterly extension to the center line of West 98 Street; thence southerly along said center line of West 98 Street to its intersection with the westerly extension of the southerly line of Sublot No. 5 in the Lorenzo Pfeil Non Recorded Subdivision; thence easterly along said westerly extension and along said southerly line of said Sublot No. 5 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 5 to its intersection with the center line of a fourteen (14) foot unnamed alley; thence northeasterly along said center line of said fourteen (14) foot unnamed alley and along its northeasterly extension to the center line of West 97 Street; thence northerly along said center line of West 97 Street to its intersection with the westerly extension of the southerly line of Sublot No. 31 H. H. Pound Subdivision as recorded in Volume 44, Page 24 of the Cuyahoga County Map Records; thence easterly and northeasterly along said southerly and southeasterly line of said Sublot No. 31 to its intersection with the westerly line of Sublot No. 15 in the H. J. Sommer Subdivision as recorded in Volume 38, Page 4 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 15 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 15 and continuing easterly along the northerly line of Sublot No. 16 in said H. J. Sommer Subdivision and along its easterly extension to the center line of West 96 Street; thence northerly along said center line of West 96 Street to its intersection with the westerly extension of the center line of Sommer Court, N.W.; thence easterly along said westerly extension and along said center line of Sommer Court N.W. and along its easterly extension to the center line of West 95 Street; thence northerly along said center line of West 95 Street to its intersection with the southwesterly extension of the center line of Harding Avenue, N.W.; thence northeasterly along said southwesterly extension and along said center line of Harding Avenue, N.W. and along its easterly extension to the center line of West 93 Street; thence southerly along said center line of West 93 Street to its intersection with the center line of Lorain Avenue; thence northeasterly along said center line of Lorain Avenue to its intersection with the northerly extension of the center line of West 90 Street; thence southerly along said northerly extension and along said center line of West 90 Street to its intersection with the easterly extension of the northerly line of Sublot No. 91 in the G.P. Geib Subdivision as recorded in Volume 16, Page 27 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 91 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 91 to its intersection with the center line of Henley Avenue, S.W.; thence southwesterly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 92 Street; thence southerly along said center line of West 92 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and

southwesterly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 94 Street; thence southerly along said center line of West 94 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 95 Street and continuing southwesterly along the northeasterly extension of the center line of Henley Avenue, S.W. and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 97 Street; thence northerly along said center line of West 97 Street to its intersection with the northeasterly extension of the center line of Henley Avenue, S.W.; thence southwesterly along said northeasterly extension and southwesterly, southerly and westerly along said center line of Henley Avenue, S.W. and along its westerly extension to the center line of West 98 Street; thence southerly along said center line of West 98 Street to its intersection with the easterly extension of the center line of Henley Avenue, S.W.; thence westerly along said easterly extension and along said center line of Henley Avenue, S.W. and along its southwesterly extension to the center line of West 99 Street; thence southerly along said center line of West 99 Street to its intersection with the easterly extension of the center line of Henley Avenue, S.W.; thence westerly along said easterly extension and along said center line of Henley Avenue, S.W. to its intersection with the northerly line of Sublot No. 17 in the Anna Weitz Subdivision as recorded in Volume 23, Page 21 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 17 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 17 to its intersection with the northerly line of Sublot No. 16 in said Anna Weitz Subdivision; thence westerly along said northerly line of said Sublot No. 16 and continuing westerly along the northerly line of Sublot No. 15 in said Anna Weitz Subdivision to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 15 and along its southerly extension to the center line of Denison Avenue S.W.; thence northwesterly along said center line of Denison Avenue, S.W. to the center line of West 100 Street; thence southerly along said center line of West 100 Street to its intersection with the easterly extension of a line located forty three (43) feet north of the northerly line of Sublot No. 131 in the Hill Crest Subdivision as recorded in Volume 41, Page 8 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said line which is parallel to and forty three (43) feet north of said northerly line of said Sublot No. 131 to its intersection with the northerly extension of the westerly line of said Sublot No. 131; thence southerly along said northerly extension and along said westerly line of said Sublot No. 131 and continuing southerly along the westerly lines of Sublots Nos. 132 and 133 in said Hill Crest Subdivision to its intersection with the southerly line of Sublot No.

8 in the Cyrus Bosworth Subdivision as recorded in Volume 14, Page 21 of the Cuyahoga County Map Records; thence westerly along said southerly line of said Sublot No. 8 and along its westerly extension to its intersection with the northeasterly line of West Boulevard; thence northwesterly along said northeasterly line of West Boulevard and along its northwesterly prolongation to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Lorain Station Historic Landmark District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission. Further, a copy of map attached hereto shall be available for public inspection in the office of the Cleveland Landmarks Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 333-98.

By Councilmen Zone and Westbrook.

An ordinance establishing the West 117 Street/Berea Road Business Revitalization District. (BRD) (Map Change No. 1946, Sheets Nos. 1 & 2)

Whereas, the Board of Trustees of Westown Community Development Corporation (Westown CDC) and Western-Elmwood-Berea Corporation (WEBCO) have submitted a written request dated May 19, 1997 to the City Planning Commission to establish a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed district; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1976; therefore,

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the West 117 Street-Berea Road Business Revitalization District.

Beginning at the intersection of the southerly property line of the New York Central Railroad tracks and the center line of West 114 Street; thence southerly along said center line of West 114 Street to the center line of Western Avenue, N.W.; thence westerly along said center line of Western Avenue, N.W. to its intersection with the northerly extension of a line located one hundred twenty (120) feet west of the westerly line of West 116 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of West 116 Street and along its southerly extension to the center line of Belmont Avenue, N.W.; thence westerly along said center line of Belmont Avenue, N.W. to its

intersection with the center line of Elmwood Avenue, N.W.; thence northerly along said center line of Elmwood Avenue, N.W. to its intersection with the center line of Sector Avenue, N.W.; thence westerly along said center line of Sector Avenue, N.W. to its intersection with the southerly extension of the westerly line of Sublot No. 7 in the A. J. Marvin Subdivision as recorded in Volume 18, Page 20 of the Cuyahoga County Map Records (said westerly line of said Sublot No. 7 being located approximately three hundred fourteen (314) feet west of the westerly line of West 117 Street); thence northerly along said southerly extension and along said westerly line of said Sublot No. 7 to its intersection with a line located one hundred twenty five (125) feet north of the northerly line of Sector Avenue, N.W., thence westerly along said line which is parallel to and one hundred twenty five (125) feet north of said northerly line of Sector Avenue, N.W. and along its westerly extension to the center line of West 121 Street; thence northerly along said center line of West 121 Street and continuing northerly along the northerly prolongation of West 121 Street to its intersection with the center line of Berea Road, N.W., thence northeasterly along said center line of Berea Road, N.W. to its intersection with said center line of West 114 Street; thence southerly along said center line of West 114 Street to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the West 117 Street-Berea Road Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 352-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing and repairing catch basins and manholes at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for two years period.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing and repairing catch basins and manholes at various locations throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding, for two years period.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into a written requirement contract with the lowest bidder after advertising for all such work estimated to be done during the two years period, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 3. That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 4. That the cost of the improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23022.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 353-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing and installing new sewers and repairing sewers at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing and installing new sewers and repairing sewers at various locations throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding, for a one year period.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into a written requirement contract with the lowest bidder after advertising for all such work estimated to be done during the one year period, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 3. That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase there-

under, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 4. That the cost of the improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23021.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 426-98.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of computer hardware, software and supplies, equipment, cabling, office furniture, fiber optic backbone employee training, and various accessories for the Department of Port Control; and authorizing said director to employ one or more computer consultants necessary to implement a computer network.

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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of computer hardware, software and supplies, equipment, cabling, office furniture, fiber optic backbone employee training, and various accessories, in conjunction with implementing a computer network within the Department of Port Control, in the estimated sum of \$600,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22530)

Section 3. That the Director of Finance is hereby authorized and directed to employ by contract one

or more computer consultants or one or more firms of computer 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 assist the Department of Port Control in implementing a computer network.

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

Section 4. That the cost for such services herein contemplated shall be paid from Fund No. 60 SF 001, Request No. 22530.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 477-98.
By Mayor White and Councilmen Willis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with Metropolitan Savings Bank of Cleveland ("Metropolitan") for approximately 15.4 acres of City-owned property located in the Village of Highland Hills, with an option to purchase an additional 8.7 acres within the first five years.

Whereas, the City of Cleveland (the "City") desires to develop Cleveland Enterprise Park on approximately 80 acres of land (the "Zone") situated in the Village of Highland Hills (the "Village") along Harvard Road between Green and Northfield Roads (the "Property"), in accordance with a Master Plan for the commercial development of the Property; and

Whereas, the City, pursuant to the authority of Ordinance No. 1235-95, passed October 23, 1995, and the Village, pursuant to the authority of Ordinance Nos. 1995-20, passed August 14, 1995, and Ordinance No. 1995-28, passed December 13, 1995, entered into a Joint Development Economic Zone Agreement ("J.D.A.") for the Zone; and

Whereas, Metropolitan Savings Bank of Cleveland ("Metropolitan") has proposed to purchase from the City 15.4 acres of land in order to construct a multi-story office building to serve as its corporate headquarters, which Metropolitan estimates will house 200 Metropolitan employees; and

Whereas, the J.D.A. requires the City and Village to share income tax revenue such that the City will receive seventy-five percent (75%)

of net income taxes of employees relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and

Whereas, Metropolitan, in consideration for payment of \$43,500.00 annually, and other valuable consideration, will receive an option to purchase an additional 8.7 acres of land on which it may construct a second multi-story office building to serve a similar purpose; and

Whereas, Metropolitan projects a need for a second such building at this location, with the two buildings housing an estimated total of 400 Metropolitan employees; and

Whereas, the portions of the Property to be sold or optioned for sale to Metropolitan are no longer needed for public use; 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 Mayor of the City of Cleveland and the Directors of Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the property referred to as "Light Industrial Site 2", shown on the map contained in File No. 477-98-A ("Sale Parcel") to Metropolitan for the development of an office building to serve as its corporate headquarters, which property is determined to be no longer needed for public use.

Section 2. That the Project Agreement shall provide that Metropolitan shall have an option to purchase the property referred to as "Light Industrial Site 1A", shown on the map contained in the File referenced in Section 1 hereof ("Option Parcel"), which option expires at the end of the "Option Period" which shall be the first 5 years from the date of the recording of conveyance of the Sale Parcel from the City to Metropolitan ("Conveyance Date"), which property is determined to be no longer needed for public use.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Property Parcel described in Section 1 of this ordinance at a price of not less than One Hundred Thousand Dollars (\$100,000.00) per acre of the Sale Parcel taking into account all restrictions, and encumbrances placed by the City in the deed of conveyance.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the Option Parcel to Metropolitan during the Option Period at a price of not less than One Hundred Thousand Dollars (\$100,000.00) per acre, which this Council determines to be the fair market value of the Option Parcel during the Option Period, taking into account all restrictions and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 5. That the conveyances to Metropolitan shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland which quitclaim deed shall contain such provisions

as deemed necessary by the Director of Law to protect the public interest.

Section 6. That all proceeds from the sale of the Sale Parcel and the Option Parcel shall be paid into Fund No. 17 SF 684, to be credited toward costs of certain infrastructure, roads and utilities to the Zone.

Section 7. That the Project Agreement shall be prepared by the Director of Law, and shall contain a provision requiring Metropolitan to complete construction of a multi-story office building to serve as its corporate headquarters on the Sale Parcel within five (5) years of the Conveyance Date, or the Sale Parcel shall revert to the City. The Project Agreement shall further contain a provision requiring Metropolitan to complete construction of a second multi-story office building to serve a similar purpose within five (5) years from the date of conveyance of the Option Parcel to Metropolitan, or the Option Parcel shall revert to the City.

Section 8. That the Project Agreement may also provide for the City to pay the cost of site preparation and the cost of installation of certain infrastructure, roads, and utilities, including relocation of utilities, within the Zone, which costs shall be paid out of Fund No. 17 SF 684, in an amount equal to or not to exceed the proceeds from the sale to Metropolitan of the Sale Parcel and Option Parcel.

Section 9. The Project Agreement shall require Metropolitan to use best efforts, consisting of their cooperation with programs offered by the City's Human Resources Division, subject to economic restraints of the project and the right of Metropolitan to make final employment decisions, to achieve objectives related to construction and employment for City economic development initiatives, to include awarding 30% of construction contracts and supplier purchase orders to minority-owned enterprises; awarding 10% of construction contracts and supplier purchase orders to female-owned enterprises; hiring minorities for 16.1% of construction jobs; hiring women for 6.9% of construction jobs; hiring minorities for 33% of the jobs created by the project; hiring Cleveland residents for 50% of construction jobs; and hiring Cleveland residents for 50% of all jobs created by the project.

Section 10. That the Project Agreement shall contain the following Equal Employment Opportunity, Affirmative Action, and MBE/FBE employment goals: Metropolitan shall use best efforts to ensure (i) construction contracts, service contracts, professional services contracts, and supplies and purchases orders let on the project by it, its developer or by its general contractor by 30% certified Minority Business Enterprises ("MBE") and 10% certified Female Business Enterprises ("FBE"); and (ii) construction jobs created by the project be provided to at least 22.6% minorities in each trade, and 6.9% females in each trade.

Section 11. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development are authorized to prepare and execute easements to Cleveland Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporations, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and

assigns, to provide necessary services to the Zone, and a temporary easement for purposes of ingress and egress to the Sale Parcel to Metropolitan.

Section 12. That the Mayor, Director of Law, Parks, Recreation and Properties and Economic Development are authorized to execute such documents, instruments, and certificates and take such other actions as are necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance.

Section 13. That the Mayor, Director of Law, Parks, Recreation and Properties and Economic Development are authorized to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, engineering and architectural consultants, and other professional services necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance, and to effectuate site preparation and the installation of the infrastructure, roads and utilities, including utilities relocation, associated with the Zone. These fees shall be paid from Fund No. 17 SF 305.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 545-98.
By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of distribution water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of cleaning and cement mortar lining of distribution water mains in 1999, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall

be paid from Fund No. 52 SF 001, Request No. 23417.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 549-98.
By Councilmen Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing an asphalt overlay and repairing Runway 6L-24R and associated appurtenances at Burke Lakefront Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing an asphalt overlay and repairing Runway 6L-24R and associated appurtenances at Burke Lakefront Airport, for the Division of Burke Lakefront Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of all contractors and subcontractors that submit bids, as well as written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement. Prior to award of the contract by the Board of Control, the Director of Port Control shall forward such schedule to City Council.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 60 SF 119, and from any funds or subfunds to which are credited any federal grants for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 22533. That the contract or contracts authorized herein shall be executed not later than June 15, 2000.

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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 550-98.

By Councilmen Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of performing remediations to the underground storage tank farm sites at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ professional design engineering services to design the public improvement.

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, it is hereby determined to make the public improvement of performing remediations to the underground storage tank farm sites at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the improvement with the lowest responsible bidder after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, or such trades or components may be the subject of a separate contract for a gross price. Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of all contractors and subcontractors that submit bids as well as written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the Director of Port Control is hereby authorized and directed to employ by contract one or more professional design engineering consultants or one or more firms of professional design engineering 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 design the improvement.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employ-

ment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 4. That the costs of the improvement and services herein contemplated shall be paid from Fund No. 60 SF 119, and from any funds or sub-funds to which are credited any federal grants for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 22532.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 607-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair cracks, seal cracks and joints and seal coating for concrete paved areas, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair cracks, seal cracks and joints and seal coating for concrete paved areas in the estimated sum of \$100,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22541)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 608-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide professional services necessary for testing and construction inspection services, 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 hereby authorized and directed to employ by contract one or more consultants or 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 provide environmental sampling, testing, analysis, consulting, construction inspection services, environmental compliance services, permit analysis and development, de-icing chemical management planning, solid and hazardous waste permitting, stormwater and drainage master planning and design, de-icing chemical monitoring/testing and reporting, emergency testing and other related services for the various divisions of the Department of Port Control.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with the list of qualified consultants and subconsultants that submit proposals, as well as written notification of the successful proposers and any subconsultants. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 60 SF 001, Request No. 22540.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 609-98.
By Councilman Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of bunker gear suits and equipment, 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 hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed twelve (12) complete sets of bunker gear suits, not to exceed twenty-four (24) sets of suspenders, not to exceed twenty-four (24) NOMAX hood helmets with visors, and not to exceed twelve (12) pair of bunker boots, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 22538.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 610-98.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of not to exceed three battery operated carpet extractors, for the Division of Cleveland Hopkins International Airport, 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 hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed three (3) battery operated carpet extractors, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 22537.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 611-98.
By Councilmen Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of expanding and modifying the building maintenance shop at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of expanding and modifying the building maintenance shop at Cleveland Hopkins International Airport, for the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 22534.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 613-98.
By Councilmen Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and renovating or otherwise improving the terminal at Burke Lakefront Airport to comply with ADA regulations regarding access to doors, restrooms and other areas of the terminal building; authorizing the Director of Port Control to enter into contract for the making of such improvement; and to employ one or more consultants or one or more firms of consultants necessary to provide professional services relating to such improvements.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating and renovating or otherwise improving the terminal at Burke Lakefront Airport to comply with ADA regulations regarding access to doors, restrooms and other areas of the terminal building by contract let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract for a gross price. Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract. Upon request of said director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvements.

Section 3. That the Director of Port Control is hereby authorized to employ by contract or contracts one or more consultants or one or more firms of consultants necessary 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 public improvements authorized by Section 1 of this ordinance.

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

Section 4. That the costs of the improvements and professional services herein contemplated shall be paid from Fund No. 60 SF 115, and from any funds or subfunds to which any federal grants for the above improvement and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above improvement, Request No. 22539.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 614-98.
By Councilmen Westbrook, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing and rehabilitating roofs, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of repairing and rehabilitating roofs, for the various divisions of the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 22536.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 619-98.
By Councilmen Jackson, Willis, Patmon, Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXIV Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree

planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or

components may be the subject of a separate contract upon a unit basis.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component

part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in the Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Director of Public Service is hereby authorized and directed to make a written contract in accordance with the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstruct-

ing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and

Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work during the period ending December 31, 1999, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with

the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest

responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 1999, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering 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 prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services shall be made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SF 021, 14 SF 022, 14 SF 023 and 14 SF 024.

Section 34. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 622-98.

By Councilman Polensek,

An ordinance to amend Section 1 of Ordinance No. 2106-97 passed February 9, 1998 relating to changing the Use and Height Districts of lands between South Waterloo Road, N.E. and the New York Central Railroad and between Neff Road, N.E. and East 200 Street. (Map Change No. 1966, Sheet No. 7)

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

Section 1. That Section 1 of Ordinance No. 2106-97, passed February

9, 1998 is hereby amended to read as follows:

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of the center line of Neff Road, N.E. and the center line of South Waterloo Road, N.E.; thence northeasterly along said center line of South Waterloo Road, N.E. to the center line of East 200 Street; thence southeasterly along said center line of East 200 Street to the northwesterly right-of-way line of the New York Central Railroad; thence southwesterly along said northwesterly right-of-way line of said New York Central Railroad and the southwesterly extension thereof to the center line of Neff Road, N.E., thence northwesterly along said center line of Neff Road, N.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Local Retail Use District, and a '3' Height District.

Section 2. That existing Section 1 of Ordinance No. 2106-97, passed February 9, 1998, is hereby repealed.

Section 3. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1966, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the Office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 623-98.

By Councilman Rybka.

An ordinance to amend Section 1 of Ordinance No. 2107-97 passed February 9, 1998 relating to changing the Use Area of lands on the westerly side of East 78 Street between Aetna Road, S.E. and Osage Avenue, S.E. (Map Change No. 1964, Sheet No. 6)

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

Section 1. That Section 1 of Ordinance No. 2107-97, passed February 9, 1998 is hereby amended to read as follows:

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of the westerly extension of the southerly line of Sublot No. 17 in the Haight and Brown Subdivision as recorded in Volume 7, Page 9 of the Cuyahoga County Map Records and the center line of East 77 Street; thence northerly along said center line of East 77 Street to the center line of Aetna Road, S.E.; thence easterly along said center line of Aetna Road, S.E. to its intersection with the northerly prolongation of the easterly line of said Sublot No. 17; thence southerly along said northerly prolongation of said easterly line of said Sublot No. 17 and along its southerly extension to its intersection with a line located one hundred twenty six (126) feet north of the northerly line of Issler Court, S.E.; thence easterly along said line which is parallel to and one hundred twenty six (126) feet north of said northerly line of Issler Court, S.E.

and along its easterly extension to the center line of East 78 Street; thence southeasterly along said center line of East 78 Street to the center line of Osage Avenue, S.E.; thence westerly along said center line of Osage Avenue, S.E. to its intersection with the southerly extension of a line located approximately one hundred eighty (180) feet east of the easterly line of East 77 Street; thence northerly along said southerly extension and along said line which is parallel to and approximately one hundred eighty (180) feet east of said easterly line of East 77 Street to its intersection with a line located approximately sixty one and sixty three hundredths (61.63) feet north of the northerly line of Osage Avenue, S.E.; thence easterly along said line which is parallel to and approximately sixty one and sixty three hundredths (61.63) feet north of said northerly line of Osage Avenue, S.E. to its intersection with a line located approximately one hundred ninety seven and seven tenths (197.7) feet east of said easterly line of East 77 Street; thence northerly along said line which is parallel to and approximately one hundred ninety seven and seven tenths (197.7) feet east of said easterly line of East 77 Street and along its northerly extension to the center line of Issler Court, S.E.; thence easterly along said center line of Issler Court, S.E. to its intersection with the southerly extension of a line located approximately two hundred seven and eleven hundredths (207.11) feet east of said easterly line of East 77 Street; thence northerly along said southerly extension and along said line which is parallel to and approximately two hundred seven and eleven hundredths (207.11) feet east of said easterly line of East 77 Street to its intersection with said line located one hundred twenty six (126) feet north of the northerly line of Issler Court, S.E.; thence westerly along said line which is parallel to and one hundred twenty six (126) feet north of said northerly line of Issler Court, S.E. to its intersection with said line located one hundred (100) feet east of said easterly line of East 77 Street; thence northerly along said line which is parallel to and one hundred (100) feet east of said easterly line of East 77 Street to its intersection with said southerly line of said Sublot No. 17; thence westerly along said southerly line of said Sublot No. 17 to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry Use District.

Section 2. That existing Section 1 of Ordinance No. 2107-97, passed February 9, 1998, is hereby repealed.

Section 3. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1964, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed June 15, 1998.

Effective July 25, 1998.

Ord. No. 681-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 1998 Solid Waste Disposal 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 hereby authorized to apply for and accept a grant in the approximate amount of \$129,948 and such other funds as may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 1998 Solid Waste Disposal Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 681-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 684-98.

By Councilmen White, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located north of Cherry Street and east of East Boulevard, adjacent to Calvary Cemetery to the Catholic Cemeteries Association of the Diocese of Cleveland.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located north of Cherry Street and east of East Boulevard, adjacent to Calvary Cemetery; 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, it is hereby found and determined that the following described property is no longer needed for public use:

PARCEL "A"

Situated in the City of Garfield Heights, County of Cuyahoga and the State of Ohio and part of Sublot No. 44 in A. L. McCurdy's Allotment

of Original Lots Nos. 484 and 485 and bounded and described as follows:

Beginning on the Northerly line of Cherry Street (40 feet wide) at a point distant 12.79 feet from the Westerly line of Sublot No. 44;

Thence North 66° 13' 55" West along the Northerly line of Cherry Street, a distance of 12.79 feet to the Westerly line of Sublot No. 44;

Thence North 3° 25' 25" East along the Westerly line of Sublot No. 44, a distance of 813.27 feet to a point on the Northerly line of Original One Hundred Acre Lot No. 485, a distance of 80.29 feet from the Northwest corner of Original Lot No. 485;

Thence North 89° 23' 05" East, 357.78 feet to the Westerly line of land conveyed to the City of Cleveland by deed recorded in Volume 5666, Page 568 of Cuyahoga County Deed Records;

Thence South 3° 14' 00" West along said Westerly line, a distance of 280.00 feet to the Northeast corner of land conveyed to the Catholic Cemeteries Association as recorded in Volume 11632, Page 545 of Cuyahoga County Deed Records;

Thence South 62° 23' 45" West, a distance of 237.50 feet;

Thence South 85° 53' 50" West, a distance of 143.58 feet to the Northwesterly corner of Catholic Cemeteries Association as aforesaid;

Thence South 3° 25' 25" West and parallel to the Westerly line of Sublot No. 44, a distance of 421.70 feet to the Northerly line of Cherry Street and the place of beginning, containing 3.0645 acres of land, be the same more or less, but subject to all legal highways.

PARCEL "B"

Situated in the City of Garfield Heights, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lots Nos. 477 and 485 and further bounded and described as follows:

Beginning at a point in the Easterly line of East Boulevard (130 feet wide) at its intersection with the Northerly line of Sublot No. 341, as shown in the Cranwood Park Allotment No. 2 as recorded in Volume 78, Page 22 of Cuyahoga County Map Records;

Thence Southerly along the Easterly line of said East Boulevard, on the arc of a circle deflecting to the right 295.46 feet to a point in the Southerly line of Original Lot No. 477, which point is North 89° 23' 05" East, 420.02 feet from the Southwest corner of said Original Lot No. 477, said arc of a circle having a radius of 2020.56 feet and a chord which bears South 4° 24' 40" East, 295.20 feet;

Thence North 89° 23' 06" East along the Southerly line of said Original Lot No. 477, 17.90 feet to a point in the Northeast corner of land conveyed to the City of Cleveland by the Cranwood Estates Company by deed dated December 27, 1921, and recorded in Volume 2503, Page 270 of Cuyahoga County Deed Records;

Thence South 3° 14' 00" West along the Easterly line of said land conveyed to the City of Cleveland, and the Easterly line of land conveyed to Stella B. Wells by deed dated January 4, 1937, and recorded in Volume 4698, Page 583 of Cuyahoga County Deed Records, which line is also the Westerly line of lands now owned by The Cranwood Estates Company, 972.08 feet to the point in the Northeast corner of Cherry Street (40 feet wide), said point being also the Southeast corner of land conveyed to said Stella B. Wells;

Thence South 66° 13' 55" East along the Northeast corner of said Cherry Street, 128.14 feet to a point;

Thence North 3° 14' 00" East parallel with the Westerly line of lands now owned by The Cranwood Estates Company and 120.00 feet Easterly, measured at right angles therefrom, 586.66 feet to a point of curvature;

Thence along the arc of a circle deflecting to the left 317.51 feet to a point of tangency, said arc having a radius of 1039.49 feet and a chord which bears North 5° 31' 01" West, 316.28 feet.

Thence North 14° 16' 03" West, 125.89 feet to a point in the Southerly line of said Original Lot No. 477;

Thence continuing North 14° 16' 03" West, 303.11 feet to the place of beginning, and containing 2.5981 acres of land, be the same more or less, but subject to all legal highways, according to a survey by Andrew E. Rudy, Registered Surveyor No. 5531, January 1998.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Catholic Cemeteries Association of the Diocese of Cleveland at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require, and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Parks, Recreation and Properties is authorized to accept a purchase money mortgage to finance all or part of purchaser's acquisition cost.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 685-98.

By Councilmen Westbrook, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located south of Detroit Avenue between West Boulevard and Landon Avenue; and authorizing the Director of Parks, Recreation and Properties to execute an easement granting to the Ohio Department of Transportation certain easement rights to property located on Detroit Avenue at the northwest corner of Detroit Avenue and West Boulevard and declaring said easement rights no longer needed for public use.

Whereas, the Ohio Department of Transportation is planning to replace the existing bridge on Detroit Avenue over the GCRTA and Norfolk & Southern Railroad; and

Whereas, the Ohio Department of Transportation will require fee title to a portion of City-owned land for additional right-of-way along Detroit Avenue, and will also require an easement for public highway and road purposes; and

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located south of Detroit Avenue between West Boulevard and Landon Avenue; and

Whereas, the Ohio Department of Transportation has requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located on Detroit Avenue at the northwest corner of Detroit Avenue and West Boulevard; 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, it is hereby found and determined that the following described property is no longer needed for public use:

Fee Title to ODOT
Parcel No. 6WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and in Original Brooklyn Township Lot 12, Town 7, Range 13, and bounded and described as follows:

Being a parcel of land lying on the right side of the centerline of a survey made for the Department of Transportation, and recorded in Book _____, Page _____, of the records of Cuyahoga County and being located within the following described points in the boundary thereof:

Commencing at a stone monument found on the centerline of right-of-way of Detroit Avenue (66 feet wide), said monument being 8.67 feet left of centerline of construction station 20+50.52, as shown on the CUY-6A-473 right-of-way plans on file with the Ohio Department of Transportation;

Thence along the centerline of right-of-way of Detroit Avenue, North 83° 57' 43" East, 46.77 feet;

Thence South 06° 02' 17" East, 33.00 feet to the intersection of the Southerly right-of-way line of Detroit Avenue with the Easterly right-of-way line of West Boulevard, said point being 24.33 feet right of centerline of construction station 20+97.29 as shown on the above mentioned CUY-6A-473 plans and the place of beginning of the herein described parcel;

Thence North 83° 57' 43" East, along the Southerly right-of-way line of Detroit Avenue, 399.91 feet to the Westerly right-of-way line of Landon Avenue;

Thence South 67° 37' 47" East, along the Westerly right-of-way line of Landon Avenue, 53.96 feet to a point 25.67 feet distant, by normal measurement, from the Southerly right-of-way line of Detroit Avenue.

Thence North 83° 57' 43" West, parallel with and 25.67 feet distant, by normal measurement, from the Southerly right-of-way line of Detroit Avenue, 450.21 feet to the Easterly right-of-way line of West Boulevard (60 feet wide);

Thence North 00° 16' 36" East, along the Easterly right-of-way line of West Boulevard, 25.83 feet to the place of beginning and containing 10,912 square feet of land.

This description was prepared in October, 1997 by Burgess & Niple, Ltd. under the direction of James A. Pezar, P.S. Ohio No. 7772 and is based on a survey made for the Ohio Department of Transportation in 1991 by Burgess & Niple, Ltd., under the direction of Steven N. Roessner, P.S. Ohio No. 7070.

Grantor claims title by deed record Volume 1042, Page 513.

The above described area is to be deleted out of the auditor's Permanent Parcel 001-29-062.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the Ohio Department of Transportation at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Parks, Recreation and Properties is authorized to accept a purchase money mortgage to finance all of part of purchaser's acquisition cost.

Section 5. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that an easement interest in the following described property is no longer needed for public use:

Easement
Parcel No. 4 (Highway)

Situated in Cuyahoga County, Ohio, Original Brooklyn Township Lot 12, Town 7, Range 13, further described as follows;

Being a parcel of land lying on the left side of the centerline of a survey made for the Ohio Department of Transportation, and recorded in Book _____, Page _____, of the records of Cuyahoga County and being located within the following described points in the boundary thereof:

Commencing at a stone monument found on the centerline of right-of-way of Detroit Avenue (66 feet wide), said monument being 8.67 feet left of centerline of construction station 20+50.52, as shown on the CUY-6A-4.73 right-of-way plans on file with the Ohio Department of Transportation;

Thence along the centerline of right-of-way of Detroit Avenue, North 83° 57' 43" East, 792.04 feet;

Thence North 06° 02' 17" West, 33.00 feet to the Southeastly corner of land described in deed to Daniel L. and Bonnie J. Roberts as recorded in Volume 94-03837, Page 53 of the Cuyahoga County Records, said point being 41.67 feet left of centerline of construction station 28+42.56 as shown on the above mentioned CUY-6A-4.73 plans and the place of beginning of the here-

in described parcel;

Thence North 35° 23' 30" West, along the Easterly line of of the above mentioned land of Daniel L. and Bonnie J. Roberts, 9.56 feet to a point 8.33 feet distant, by normal measurement, from the Northerly right-of-way line of Detroit Avenue;

Thence North 83° 57' 43" East, parallel with and 8.33 feet distant, by normal measurement, from the Northerly right-of-way line of Detroit Avenue, 76.53 feet to the Westerly right-of-way line of West Boulevard;

Thence along the Westerly right-of-way of West Boulevard, along the arc of a curve to the right, 24.93 feet to the Northerly right-of-way line of Detroit Avenue, said curve having a radius of 35.82 feet and a chord which bears South 64° 01' 29" West 24.43 feet;

Thence South 83° 57' 43" West, along the Northerly right-of-way line of Detroit Avenue, 48.89 feet to the place of beginning.

This description was prepared in July, 1997 by Burgess & Niple, Ltd. under the direction of James A. Pezar, P.S. Ohio No. 7772 and is based on a survey made for the Ohio Department of Transportation in 1991 by Burgess & Niple, Ltd., under the direction of Steven N. Roessner, P.S. Ohio No. 7070.

The above described land is part of Cuyahoga County Permanent Parcel 001-13-025.

Grantor claims title by instrument record in Volume 3279, Page 134.

It is understood that the strip of land above described contains 558 square feet, more or less, including the present road which occupies 0 square feet, more or less.

Said station being the station numbers as stipulated in the herebefore mentioned survey and as shown by plans on file in the Ohio Department of Transportation, Columbus, Ohio.

Section 6. That the easement shall be non-exclusive and the purpose of the easement shall be for public highway and road purposes on the north side of Detroit Avenue, west of West Boulevard.

Section 7. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described (non-exclusive) easement interest to the Ohio Department of Transportation at a price not less than fair market value as determined by the Board of Control.

Section 8. That the duration of the easement shall be perpetual; that the easement may include reasonable access rights; that the easement shall be assignable, that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 9. That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Parks, Recreation and Properties and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the road improvements within the property described in Section 5.

Section 10. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 686-98.

By Councilmen Britt, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10512 Shale Avenue to Kenneth Wayne Williams and Keyetta Latise Williams.

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). 128-07-004, as more fully described in Section 2 below, to Kenneth Wayne Williams and Keyetta Latise Williams.

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. 128-07-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 28 in the Bigelow Allotment or a part of Original One Hundred Acre Township Lot Nos. 425 and 426, as shown by the recorded plat in Volume 9 of Maps, Page 15 of Cuyahoga County Records, and being 50 feet front on the Southerly side of Shale Avenue, S.E., and extending back between parallel lines 126 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 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 693-98.

By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located east of 7510 Woodland Avenue; and authorizing the Director of Community Development to execute an easement granting to the Mt. Sinai Baptist Church certain easement rights to property located on Woodland Avenue and declaring said easement rights no longer needed for public use.

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and located east of 7510 Woodland Avenue, having Permanent Parcel Nos. 124-27-006, 124-17-008 and 124-17-009; and

Whereas, Mt. Sinai Baptist Church has requested the Director of Community Development to convey certain easement rights in property located on Woodland Avenue, having Permanent Parcel No. 124-17-007; 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, it is hereby found and determined that the following described property is no longer needed for public use:

Permanent Parcel 124-17-006
Easterly Part

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Number 144 and part of Otis Court S.E. (12.00 feet wide) now vacated, in the T.D. Crocker and Eliza P.O. Crocker Resubdivision of part of Original 100 Acre Lot Number 333, as shown by the recorded plat in Volume 26, Page 29 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at a stone monument found at the centerline of vacated East 76th Street (40.00 feet wide) and the Southerly line of Woodland

Avenue (80 feet wide);

Thence North 89° 50' 00" East, 90.00 feet along said Southerly line of Woodland Avenue to the principle place of beginning;

Thence North 89° 50' 00" East 30.00 feet, along said Southerly line of Woodland Avenue to the North-easterly corner of Sublot 144 of the said T.D. Crocker and Eliza P.O. Crocker Resubdivision;

Thence South 00° 00' 00" West, 157.00 feet, along the Easterly line of T.D. Crocker and Eliza P.O. Crocker Resubdivision to a point;

Thence South 89° 50' 00" West, 30.00 feet, to a point;

Thence North 00° 00' 00" East, 157.00 feet to the place of beginning containing 0.1081 acres of land according to a survey made by Bemba K. Jones, P.S. & Associates, Inc., #7343 in March 1998, be the same more or less, but subject to all legal highways.

Subject to an appurtenant easement for ingress and egress as follows:

An access easement over a strip of land 25 feet, wide containing an existing 17 foot wide asphalt driveway described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Number 333.

Beginning at a 5/8 inch iron pin found at the intersection of the Southerly line of Woodland Avenue (80 feet wide) with the Easterly line of East 75th Street (60 feet wide);

Thence North 89° 50' 00" East, 355.51 feet, along said Southerly line to a 5/8 inch iron pin found in the Northeasterly corner of land conveyed to the City of Cleveland by deed recorded in Volume 10932, Page 675 of Cuyahoga County Deed Records and the principal place of beginning;

Thence North 89° 50' 00" East, 25.00 feet, along said Southerly line to a point;

Thence South 00° 00' 00" West, 179.08 feet to a point;

Thence South 89° 50' 00" West, 25.00 feet to a point;

Thence North 00° 00' 00" East, 179.08 feet, to a 5/8 inch iron pin found and the place of beginning containing 0.1028 acres of land according to a survey by Bemba K. Jones, P.S. & Associates, Inc. #7343 in March, 1998.

Permanent Parcel 124-17-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Numbers 141 and 142 and part of Otis Court S.E. (12.00 feet wide) now vacated, in the T.D. Crocker and Eliza P.O. Crocker Resubdivision of part of Original 100 Acre Lot Number 333, as shown by the recorded plat in Volume 26, Page 29 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at a stone monument found at the centerline of vacated East 76th Street (40.00 feet wide) and the Southerly line of Woodland Avenue (80 feet wide);

Thence North 89° 50' 00" East, 120.00 feet along the Southerly line of Woodland Avenue to the North-easterly corner of Sublot 144 of the said T.D. Crocker and Eliza P.O. Crocker Resubdivision;

Thence South 00° 00' 00" West, 157.00 feet, along the Easterly line of T.D. Crocker and Eliza P.O. Crocker to the principle place of beginning;

Thence South 00° 00' 00" West, 66.00 feet, along said Easterly line to the Southeast corner of Sublot Number 141;

Thence South 89° 50' 00" West, 30.00 feet along the Southerly line of Sublot 141 to a point;

Thence North 00° 00' 00" East, 66.00 feet to a point;

Thence North 89° 50' 00" East, 30.00 feet to the place of beginning containing 0.0455 acres of land according to a survey made by Bemba K. Jones, P.S. Associates, Inc., #7343 in March, 1998 be the same more or less, but subject to all legal highways.

Permanent Parcel 124-17-009

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Numbers 138, 139 and 140, and part of Otis Court S.E. (12.00 feet wide) both now vacated, in the T.D. Crocker and Eliza P.O. Crocker Resubdivision of part of Original 100 Acre Lot Number 333, as shown by the recorded plat in Volume 26, Page 29 of Cuyahoga County Map Records, and together forming a parcel of land bounded and described as follows:

Beginning at a stone monument found at the centerline of said vacated East 76th Street and the Southerly line of Woodland Avenue (80 feet wide);

Thence North 89° 50' 00" East, 120.00 feet, along the Southerly line of Woodland Avenue to the North-easterly corner of Sublot 144 of the said T.D. Crocker and Eliza P.O. Crocker Resubdivision;

Thence South 00° 00' 00" West, 223.00 feet, along the Easterly line of T.D. Crocker and Eliza P.O. Crocker Resubdivision to the principle place of beginning;

Thence South 00° 00' 00" West, 90.00 feet along said Easterly line to the Southeast corner of Sublot 138;

Thence South 89° 50' 00" West, 30.00 feet along the Southerly line of Sublot 138 to a point;

Thence North 00° 00' 00" East, 90.00 feet to a point;

Thence North 89° 50' 00" East, 30.00 feet to the place of beginning containing 0.0620 acres of land according to a survey made by Bemba K. Jones, P.S. Associates, Inc., #7343 in March, 1998, be the same more or less, but subject to all legal highways;

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described properties to the Mt. Sinai Baptist Church at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Community Development is authorized to accept a purchase money mortgage to finance all of part of purchaser's acquisition cost.

Section 5. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and deter-

mined that an easement interest in the following described property is no longer needed for public use:

**EGRESS AND INGRESS
EASEMENT DESCRIPTION**

An access easement over a strip of land 25 feet, wide containing an existing 17 foot wide asphalt driveway described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot Number 333.

Beginning at a 5/8 inch iron pin found at the intersection of the Southerly line of Woodland Avenue (80 feet wide) with the Easterly line of East 75th Street (60 feet wide);

Thence North 89° 50' 00" East, 355.51 feet, along said Southerly line to a 5/8 inch iron pin found in the Northeasterly corner of land conveyed to the City of Cleveland by deed recorded in Volume 10932, Page 675 of Cuyahoga County Deed Records and the principal place of beginning;

Thence North 89° 50' 00" East, 25.00 feet, along said Southerly line to a point;

Thence South 00° 00' 00" West, 179.08 feet to a point;

Thence South 89° 50' 00" West, 25.00 feet to a point;

Thence North 00° 00' 00" East, 179.08 feet, to a 5/8 inch iron pin found and the place of beginning containing 0.1028 acres of land according to a survey by Bemba K. Jones, P.S. & Associates, Inc. #7343 in March, 1998.

Section 6. That the easement shall be non-exclusive and the purpose of the easement shall be for ingress and egress.

Section 7. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described (non-exclusive) easement interest to Mt. Sinai Baptist Church at a price not less than fair market value as determined by the Board of Control.

Section 8. That the duration of the easement shall be perpetual; that the easement may include reasonable access rights; that the easement shall be assignable; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 9. That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Community Development on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Community Development and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the road improvements within the property described in Section 5.

Section 10. 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 June 15, 1998.
Effective June 23, 1998.

**Ord. No. 694-98.
By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).**

An emergency ordinance to appropriate property for the redevelopment and/or rehabilitation of the blighted premises located at 1284 West 87th Street, Cleveland, Ohio.

Whereas, the Council of the City of Cleveland, by Resolution No. 2158-96, adopted December 16, 1996, declared the necessity and intention of appropriating the fee simple property interests herein described for the redevelopment and/or rehabilitation of the blighted premises located at 1284 West 87th Street, Cleveland, Ohio; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

Whereas, such acquisition, redevelopment and/or rehabilitation was determined to be a satisfactory method for the elimination of blight and the prevention of blight in the neighborhood surrounding the blighted premises located at 1284 West 87th Street; 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 1284 West 87th Street through acquisition, redevelopment and/or rehabilitation, the following described fee simple interests be and the same hereby are appropriated:

1284 West 87th Street
PPN: 001-09-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 24 in E. F. Davis and Henry Grombacher's Allotment of a part of Original Brooklyn Township Lots Nos. 11 and 12, as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 87th Street (formerly Mecca Street), and extending back 96.36 feet on the Northerly line, 96.37 feet 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 2. That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impeached to make inquiry into and assess the compensation to be paid for the fee simple interests hereinbefore described.

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 June 15, 1998.
Effective June 23, 1998.

**Ord. No. 695-98.
By Councilmen White, Jackson, Rybka and Johnson (by departmental request).**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8915 Cannon Avenue, S.E. to Charles Maczko.

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). 133-28-080, as more fully described in Section 2 below, to Charles Maczko.

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. 133-28-080

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 55 feet of Sublot Nos. 100 and 101 in Justus Hamilton's Subdivision of part of Original One Hundred Acre Lot Nos. 455 and 456, as shown by the recorded plat in Volume 2 of Maps, Page 35 of Cuyahoga County Records, together forming a parcel of land 55 feet front on the Northerly side of Cannon Avenue, S.E. and extending back between parallel lines 112.17 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.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 745-98.**By Councilmen Moran and Gordon (by request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland Metroparks on behalf of The Cleveland Zoo to encroach into the public rights-of-way at various locations in Wards 15 and Ward 16 by installing and/or replacing approximately fifty-six (56) double-sided banners to promote the Zoo's exhibits and attractions.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Cleveland Metroparks, 4101 Fulton Parkway, Cleveland, Ohio 44144, on behalf of the Cleveland Zoo; its successors and assigns, for the construction, use and maintenance of approximately fifty-six double-sided banners to be placed on Cleveland Public Power Utility Poles (by separate permit) which will encroach into the public rights-of-way in portions of Wards 15 and 16, and are more fully described as follows:

BANNER LOCATIONS IN WARDS 15 & 16 TO BE HUNG ON UTILITY POLES:

<u>ADDRESS/LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
<u>(5-Poles - FULTON RD. @ I-71</u>		
1st Pole N. of Ramp (W)	A541	CPP
1st Pole N. of Bridge (E)	No Number	CPP
1st Pole N. of Bridge (W)	No Number	CPP
On Bridge Sly. End (W)	A454	CPP
1st Pole S. of I-71 (E)	No Number	CPP
<u>(9-Poles) - FULTON ROAD BRIDGE (W)</u>		
No Pole Numbers on any of these poles.		CPP
<u>(5-Poles) - CONTINUATION OF FULTON ROAD BRIDGE (W)</u>		
No Pole Numbers on any of these poles.		CPP
<u>(7-Poles) - FULTON PARKWAY BETWEEN MEMPHIS & BROOKSIDE DRIVE (E)</u>		
	#31022	CPP
	#31023	CPP
	#90M550	CPP
	#31025	CPP
	#31026	CPP
	#31027	CPP
	#31028	CPP
<u>(3 -Poles) - I-71 @ PEARL ROAD</u>		
S.W. Corner Ramp, N. End (W)	No Number	CPP
S.W. Corner Ramp, S. End (W)	V I 9	CPP
N.W. Corner Ramp, S. End (W)	No Number	CPP
<u>(2-Poles)</u>		
DENISON - N.W. Corner	No Number	CPP
PEARL - S.W. Corner	No Number	CPP
<u>(6-Poles) - ON PEARL ROAD BRIDGE (WEST SIDE)</u>		
	3A01	CPP
	3A02	CPP
	3A03	CPP
	3A04	CPP
	1A06	CPP
	1A04	CPP
<u>(2-Poles) - PEARL ROAD</u>		
1st Pole S. of Garden Blvd. (E)	VOM286	CPP
3rd Pole N. of Selzer (E)	No Number	CPP
<u>(1-Pole) - BROADVIEW AT PEARL RD. S.E. CORNER</u>		
	9M-1-33	CPP
<u>(2-Poles) - STATE ROAD</u>		
3rd Pole N. of Columbus Rd. (E)	31314	CPP
1st Pole N. of I-480 Ramp (W)	No Number	CPP
<u>(1-Pole)</u>		
1st Pole N. of Silverdale (E)	No Number	CPP

Section 2. That said banners will be hung within the public right-of-way of portions of Wards 15 and 16 as aforesaid, and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That nothing in this Ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1. of this Ordinance.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of that Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 746-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair and replace automotive, truck and construction equipment glass, including related mechanical repairs, for the Division of Motor Vehicle Maintenance, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and replace automotive, truck and construction equipment glass, including related mechanical repairs in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24133)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 752-98.

By Councilman Jones.
An emergency ordinance to vacate a portion of Dynes Avenue S.E. hereinafter described.

Whereas, on the 2nd day of June, 1997 the Council of the City of Cleveland adopted Resolution No. 975-97 declaring its intention to vacate a portion of Dynes Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 975-97 has been served upon the owners of all the property abutting Dynes Avenue S.E. affected by said Resolution, notifying the said property owners

of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of Dynes Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Dynes Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That all that portion of Dynes Avenue S.E. (50.00 feet wide) extending Westerly from the Westerly line of Lee Road S.E. (80.00 feet wide) to that portion of Dynes Avenue S.E. vacated by the Council of the City of Cleveland, by Ordinance Number 842-60, be the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Dynes Avenue S.E., herein provided by sending him a copy of this ordinance.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 753-98.

By Councilman Westbrook.
An emergency ordinance to vacate a portion of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court hereinafter described.

Whereas, on the 25th day of September, 1995 the Council of the City of Cleveland adopted Resolution No. 1261-95 declaring its intention to vacate a portion of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1261-95 has been served upon the owners of all the property abutting affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland, and

Whereas, this Council is satisfied that there is good cause for vacat-

ing portions of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That all that portion of WEST 61ST STREET (40.00 feet wide) extending Northerly 460.00 feet from the Northwesterly line of Walworth Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 62ND STREET (60.00 feet wide) extending Northerly 270.00 feet from the Northerly line of Sargent Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 63RD STREET A. (40.00 feet wide) extending Northerly 170.00 feet from the Northerly line of Sargent Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 63RD STREET B. (40.00 feet wide) extending Southerly from the Southerly line of Sargent Avenue S.W. (60.00 feet wide) to the Northerly end of that portion of West 63rd Street as vacated by Ordinance 1858-45, passed by Cleveland City Council on October 22, 1945. AND Being all that portion of WEST 64TH PLACE (10.00 feet wide) extending Southerly from the Southerly line of Sargent Avenue S.W. (60.00 feet wide) to the Northwesterly line of Walworth Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 66TH PLACE (30.00 feet wide) extending Southerly from the Southerly line of Elmer Court S.W. (30.00 feet wide) to its Southerly terminus. AND Being all that portion of SARGENT AVENUE S.W. (60.00 feet wide) extending Easterly from the Easterly line of West 65th Street (80.00 feet wide) to its Easterly terminus. AND Being all that portion of GORDON COURT S.W. (40.00 feet wide) extending Westerly from the Westerly line of West 65th Street (80.00 feet wide) to its Westerly terminus. AND Being all that portion of HEBER COURT S.W. (30.00 feet wide) extending Westerly from the Westerly line of West 65th Street (80.00 feet wide) to the Easterly line of West 66th Place (30.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment, and Division of Water Pollution Control equipment.

The description of easement is as follows:

That all that portion of WEST 61ST STREET (40.00 feet wide) extending Northerly 460.00 feet from the Northwesterly line of Walworth Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 62ND STREET (60.00 feet wide) extending Northerly 270.00 feet from the Northerly line of Sargent Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 63RD STREET A. (40.00 feet wide) extending Northerly 170.00 feet from the Northerly line of Sargent Avenue S.W. (60.00 feet wide). AND Being all that portion of WEST 63RD STREET B. (40.00 feet wide) extending Southerly from the Southerly line of Sargent Avenue

S.W. (60.00 feet wide) to the Northerly end of that portion of West 63rd Street as vacated by Ordinance 1858-45, passed by Cleveland City Council on October 22, 1945, AND Being all that portion of WEST 64TH PLACE (10.00 feet wide) extending Southerly from the Southerly line of Sargent Avenue S.W. (60.00 feet wide) to the Northwesterly line of Walworth Avenue S.W. (60.00 feet wide), AND Being all that portion of WEST 66TH PLACE (30.00 feet wide) extending Southerly from the Southerly line of Elmer Court S.W. (30.00 feet wide) to its Southerly terminus, AND Being all that portion of SARGENT AVENUE S.W. (60.00 feet wide) extending Easterly from the Easterly line of West 65th Street (80.00 feet wide) to its Easterly terminus, AND Being all that portion of GORDON COURT S.W. (40.00 feet wide) extending Westerly from the Westerly line of West 65th Street (80.00 feet wide) to its Westerly terminus, AND Being all that portion of HEBER COURT S.W. (30.00 feet wide) extending Westerly from the Westerly line of West 65th Street (80.00 feet wide) to the Easterly line of West 66th Place (30.00 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Light and Power, and the Commissioner of the Division of Water Pollution Control, of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court, herein provided by sending him a copy of this ordinance.

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.

Passed June 15, 1998.
Effective June 23, 1998.

Ord. No. 755-98.

By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing the sewer on Westchester Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing the sewer on Westchester Avenue, for the Division of Water Pollution Control, Department of Public Utilities, by

contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23026.

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.

Passed June 15, 1998.
Effective June 23, 1998.

Ord. No. 756-98.

By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing the sewer on Mayview Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing the sewer on Mayview Avenue, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23025.

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.

Passed June 15, 1998.
Effective June 23, 1998.

Ord. No. 757-98.

By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing the sewer on West 49th Street, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing the sewer on West 49th Street, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23027.

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.

Passed June 15, 1998.
Effective June 23, 1998.

Ord. No. 762-98.

By Councilmen Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of labor and materials to install two boilers at the West Side Market, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

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 167 of the Charter of the City of Cleveland, it is hereby deter-

mined to make the public improvement of labor and materials to install two boilers at the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No 67 SF 500, Request No. 20008.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 763-98.

By Councilmen Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7000 Carnegie Avenue to Atlas Management Corporation.

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 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). 118-23-126, as more fully described in Section 2 below, to Atlas Management Corporation.

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. 118-23-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of

Sublot Nos. 5 and 6 in an Allotment made by the Guardian Trust Company, Trustee, of part of Original One Hundred Acre Lot Nos. 335 and 338, as shown by the recorded plat in Volume 30 of Maps, Page 22 of Cuyahoga County Records, and together bounded and described as follows:

Beginning on the Southerly line of Carnegie Avenue, S.E., 2.8 feet East of the Northwest corner of said Sublot No. 6; thence Westerly along the Southerly line of Carnegie Avenue, S.E., 42 feet to the Easterly line of land conveyed by Gerhard A. Tenbusch and wife and recorded in Volume 1228, Page 336 of Cuyahoga County Records, and filed for record April 1, 1910, at 3:33 p.m. and being File No. 513792; thence Southerly along the Easterly line of land conveyed to John W. and Anne Janotas as aforesaid, 110 feet; thence Easterly parallel with the Southerly line of said Carnegie Avenue S.E., 42 feet; thence Northerly 110 feet 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 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 769-98.

By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1255 East 58th Street and 1241 East 61st Street to St. Clair Superior Coalition 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 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). 104-14-121 and 104-15-126, as more fully described in Section 2 below, to St. Clair Superior Coalition 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. 104-14-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 35 in the Marianna B. Sterling's Allotment of part of Original One Hundred Acre Lot No. 343 as shown by the recorded plat in Volume 4 of Maps, Page 10 of Cuyahoga County Records, and including 5 feet of an alley vacated in Plat 226 Page 93 recorded July 24, 1980 in accordance with the City of Cleveland Ordinance No. 977-80, and being 40 feet front on the Easterly side of East 58th Street (formerly Sherbrook Street), and extending back of equal width 130 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.

P. P. No. 104-15-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 12 in the John and Anna E. Schott Re-Subdivision of part of Original One Hundred Acre Lot No. 343, as shown by the recorded plat of said Re-Subdivision in Volume 22 of Maps, Page 22 of Cuyahoga County Records, and being 36 feet front on the Easterly side of East 61st Street and extending back of equal width 140 feet deep, 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 775-98.
By Councilmen Willis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12214 Ashbury Avenue to Gloria Hawkins.

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 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). 120-14-007, as more fully described in Section 2 below, to Gloria Hawkins.

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. 120-14-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in the Martin Dodge Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 17 of Maps, Page 16, of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Ashbury Avenue, N.E., and extending back of equal width 120 feet deep 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 818-98.
By Councilman Sweeney (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ms. Sandy Long to encroach into the public right-of-way of Justin Avenue S.W. with a fence to enclose her swimming pool.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Ms. Sandy Long who recently purchased the property at 4740 West 157th Street, Cleveland, Ohio 44135 (located next to Justin Avenue), her successors and assigns; for the construction, use and maintenance of a fence required by the Codified Ordinances of the City of Cleveland for Ms. Long's pre-existing swimming pool which encroaches into the public right-of-way of Justin Avenue S.W. at the location more fully described as follows:

**PROPOSED ENCROACHMENT
PERMIT FOR MS. SANDY LONG
@ 4740 W. 157 ST.**

Beginning on the Northerly line of Justin Avenue S.W. (50.00 feet wide), at a point about 150.00 feet West of the Westerly line of West 157th Street (50.00 feet wide); thence Southerly at right angles with the Northerly line of said Justin Avenue about 10.00 feet; thence Westerly and parallel with the Northerly line of said Justin Avenue about 60.00 feet; thence Northerly at right angles to the last described line 10.00 feet to the Northerly line of said Justin Avenue; thence Easterly along the Northerly line of said Justin Avenue about 60.00 feet to the place of beginning.

Section 2. That said fence will be placed within the public right-of-way as aforesaid in Section 1, and said fence will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued

only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 821-98.
By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2391 Tremont Street to Kevin and Kyle Dreyfuss-Wells.

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). 004-16-015, as more fully described in Section 2 below, to Kevin and Kyle Dreyfuss-Wells.

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. 004-16-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southeasterly 33 feet of the Northwesterly 36 feet of Sublot No. 91 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Northeasterly side of Tremont Street (formerly West 9th Street) and extending back between parallel lines 198 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 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 ordi-

nance, 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.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 822-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 23IV and Federal HOME grant funds, from the United States Government; 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 Community Development is hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SF 024, and Federal Home Program funds from Fund No. 13 SF 875, Request No. 23100, in the amount of \$6,603,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The Low Interest Loan and Grant Programs include Housing Emergency Loan Program (HELP), Repair-A-Home (RAH), Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair and Home Maintenance Assistance Program (HMAP).

Section 2. That the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under said programs and to

utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 823-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks 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 Community Development is hereby authorized to enter into a contract with various nonprofit development corporations to provide grants to small neighborhood based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

Section 2. That the aggregate cost of said contracts shall be in an amount not to exceed \$250,000.00, and shall be paid from Fund Nos. 14 SF 024, Request No. 23103.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 825-98.
By Councilmen Lewis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8913-15 and 8911 Blaine Avenue to Ronald Gibbs.

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). 107-16-042 and 107-16-043, as more fully described in Section 2 below, to Ronald Gibbs.

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. 107-16-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Western half of Sublot No. 40 in Ford and Holden's Allotment of part of Original One Hundred Acre Lot No 392, as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 25 feet front on the Northerly side of Blaine Avenue, N.E., (formerly Blaine Street), and extending back of equal width 122 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions, terms and conditions recorded and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records and in Miscellaneous Volume 111, Page 9 of Cuyahoga County Records.

Subject to restrictions of record and zoning ordinances, if any.

P.P. No. 107-16-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Ford and Holden's Allotment of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Blaine Avenue, N.E., and 122 feet deep, 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 826-98.

By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Thomas Platzar to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5800 Detroit Avenue, Cleveland, Ohio 44102.

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 hereby authorized to enter into a contract with Thomas Platzar to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5800 Detroit Avenue, Cleveland, Ohio 44102.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 826-98-A.

Section 3. That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 23344.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 827-98.

By Councilmen Coats, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13601-03 Ashburton Road, N.E., to Evelyn Moss.

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). 111-22-037, as more fully described in Section 2 below, to Evelyn Moss.

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. 111-22-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 393, in Schatzinger Consolidated Realty Company's Glenhaven Subdivision of part of Original One Hundred Acre Lot No. 359 as shown by the recorded plat in Volume 38 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Northeasterly side of Ashburton Road, N.E., and extending back of equal width 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Vendor's lien recited in Volume 13667, Page 395 of Cuyahoga County Records filed September 9, 1974.

Also subject to all 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 828-98.

By Councilmen Willis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11416-18 Hopkins Avenue to Lelia M. Hester.

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). 110-19-057, as more fully described in Section 2 below, to Lelia M. Hester.

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. 110-19-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in B. Carl Tremaine's Hopkins Avenue Allotment of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 60 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Southerly line of Hopkins Avenue, N.E., and extending back of equal width, 137.82 feet deep on the Westerly line, and 137.22 feet deep on the Easterly line, 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 830-98.

By Councilmen Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Harstone Properties, Inc. to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5102 and 5014 Fleet Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Harstone Properties, Inc. to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5102 and 5014 Fleet Avenue, Cleveland, Ohio 44105.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 830-98-A.

Section 3. That the costs of said contract shall not exceed Thirty Two Thousand Dollars (\$32,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24276.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

Section 7. That the Director of Law is hereby authorized to prepare

said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 859-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment with Delta Airlines, Inc., City Contract No. 30883, to provide for the deletion of certain space from the Lease, effective August 11, 1997, for the Division of Cleveland Hopkins International Airport, 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 hereby authorized to enter into an Amendment to Lease between the City and Delta Airlines, Inc. ("Lessee"), City Contract No. 30883, to delete from Lessee's right and obligation under the lease effective August 11, 1997, the following space: 1,000 square feet from the Holdroom.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the Amendment to the Lease herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 860-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an Assignment and Novation Agreement with Southwest Airlines and Air Canada to release Southwest Airlines from all duties and liabilities relative to certain support and operations space under City Contract No. 46540 and to substitute Southwest Airlines for Air Canada under the contract for use of such space at Cleveland Hopkins International Airport.

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 hereby authorized to enter into an Assignment and Nova-

tion Agreement with Southwest Airlines and Air Canada to assign all of Southwest Airline's rights, duties, and interests relative to the use of 1,013 square feet of office space behind the ticket counter, 439 square feet of ticket counter space, and 1,790 square feet of baggage make-up space (all, formerly Midway), City Contract No. 46540 ("Lease") to Air Canada and to bind Air Canada in the place of Southwest Airlines as if Air Canada were named in the original Lease with respect to such aforementioned space, and to release Southwest Airlines from any further duties or liabilities arising after the assignment of the Lease. Such assignment and novation shall be effective February 1, 1998.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 861-98.

By Councilman Jackson. An emergency ordinance to vacate a portion of Avrina Avenue S.E. hereinafter described.

Whereas, on the 16th day of July, 1997 the Council of the City of Cleveland adopted Resolution No. 1267-97 declaring its intention to vacate a portion of Avrina Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1267-97 has been served upon the owners of all the property abutting Avrina Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of May, 1998, the Board of Revision of Assessments approved the vacation of Avrina Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Avrina Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

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

Section 1. That all that portion of Avrina Avenue S.E., (60.00 feet wide) extending Easterly from the Easterly line of East 79th Street, (60.00 feet wide), to the Westerly line of East 80th Street (60.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment, and the Division of Water and Heat, and the Division of Fire equipment. The description of easement is as follows:

That portion of Avrina Avenue S.E., (60.00 feet wide) extending Easterly from the Easterly line of East 79th Street, (60.00 feet wide), to the Westerly line of East 80th Street (60.00 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with plans approved by the Commissioner of the Division of Light and Power, the Commissioner of Water and Heat, and the Division of Fire of the City of Cleveland, and payment of all pending charges.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Avrina Avenue S.E., herein provided by sending him a copy of this ordinance.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 862-98.

By Councilman Rybka.

An emergency ordinance to vacate a portion of Forman Avenue S.E. hereinafter described.

Whereas, on the 10th day of February, 1997 the Council of the City of Cleveland adopted Resolution No. 237-97 declaring its intention to vacate a portion of Forman Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 237-97 has been served upon the owners of all the property abutting Forman Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of May, 1998, the Board of Revision of Assessments approved the vacation of Forman Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Forman Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

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

Section 1. That all that portion of Forman Avenue S.E., (40.00 feet wide) from the Northeastly line of Broadway (60.00 feet wide), Northeastly to the Southwestly line of Aetna Road S.E. (40.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment, and the Division of Water Pollution Control equipment, and the Division of Fire. The description of easement is as follows:

That portion of Forman Avenue S.E., (40.00 feet wide), from the Northeastly line of Broadway (60.00 feet wide), Northeastly to the Southeastly line of Aetna Road S.E. (40.00 feet wide).

That no structures shall be hereafter erected on the premises

described in this easement except those constructed in accordance with the approval of, and in compliance with plans approved by the Commissioner of the Division of Light and Power, the Commissioner of Water Pollution Control of the City of Cleveland, and payment of all charges.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Forman Avenue S.E., herein provided by sending him a copy of this ordinance.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 864-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with City Year to perform community service work and to collaborate with various non-profit agencies.

Whereas, the Director of Parks, Recreation and Properties has found that the City Year Program is extremely beneficial and worthwhile to the residents of the City; 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 Parks, Recreation and Properties is hereby authorized to enter into contract with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$100,000, payable from Fund No. 01-70-04-0380, Request No. 22745, for a period of one year beginning June 1, 1998.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 865-98.

By Councilmen Rybka, Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Drop Die Forging & Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to expand its facilities and acquisition of machinery and equipment at 3097 East 61st Street located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and

described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Drop Die Forging & Company (the "Enterprise") has proposed to expand its facilities and to acquire machinery and equipment at its operation in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Drop Die Forging & Company for enterprise zone incentives on the basis that Drop Die Forging & Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Drop Die Forging & Company to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to expand its facilities at 3097 East 61st Street in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 865-98-A.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 908-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance to authorize (a) the issuance and sale of Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998, of the City of Cleveland under authority of Article XVIII of the Constitution of the State of Ohio for the purpose of paying costs of capital improvements to the Waterworks System, including the Refunding of Outstanding Revenue Bonds of the City issued for that purpose, those Revenue Bonds to be in an aggregate principal amount not to exceed \$155,000,000 with respect to bonds for new capital improvements and in an aggregate principal amount not to exceed \$200,000,000 with respect to refunding bonds (except, in each case, in the event that any Series I Bonds are to be offered at an Original Issue Discount), and to authorize the execution and delivery of a Ninth Supplemental Indenture Of Mortgage to secure the Series I Bonds; (b) to authorize the issuance of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 for the purpose of refunding certain Outstanding Revenue Bonds, to authorize the City to enter into an interest rate swap transaction with a notional amount not to exceed \$125,000,000 and the execution of interest swap agreements and other documents related thereto, and the execution and delivery of a supplemental indenture of mortgage to secure the Series 2002 Bonds; (c) to authorize the defeasance of certain Outstanding Revenue Bonds of the City issued for the Waterworks System from moneys available for such purpose in an aggregate amount not to exceed \$30,000,000 and the execution of a Defeasance Agreement and other documents related thereto; to provide for certain other matters; and declaring an emergency.

Whereas, the City of Cleveland, Ohio (the "Issuer"), a municipal corporation and political subdivision in and of the State of Ohio (the "State"), is authorized and empowered, pursuant to Article XVIII of the Constitution of the State and pursuant to the Charter of the Issuer, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to the Waterworks System as it may deem advisable; (c) to borrow money for the purpose of paying costs of such additions, extensions, improvements, replacements and alterations; (d) to issue for such purpose, as provided herein, additional bonds on a parity with bonds previously issued under and secured by the Mortgage described below, including refunding bonds to refund bonds previously issued under and secured by the Mortgage; and (e) to secure such additional bonds by a supplemental indenture of mortgage, including a pledge of and lien on the Net Revenues and Mortgaged

Properties, both as defined in the Mortgage; and

Whereas, by and pursuant to Ordinance No. 1103-A-77, duly passed July 25, 1977, (the "Bond Legislation"), and Resolution No. 2767-77, duly adopted October 31, 1977, this Council (the "Governing Body") authorized the issuance of Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, dated as of November 1, 1977 (the "Series A Bonds"), in the aggregate principal amount of \$80,000,000 for the purposes of refunding the Prior Revenue Bonds, refunding the Notes and paying Capital Costs, all as defined in the Bond Legislation; and

Whereas, the Bond Legislation provides in Section 6 thereof that the Issuer may issue additional revenue bonds on a parity with the Series A Bonds ("Parity Bonds"); and

Whereas, by and pursuant to Ordinance No. 872-83, duly passed April 18, 1983 (the "Series B Bond Legislation"), and Resolution No. 873-83, duly adopted April 18, 1983 (the "Series B Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series B, 1983 dated as of August 1, 1983 (the "Series B Bonds"), in the aggregate principal amount of \$50,000,000, for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 1455-85, duly passed June 17, 1985 (the "Series C Bond Legislation") and Resolution No. 1457-85, duly adopted June 17, 1985 (the "Series C Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series C, 1985, dated as of August 1, 1985 (the "Series C Bonds"), in the aggregate principal amount of \$57,500,000, for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 1171-86, duly passed June 9, 1986 (the "Series D Bond Legislation"), and Resolution No. 1172-86, duly adopted June 9, 1986 (the "Series D Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series D, 1986, dated as of October 15, 1986 (the "Series D Bonds"), in the aggregate principal amount of \$119,065,000, for the purpose of refunding certain of the then Outstanding Series B Bonds and Series C Bonds; and

Whereas, by and pursuant to Ordinance No. 651-87, duly passed on April 20, 1987 (the "Series E Bond Legislation"), and Resolution No. 665-87, duly adopted April 20, 1987 (the "Series E Bond Legislation"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series E, 1987, dated as of June 15, 1987 (the "Series E Bonds"), in the aggregate principal amount of \$153,315,000 for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 2802-91, duly passed January 27, 1992 (the "Series F Bond Legislation") and Resolution No. 168-92, duly adopted January 27, 1992 (the "Series F Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks

Improvement First Mortgage Revenue Bonds, Series F, 1992, dated as of March 1, 1992 (the "Series F Bonds"), in the aggregate principal amount of \$290,650,000, for the purpose of paying Capital Costs and refunding certain of the then Outstanding Series E Bonds; and

Whereas, by and pursuant to Ordinance No. 877-93, duly passed April 26, 1993 (the "Series G Bond Legislation") and Resolution No. 878-93 duly adopted April 26, 1993 (the "Series G Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series G, 1993, dated as of May 15, 1993 (the "Series G Bonds") in the aggregate principal amount of \$228,170,000 for the purpose of refunding certain designated maturities of the then Outstanding Series A Bonds, the Series D Bonds, the Series E Bonds and the Series F Bonds; and

Whereas, by and pursuant to Ordinance No. 2011-95, duly passed April 1, 1996 (the "Series H Bond Legislation") and Resolution No. 2049-95, duly adopted April 1, 1996 (the "Series H Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks Improvement and Refunding First Mortgage Revenue Bonds, Series H, 1996, dated as of May 1, 1996, in the aggregate principal amount of \$204,885,000, for the purpose of paying Capital Costs and refunding certain designated maturities of the then Outstanding Series E Bonds and Series F Bonds; and

Whereas, the Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds (there are no Outstanding Series B Bonds and no Outstanding Series C Bonds) are secured on a parity by an Indenture of Mortgage, dated as of November 1, 1977 (the "Original Mortgage"), between the Issuer and National City Bank, Cleveland, Ohio, as Trustee (the "Trustee"), as amended and supplemented by the First Supplemental Indenture of Mortgage, dated as of August 1, 1983 (the "First Supplemental Mortgage"), the Second Supplemental Indenture of Mortgage, dated as of August 1, 1985 (the "Second Supplemental Mortgage"), the Third Supplemental Indenture of Mortgage, dated as of October 15, 1986 (the "Third Supplemental Mortgage"), the Fourth Supplemental Indenture of Mortgage, dated as of June 15, 1987 (the "Fourth Supplemental Mortgage"), the Fifth Supplemental Indenture of Mortgage, dated as of March 1, 1992 (the "Fifth Supplemental Mortgage"), the Sixth Supplemental Indenture of Mortgage, dated as of May 1, 1993 (the "Sixth Supplemental Mortgage"), and the Seventh Supplemental Indenture of Mortgage, dated as of May 1, 1996 (the "Seventh Supplemental Mortgage"), each between the Issuer and the Trustee; and

Whereas, the Original Mortgage, as supplemented, may be amended as provided in Article XIII thereof, and this Governing Body has, pursuant to and in accordance with the Series H Bond Legislation, authorized the Trustee and the Issuer to execute an Eighth Supplemental Indenture of Mortgage in order to make the modifications to the Original Mortgage as set forth in the Amended and Restated Indenture described therein, upon the receipt

of the consent of the holders of not less than 66-2/3% in aggregate principal amount of the Revenue Bonds then Outstanding; and

Whereas, this Governing Body has determined that it is necessary to issue, sell and deliver additional revenue bonds constituting Parity Bonds in order to finance the costs of capital improvements to the Waterworks System and to refund certain Outstanding Revenue Bonds in order to reduce the total principal and interest payable on the Outstanding Revenue Bonds; and

Whereas, this Governing Body hereby determines to authorize the issuance, sale and delivery of such Parity Bonds, to be designated "Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998" (the "Series I Bonds") on the terms set forth herein; and

Whereas, this Governing Body hereby determines to authorize the issuance, sale and delivery of such Parity Bonds, to be designated "Waterworks Refunding Revenue Bonds, Series 2002" (the "Series 2002 Bonds") on the terms set forth herein; and

Whereas, this Governing Body has further determined that in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and to increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the proposed transaction it may be necessary for the Issuer to engage in an interest rate swap transaction, option contract or other similar agreement with a notional amount not to exceed \$125,000,000; and

Whereas, this Governing Body has further determined that it is necessary to defease certain of the Outstanding Revenue Bonds from monies which are currently available for such purpose in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt; and

Whereas, this Governing Body has further determined that the refundings provided for in this Ordinance will result in a reduction in the debt service charge payable by the Issuer; and

Whereas, this Ordinance constitutes an emergency measure, providing for the immediate preservation of the public property, health and safety, and for the further reason that this Ordinance is required to be immediately effective to permit the issuance and sale of the Series I Bonds which is necessary to enable the Issuer to enter into contracts for the improvement of, and to obtain debt service savings for the benefit of, its Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. All words and terms defined in the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental

Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage shall have the same meanings herein as therein unless otherwise defined herein or unless the context or use otherwise so indicates. In addition to the words and terms defined in the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage, the following words and terms as used in the Bond Proceedings, the Ninth Supplemental Mortgage (as hereinafter defined) and the Series I Bonds, and the Series 2002 Supplemental Mortgage (as hereinafter defined) and the Series 2002 Bonds shall have the following meanings, unless the context or use otherwise indicates:

"Amended and Restated Indenture" shall mean the Eighth Supplemental Indenture between the Issuer and the Trustee, providing for the amendment of the Original Mortgage, as supplemented, upon the receipt of the consent of the holders of 66-2/3% of the Revenue Bonds at the time Outstanding under the Original Mortgage.

"Book-entry form" or "book-entry system" means, with respect to the Revenue Bonds, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Revenue Bonds and Debt Service on the Revenue Bonds may be transferred only through a book-entry and (ii) physical Revenue Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as Bondholder, with the physical Revenue Bond certificates "mobilized" in the custody of the Depository, the Trustee, or the bond Registrar as custodian for the depository. The book-entry system is maintained by and is the responsibility of the Depository and not the Issuer or the Trustee. The book-entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book-entry) interests in the Bonds.

"Continuing Disclosure Agreement" means, with respect to the Series I Bonds, the agreement, dated as of the date of the Ninth Supplemental Mortgage, authorized by Section 20, and which, together with the agreements of the Issuer set forth in that Section, shall constitute the Continuing Disclosure Agreement made by the Issuer for the benefit of holders and beneficial owners of the Series I Bonds in accordance with the Rule, and with respect to the Series 2002 Bonds, the agreement, dated as of the date of the Series 2002 Supplemental Mortgage, authorized by Section 20, and which, together with the agreements of the Issuer set forth in that Section, shall constitute the Continuing Disclosure Agreement made by the Issuer for the benefit of holders and beneficial owners of the Series 2002 Bonds in accordance with the Rule.

"Defeasance Agent" means National City Bank, Cleveland, Ohio acting as Defeasance Agent under the Defeasance Agreement.

"Defeasance Agreement" means the Defeasance Agreement dated as of the date therein between the Issuer and the Defeasance Agent.

"Defeasance Fund" means the fund, including the account or

accounts therein, required to be maintained with the Defeasance Agent pursuant to the Defeasance Agreement.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book-entry system to record beneficial ownership of bonds or bond service charges, and to effect transfers of bonds, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Earliest Optional Redemption Date" shall mean, with respect to any Series I Bonds that are subject to optional redemption prior to maturity, the date specified in or pursuant to the Series I Resolution of Award as the first date on which those Series I Bonds may be optionally redeemed, provided that such date shall be no later than the date which is ten (10) years from the dated date of the Series I Bonds and with respect to any Series 2002 Bonds that are subject to optional redemption prior to maturity, the date specified in or pursuant to the Series 2002 Resolution of Award as the first date on which those Series 2002 Bonds may be optionally redeemed, provided that such date shall be no later than the date which is ten (10) years from the dated date of the Series 2002 Bonds.

"Interest Payment Dates" shall mean, with respect to the Series I Bonds, the first day of January and July in each year, commencing on such a date to be specified in or pursuant to the Series I Resolution of Award, occurring no later than one year after the date on which the Series I Bonds are delivered and paid for and with respect to the Series 2002 Bonds, the interest payment dates to be specified in or pursuant to the Series 2002 Resolution of Award, commencing on a date occurring no later than one year after the date on which the Series 2002 Bonds are delivered and paid for.

"Mandatory Redemption Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year specified in or pursuant to the Series I Resolution of Award in which Series I Term Bonds are to be redeemed with moneys deposited in the Bond Retirement Account for the payment of Sinking Fund Installments and with respect to the Series 2002 Bonds, the day in each year specified in or pursuant to the Series 2002 Resolution of Award in which Series 2002 Term Bonds are to be redeemed with moneys deposited in the Bond Retirement Account for the payment of Sinking Fund Installments.

"Maximum Interest Rate" shall mean, for purposes of its use in the definition of "Specified Interest Rates" herein, seven percent (7%).

"Mortgage" shall mean the Original Mortgage as supplemented and amended by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage and the Ninth Supplemental Mortgage, and as the same may be amended, supplemented or otherwise modified by any other Supplemental Indenture of Mortgage.

"Ninth Supplemental Mortgage" shall mean the Ninth Supplemental

Indenture of Mortgage between the Issuer and the Trustee, including the Series I and Series 2002 Bond Legislation as a part thereof.

"Original Mortgage" means the Indenture of Mortgage between the Issuer and the Trustee, dated as of November 1, 1977, including the Bond Legislation as a part thereof.

"Original Purchasers" shall mean, with respect to the Series I Bonds, Bear, Stearns & Co. Inc., SBK Brooks Investment Corporation, J.P. Morgan Securities Inc., Lehman Brothers, Key Capital Markets, Inc., A.G. Edwards & Sons, Inc., Artemis Capital Group, Inc., and Paine Webber Incorporated, provided that any purchaser may be deleted if such purchaser does not become a party to the Series I Bond Purchase Agreement, and with respect to the Series 2002 Bonds, Bear Stearns, & Co., Inc., SBK Brooks Investment Corporation, J.P. Morgan Securities Inc. and any additional purchasers as appointed in the Series 2002 Resolution of Award provided that any purchaser may be deleted if such purchaser does not become a party to the Series 2002 Bond Purchase Agreement.

"Parity Bonds" shall mean the Series D Bonds, the Series E Bonds, the Series F Bonds, the Series G Bonds, the Series H Bonds, the Series I Bonds, the Series 2002 Bonds and any other Outstanding Revenue Bonds authorized and issued pursuant to Section 6 of the Bond Legislation, in addition to and on a parity with the Series A Bonds.

"Principal Payment Dates" shall mean the Principal Retirement Dates, Term Maturity Dates and Mandatory Redemption Dates.

"Principal Retirement Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year in which Series I Serial Bonds are to be retired in accordance with their stated terms as specified in or pursuant to the Series I Resolution of Award, provided that no such Principal Retirement Date shall be later than thirty (30) years from the dated date of the Series I Bonds, and with respect to the Series 2002 Bonds, the day in each year in which Series 2002 Serial Bonds are to be retired in accordance with their stated terms as specified in or pursuant to the Series 2002 Resolution of Award, provided that no such Principal Retirement Date shall be later than thirty (30) years from the dated date of the Series 2002 Bonds.

"Principal Retirement Schedule" shall mean with respect to the Series I Bonds, the schedule of the principal amount of the Series I Bonds to be retired at their state maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date (any such mandatory redemption being in lieu of any such retirement at maturity), as specified in or pursuant to the Series I Resolution of Award and with respect to the Series 2002 Bonds, the schedule of the principal amount of the Series 2002 Bonds to be retired at their state maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date (any such mandatory redemption being in lieu of any such retirement at maturity), as specified in or pursuant to the Series 2002 Resolution of Award.

"Purchase Price" shall mean with respect to the Series I Bonds, the amount specified as such in or pursuant to the Series I Resolution of

Award provided that amount shall be not less than 97% of the amount determined by (i) subtracting from the aggregate principal amount of the Series I Bonds any original issue discount with respect to any Series I Bonds, plus (ii) any original issue premium with respect to any Series I Bonds, plus (iii) any accrued interest on the Series I Bonds from their date to the date of delivery of the Series I Bonds to the Original Purchasers, less (iv) the premium or other costs of any policy of municipal bond insurance purchased with respect to the Series I Bonds and with respect to the Series 2002 Bonds, the amount specified as such in or pursuant to the Series 2002 Resolution of Award provided that amount shall be not less than 97% of the amount determined by (i) subtracting from the aggregate principal amount of the Series 2002 Bonds any original issue discount with respect to any Series 2002 Bonds, plus (ii) any original issue premium with respect to any Series 2002 Bonds, plus (iii) any accrued interest on the Series 2002 Bonds from their date to the date of delivery of the Series 2002 Bonds to the Original Purchasers, less (iv) the premium or other costs of any policy of municipal bond insurance purchased with respect to the Series 2002 Bonds.

"Rebate Fund" means, with respect to the Series I Bonds, the Series I Account of the Rebate Fund established pursuant to Section 7 hereof and with respect to the Series 2002 Bonds, the Series 2002 Account of the Rebate Fund established pursuant to Section 13 hereof.

"Redemption Prices" shall mean, with respect to the Series I Bonds, the redemption prices, expressed as percentages of the principal amount of Series I Bonds to be so redeemed, at which the Issuer may elect to redeem Series I Bonds in accordance with Section 3.2 of the Mortgage, or at which the Issuer may be required to redeem Series I Bonds in accordance with Section 3.3 of the Mortgage, which redemption prices shall be determined in or pursuant to the Series I Resolution of Award, provided that no such redemption price shall exceed 105% or be less than 100% of the principal amount of the Series I Bonds to be so redeemed and with respect to the Series 2002 Bonds, the redemption prices, expressed as percentages of the principal amount of Series 2002 Bonds to be so redeemed, at which the Issuer may elect to redeem Series 2002 Bonds in accordance with Section 3.2 of the Mortgage, or at which the Issuer may be required to redeem Series I Bonds in accordance with Section 3.3 of the Mortgage, which redemption prices shall be determined in or pursuant to the Series 2002 Resolution of Award, provided that no such redemption price shall exceed 105% or be less than 100% of the principal amount of the Series 2002 Bonds to be so redeemed.

"Revenue Bonds" shall mean those Outstanding maturities of the Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds, Series H Bonds, the Series I Bonds and the Series 2002 Bonds authorized hereby and any other Parity Bonds at any time Outstanding.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Series Bond Legislation" shall mean the Series B Bond Legislation, the Series C Bond Legislation, the Series D Bond Legislation, the Series E Bond Legislation, the Series F Bond Legislation, the Series G Bond Legislation, the Series H Bond Legislation and the Series I and Series 2002 Bond Legislation and any other ordinance of the Governing Body authorizing the issuance of any Series of Parity Bonds, and comprising a part of the Supplemental Indenture of Mortgage securing such Series.

"Series 2002 Bond Purchase Agreement" shall mean the bond purchase agreement between the Issuer and the Original Purchasers approved pursuant to the Series 2002 Resolution of Award.

"Series 2002 Bonds" shall mean the Waterworks Refunding Revenue Bonds, Series 2002, authorized to be issued pursuant to Section 8 of the Series I and Series 2002 Bond Legislation.

"Series 2002 Certificate of Award" shall mean the certificate of award authorized pursuant to the Series 2002 Resolution of Award.

"Series 2002 Escrow Agent" means National City Bank, Cleveland, Ohio acting as escrow agent under the Series 2002 Escrow Agreement.

"Series 2002 Escrow Agreement" means the escrow agreement, dated as of the date of the Series 2002 Supplemental Mortgage, between the Issuer and the Trustee, in its capacity as Series 2002 Escrow Agent.

"Series 2002 Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Series 2002 Escrow Agent pursuant to the Series 2002 Escrow Agreement.

"Series 2002 Resolution of Award" shall mean the Resolution of Award, together with any Certificate of Award thereby authorized, adopted by this Governing Body in conjunction with and pursuant to the Series I and Series 2002 Bond Legislation, which Resolution alone specifies or which Resolution and any such Certificate of Award collectively specify such matters regarding the Series 2002 Bonds as are required to be specified therein pursuant to Section 9 of the Series I and Series 2002 Bond Legislation.

"Series 2002 Serial Bonds" shall mean those Series 2002 Bonds which are Serial Bonds, as specified in or pursuant to the Series 2002 Resolution of Award.

"Series 2002 Supplemental Mortgage" shall mean the Series 2002 Supplemental Indenture of Mortgage between the Issuer and the Trustee, including the Series I and Series 2002 Bond Legislation as a part thereof.

"Series 2002 Term Bonds" shall mean those Series 2002 Bonds which are Term Bonds, as specified in or pursuant to the Series 2002 Resolution of Award.

"Series I and Series 2002 Bond Legislation" shall mean this Ordinance, comprising a part of the Ninth Supplemental Mortgage and the Series 2002 Supplemental Mortgage.

"Series I Bond Purchase Agreement" shall mean the bond purchase agreement between the Issuer and the Original Purchasers approved pursuant to the Series I Resolution of Award.

"Series I Bonds" shall mean the Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998, authorized to be issued pur-

suant to Section 2 of the Series I and Series 2002 Bond Legislation.

"Series I Certificate of Award" shall mean the certificate of award authorized pursuant to the Series I Resolution of Award.

"Series I Escrow Agent" means National City Bank, Cleveland, Ohio acting as escrow agent under the Series I Escrow Agreement.

"Series I Escrow Agreement" means the escrow agreement, dated as of the date of the Ninth Supplemental Indenture, between the Issuer and the Trustee, in its capacity as Series I Escrow Agent.

"Series I Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Series I Escrow Agent pursuant to the Series I Escrow Agreement.

"Series I Resolution of Award" shall mean the Resolution of Award, together with any Certificate of Award thereby authorized, adopted by this Governing Body in conjunction with and pursuant to the Series I and Series 2002 Bond Legislation, which Resolution alone specifies or which Resolution and any such Series I Certificate of Award collectively specify such matters regarding the Series I Bonds as are required to be specified therein pursuant to Section 3 of the Series I and Series 2002 Bond Legislation.

"Series I Serial Bonds" shall mean those Series I Bonds which are Serial Bonds, as specified in or pursuant to the Series I Resolution of Award.

"Series I Term Bonds" shall mean those Series I Bonds which are Term Bonds, as specified in or pursuant to the Series I Resolution of Award.

"Sinking Fund Installment" shall mean, with respect to the Series I Bonds, as of any particular date of calculation, the amount, as specified in or pursuant to the Series I Resolution of Award, required to be paid by the Issuer on a particular Mandatory Redemption Date for the redemption of outstanding Series I Term Bonds which mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of any Series I Term Bond and with respect to the Series 2002 Bonds, as of any particular date of calculation, the amount, as specified in or pursuant to the Series 2002 Resolution of Award, required to be paid by the Issuer on a particular Mandatory Redemption Date for the redemption of outstanding Series 2002 Term Bonds which mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of any Series 2002 Term Bond.

"Specified Interest Rates" shall mean, with respect to the Series I Bonds, the rate or rates at which the Series I Bonds bear interest, expressed as a percentage of the principal amount thereof, which rate or rates shall be determined in or pursuant to the Series I Resolution of Award, provided that the yield (determined as provided under the Code) shall not exceed the Maximum Interest Rate and with respect to the Series 2002 Bonds, the rate or rates at which the Series 2002 Bonds bear interest, expressed as a percentage of the principal amount thereof, which rate or rates shall be determined in or pursuant to the Series 2002 Resolution of Award, provided that the yield (determined

as provided under the Code) shall not exceed the Maximum Interest Rate.

"Supplemental Indenture of Mortgage" shall mean the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (at such time as it becomes effective), the Ninth Supplemental Mortgage and the Series 2002 Supplemental Mortgage (at such time as it becomes effective), and any other indenture of mortgage, entered into pursuant to Article XIII of the Mortgage, amending, supplementing or otherwise modifying the Mortgage.

"Term Maturity Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year in which Series I Term Bonds are to be retired at their stated maturity as specified in or pursuant to the Series I Resolution of Award, provided that no such Term Maturity Date shall be later than thirty (30) years from the dated date of the Series I Bonds and with respect to the Series 2002 Bonds, the day in each year in which Series 2002 Term Bonds are to be retired at their stated maturity as specified in or pursuant to the Series 2002 Resolution of Award, provided that no such Term Maturity Date shall be later than thirty (30) years from the dated date of the Series 2002 Bonds.

Section 2. Authorization of the Series I Bonds. This Governing Body finds and determines that it is necessary and proper, and in the best interest of the Issuer to issue, and the Issuer shall issue, the Series I Bonds for the purpose of paying costs of capital improvements to the Waterworks System and refunding the Refunded Bonds (hereinafter defined), which Series I Bonds shall be in an aggregate principal amount to be determined in accordance with, and subject to the limits set forth, in Section 3 hereof. The Series I Bonds shall constitute Revenue Bonds and shall be payable and secured only as set forth in the Bond Legislation. The Series I Resolution of Award may specify that the Series I Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series I Bonds of all such series satisfy the requirements of the Bond Legislation and of the Series I and Series 2002 Bond Legislation as though all such Bonds were the same, single series. The Refunded Bonds shall be designated by the Issuer in the Series I Certificate of Award and shall consist of those Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be refunded (and thereby deemed no longer Outstanding for purposes of the Mortgage) with the proceeds of the Series I Bonds available therefor (the "Refunded Bonds"), the refunding of which Outstanding Revenue Bonds will enable the Issuer, in the judgment of the officer or officers signing the Series I Certificate of Award, to obtain net present value debt service savings with respect to the Revenue Bonds so refunded. The Refunded Bonds shall be called for redemption on the date or dates (the "Redemption Date" or "Redemption

Dates") specified in the Series I Certificate of Award. The Redemption Dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

Section 3. Award and Sale of Series I Bonds. The Series I Bonds shall be sold pursuant to and in the manner set forth in the Series I Resolution of Award, which shall award the Series I Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series I Bond Purchase Agreement, designate the Paying Agent for the Series I Bonds and determine, specify and set forth the following details with respect to the Series I Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

(a) the aggregate principal amount; provided that such amount shall not exceed \$155,000,000 with respect to Series I Bonds issued to fund capital improvements to the Waterworks System, and shall not exceed \$200,000,000 with respect to Series I Bonds issued to refund the Refunded Bonds, assuming in each case that the Series I Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but, if any of the Series I Bonds are to be initially offered to the public at an original issue discount (any such original discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of Series I Bonds hereby authorized, shall be increased over those amounts by an amount equal to the sum of the products obtained from multiplying the Original Issue Discount at which each Series I Bond is to be initially offered to the public, by the principal amount of the Series I Bond to be so offered;

(b) the date or dates of the Series I Bonds;

(c) the Purchase Price;

(d) whether any Series I Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series I Bonds;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date; and

(j) the Specified Interest Rates.

It is hereby determined that the Purchase Price, the Specified Interest Rates, and the other terms and details of the Series I Bonds as so determined within the limitations set forth in the Series I and Series 2002 Bond Legislation and as so specified and set forth in or pursuant to the Series I Resolution of Award will be in the best interest of the Issuer and consistent with all legal requirements.

Section 4. Application of Proceeds of Series I Bonds. From the proceeds of the sale of the Series I Bonds, there shall:

(a) be deposited to the credit of the Interest Account in the Debt Service Fund, the amount, if any,

received by the Issuer upon delivery of the Series I Bonds as accrued interest on any Series I Bonds from their dated date to the date of the delivery of and payment for the Series I Bonds;

(b) be deposited in a separate account to be established by the Issuer and designated the "Series I Bonds Costs of Issuance Account," which account shall be held by the Issuer in trust, and except as hereinafter provided, applied solely to the payment of the costs of issuing the Series I Bonds, the amount to be set forth as required for such purpose in the Series I Certificate of Award;

(c) be deposited to the credit of the Debt Service Reserve Fund, an amount equal to the amount required to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Reserve Requirement;

(d) be deposited to the credit of the Series I Escrow Fund established pursuant to the Series I Escrow Agreement, those proceeds to be applied in accordance with the Series I Escrow Agreement to refund the Refunded Bonds; and

(e) be deposited to the credit of an account to be established in the Construction Fund and designated the "Series 1998 Bond Proceeds Account" the balance of such proceeds.

Any proceeds of the Series I Bonds deposited to the Series I Bonds Costs of Issuance Account pursuant to this Section 4 and not expended for payment of costs of issuance of the Series I Bonds within ninety days after the date on which the Series I Bonds are delivered to and paid for by the Original Purchasers shall be paid to the Trustee for deposit to the Series 1998 Bond Proceeds Account of the Construction Fund.

Provision shall be made in the Ninth Supplemental Mortgage for the application of any amounts held in the funds and accounts established under the Mortgage and no longer required for the security of the Revenue Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances.

Section 5. Terms and Provisions Applicable to the Series I Bonds.

(a) Form; Exchange and Transfer. Notwithstanding anything to the contrary in the Original Mortgage, (i) all Series I Bonds shall be issued in fully registered form, (ii) no Series I Bonds shall be convertible into unregistered Revenue Bonds payable to bearer, and (iii) no Series I Bond shall be exchangeable for a Coupon Revenue Bond or Bonds. To the extent that Sections 2.3, 2.6 and 2.10 of the Original Mortgage permit fully registered Revenue Bonds to be converted into or exchanged for Revenue Bonds payable to bearer or coupon Revenue Bonds, those sections are hereby amended to prohibit Series I Bonds from being so converted or exchanged.

The Series I Bonds initially shall be delivered only in book-entry form and (i) shall be registered in the name of the Depository or its nominee, as registered owner and immobilized in the custody of the Depository, and (ii) as such shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without

further action by the Issue pursuant to the provisions of the Ninth Supplemental Mortgage permitting the Issuer to issue the Series I Bonds in the form of fully registered certificates in the event any Depository for the Series I Bonds ceases to serve as such and the Issuer declines or is unable to establish a book-entry system for the Series I Bonds with any other qualified Depository.

(b) Denominations and Dates. The Series I Bonds shall be issued in the form of a single Series I Bond for each maturity or mandatory sinking fund payment, in denominations of \$5,000 or any integral multiple thereof and shall be dated as of the date or dates specified in or pursuant to the Series I Resolution of Award. Each Series I Bond shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series I Bonds.

(c) Interest and Place of Payment. The Series I Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and Redemption Price, if any, of and the interest payable on each Series I Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Ninth Supplemental Mortgage, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Series I Serial Bonds shall mature on the Principal Retirement Dates, and the Series I Term Bonds shall mature on the Term Maturity Dates, as specified in or pursuant to the Series I Resolution of Award.

(e) Optional and Mandatory Redemption. The Series I Bonds may be subject to redemption prior to maturity at the option of the Issuer, if and to the extent so specified in or pursuant to the Series I Resolution of Award. Any Series I Bonds so determined to be subject to optional redemption and maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the Earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Prices specified in or pursuant to the Series I Resolution of Award and in accordance with the Mortgage. The Series I Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate amount of the Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as specified in or pursuant to the Series I Resolution of Award and in accordance with Sections 3.3, 3.5 and 3.6 of the Mortgage.

(f) Execution. The Series I Bonds shall be executed and sealed by the persons and in the manner set forth in Section 2.8 of the Mortgage.

(g) Numbering. The Series I Bonds shall be numbered from R98I-1 upward in order of authentication.

Section 6. Authorization of Ninth Supplemental Mortgage and Series I Escrow Agreement. In order to secure the payment of the principal of and the premium, if any, and

interest on the Series I Bonds by the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage and as further amended and supplemented pursuant to the authority of the Bond Legislation and this Series I and Series 2002 Bond Legislation, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Series I Bonds, a good and sufficient Ninth Supplemental Mortgage, approved as to form and correctness by the Director of Law, substantially in the form now on file with the Clerk, in File 908-98-A, with such changes therein or thereto not inconsistent with the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage and the Series I and Series 2002 Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Ninth Supplemental Mortgage by such officers. The Series I and Series 2002 Bond Legislation shall constitute a part of the Ninth Supplemental Mortgage, and National City Bank, Cleveland, Ohio, shall continue to serve as Trustee under the Mortgage and shall signify its acceptance of the duties and obligations of the Trustee under the Ninth Supplemental Mortgage by executing the Ninth Supplemental Mortgage. In addition, the First Supplemental Mortgage, on File with the Clerk in File No. 908-98-A, and the amendments to the Original Mortgage contained therein are hereby ratified and approved.

In order to cause the proceeds of the Series I Bonds deposited in the Series I Escrow Fund pursuant to Section 4 hereof to be invested as required under Section 12.2 of the Mortgage so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied in accordance with the terms thereof to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver a Series I Escrow Agreement between the Issuer and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series I Escrow Fund as a trust fund in the custody

of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein for the above-described purposes and further providing for the payment of the fees and expenses of the Trustee for the performance of its fiduciary duties as Series I Escrow Agent. The Series I Escrow Agreement shall provide for the redemption of those Refunded Bonds subject to redemption in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption at the earliest possible date including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Series I Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Series I Escrow Fund are of such maturities or redemption dates, and interest payment dates, and, bear such interest, as will be sufficient, together with any available moneys in the Series I Escrow Fund, for the payment of Debt Service on the Refunded Bonds.

Section 7. Rebate Fund; Series I Bonds. There is hereby established and ordered to be maintained a separate account (except when invested as provided in the Mortgage), designated the Series I Account, within the Rebate Fund established pursuant to the Series E Bond Legislation and held in the custody of the Trustee. Any provision hereof or of the Mortgage to the contrary notwithstanding, the Rebate Fund is not pledged to the payment of Debt Service, is not one of or part of any of the Funds, and is free and clear of the pledge or lien under the Mortgage. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to the Series I Account of the Rebate Fund shall be made as provided in the Ninth Supplemental Mortgage.

Section 8. Authorization of the Series 2002 Bonds. This Governing Body hereby authorizes the Issuer to issue the Series 2002 Bonds for the purpose of refunding the Current Refunded Bonds (hereinafter defined), which Series 2002 Bonds shall be in an aggregate principal amount to be determined in accordance with, and subject to the limits set forth, in Section 9 hereof. The Series 2002 Bonds shall constitute Revenue Bonds and shall be payable and secured only as set forth in the Bond Legislation. The Series 2002 Resolution of Award may specify that the Series 2002 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2002 Bonds of all such series satisfy

the requirements of the Bond Legislation and of the Series I and Series 2002 Bond Legislation as though all such Bonds were the same, single series. The Current Refunded Bonds shall be designated by the Issuer in the Series 2002 Certificate of Award and shall consist of those Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be refunded (and thereby deemed no longer Outstanding for purposes of the Mortgage) with the proceeds of the Series 2002 Bonds available therefor (the "Current Refunded Bonds"), the refunding of which Outstanding Revenue Bonds will enable the Issuer, in the judgment of the officer or officers signing the Series 2002 Certificate of Award, to obtain net present value debt service savings with respect to the Revenue Bonds so refunded. The Current Refunded Bonds shall be called for redemption on the date or dates (the "Redemption Date" or "Redemption Dates") specified in the Series 2002 Certificate of Award. The Redemption Dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

Section 9. Award and Sale of Series 2002 Bonds. The Series 2002 Bonds shall be sold pursuant to and in the manner set forth in the Series 2002 Resolution of Award, which shall award the Series 2002 Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series 2002 Bond Purchase Agreement, designate the Paying Agent for the Series 2002 Bonds and determine, specify and set forth the following details with respect to the Series 2002 Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

(a) the aggregate principal amount of the Series 2002 Bonds shall not exceed \$125,000,000, assuming that the Series 2002 Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but, if any of the Series 2002 Bonds are to be initially offered to the public at an original issue discount (any such original discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of Series 2002 Bonds hereby authorized, shall be increased over those amounts by an amount equal to the sum of the products obtained from multiplying the Original Issue Discount at which each Series 2002 Bond is to be initially offered to the public, by the principal amount of the Series 2002 Bond to be so offered;

(b) the date or dates of the Series 2002 Bonds;

(c) the Purchase Price;

(d) whether any Series 2002 Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series 2002 Bonds;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be

paid on any Mandatory Redemption Date; and

(j) the Specified Interest Rates.

It is hereby determined that the Purchase Price, the Specified Interest Rates, and the other terms and details of the Series 2002 Bonds as so determined within the limitations set forth in the Series I and Series 2002 Bond Legislation and as so specified and set forth in or pursuant to the Series 2002 Resolution of Award will be in the best interest of the Issuer and consistent with all legal requirements.

Section 10. Application of Proceeds of Series 2002 Bonds. From the proceeds of the sale of the Series 2002 Bonds, there shall:

(a) be deposited to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the Issuer upon delivery of the Series 2002 Bonds as accrued interest on any Series 2002 Bonds from their dated date to the date of the delivery of and payment for the Series 2002 Bonds;

(b) be deposited in a separate account to be established by the Issuer and designated the "Series 2002 Bonds Costs of Issuance Account," which account shall be held by the Issuer in trust, and except as hereinafter provided, applied solely to the payment of the costs of issuing the Series 2002 Bonds, the amount set forth as required for such purpose in the Series 2002 Certificate of Award;

(c) be deposited to the credit of the Debt Service Reserve Fund, an amount equal to the amount required to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Reserve Requirement; and

(d) be deposited to the credit of the Series 2002 Escrow Fund established pursuant to the Series 2002 Escrow Agreement, those proceeds to be applied in accordance with the Series 2002 Escrow Agreement to refund the Current Refunded Bonds.

Any proceeds of the Series 2002 Bonds deposited to the Series 2002 Bonds Costs of Issuance Account pursuant to this Section 10 and not expended for payment of costs of issuance of the Series 2002 Bonds within ninety days after the date on which the Series 2002 Bonds are delivered to and paid for by the Original Purchasers shall be paid to the Trustee for deposit to the Debt Service Fund.

Provision shall be made in the Series 2002 Supplemental Mortgage for the application of any amounts held in the funds and accounts established under the Mortgage and no longer required for the security of the Revenue Bonds as a result of the Current Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances.

Section 11. Terms and Provisions Applicable to the Series 2002 Bonds.

(a) Form; Exchange and Transfer. Notwithstanding anything to the contrary in the Original Mortgage, (i) all Series 2002 Bonds shall be issued in fully registered form, (ii) no Series 2002 Bonds shall be convertible into unregistered Revenue Bonds payable to bearer, and (iii) no Series 2002 Bond shall be exchangeable for a Coupon Revenue Bond or Bonds. To the extent that Sections 2.3, 2.6 and 2.10 of the Original Mortgage permit fully registered Revenue Bonds to be convert-

ed into or exchanged for Revenue Bonds payable to bearer or coupon Revenue Bonds, those sections are hereby amended to prohibit Series 2002 Bonds from being so converted or exchanged.

The Series 2002 Bonds initially shall be delivered only in book-entry form and (i) shall be registered in the name of the Depository or its nominee, as registered owner and immobilized in the custody of the Depository, and (ii) as such shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the Issuer pursuant to the provisions of the Series 2002 Supplemental Mortgage permitting the Issuer to issue the Series 2002 Bonds in the form of fully registered certificates in the event any Depository for the Series 2002 Bonds ceases to serve as such and the Issuer declines or is unable to establish a book-entry system for the Series 2002 Bonds with any other qualified Depository.

(b) Denominations and Dates. The Series 2002 Bonds shall be issued in the form of a single Series 2002 Bond for each maturity or mandatory sinking fund payment, in denominations of \$5,000 or any integral multiple thereof, or in any other denomination or integral multiple thereof permitted by the Mortgage, and shall be dated as of the date or dates specified in or pursuant to the Series 2002 Resolution of Award. Each Series 2002 Bond shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2002 Bonds.

(c) Interest and Place of Payment. The Series 2002 Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and Redemption Price, if any, of and the interest payable on each Series 2002 Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Series 2002 Supplemental Mortgage, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Series 2002 Serial Bonds shall mature on the Principal Retirement Dates, and the Series 2002 Term Bonds shall mature on the Term Maturity Dates, as specified in or pursuant to the Series 2002 Resolution of Award.

(e) Optional and Mandatory Redemption. The Series 2002 Bonds may be subject to redemption prior to maturity at the option of the Issuer, if and to the extent so specified in or pursuant to the Series 2002 Resolution of Award. Any Series 2002 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the Earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Prices specified in or pursuant to the Series 2002 Resolution of Award and in accordance with the Mortgage. The Series 2002 Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate

amount of the Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as specified in or pursuant to the Series 2002 Resolution of Award and in accordance with Sections 3.3, 3.5 and 3.6 of the Mortgage.

(f) Execution. The Series 2002 Bonds shall be executed and sealed by the persons and in the manner set forth in Section 2.8 of the Mortgage.

(g) Numbering. The Series 2002 Bonds shall be numbered from R02-1 upward in order of authentication.

Section 12. Authorization of Series 2002 Supplemental Mortgage and Series 2002 Escrow Agreement. In order to secure the payment of the principal of and the premium, if any, and interest on the Series 2002 Bonds by the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (if effective), the Ninth Supplemental Mortgage and as further amended and supplemented pursuant to the authority of the Bond Legislation and this Series I and Series 2002 Bond Legislation, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Series 2002 Bonds, a good and sufficient Series 2002 Supplemental Mortgage, approved as to form and correctness by the Director of Law, substantially in the form of the Ninth Supplemental Mortgage now on file with the Clerk in the File referenced in Section 6 hereof with such changes therein or thereto not inconsistent with the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (if effective), the Ninth Supplemental Mortgage and the Series I and Series 2002 Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 2002 Supplemental Mortgage by such officers. The Series I and Series 2002 Bond Legislation shall constitute a part of the Series 2002 Supplemental Mortgage, and National City Bank, Cleveland, Ohio, shall continue to serve as Trustee under the Mortgage and shall signify its acceptance of the duties and obligations of the Trustee under the Series 2002 Supplemental Mortgage by executing the Series 2002 Supplemental Mortgage.

In order to cause the proceeds of the Series 2002 Bonds deposited in the Series 2002 Escrow Fund pursuant to Section 10 hereof to be

invested as required under Section 12.2 of the Mortgage so that the Current Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied in accordance with the terms thereof to the payment of the principal of and interest and any redemption premium on the Current Refunded Bonds as and when due, to and including the Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver an Series 2002 Escrow Agreement between the Issuer and the Trustee as Series 2002 Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series 2002 Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein for the above-described purposes and further providing for the payment of the fees and expenses of the Trustee for the performance of its fiduciary duties as Series 2002 Escrow Agent. The Series 2002 Escrow Agreement shall provide for the redemption of those Current Refunded Bonds subject to redemption in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption at the earliest possible date including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Series 2002 Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Current Refunded Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Series 2002 Escrow Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in the Series 2002 Escrow Fund, for the payment of Debt Service on the Current Refunded Bonds.

Section 13. Rebate Fund; Series 2002 Bonds. There is hereby established and ordered to be maintained a separate account (except when invested as provided in the Mortgage), designated the Series 2002 Account, within the Rebate Fund established pursuant to the Series E Bond Legislation and held in the custody of the Trustee. Any provision hereof or of the Mortgage to the contrary notwithstanding, the Rebate Fund is not pledged to the payment of Debt Service, is not one of or part of any of the Funds, and is free and clear of the pledge or lien under the Mortgage. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and

deposits to the Series 2002 Account of the Rebate Fund shall be made as provided in the Series 2002 Supplemental Mortgage.

Section 14. Authorization for Interest Rate Swap Transaction, Option Contract or other Similar Agreement in Connection with the Series 2002 Bonds. Notwithstanding any of the limitations contained in Section 16 hereof with respect to Rate Exchange Agreements, the Director of Public Utilities and the Director of Finance are hereby authorized to enter into an interest rate swap transaction, option contract or other similar agreement with Bear, Stearns Co., Inc. or such affiliate thereof, or such other counterparty as shall be determined by the Director of Finance upon the advise of the City's Financial Advisor, in order to further reduce the cost of borrowing on the Issuer's outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the Series 2002 Bonds. Such interest rate swap, option contract or other similar agreement may be entered into in conjunction with an issuance of a series of Series 2002 Bonds or on a stand-alone basis without such issuance of Series 2002 Bonds. The notional amount for such interest rate swap transaction, option contract or other similar agreement shall not exceed \$125,000,000.

Section 15. Incorporation of Bond Legislation. It is understood and acknowledged that the Series I Bonds and Series 2002 Bonds are being issued pursuant to and in accordance with the terms of the Bond Legislation and of the Series I and Series 2002 Bond Legislation, and that the Series I Bonds and Series 2002 Bonds are subject to the terms and conditions of the Bond Legislation except to the extent that such terms and conditions are modified or amended by or pursuant to the Series I and Series 2002 Bond Legislation. All terms, conditions, covenants and warranties contained in the Bond Legislation, except as otherwise provided in or pursuant to the Series I and Series 2002 Bond Legislation, shall apply with like force and effect to the Series I Bonds and Series 2002 Bonds as if originally made in connection with the issuance thereof.

Section 16. Interest Rate Exchange Agreement. The Governing Body finds that by engaging in interest rate swap transactions, from time to time, the Issuer can, in effect, convert interest on all or a portion of the Revenue Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations from time to time and minimizing the risk of variations in its debt service costs. To permit the Issuer to have the flexibility to undertake such interest rate swap transactions and to establish the procedures for approving such transactions, this Governing Body authorizes the execution and delivery of an Interest Rate Exchange Agreement (the "Rate

Exchange Agreement") and any related agreements necessary for the consummation of the transactions contemplated by such Rate Exchange Agreement.

Upon the recommendation of the financial advisor of the Issuer to the Director of Finance that an interest rate swap transaction be undertaken by the Issuer, the Director of Finance may authorize such an interest rate swap transaction in accordance with the Rate Exchange Agreement; provided that (a) the maximum aggregate notional amount of interest rate swap transactions outstanding at any one time, net of offsetting interest rate swap transactions, shall not exceed an amount equal to the greater of (i) twenty percent of the aggregate outstanding principal amount of all Outstanding Revenue Bonds issued under the Mortgage, or (ii) such amount as will not result in a lowering of the ratings assigned to the Outstanding Revenue Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies and (b) the term of each interest rate swap transaction shall not exceed 30 years. The aggregate amount of all such rate interest swap transactions in effect as of any time shall be determined on a net basis; that is, where any such transaction is entered into to offset or reverse an earlier transaction, to the extent of the offsetting or reversing effect, the amounts of such offsetting or reversing interest rate swap transactions shall not be included in the aggregate total. The approval of each interest rate swap transaction by the Director of Finance shall be conclusively evidenced by the execution of the applicable interest rate swap transaction by the Director of Finance or any other person duly authorized by this Council to execute interest rate swap transactions.

The Issuer may pay any amounts due under the Rate Exchange Agreement and the interest rate swap transactions from the Net Revenues of the Waterworks System held in or for the credit of the Additions and Improvements Fund under the Original Mortgage, as supplemented, and any other available moneys of the Issuer permitted by law to be used for the purpose of making those payments. Nothing in the Rate Exchange Agreement or the interest rate swap transactions, however, shall be deemed to prohibit the Issuer from using, of its own volition, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms and conditions of or its obligations under the Rate Exchange Agreement or the interest rate swap transactions.

Anything in this Series I and Series 2002 Bond Legislation, the Rate Exchange Agreement or any interest rate swap transaction to the contrary notwithstanding, the obligation of the Issuer to make payments under the Rate Exchange Agreement and any interest rate swap transaction does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the Issuer, the State of Ohio or any other political subdivision thereof. Nothing herein gives any party to the Rate Exchange Agreement the right to have excises, ad valorem or other taxes levied by the Issuer or the State of Ohio

or by the taxing authority of any other political subdivision for the payment of any amounts due under the Rate Exchange Agreement and the interest rate swap transactions.

Section 17. Covenants of the Issuer. The Issuer, by issuance of the Series I Bonds, covenants and agrees with the Holders of the Series I Bonds, and by issuance of the Series 2002 Bonds, covenants and agrees with the Holders of the Series 2002 Bonds, that:

(a) The Issuer will use the proceeds of the Series I Bonds to pay costs of capital improvements to the Waterworks System, to retire the Refunded Bonds, and to pay costs relating to the issuance of the Series I Bonds.

(b) The Issuer will use the proceeds of the Series 2002 Bonds to retire the Current Refunded Bonds, and to pay costs relating to the issuance of the Series 2002 Bonds.

(c) The Clerk, or other appropriate officer of the Issuer, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Series I Bonds and Series 2002 Bonds, respectively, together with such information from the Issuer's records as is necessary to determine the regularity and validity of such issuance.

(d) The Issuer will, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of the Series I Bonds and the Series 2002 Bonds and Series I and Series 2002 Bond Legislation or as may be required by Section 13, Article XVIII of the Constitution of Ohio and the Charter of the Issuer and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(e) The Issuer will observe and perform all its agreements and obligations provided for in the Series I Bonds and the Series 2002 Bonds, the Mortgage or the Series I and Series 2002 Bond Legislation. All of the obligations under the Series I and Series 2002 Bond Legislation and the Ninth Supplemental Mortgage and Series 2002 Supplemental Mortgage are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the Issuer within the meaning of Section 2731.01, Ohio Revised Code.

(f) The Issuer will use, and will restrict the use and investment of, the proceeds of the Series I Bonds and Series 2002 Bonds in such manner and to such extent as may be necessary so that (a) the Series I Bonds and Series 2002 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(g) The Issuer hereby covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series I Bonds and Series 2002 Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions

that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Series I Bonds and Series 2002 Bonds to the respective governmental purposes of each borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Series I Bonds and Series 2002 Bonds is also made with respect to all issues for which any portion of the Debt Service is paid from proceeds of the Series I Bonds and Series 2002 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Series I Bonds and Series 2002 Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Series I Bonds and Series 2002 Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the Series I Bonds and the Series 2002 Bonds.

The Mayor, the Director of Finance or any other officer of the Issuer having responsibility for the issuance of the Series I Bonds and Series 2002 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Issuer with respect to the Series I Bonds and Series 2002 Bonds as the Issuer is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for, or available under, Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series I Bonds and Series 2002 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amounts or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer and (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Issuer, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series I Bonds and Series 2002 Bonds. The Director of Finance or any other officer or employee or consultant to the Issuer having responsibility with respect to the issuance of the Series I Bonds and the Series 2002 Bonds, alone or in conjunction with any other officer or employee or consultant of the Issuer, shall give one or more appropriate certificates of the Issuer for inclusion in the transcript of proceedings for the

Series I Bonds and the Series 2002 Bonds, respectively, setting forth the reasonable expectations of the Issuer regarding the amount and use of all the respective proceeds of the Series I Bonds and Series 2002 Bonds the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Series I Bonds and the Series 2002 Bonds, respectively.

Section 18. Authorization of Bond Rating and Credit Enhancement. If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the Series I Bonds or the Series 2002 Bonds by one or more nationally recognized rating agencies and for a credit enhancement facility (including, without limitation, a policy of municipal bond insurance) are necessary or desirable for marketing purposes, the Director of Finance, in his official capacity, is hereby authorized to prepare and submit any or all of those applications, to provide such information as may be required in support thereof and to provide further for the payment of the costs of such ratings or credit facility from funds to be appropriated for such purpose if and to the extent that such payment shall not be made by the Original Purchaser or provided for from the respective amounts deposited to the Series I Bonds Costs of Issuance Account established pursuant to Section 4 hereof or the Series 2002 Bonds Costs of Issuance Account established pursuant to Section 10, hereof, or from the Net Revenues of the Waterworks System.

Section 19. Defeasance: Defeasance Agreement. This Governing Body finds and determines that is necessary and proper, and in the best interest of the Issuer to defease the Defeased Bonds (hereinafter defined) from moneys currently available for such purpose in accordance with the Mortgage. The Defeased Bonds shall be designated by the Issuer in the Defeasance Agreement and shall consist of the Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be defeased with available moneys pursuant to the Mortgage and will enable the Issuer, in the judgment of the officer or officers signing the Defeasance Agreement to realize net present value debt service savings with respect to the Revenue Bonds so defeased, reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt. The Director of Finance is hereby authorized to deposit into the Defeasance Fund available monies in accordance with the Mortgage in an amount not to exceed \$30,000,000 determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause the moneys deposited into the Defeasance Fund to be invested as required under Section 12.2 of the Mortgage so that the Defeased Bonds are deemed paid and discharged, and in order to cause the amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the Defeased Bonds, as and when due to and including the

Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make execute, acknowledge and deliver a Defeasance Agreement approved as to form and correctness by the Director of Law, providing for the establishment of the Defeasance Fund as a trust fund in the custody of the Defeasance Agent and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the payment to the Defeasance Agent of fees and expenses for its performance of its fiduciary duties as Defeasance Agent on behalf of the Issuer. The officers executing the Defeasance Agreement on behalf of the Issuer shall determine that such Defeasance Agreement satisfies the requirements of this Section 19 which determination shall be conclusively evidenced by the execution of the Defeasance Agreement by such officers. The Defeasance Agreement shall provide for the redemption of those Defeased Bonds in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption, including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Defeasance Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the defeasance of the Defeased Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Defeasance Fund are of such maturities or redemption dates, and interest payment dates, and, bear such interest, as will be sufficient, together with any available moneys in the Defeasance Fund, for the payment of Debt Service on the Defeased Bonds.

Section 20. Continuing Disclosure Agreement. In compliance with SEC Rule 15c2-12, the Issuer shall enter into a Continuing Disclosure Agreement with the Trustee, which shall be approved as to form and correctness by the Director of Law. In the Continuing Disclosure Agreement, the Issuer shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any State information depository, the annual financial information and operating data and notices of specified events required by that Rule, as more particularly described in the Continuing Disclosure Agreement. The Mayor, Director of Finance, Director of Public Utilities, Director of Law and other appropriate officers of the Issuer are authorized and directed to execute, acknowledge and deliver in the

name, and on behalf of the Issuer, such agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The Issuer understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the Series I Bonds and the Series 2002 Bonds, including holders of book-entry interests in those Bonds.

Section 21. Consulting Engineer, Document Transmission Services and Financial Advisor. The Director of Public Utilities and the Director of Finance of the City, should they so determine, are hereby authorized to select a consulting engineer and contract with a provider of web site document transmission services in connection with the issuance of the Series I Bonds and the issuance of the Series 2002 Bonds on terms agreed upon by the Director of Public Utilities and Director of Finance, and to pay the cost of such services from the proceeds of the Series I Bonds or the Series 2002 Bonds, as applicable.

The Director of Public Utilities and Director of Finance of the City are hereby authorized to retain the services of Carmona Motley Hoffmann, Inc. as the City's Financial Advisor in connection with the issuance of the Series I Bonds and the Series 2002 Bonds on the terms agreed upon by the Director of Public Utilities and Director of Finance and to pay the cost of such services from the proceeds of the Series I Bonds and the Series 2002 Bonds, as applicable.

Section 22. Authorization of Other Documents. To provide for the issuance and sale of the Series I Bonds and the Series 2002 Bonds and the consummation of the transactions contemplated hereby, the Mayor, the Director of Finance, the Director of Utilities or any one of them are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the Issuer, a letter agreement with the Depository generally relating to the book-entry system. The Mayor, the Director of Finance, the Director of Utilities, the Director of Law and the Clerk of the Governing Body, and such other officers of the Issuer as may be appropriate, are authorized and directed to furnish, execute, and deliver such documents, certifications and instruments as may be necessary or appropriate to issue the Series I Bonds and the Series 2002 Bonds and to consummate the transactions contemplated herein and in the Mortgage, the Bond Purchase Agreement, the Escrow Agreements, the Defeasance Agreement, the swap agreement, option contract or other similar agreement authorized pursuant to Section 14 and, if any, the Rate Exchange Agreement.

Section 23. Open Meeting Determination. It is found and determined that all formal actions of this Governing Body concerning and relating to the adoption of this Series I and Series 2002 Bond Legislation were adopted in an open meeting of this Governing Body, and that all deliberations of this Governing Body, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 24. Findings and Recitals of Validity. The Issuer hereby determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Series I Bonds and the Series 2002 Bonds in order to make such bonds legal, valid and binding obligations of the Issuer have or will have happened or have or will have been done and performed in regular and due form as required by law and the Issuer's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Series I Bonds or their issuance. It is further found and determined, and is hereby represented and recited, that the provisions of the Issuer's Charter and the rules of this Governing Body have been fully complied with and that the Series I and Series 2002 Bond Legislation was adopted in conformity therewith.

Section 25. Severability. In case any section or provision of the Series I and Series 2002 Bond Legislation or in case any covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under the Series I and Series 2002 Bond Legislation, or any application thereof, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, or actions thereunder, such illegality or inoperability shall not affect the remainder thereof or any other section or provision of the Series I and Series 2002 Bond Legislation, or any other covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under the Series I and Series 2002 Bond Legislation, which shall at the time be construed and enforced as if such illegal, invalid or inoperable portion were not contained therein, nor shall such illegality, invalidity or inoperability or any application thereof affect any legal and valid and operable application thereof from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent from time to time permitted by law.

Section 26. Amended and Restated Indenture. Pursuant to the provisions of Section 13.2 of the Original Mortgage, which provides that the holders of 66-2/3% in aggregate principal amount of the Revenue Bonds then outstanding under the Original Mortgage, as supplemented, may consent to the execution by the Issuer and the Trustee of such supplemental indentures as shall be deemed necessary and desirable by the Issuer for the purpose of modifying, altering, amending, adding to or rescinding the terms or provisions contained in the Original Mortgage, as supplemented, the Issuer has pursuant to the Series H Bond Legislation previously determined to seek the amendment of the Original Mortgage and all Supplemental Indentures of Mortgage as provided in the Amended and Restated Indenture. Each holder of a Series H Bond has been deemed to have consented to such amendments and each holder of a Series I Bond and a Series 2002 Bond shall be deemed to consent to such amendments. Upon the

receipt of such other consents as are needed to achieve the required 66-2/3%, the Mortgage shall be amended and restated in its entirety as provided in the Amended and Restated Indenture. Prior to that date the Amended and Restated Indenture shall constitute a security agreement subject and subordinate to the Mortgage and the Revenue Bonds issued under the Mortgage as provided therein. The Issuer may authorize the issuance of obligations under the Amended and Restated Indenture that shall be subject and subordinate to the lien of the Mortgage. Pursuant to the Series H Bond Legislation the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, the Amended and Restated Indenture, approved as to form and correctness by the Director of Law, substantially in the form heretofore filed with the Clerk, in File 2011-95, with such changes therein or thereto that are not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Amended and Restated Indenture by such officers. National City Bank, Cleveland, Ohio, shall serve as Trustee under the Amended and Restated Indenture and shall signify its acceptance of the duties and obligations of the Trustee under the Amended and Restated Indenture by executing the Amended and Restated Indenture. Pursuant to the provisions of Section 18 of the Series H Bond Legislation, the following sections of Ordinance No. 1103-A-77 were amended and repealed, all as of the date provided in sub-section (c) below, as follows:

(a) Section 1 of Ordinance No. 1103-A-77 is amended to read in its entirety as follows:

"Bond Legislation" shall mean with respect to the Series A Bonds, this ordinance.

"1977 Indenture" means the Indenture of Mortgage, dated as of November 1, 1977, between the Issuer and the Trustee, as supplemented.

"Revenue Bonds" shall mean the Series A Bonds and any other bonds issued under the 1977 Indenture, as supplemented, on or prior to the effective date of the Amended and Restated Indenture, at any time outstanding.

"Series A Bonds" shall mean the Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, authorized to be issued pursuant to Section 5 hereof.

"Sinking Fund Installment" shall mean, with respect to the Series A Bonds, as of any particular date of calculation, the amount required to be paid by the City of Cleveland with respect to the Series A Bonds, and its lawful successors and assigns with respect to the waterworks system or any part thereof, on a particular future date for the retirement of Term Bonds, which mature after said future date, but does not include any amount payable by the City of Cleveland by reason only of the maturity of a Revenue Bond.

"Term Bonds" shall mean with respect to the Series A Bonds, those Series A Bonds, maturing on one principal maturity date and the principal of which is payable from fixed amounts provided to be deposited in each year for the payment of such principal on or prior to maturity.

(b) Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Ordinance No. 1103-A-77 are repealed.

(c) The amendment and repeals of said sections of Ordinance No. 1103-A-77 made by Section 18 of the Series H Bond Legislation and restated herein shall become effective upon the consent to the amendments of the Original Mortgage and all Supplemental Indentures of Mortgage provided in the Amended and Restated Indenture of the holders of 66-2/3% in aggregate principal amount of the Revenue Bonds then Outstanding under the Original Mortgage, as supplemented from time to time. The Director of Finance or Director of Law shall deliver to the Clerk of Council, for placement in the Clerk's file referenced in Section 6 of the Series H Bond Legislation and Section 6 hereof, written notice from the Trustee concerning the receipt by the Trustee of the consent of the required percentage of holders of the Revenue Bonds to those amendments and the effective date of that consent.

Section 27. Effective Date. This Series I and Series 2002 Bond Legislation is declared to be an emergency measure for the reasons set forth in the preambles of this Series I and Series 2002 Bond Legislation, which are made a part hereof, and, provided that this Series I and Series 2002 Bond Legislation receives the affirmative vote of two-thirds of all members elected to the Governing Body, 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 date allowed by law.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 911-98.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a First Amendment to Lease by Way of Concession, City Contract No. 48824, with APCOA, Inc.

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 the Department of Port Control is authorized to enter into a First Amendment to Lease by Way of Concession with APCOA, Inc., City Contract No. 48824, as follows: delete all references to the Department of Public Service as a contracting party; change the term for the East 9th Street Parking Facility to be five (5) years commencing upon the completion of construction of improvements; provide that the East 9th Street Facility shall consist of approximately 113 parking spaces; provide that all improvements made to the East 9th Street Parking Facility shall be amortized through to the expiration of the term of such facility; the estimated cost of capi-

tal improvements on the East 9th Street Facility is \$362,690; APCOA, Inc. ("Lessee") shall be responsible for the cost of all operating expenses and capital improvements.

Section 2. That the concession fees for the East 9th Street Parking Facility shall be \$3,000 the first year of the term and \$27,000 per year until the expiration of the term. Lessee shall give hiring preference to City residents and hiring shall be done through the City's One Stop Job Shop.

Section 3. That APCOA, Inc. shall notify the City of any proposed subcontractors or partners. The Director of Port Control shall have prior approval of any subcontractors or partners and shall notify Council of any subcontractors or partners to be approved. APCOA, Inc. shall provide the City with conformed copies of any contracts with subcontractors or partners.

Section 4. That the First Amendment authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 912-98.
By Councilmen Coats and Johnson (by departmental request).
An emergency ordinance authorizing and directing the lease of hangar space for police aircraft and the purchase of aviation fuel, for the Division of Police, Department of Public Safety, for a period of one year, with a one year option to renew.

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 Safety is hereby authorized to lease aircraft hangar space, which may include the provision of ground handling service, and to purchase aviation fuel from the lessor, for the purpose of maintaining police aircraft. The selection of the hangar space shall be made by the Board of Control after canvass by the Director of Public Safety and may specify that the hangar space be located at Burke Lakefront Airport.

Section 2. That the term of the lease authorized by this ordinance shall be for a period of one year, upon execution of a contract, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year term, and cancellable upon thirty days written notice by said director.

Section 3. That the hangar space shall be leased at the fair market value as determined by the Board of Control.

Section 4. That said lease shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City.

Section 5. That the Director of Public Safety, and other appropriate City officials, are hereby authorized and directed to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That the cost of the lease authorized by this ordinance shall be paid from Fund No. 01-60-02-0641, Request No. 24382.

Section 7. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 913-98.
By Councilmen Britt, Cintron, Melena, Jackson, Rybka and Johnson (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at scattered sites to Cleveland Housing Network Limited Partnership XV.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the 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 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. 121-32-055 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XV.

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. 121-32-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the South-easterly 23 feet of Sublot No. 61 and the Northwesterly 10 feet of Sublot No. 62 in Graham-Scotfield's Allotment of part of Original One Hundred Acre Lots Nos. 418 and 419 as shown by the recorded plat in Volume 64 of Maps, Page 33 of Cuyahoga County Records, together forming a parcel of land 33 feet front on the Southwesterly side of Notre Dame Avenue (formerly Grafied Avenue, S.E.) and extending back

104.47 feet on the Southeasterly line, 104.48 feet on the Northwesterly line and having a rear line of 33 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 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. 121-32-056 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XV.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 121-32-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 16 feet, front to rear, of Sublot No. 60, and the Westerly 17 feet, front to rear, of Sublot No. 61 in Graham-Scofield's Allotment of part of Original One Hundred Acre Lots Nos. 418 and 419, as shown by the recorded plat in Volume 64 of Maps, Page 33 of Cuyahoga County Records, together forming a parcel of land 33 feet front on the Southerly side of Notre Dame Avenue (formerly known as Grafiel Avenue, S.E.) and extending back between parallel lines 104-48/100 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. 121-32-094 as more fully described in Section 6 below, Cleveland Housing Network Limited Partnership XV.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 121-32-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in the Heisley Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419, and 420, as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mount Overlook Avenue, S.E., (formerly Heisley Avenue) and extending back of equal width 104.65 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. 121-32-095 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XV.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 121-32-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in the Heisley Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419, and 420,

as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southerly side of Mount Overlook Avenue, S.E., (formerly Heisley Avenue) and extending back 104.65 feet on the Easterly line, 104.65 feet on the Westerly line, which is also the Easterly line of Mapleside Road, S.E., and having a rear lie of 40 feet, 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. 121-34-082 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XV.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 121-34-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 in the Heisley Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419 and 420 as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Mt. Overlook Avenue, S.E., (formerly Quincy Avenue, S.E.) and extending back between parallel lines 104 65/100 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. 002-27-052 as more fully described in Section 12 below, to Cleveland Housing Network Limited Partnership XV.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 002-27-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 173 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot Nos. 32, 48 and 49 as shown by the recorded plat in Volume 3 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lawn Avenue, and extending back equal width 125 feet to an alley in the rear, 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. 002-32-032 as more fully described in Section 14 below, Cleveland Housing Network Limited Partnership XV.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 002-32-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the

Southerly 10 feet of Sublot No. 48 and the Northerly 20 feet of Sublot No. 49 in N.M. Standart's Allotment of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 1 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Westerly side of West 57th Street, and extending back 114 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. 002-32-033 as more fully described in Section 16 below, Cleveland Housing Network Limited Partnership XV.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 002-32-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 20 feet front to rear of Sublot No. 49 and the Northerly 10 feet from front to rear of Sublot No. 50 in N. Standart's Subdivision of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 1 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of West 57th Street (formerly Scott Street), and extending back of equal width 114 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 006-06-030 as more fully described in Section 18 below, Cleveland Housing Network Limited Partnership XV.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 006-06-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 551 in John M. Hoyt's Subdivision of part of Original Brooklyn Township Lots 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 Northwesterly side of Colgate Avenue and extending back of equal width 126 feet to the Southerly side of Elton Court, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 006-10-072 as more fully described in Section 20 below, Cleveland Housing Network Limited Partnership XV.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 006-10-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots 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 Northerly side of Colgate Avenue, N.W. and extending back of equal width 126 feet deep to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

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. 109-12-135 as more fully described in Section 22 below, to Cleveland Housing Network Limited Partnership XV.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 109-12-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 143 in John W. Taylor and Company's "Douglas Park" Allotment of a part of Original One Hundred Acre Lot No. 370 in said City, said Sublot No. 143 has a frontage of 40 feet on the Southerly side of Earle Avenue, N.E., and extends back of equal width 108.04 feet deep on the Easterly line and 107.92 feet deep on the Westerly line, as per plat of said Allotment recorded in Volume 22 of Maps, Page 8 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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. 108-26-032 as more fully described in Section 24 below, to Cleveland Housing Network Limited Partnership XV.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P.P. No. 108-26-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in John W. Taylor and Company's Douglas Park Subdivision of part of Original One Hundred Acre Lot No. 370, as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 89 has a frontage of 40 feet on the Northerly side of Earle Avenue, N.E., and extends back between parallel lines 106-66/100 feet as appears by said plat.

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. 007-19-056 as more fully described in Section 26 below, to Cleveland Housing Network Limited Partnership XV.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 007-19-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly half of Sublot No. 311 in Hiram Stone's Addition of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 25 feet on the Southerly side of Wade Avenue, S.W., and extending back of equal width 132 feet to the Northerly side of Mill Court, S.W., as appears by said plat, 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. 007-19-057 as more fully described in Section 28 below, to Cleveland Housing Network Limited Partnership XV.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P.P. No. 007-19-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 80 feet of the Westerly 35 feet of Sublot No. 312 in Hiram Stone's Addition, being a Subdivision of part of Original Brooklyn Township Lot Nos. 53 and 68k as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Wade Avenue, S.W., and extending back of equal width 80 feet, as appears by said plat, 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. 007-19-119 as more fully described in Section 30 below, Cleveland Housing Network Limited Partnership XV.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P.P. No. 007-19-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as a Southwesterly part of Sublot No. 312 in the Hiram Stone Subdivision of part of Original Brooklyn Township Lot No 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records.

Said part of Sublot No. 312 has a frontage of 35 feet on the Northerly side of Mill Court (14 feet wide), extends back between parallel lines of 52 feet along the Westerly line of said Sublot No. 312, has a rear line of 35 feet parallel with and 80 feet Southerly from the Southerly side of Wade Avenue (60 feet wide), and contains 0.0418 Acres of land, be the same more or less, but subject to all legal highways.

Section 31. 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 32. 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 33. 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.

Section 34. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 917-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs.

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 hereby authorized to enter into contract with the following agencies to provide social service programs:

AACCESS-Ohio
A Cultural Exchange
Alta Social Settlement House
American Sickle Cell Anemia Association
Bellflower Center For Prevention of Child Abuse
Better Living Center
Boys and Girls Club (Broadway)
Boys and Girls Club (Mt. Pleasant)
Boys and Girls Club (West Side)
Brooklyn Memorial Community Youth Center
Brownettes Academy of Charm, Inc.
Catholic Charities Services Corporation/Cleveland Mediation Center
Catholic Charities Services Corporation/Hispanic Senior Center
Catholic Charities Services Corporation/Martin DePorres Center
Center for Families and Children
Center for the Prevention of Domestic Violence
Cleveland Women, Inc.
Collinwood Community Services Center-Elderly
Collinwood Community Services Center-Youth
Community Re-Entry-Youth
Community Re-Entry-Elderly
Community Socialization Program
Cornerstone Connections, Inc.
Cory Senior Citizens Program, Inc.
Custom Enrichment
Delta Tutoring and Nutrition Program, Inc.
East End Neighborhood House-Elderly

East End Neighborhood House-Youth
 EBC's Fery Development Corp.
 El Barrio
 Esperanza, Inc.
 Garden Valley Neighborhood House Glad Center, Inc.
 Golden Age Centers of Greater Cleveland, Inc.
 Golden Age Centers of Greater Cleveland, Inc. (Home-based Cleveland)
 Goodrich Gannett Neighborhood Center
 Greater Cleveland Neighborhood Centers Association-Elderly
 Greater Cleveland Neighborhood Centers Association/Schools as a Neighborhood Resource
 Guardian House Shelter aka. G.B.C.
 Harambee: Services to Black Families
 Harvard Community Services Center
 Hijos de Borinquen Spanish American Center
 Hunger Task Force d.b.a. Hunger Network
 Karamu House, Inc.
 Lexington Bell Community Center
 Marotta Montessori Schools of Cleveland
 Near West Multi-Service Center/May Dugan
 Merrick House, Inc.-GED
 Merrick House, Inc.-Youth
 Mum-Ford Visual Health Care, Inc.
 Neighborhood Counseling Service
 New Cleveland Food Basket
 Nottingham Youth Center, Inc.
 Old Brooklyn United Services Assn., Inc.
 Police Athletic League
 Phillis Wheatley Association, Inc.-Youth
 Senior Citizens Resources, Inc.-Elderly
 Senior Citizens Resources, Inc.-Transportation
 Senior Outreach Services
 Services For Independent Living, Inc.
 Spanish American Committee for a Better Community
 Starting Point a.k.a. Child Care Resource Center of Cuyahoga County
 Substance Abuse Initiative of Greater Cleveland
 The Chorale
 The Salvation Army (Meals)
 The Salvation Army (Youth)
 The Salvation Army (Tremont)
 Vietnamese Community in Greater Cleveland
 Vocational Guidance Services
 Werner Community Outreach, Inc.
 West Side Community House-Child Day Care
 West Side Community House-Elderly Meals
 West Side Multi-Service Corporation-Consortium
 West Side Ecumenical Ministry
 YMCA-Broadway
 YMCA-Downtown/West Side
 YMCA-Glenville
 YMCA-Midtown East
 YMCA-West Park
 Youth At Risk (Community Relations Board)

Section 2. That the City Departments implementing the Community Development Block Grant social service programs are hereby authorized to enter into contract with non-profit agencies providing social services.

Section 3. That the aggregate cost of the contracts authorized in Sections 1 and 2 of this ordinance shall be in an amount not to exceed \$2,500,000.00, and shall be paid from Fund No. 14 SF 024, Request No. 23109.

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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 918-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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 hereby authorized to expend funds and to enter into contracts with various housing development entities, or their designees, including those listed below, for the purpose of implementing the Housing Trust Fund Program:

Section 2. Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, redevelopment activities and financial assistance to homebuyers.

Section 3. That the cost of said contracts shall be in an amount not to exceed \$3,903,000.00, and shall be paid from Federal HOME Grant Fund No. 13 SF 875 and Community Development Block Grant Fund No. 14 SF 024, Request No. 23105.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 919-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation or construction of low income housing units.

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 hereby authorized to enter into contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of approximately seventy (70) rehabilitated units and thirty (30) new construction units of low income housing.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,000,000.00, and shall be paid from Fund Nos. 13 SF 875, Request No. 23106.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 920-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities.

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 hereby authorized to enter into contract with the following agencies to provide housing, commercial, industrial and real estate development activities:

City-wide Development Assistance Program

Cleveland Neighborhood Development Corporation
 Cleveland Restoration Society
 Cleveland Tenants Organization
 Hispanic Business Association
 Living in Cleveland Center
 Lutheran Housing Corporation:
 Tool Loan Program
 Lutheran Housing Corporation:
 Furnace Repair Program
 Neighborhood Housing Services of Cleveland, Inc.
 United Labor Agency

CDC Competitive Grant Program

Amistad Development Corporation
 Bellaire Puritas Development Corporation
 Broadway Area Housing Corporation
 Buckeye Area Development Corporation
 Burten, Bell, and Carr Development Corporation
 Clark Metro Development Corporation
 Collinwood Community Services Center/Collinwood Area Development Corporation
 Collinwood Village Development Corporation/Waterloo Trade Association
 Cudell Improvement, Inc.
 Detroit-Shoreway Community Development Organization
 Fairfax Renaissance Development Corporation
 Famicos Foundation
 Flats Oxbow Association
 Glenville Development Corporation
 Historic Gateway Development Corporation
 Historic Warehouse District Development Corporation
 Hough Area Partners in Progress, Inc.

Kamms Corner Development Corporation
 Midtown Corridor, Inc.
 Miles Ahead, Inc.
 Mt. Pleasant Now Development Corporation
 Nolasco Housing Corporation
 Northeast Shores Development Corporation
 Northeastern Neighborhood Development Corporation
 Ohio City Near West Development Corporation
 Old Brooklyn Community Development Corporation
 Shaker Square Development Corporation
 Slavic Village Broadway Development Corporation
 Southeast Improvement Association
 St. Clair-Superior Coalition
 Tremont West Development Corporation
 Union-Miles Development Corporation
 Westown Community Development Corporation

Section 2. That the cost of said contracts shall be in an amount not to exceed \$2,053,000.00, and shall be paid from Fund Nos. 14 SF 023, and 14 SF 024, Request No. 23110.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director is authorized to enter into 1-year contracts with the agencies listed in Section 1 of this ordinance. At the end of the 1-year contract term, the Director shall review all of the agencies listed herein to determine whether they are providing the City-wide and local services described in Section 4 of this ordinance.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 921-98.
 By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.

Whereas, this ordinance constitutes an emergency measure providing for the usually 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 hereby

authorized to enter into contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan in the amount of \$3,500,000.00 for the purchase, rehabilitation or construction of low income rental housing in the City of Cleveland.

Section 2. That the contract shall include the requirement that plans for all new housing construction be approved by the ward participating community development corporation (CDC) and that any changes to such plans must be approved by the CDC and the requirement that tenants for housing projects financed through the herein authorized loan shall be chosen from referrals by the CDC to Cleveland Housing Network, where such referrals are provided.

Section 3. That the terms of said loan shall be determined by the Director of Community Development in accordance with regulations, state and local law, and said Director is authorized to amend said terms from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 4. That the cost of said contract shall be paid from Fund No. 14 SF810, Request No. 23107.

Section 5. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of said loan. Any security instrument shall be approved by the Director of Law.

Section 6. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in the CDBG fund.

Section 7. That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from the CDBG fund.

Section 8. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction authorized hereunder.

Section 9. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 922-98.
 By Councilmen Willis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3191 Scranton Road and 2007 - 2009 Buhner Avenue to Mega Church.

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 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). 008-11-010 and 008-11-126, as more fully described in Section 2 below, to Mega Church.

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. 008-11-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 12 and 13 in Meyer and Curtiss' Subdivision of part of Original Brooklyn Township Lot No. 72 as shown by the recorded plat in Volume 4 of Maps, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of Scranton Road, S.W. being also the Westerly line of Sublot No. 13 at the Northwest corner of a parcel of land deeded to Kari H. and Emma Sommer, by deed dated August 23, 1908 and recorded in Volume 1095, Page 376 of Cuyahoga County Records; thence Easterly along said Sommer's Northerly line and said line produced Easterly to a point in a line which is a continuation Southerly of the Easterly line of a parcel of land conveyed to John J. and Mary E. Sommer, by deed dated January 5, 1903 and recorded in Volume 363, Page 394 of Cuyahoga County Records and deeded dated January 3, 1903, and recorded in Volume 372, Page 365 of Cuyahoga County Records; thence Northerly along said continuation of the Easterly line of John J. and Mary B. Sommer's land as aforesaid, to a point 6 feet Southerly from the South east corner of said John J. and Mary B. Sommer's land; thence Westerly along a line parallel with the Southerly line of John J. and Mary S. Sommer's land and 6 feet Southerly therefrom to the Easterly line of Scranton Road, S.W.; thence Southerly along the Easterly line of Scranton Road, about 54 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. 008-11-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 12, 13, and 14 in the Meyer and Curtiss Subdivision of part of Original Brooklyn Township Lot No. 72, as shown by the recorded plat in Volume 4, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Buhrer Avenue, S.W. 50 feet wide at the Northeastly corner of a parcel of land conveyed to Barbara C. Piteo by deed dated May 13, 1947 and recorded in Volume 6278, Page 209 of Cuyahoga County Records; thence Southerly 108.12 feet along the Easterly line of said Piteo's land and the Easterly line of a parcel of land conveyed to Steve and Katie Novak by deed dated, May 17, 1919 and recorded in Volume 2163, Page 452 of Cuyahoga County Records to the South-easterly corner of said Novak's land; thence Westerly 35.90 feet along the Southerly line of said Novak's land to the Northeastly corner of a parcel of land conveyed to August and Hanna Fisher by deed dated October 23, 1917 and recorded in Volume 1977, Page 21 of Cuyahoga County Records; thence Southerly 40.00 feet along the Easterly line of said Fisher's land to the Southwestly corner thereof, said point also being the Southerly line of Sublot No. 13; thence Easterly 89.77 feet along the Southerly line of Sublots Nos. 13 and 14 to the Southwestly corner of a parcel of land conveyed to Glenn C. and Julia K. Cline by deed dated March 25, 1951 and recorded in Volume 7233, Page 575 of Cuyahoga County Records; thence Northerly 61.82 feet along the Westerly line of said Cline's land to a point; thence Westerly 25.02 feet parallel with the Southerly line of Buhrer Avenue to a point; thence Northerly 7.30 feet parallel to said Cline's Westerly line to a point; thence Westerly 16.35 feet parallel with said Southerly line of Buhrer Avenue to a point; thence Northerly 79.00 feet parallel with said Cline's Westerly line to a point in said Southerly line of Buhrer Avenue; thence Westerly 9.50 feet along said Southerly line of Buhrer Avenue to the place of beginning.

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.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 925-98.
By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Economic and Community Development to enter into various agreements relating to the provision of economic development financial assistance for the rehabilitation and redevelopment of the Colonial and Euclid Arcades (the "Project"); authorizing the Mayor and/or the Director of Economic Development to apply for and accept loan and grant funds from the United States Department of Housing and Urban Development ("HUD") and to enter into agreements for the lending of such funds; authorizing the Commissioner of Purchases and Supplies to acquire title to certain property in the Euclid/Prospect Community Development Plan Area and to reconvey title to such property to those parties from whom it was acquired to effectuate the public purpose of the Plan and the Project; and authorizing the execution of various contracts, certifications, and other documents related thereto.

Whereas, the Euclid/Prospect Community Development Plan, approved and adopted by the Council of the City of Cleveland by Ordinance No. 2606-81, passed December 14, 1981 as amended by Ordinance No. 1766-87, passed November 16, 1987, and as further amended by Ordinance No. 2317-92, passed December 14, 1992, (the "Plan"), contemplates certain rehabilitation and/or redevelopment activities in the Euclid/Prospect Community Development Plan Area in accordance with the Plan; and

Whereas, Arcades Retail Garage, LLC has submitted a proposal for the rehabilitation and redevelopment of the properties commonly known as the Colonial and Euclid Arcades, which proposed redevelopment provides the best use and best carries out the intent of the Plan; and

Whereas, the acquisition, conveyance, and redevelopment of the Colonial and Euclid Arcades has been determined to be a satisfactory and desirable method for the elimination of blight and the prevention of the recurrence of blight in the Euclid/Prospect Community Development Plan Area; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that the authorization of agreements with Arcades Retail Garage, LLC is necessary so that steps can be undertaken immediately to eliminate conditions of blight and deterioration and to achieve a redevelopment which will prevent the recurrence of blight and deterioration in the Euclid/Prospect Community Development Plan Area; now, therefore,

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

Section 1. That proposal of Market Place Retail Limited Partnership (hereinafter the "Redeveloper") for the acquisition, conveyance, and redevelopment of the properties commonly known as the Colonial and Euclid Arcades in the Euclid/Prospect Community Development Plan Area is hereby approved.

Section 2. That the Director of Economic Development is hereby authorized to enter into a contract with Redeveloper to provide economic development assistance for

the rehabilitation and/or redevelopment of the Colonial and Euclid Arcades located at 510 and 530 Euclid Avenue, Cleveland, Ohio and as further described in File No. 925-98-A (the "Project"). The costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000) and shall be paid from Fund No. 17 SF 008, Request #24278.

Section 3. That the Director of Community Development is hereby authorized to enter into a Community Development Float Loan Agreement with Redeveloper to provide economic development loan assistance (the "Float Loan") for construction of the Project in an amount not to exceed Two Million Six Hundred Forty-One Thousand Five Hundred Dollars (\$2,641,500). The initial term of said Float Loan shall be for a period of one (1) year, and said Float Loan may be renewed by the Director of Community Development for one (1) additional year and for one (1) additional six (6) month period for a total period not to exceed thirty (30) months. Interest shall be paid on said Float Loan at the rate of two percent (2%) per annum. The costs of the Float Loan shall be paid from Fund No. 14 SF 810, Request No. 23108.

Section 4. That the Directors of Community Development and/or Economic Development are hereby authorized to apply for and accept from the United States Department of Housing and Urban Development ("HUD") a HUD Section 108 grant and/or loan in the amount of Two Million Eight Hundred Ninety Thousand Dollars (\$2,890,000) for the purposes set forth in the executive summary contained in File No. 925-98-A, and such funds are hereby appropriated for the purposes described in said executive summary. Upon receipt of said Section 108 grant and/or loan the Directors of Community and/or Economic Development are authorized to enter into one or more contracts for financial assistance for the Project in an amount not to exceed the funds received pursuant to the City's application. The costs of said contract shall not exceed the proceeds received pursuant to this section, and shall be paid from the fund or funds to which are credited such proceeds.

Section 5. That the terms of the loans described and authorized herein shall be in accordance with the executive summary contained in File No. 925-98-A, and shall be in accordance with applicable federal, state, and local laws and regulations together with such other terms as the Director shall deem necessary and appropriate to effectuate the intent of the Project.

Section 6. That the Directors of Economic and/or Community Development are hereby authorized to accept such collateral as such Directors shall deem necessary and/or appropriate to secure repayment of said loans, and any security interests or other documents related thereto shall be prepared and approved by the Director of Law.

Section 7. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loans authorized and described in Sections 2 and 3 hereinabove and to deposit said monies in Fund Nos. 17 SF 006, and 14 SF 810, respectively, and the fees from the loan authorized and described in Section 4 shall be deposited in a fund to be established for such purpose.

Section 8. That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under applicable federal regulations and to expend such fees to cover costs incurred in the preparation of loan documents, closing and servicing costs, and other expenses related to the Project. Such fees for the loans authorized in Sections 2 and 4 shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund, and such fees from the loan authorized in Section 3 shall be deposited to and expended from Fund No. 14.

Section 9. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, as amended, the Commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Project as more fully described in File No. 925-98-A and to subsequently reconvey title to such property to those parties from whom it was acquired, to comply with the requirements of Section 5709.41(B)(1) of the Ohio Revised Code, provided that the consideration for such conveyances shall be nominal consideration as determined by the Board of Control. The Mayor and Commissioner of Purchases and Supplies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

Section 10. That the agreements authorized pursuant to this Ordinance shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary or appropriate to protect the City's interest.

Section 11. That the Mayor, the Directors of Law, Finance, Community Development, and Economic Development are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the agreements authorized in this Ordinance.

Section 12. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

Section 13. The hotel operators in the Project shall recognize the union's right to organize their employees. Recognizing a union's right to organize employees of the hotel shall include providing union organizers reasonable access to the premises of the hotel, and the Redeveloper and the hotel operator shall not interfere with a union's right to organize. Said organizing activities shall be carried out under provisions of law and the National Labor Relations Board. Proven violation of this provision would mean an event of default under the \$500,000 SBRLF loan.

Section 14. The relevant project agreements shall include the following terms:

1. That in the event any part of the project is transferred or sold during the term of the Tax Increment Financing authorized by Ordinance 1010-98 ("TIF"). TIF, purchaser or transferee shall assume repayment obligations under CDBG Float/HUD Section 108 loans.

2. That in the event either the parking garage portion or retail portion is transferred or sold during the

term of the TIF, Redeveloper shall immediately retire all outstanding obligations due the City under the \$500,000 SBRLF loan, and Redeveloper shall pay to the City an amount equal to all taxes the City would have received from the time of execution of relevant documents to the transfer or sale of these portions of the project, but for the TIF.

3. In the event the hotel portion of the Project is transferred or sold during the term of the TIF Redeveloper shall repay to the City all outstanding obligations due the City under the \$500,000 SBRLF loan,

4. Failure by Redeveloper or the operator of the hotel to substantially comply with the following economic development objectives of the Project shall be an event of default and Redeveloper shall pay to the City an amount equal to the taxes the City would have received but for the TIF:

a. The investment of \$29 million in the Project within three (3) years of passage of this ordinance;

b. The creation of 118 jobs at the Project within three (3) years from the passage of this ordinance and the maintenance of these 118 jobs throughout the duration of the TIF;

c. Compliance with Section 13 of this ordinance; and

d. Renovation of the public open space of the arcades and maintaining same as open space for the public use.

Section 15. That this Ordinance is hereby declared to be an emergency measure, and, provided it receives the affirmative vote of two-thirds (2/3) 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 926-98.

By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Zarembo Midtown, LLC to provide economic development assistance to partially finance the acquisition of the Bearings Building and construction of a new commercial office building, located at 3634 Euclid Avenue, Cleveland, Ohio.

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 hereby authorized to enter into an Empowerment Zone contract with Zarembo Midtown, LLC to provide economic development assistance to partially finance the acquisition of the Bearings Building and construction of a new commercial office building, located at 3634 Euclid Avenue, Cleveland, Ohio.

Section 2 That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 926-98-A.

Section 3. That the costs of said contract shall not exceed \$3,000,000 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23756.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 927-98.

By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a project agreement with Courthouse Towers, Inc, for the acquisition, clearance and redevelopment of certain lands in the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area.

Whereas, the Council of the City of Cleveland by Ordinance No. _____, passed _____, approved and adopted the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan dated June, 1998, (the "Plan"), for the plan area designated and described in said Plan (the "Plan Area"); and

Whereas, the Plan established an action area for a portion of the Plan Area (the "Action Area") to achieve some of the following purposes: public or private land acquisition, public or private demolition or redevelopment of structures, public or private site improvements, or any combination of these purposes; and

Whereas, Courthouse Towers, Inc., has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving some of the purposes for the Action Area as described in the Plan; and

Whereas, this ordinance constitutes an emergency measure providing for the public property, health or safety, in that the authorization of a project agreement with Courthouse Towers, Inc., will achieve certain purposes for the Action Area as described in the Plan; 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 Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with Courthouse Towers, Inc., (the "Redeveloper") for the acquisition, disposition and private redevelopment for a portion of the Action Area in accordance with the provisions of the Community Development Plan ("the Plan").

Section 2. That the project agreement authorized by Section 1 shall include without limitation the following terms and conditions:

(a) an agreement by the City of Cleveland to acquire that property within the Action Area which cannot be privately acquired in a timely fashion through reasonable negotiations;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Action Area, certain property more fully described in Section 3 of this ordinance; provided that the deed or deeds shall contain such restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Economic Development, be required to insure the elimination within the Action Area of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(c) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is usual for acquisition;

(d) a commitment by the Redeveloper to pay all costs of real property acquisition within the Action Area;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Action Area in accordance with the Plan; and

(f) such other requirements as the Director of Economic Development may deem necessary to protect the interests of the City of Cleveland.

Section 3. That the property to be conveyed to the Redeveloper pursuant to the project agreement is described as follows:

Permanent Parcel No. 101-08-004
Situating in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot No. 7, further described as follows:

All of that parcel of land bounded on the Southeast by the Northwesterly line of West Lakeside Avenue, N.W. (99 feet wide); on the Northeast by a parcel conveyed to 310 West Lakeside Avenue Partnership by deed dated May 22, 1996 and recorded in Volume 96-4728, Page 43 of Cuyahoga County Records, and by a parcel conveyed to Worldcom Network Services by deed dated May 15, 1997 and recorded in Volume 97-4475, Page 12 of Cuyahoga County Records; on the Southwest by a parcel of land conveyed to Lakeside Avenue Partnership by deed dated May 3, 1988 and recorded in Volume 88-1922, Page 49 of Cuyahoga Coun-

ty Records, and by a parcel conveyed to the Cuyahoga County Board of Commissioners by deed dated May 20, 1933; and on the Northwest by said parcel conveyed to the Cuyahoga County Board of Commissioners.

Be the same more or less, but subject to all legal highways.

Section 4. That this Council finds the conveyance to the Redeveloper of the property described in Section 3, for the purposes of redevelopment, constitutes a public use of said property.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 3 of this ordinance at a price not less than the fair reuse value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

Section 6. That the conveyance to the Redeveloper shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 7. That the Mayor, the Director of Economic Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement and the activities contemplated by the Plan.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 928-98.
By Councilmen Cimperman, and Rybka (by departmental request).

An emergency ordinance authorizing the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Community Development Plan for the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Plan Area and for the Action Area therein; and making certain findings and determinations in connection therewith.

Whereas, a proposed community development plan, designated the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Community Development Plan, dated June, 1998, (the "CD Plan"), for the plan area designated and described in said CD Plan (the "Plan Area"), has been prepared and submitted to Council and which CD Plan includes the area described and designated therein as the Action Area (the "Action Area") and which Plan contemplates certain activities and treatment for the elimination of conditions of blight and deterioration and for the prevention of recurrence thereof within the Plan Area; and

Whereas, the City Planning Commission has found and determined that the Plan Area is a blighted and deteriorated area within the meaning of Section 313.02 of the Codified Ordinances of the City of Cleveland, such findings of the City Planning

Commission being based on a document entitled "The Warehouse District Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Survey Area" ("the Survey") with respect to the Plan Area; and the City Planning Commission further found and determined based on the Survey that the Action Area is a blighted and deteriorated area within the meaning of Section 313.02 of said Codified Ordinances; and

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the Plan, which Plan includes the Action Area, and has approved such CD Plan; and

Whereas, the CD Plan amends and supercedes any previously adopted plan with respect to the Plan Area; and

Whereas, the Survey, the CD Plan dated June, 1998, and the City Planning Commission findings and related materials have been presented to this Council, and are set forth in File No. 928-98-A, and oral reports and testimony thereon have been presented by City staff, and Council has been apprised of the facts, conditions, structural deficiencies, and blighted influences pertaining to the Plan Area and the Action Area, including the existence of a majority of structures therein which are blighted due to one or more of the following factors: structural deficiencies, deterioration, dilapidation, obsolescence, nonconformities with modern code requirements relating to building or fire protection, existing conditions therein endangering life and property by fire or other causes, or other conditions which are detrimental to the public health, safety, morals and general welfare; and

Whereas, this Council has determined that it shall be City policy that specific "Action Areas," with defined boundaries, within community development plan areas will be established by the City when the City has determined that the presence of blight, and the possible recurrence of blight, can be prevented through City or private maintenance, rehabilitation or redevelopment; and

Whereas, the CD Plan contemplates general measures to eliminate such conditions of blight and deterioration from the Plan Area; and the Action Area portion of the Plan contemplates specific measures to eliminate such conditions of blight and deterioration from the Action Area by providing for the maintenance, rehabilitation, or clearance and redevelopment of structures on the property comprising the area described in said Action Area, pursuant to the CD Plan standards; and

Whereas, for the foregoing reasons, Council has determined that the Plan for the Action Area, and the implementation of the measures therein set forth will be in the best interests of the citizens of the City and will provide for the general health, safety and welfare of the City; and

Whereas, this ordinance constitutes and emergency measure providing for the immediate preservation of the public property, health and safety in that approval of the CD Plan for the Action Area is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration in the Plan Area; now, therefore,

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

Section 1. That based upon the facts and conditions concerning blight and deterioration contained in said Survey and the findings and reports hereinabove referenced, it is hereby found and determined that the area described as the Community Development Plan Area in the following description is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of the City of Cleveland:

Main Avenue/West Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area Boundaries

Beginning on the centerline of West 3rd Street at its intersection with the centerline of West Lakeside Avenue;

Thence Northerly along the centerline of West 3rd Street to its intersection with the centerline of Summit Avenue, so called;

Thence in a general Westerly direction along the centerline of Summit Avenue, so called, to its intersection with the centerline of West 9th Street;

Thence Southerly along the centerline of West 9th Street to its intersection with the centerline of West Lakeside Avenue;

Thence Easterly along the centerline of West Lakeside Avenue to the place of beginning.

Section 2. That, based upon the facts and conditions concerning blight and deterioration contained in said Survey and the findings and reports hereinabove referenced, it is hereby found and determined that the area described as the Action Area which is equal to and the same as the boundary described as the Plan Area, is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976, notwithstanding and as an exception to certain notice requirements of Section 315.03 of said Codified Ordinances.

Section 3. That the aforesaid Survey, findings and reports concerning the facts and conditions concerning blight and deterioration in the Plan Area and Action Area are hereby accepted, and this Council hereby finds that the public actions and policies proposed and contemplated by the CD Plan are necessary and appropriate in order to eliminate the conditions of blight and deterioration, and prevent the recurrence thereof; and that the CD Plan for the Plan Area and the Action Area are hereby approved as a Community Development Plan within the meaning of, and for the purposes of the Community Development Code of the City of Cleveland and the procedures followed for preparation and approval of such plan and hearing thereof are hereby approved, and it is hereby found and determined that the CD Plan conforms to and is in compliance with the applicable provisions of the Codified Ordinances of Cleveland.

Section 4. That, notwithstanding and as an exception to Section 317.03 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the CD Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and

Action Area; that the Plan gives the due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and the Plan is in conformity with the general plan of the City and the workable program for community improvements of the City.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 989-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials to maintain HVAC equipment, for the Division of Water Pollution Control, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials to maintain HVAC equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23028)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 990-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of de-icing agents, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of de-icing agents in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport and the Division of Burke Lakefront Airport, Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22552)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 991-98.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to execute de-icing collection services, 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 hereby authorized and directed to make a written

requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to execute de-icing collection services, including but not limited to, analyzing, storing, disposing, reselling recycled glycol, supervising, reporting, maintaining, and renting space, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22553)

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 992-98.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with IMG Motorsports - Cleveland, Inc. for use of certain premises at Burke Lakefront Airport to conduct the Grand Prix auto races.

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 enter into a Lease By Way of Concession ("Lease") with IMG Motorsports - Cleveland, Inc. ("Lessee"), in substantially the same form as that contained in File No. 992-98-A, for use of certain premises at Burke Lakefront Airport ("Airport") to conduct the Grand Prix auto races during specific two (2) to three (3) day periods each summer of the term of the Lease. The term of such Lease shall be for five (5) years and commence upon the date of execution and, unless sooner cancelled or terminated, shall expire in 2002, after the conduct of the race events and

upon payment of all amounts due and performance of all requirements of the Lease by Lessee. Lessee shall pay as rent for the use of the premises as follows:

Year	Rent
1998	\$55,000
1999	60,000
2000	65,000
2001	70,000
2002	75,000

In addition, Lessee shall pay annually five percent (5%) of gross revenues in excess of the "Gross Revenue Threshold" as follows:

Year	Gross Revenue Threshold
1998	\$4,500,000
1999	4,500,000
2000	4,750,000
2001	4,750,000
2002	5,000,000

The Director of Port Control shall provide to City Council a complete copy of Lessee's annual audit report, including a report of all charitable beneficiaries of the race. In addition, fifty percent (50%) of any complimentary tickets that are provided to charities or community groups shall be provided to charities or community groups that are designated by Council.

Section 2. That the Lease By Way of Concession authorized herein shall not be transferred, assigned, or sublet without the prior legislative authorization of the Council.

Section 3. That Council shall be provided annually a copy of the estimate of the Special Event charges assessed by the City, as well as a copy of the actual charges billed and paid by the Lessee.

Section 4. That the Lease authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 993-98.
By Councilman Cintron.
An emergency ordinance to vacate a portion of Pearl Court S.W. hereinafter described.

Whereas, on the 25th day of September, 1995 the Council of the City of Cleveland adopted Resolution No. 1259-95 declaring its intention to vacate a portion of Pearl Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1259-95 has been served upon the owners of all the property abutting Pearl Court S.W., affected by said Resolution, notifying the said property owners

of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 3rd day of December, 1997, the Board of Revision of Assessments approved the vacation of Pearl Court S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Pearl Court S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

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

Section 1. That all that portion of Pearl Court S.W. (25 feet wide) extending Easterly from the Easterly line of West 25th Street (66 feet wide) to that portion of Pearl Court S.W. as vacated by the Council of the City of Cleveland by Ordinance Number 2841-86, passed February 11, 1987, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Pearl Court S.W., herein provided by sending him a copy of this ordinance.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 994-98.
By Councilmen Sweeney and Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of replacement receptacle lids, for the Division of Waste Collection and Disposal, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of replacement receptacle lids for concrete receptacles in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by

separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23157)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 995-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of International truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 **Public Service** is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of International truck parts, including labor if necessary in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of **Motor Vehicle Maintenance**, Department of **Public Service**. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition

against such contract duly certified by the Director of Finance. (RL 24136)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 996-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Ford tractor, mower and construction equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of Ford tractor, mower and construction equipment parts, including labor if necessary in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24137)

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 997-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency cleanup and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service, 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 Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, and stationary air compressor, and for emergency cleanup and replacement of leaking underground storage tanks and systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24134)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 998-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automotive, van and truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, 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 hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various automotive, van and truck parts, including labor if necessary in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24135)

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 999-98.
By Councilmen Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1471-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing portions of Arlington Avenue, East 123rd Street and East 125th Streets.

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 7 of Ordinance No. 1471-96, passed October 14, 1996, is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 20 SF 322, 20 SF 312, 20 SF 302 and 20 SF 334, Request No. 21800, and from the proceeds of any grant funds from the Ohio Public Works Commission.

Section 2. That existing Section 7 of Ordinance No. 1471-96, passed October 14, 1996, 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1000-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1468-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing Bessemer Avenue from East 65th Street to East 88th Street.

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 7 of Ordinance No. 1468-96, passed October 14, 1996, is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 20 SF 322, 20 SF 312, 20 SF 302 and 20 SF 334, Request No. 21798, and from the proceeds of any grant funds from the Ohio Public Works Commission.

Section 2. That existing Section 7 of Ordinance No. 1468-96, passed October 14, 1996, 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1001-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1467-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing East 55th Street from Blanche Avenue to Woodland Avenue.

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 7 of Ordinance No. 1467-96, passed October 14, 1996, is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 20 SF 322, 20 SF 312, 20 SF 302 and 20 SF 334, Request No. 21797, and from the proceeds of any grant funds from the Ohio Public Works Commission.

Section 2. That existing Section 7 of Ordinance No. 1467-96, passed October 14, 1996, 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1003-98.
By Councilmen Polensek, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 17901-17903 St. Clair Avenue and 18111 St. Clair Avenue to Collinwood Nottingham Villages Development Corporation.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 17901-17903 St. Clair Avenue and 18111 St. Clair Avenue, identified as Permanent Parcels 116-18-010, 116-18-011, 116-18-012, and 116-18-013 to Collinwood Nottingham Villages Development Corporation; 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, it is hereby found and determined that the following described property is no longer needed for public use:

PPN: 116-18-010, 116-18-011, 116-18-012 and 116-18-013

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 11 and 12 in James M. Eddy and A. D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning in the centerline of St. Clair Avenue, N.E., at a point distant southwesterly measured along said centerline 50 feet from the most Easterly corner of said Sublot No. 11;

Thence Northwesterly parallel with the Northeasterly line of said Sublot No. 11, 225.06 feet to the Northwesterly line of said Sublot No. 11;

Thence Southwesterly along the Northwesterly line of said Sublots Nos. 11 and 12, 60 feet;

Thence Southeasterly parallel with the Northeasterly line of said Sublot No. 11, 225.06 feet to the centerline of St. Clair Avenue, N.E.;

Thence Northeasterly along said centerline 60 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 the Westerly 83-74/100 feet from front to rear of Sublot No. 12 in James M. Eddy and A.D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 83-74/100 feet front on the Northerly side of St. Clair Avenue, N.E., (formerly St. Clair Street), and extending back between parallel lines 225-06/100 feet, measured from the centerline of St. Clair Avenue, N.E., 60 feet wide, 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 Sublot No. 13 in Jas. M. Eddy and A.D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 96-855/1000 feet on the Northwesterly side of St. Clair Avenue, N.E., and extending back between parallel lines 225-06/100 feet, measured from the centerline of said St. Clair Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 14 and the Easterly 76.855 feet of Sublot No. 15 in Eddy and Walworth's Subdivision of part of Original Euclid Township Tracts Nos. 14 and 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 173.71 feet front on the Northerly side of St. Clair Avenue, N.E., and extending back of equal width 225.06 feet deep, measured from the center of said road, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Nos.: 116-18-010, 116-18-011, 116-18-012 and 116-18-013

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Collinwood Nottingham Villages Development Corporation, for a price of One Dollar (\$1.00).

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection

of any advertising signs or billboards except permitted identification signs.

Section 4. That the Director of Parks, Recreation and Properties and other appropriate City officials are authorized to prepare and execute such other documents and certificates and take such other action as maybe necessary or appropriate to effectuate the sale authorized by this ordinance.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1006-98.
By Councilmen Lewis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1890 and 1884 East 70th Street to Louise V. Jackson.

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). 118-07-044 and 118-07-045, as more fully described in Section 2 below, to Louise V. Jackson.

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. 118-07-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 34 in Streater and Adams' Subdivision of part of Original 100 Acre Lots Nos. 338 and 341, as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Northerly line of said Sublot No. 34 at the Northeasterly corner of the first parcel of land conveyed to the Frank L. Cody Building Company by deed recorded in Volume 607, Page 457 of Cuyahoga County Records; thence Easterly along the Northerly line of said Sublot No. 34, 167.71 feet to the Westerly line of East 70th Street, (for-

merly Russell Avenue); thence Southerly along said Westerly line of East 70th Street, 65 feet to the Southeasterly corner of said Sublot No. 34; thence Westerly along the Southerly line of Sublot No. 34 to the Southeasterly corner of said parcel so conveyed to the Frank L. Cody Building Company; thence Northerly parallel with the Westerly line of East 70th Street about 64.88 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 118-07-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 35 in W.S. Steator and D. Adams Subdivision of part of Original One Hundred Acre Lot Nos. 338 and 341 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 70th Street (formerly Russell Street) at the Southeasterly corner of said Sublot No. 35; thence Northerly along the Westerly line of East 70th Street, 56 feet; thence Westerly parallel with the Southerly line of Sublot No. 36 in said Subdivision 173.45 feet; thence Southerly 6 feet to the Northerly line of a parcel of land conveyed by James L. Higgins, to Mary T. Terry, and husband to the Frank L. Cody Building Company, by deed dated March 9, 1896 and recorded in Volume 629, Page 402; thence Westerly, along a Southerly line of land so conveyed to the Frank L. Cody Building Company, 3 feet; thence Southerly along the Easterly line of land so conveyed to the Frank L. Cody Building Company, 50 feet to the Southerly line of said Sublot No. 35; thence Easterly along the Southerly line of said Sublot No. 35, 176 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.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1007-A-98 (as a substitute for Ordinance No. 1007-98).

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract for the demolition of not to exceed four school buildings to be acquired by the City of Cleveland.

Whereas, pursuant to Ordinance No. 383-97, passed December 15, 1997, the Commissioner of Purchases and Supplies will acquire sites for the Department of Community Development for land assembly and future redevelopment, several of which sites were Cleveland Public School buildings; 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 Community Development is authorized to make a written contact in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the demolition of each or all of the following buildings to be acquired from the Cleveland Public Schools: John Adams High School, located at 3817 Martin Luther King, Jr. Boulevard; West Tech High School, located at 2201 West 93rd Street; Hazeldell School, located at 654 East 124th Street; and Longmeade School, located at 12712 Longmeade Avenue, for the Department of Community Development.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 501, Request No. 23111.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1009-98.

By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with ITX Corporation to provide for a ten year abatement for certain tangible personal property taxes as an incentive to expand its facilities by acquiring and rehabilitating a building located at 955 West Street, and to assist in the purchase of machinery and equipment in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth

in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, ITX Corporation (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of ITX Corporation for enterprise zone incentives on the basis that ITX Corporation is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with ITX Corporation to provide for a ten (10) year abatement for certain tangible personal property taxes as an incentive to expand its facilities by acquiring and rehabilitating a building located at 955 West Street, and to assist in the purchase of machinery and equipment in Cleveland, Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1009-98-A.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1011-98.

By Councilmen Cimperman, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Flats Realty, Ltd. to provide economic development assistance to expand its facility by acquiring, renovating and purchasing machinery and equipment for its facility located at 955 West Street and 1100 Center Street, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Flats Realty, Ltd. to provide economic development assistance to expand its facility by acquiring, renovating and purchasing machinery and equipment for its facility located at 955 West Street and 1100 Center Street, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1011-98-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Seventy Six Thousand Dollars (\$376,000), and shall be paid from Fund No. 17 SF 008, Request No. 24279.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1012-98.
By Councilmen Coats, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with S.R.S. Company, Inc. to provide economic development assistance to purchase and renovate real property located at 12911 Taft Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with S.R.S. Company, Inc. to provide economic development assistance to purchase and renovate real property located at 12911 Taft Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1012-98-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Forty Thousand Dollars (\$240,000), and shall be paid from Fund No. 17 SF 008, Request No. 24280.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 1013-98.
By Councilmen Jones, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Helima Rollform, LLC, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to acquire and relocate a tubing mill operation and to purchase equipment and machinery to 4500 Lee Road located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Helima Rollform, LLC (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Helima Rollform, LLC, for enterprise zone incentives on the basis that Helima Rollform, LLC, is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Helima Rollform, LLC, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to acquire and relocate a tubing mill operation from South Carolina to 4500 Lee Road, Cleveland, Ohio, and to purchase equipment and machinery; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1013-98-A.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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 June 15, 1998.
Effective June 23, 1998.

Ord. No. 1014-98.
By Councilmen Polensek, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Cleveland Range, Inc., to provide economic development assistance to partially finance the renovation and asbestos abatement for property located at 17901-03 and 18111 St. Clair Avenue, Cleveland, Ohio.

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; 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, subject to the provisions of Section 8 of this Ordinance, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with Cleveland Range, Inc., to provide economic development assistance to partially finance the renovation and asbestos abatement for property located at 17901-03 and 18111 St. Clair Avenue, Cleveland, Ohio.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1014-98-A.

Section 3. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000.00), and shall be paid from Fund No. 10 SF 501, RL 24283.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

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

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. That, prior to entering into any contract authorized herein, the Director of Finance is required

to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract

Section 9. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1015-98.
By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with Applied Benefits Research, Inc. dba COBRASERV for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 hereby authorized and directed to enter into contract with Applied Benefits Research, Inc. dba COBRASERV for professional services necessary to administer the City's COBRA program on the basis of its proposal dated March 19, 1998, for a period of one year, with an option to renew for an additional one-year period, exercisable by the Director of Personnel and Human Resources.

Section 2. That the costs for such services shall be paid from Fund No. 01-04-02-0324, Request No. 23679.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1070-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. PI 52012A for improvements to Cleveland Memorial Gardens with S.W. Franks Construction Company, for the Department of Parks, Recreation and Properties.

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 Parks, Recreation and Properties is hereby authorized and directed to make the following alterations and modifications in Contract No. PI 52012A with S.W. Franks Construction Company for improvements to Cleveland Memorial Gardens, for the Department of Parks, Recreation and Properties:

**CLEVELAND MEMORIAL GARDENS
SITE IMPROVEMENTS**

ADDITIONS-ORIGINAL ITEMS

Item #1	Mobilization, demolition, general conditions, bonding, insurance (Lump Sum at 37,914.83)	37,914.83
Item #3	Clear and grub - remove scrub vegetation and small trees (7.06 A.C. @ 1,700.00 A.C.)	12,002.00
Item #4	Remove large trees (30 @ 112.00 each)	3,360.00
Item #13	Topsoil stripping (39,367 C.Y. @ 2.90 C.Y.)	114,164.30
Item #14	Topsoil respread (24,460 C.Y. @ 3.00 C.Y.)	73,380.00
Item #15	Excavation - cut (14,341 C.Y. @ 2.60 C.Y.)	37,286.60
Item #17	Excavation - drainage channel (14,341 C.Y. @ 2.60 C.Y.)	15,312.00
Item #19	Silt fence (3,000 L.F. @ 2.50 L.F.)	7,500.00
Item #20	Straw bales (16 each @ 10.00 each)	160.00
Item #21	12" reinforced concrete sewer pipe (56 L.F. @ 25.00)	1,400.00
Item #33	Rock channel protection (66 C.Y. @ 100.00 C.Y.)	6,600.00
Item #34	Erosion control matting (500 S.Y. @ 6.60 S.Y.)	3,300.00
Item #40	ODOT Std. MH-3 (84" dia.) (1 @ 5,000.00)	5,000.00
Item #44	ODOT Std. 2-2-13 Catch Basin (1 @ 1,300.00/ea.)	1,300.00
Item #46	4" Underdrain under roadway (900 L.F. @ 6.00 L.F.)	5,400.00
Item #47	6" HDPE Non-perforated underdrain (30 L.F. @ 8.00 L.F.)	240.00
Item #51	Mountable curb and gutter (without underdrains) (1,630 L.F. @ 8.50 L.F.)	13,855.00
Item #52	Vertical curb and gutter (with underdrains) (1,000 L.F. @ 15.00 L.F.)	15,000.00
Item #54	Wheel stops (8 each @ 67.00 each)	536.00
Item #62	Hydroseeding (117,000 S.Y. @ .77 S.Y.)	<u>90,090.00</u>
	TOTAL ADDITIONS TO ORIGINAL ITEMS	443,800.73

CREDIT - ORIGINAL ITEMS

Item #5	Sawcut and remove concrete (160 S.Y. @ 21.00 S.Y.)	3,360.00
Item #6	Demo concrete walk (Lump Sum @ 600.00)	600.00
Item #9	Demo curb (42 L.F. @ 6.00 L.F.)	252.00
Item #10	Remove guardrail (30 L.F. @ 7.00 L.F.)	210.00
Item #11	Abandon existing drainage structure (1 @ 500.00 each)	500.00
Item #12	Remove and relocated light pole (1 @ 1,400.00 each)	1,400.00
Item #16	Excavation-fill (7,787 C.Y. @ 2.05 C.Y.)	15,963.35
Item #18	Fill material (325 L.F. @ 7.00 L.F.)	2,275.00
Item #41	ODOT Std. MH-3 (96" dia.) (1 @ 6,100.00)	6,100.00
Item #45	4" HDPE perforated underdrain (2,745 L.F. @ 6.00 L.F.)	16,470.00
Item #50	Mountable curb and gutter (with underdrains) (245 L.F. @ 15.00 L.F.)	3,675.00
Item #59	Blank plot markers (109 each @ 5.50 each)	599.50
Add Alternate No. 2 (committal shelter) (Lump Sum @ 60,000.00)		60,000.00
Add Alternate No. 4 (Blvd. terminus wall) (Lump Sum @ 25,000.00)		<u>25,000.00</u>
TOTAL CREDITS TO ORIGINAL ITEMS		136,404.85

NEW ITEMS FOR SUBSIDIARY

Item #103	Debris and pipe removal (Lump Sum @ 14,252.00)	14,252.00
Item #104	Remove and dispose of NCB debris (Lump Sum @ 15,000.00)	15,000.00
Item #105	Performance of sewer work out of sequence (Lump Sum @ 9,600.00)	9,600.00
Item #106	Temporary access drive off Clarkwood to complete sewer work (Lump Sum @ 15,700.00)	15,700.00
Item #107	Additional inspection fees for Cuyahoga Sanitary Engineer (Lump Sum @ 8,400.00)	8,400.00
Item #108	Labor cost increase (Union wage scale will go up on May 1st and this will cover work that was delayed beyond the contractor's control) (Lump Sum @ 7,000.00)	7,000.00
Item #109	Sidewalk along Green Road (7,100 S.F. @ 2.90 S.F.)	20,590.00
Item #110	Grading and excavation for sidewalk along Green road (Lump Sum @ 30,000.00)	30,000.00
Item #111	Guardrail (825 L.F. @ 16.50 L.F.)	13,612.50
Item #112	4" PVC utility sleeves (400 L.F. @ 19.50 L.F.)	7,800.00
Item #113	Topsoil re-handling (13,000 C.Y. @ 2.00 C.Y.)	26,000.00
Item #114	Split rail fence (700 L.F. @ 12.50)	8,750.00
Item #115	Premium back-fill material (500 C.Y. @ 22.55)	11,275.00
Item #116	Storm sewer connection (Lump Sum @ 1,850.00)	1,850.00
Item #117	Grading and excavation for workhouse access Road (Lump Sum @ 4,650.00)	4,650.00
Item #118	9" concrete pavement for workhouse access Road (1,671 S.Y. @ 56.45 S.Y.)	<u>94,327.95</u>
TOTAL NEW ITEMS FOR SUBSIDIARY		288,807.45

ADDITIONS (OVERRUNS)	443,800.73
+NEW ITEMS	<u>288,807.45</u>
TOTAL ADDITIONS TO ORIGINAL CONTRACT	732,608.18
TOTAL ADDITIONS	732,608.18
- TOTAL CREDITS	<u>136,404.85</u>
TOTAL SUBSIDIARY AMOUNT	596,203.33
ORIGINAL CONTRACT AMOUNT	1,998,059.93
SUBSIDIARY AMOUNT	<u>596,203.33</u>
REVISED CONTRACT AMOUNT	2,594,263.26

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$596,203.33, to be paid from Fund Nos. 10 SF 006, 10 SF 165, 20 SF 320, 20 SF 350, and 62 SF 001.

Section 2. That this Council instructs the Director of Parks, Recreation and Properties and the Director of Law to investigate and determine all legal remedies, whether at law or in equity, that may be available to the City against URS Greiner with respect to the public improvement of Phase I of the Highland Park Cemetery (Cleveland Memorial Gardens) expansion and to resort their findings to the Council within thirty (30) days of the passage of this legislation.

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 June 15, 1998.

Effective July 25, 1998.

Ord. No. 1073-98.**By Councilman Patmon.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Saint Aloysius - Saint Joseph Parish to encroach into the public right-of-way of St. Clair Avenue with four (4) banners from the period of June, 1998 to June, 1999, to celebrate their centennial year as a church.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Saint Aloysius - Saint Joseph Parish, 10932 St. Clair Avenue, Cleveland, Ohio 44108; its successors and assigns; for the construction, use and maintenance of four (4) banners to be attached to the Cleveland Electric Illuminating Company's (C.E.I.) utility poles (by separate permission), for the period of June, 1998 to June, 1999, and which banners publicize the celebration of the church's centennial year, at the locations more fully described herein.

SAINT ALOYSIUS - SAINT JOSEPH PARISH BANNER ENCROACHMENT AREA:

There are to be four (4) Cleveland Electric Illuminating Company utility poles to be used, all with no numbers or signage, (by separate permission from C.E.I.) and also shown by a map on file with the Council of the City of Cleveland as File No. 1073-98-A and further described as follows:

1.) Beginning with the second utility pole on the Southerly side of St. Clair Avenue, Westerly of the Southwesterly corner of St. Clair Avenue and Lakeview Road and in front of St. Aloysius Church and Rectory;

2.) Thence proceeding Westerly along the Southerly side of St. Clair Avenue including the third and fourth utility poles;

3.) Thence continuing Westerly on the Southerly side of St. Clair Avenue to the second utility pole from the corner of East 109th Street and St. Clair Avenue in front of the St. Aloysius Church Parking Lot.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed within the public rights-of-way as aforesaid in Section 1, and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1074-98.**By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing and directing the purchase by requirement contract of various on-road vehicles and off-road equipment, 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 Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24141)

Section 3. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts, and may enter into contract with the vendors selected through that cooperative process.

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.

Passed June 15, 1998.

Effective June 23, 1998.

Ord. No. 1079-98.**By Councilmen Cintron, Gordon and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Public Health to enter into a Lease By Way of Concession with the U.S. Department of Veterans Affairs to provide medical services at the McCafferty Health Center, for a period not to exceed five years and a five-year option to renew.

Whereas, the Department of Public Health and the U.S. Department of Veterans Affairs desire to enter into a Lease By Way of Concession at the McCafferty Health Center, allowing the Veterans Administration to provide services at the facility with an emphasis on serving traditionally under-served Hispanic and African American veterans, such services to include but not be limited to basic primary health care, preventive health care, mental health care, telemedicine, outreach, re-adjustment counseling, employment and social support services, and referrals to other VA clinics for the full range of VA services; 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 Section 183.03 or any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to enter into a Lease By Way of Concession with the U.S. Department of Veterans Affairs for the provision of medical and social services at the McCafferty Health Center, for a period not greater than five (5) years, with one option to renew for an additional five (5) years, with approval by City Council.

Section 2. That said Lease By Way of Concession shall include provisions stating that the U.S. Department of Veterans Affairs shall bear the cost of any improvements or alterations to the McCafferty Health Center needed to implement the Lease By Way of Concession; that no rental fee shall be charged to the U.S. Department of Veterans Affairs; that the U.S. Department of Veterans Affairs may contribute to the operating cost of the McCafferty Health Center or provide other improvements or alterations to the facility in lieu of such contributions; that the City shall retain any permanent improvements or alterations to the facility after the U.S. Department of Veterans Affairs has vacated the premises; and that the U.S. Department of Veterans Affairs may employ their usual billing practices for the persons they serve.

Section 3. That the Lease By Way of Concession shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect the public 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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1081-98.
By Councilmen Jackson, Zone and Johnson (by departmental request).
An emergency ordinance to make an exception to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to City employees entitled to benefits of federally administered loan and grant programs for home loans and grants.

Whereas, pursuant to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of the Division of Rehabilitation and Conservation, all employees of said division, the Mayor and the Directors of all city departments, and members of Council are prohibited from applying for and receiving loans and/or grants of federally city-administered funds under existing or future home-owner rehabilitation, repair or home purchasing or building programs, subject to the same laws, ordinances, rules and regulations that apply to non-city employees under any such program; and

Whereas, the Division of Rehabilitation and Conservation has been renamed the Division of Neighborhood Services and Louise V. Jackson is Commissioner of that Division; and

Whereas, the Division of Neighborhood Services has responsibility regarding existing and future home-owner rehabilitation, but has no responsibility regarding home purchasing or building programs; and

Whereas, Louise V. Jackson has requested participation in a purchasing or building program regarding which neither she nor the Division of Neighborhood Services has any influence or authority; 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 Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, Louise V. Jackson is hereby authorized and entitled to apply for and receive loans and/or grants of federally City-administered funds under home purchasing or building programs and to purchase property under the City's Land Reutilization Program, subject to the same laws, ordinances, rules and regulations that apply to non-city employees under any such program.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1084-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Downtown Development Coordinators, fiscal agent for Cleveland Media Development Corporation, to develop and administer a program for marketing Cleveland as a place to produce major motion pictures.

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 Downtown Development Coordinators, fiscal agent for Cleveland Media Development Corporation, to develop and administer a program for marketing Cleveland as a place to produce major motion pictures.

Section 2. That the cost of said contract shall be in an amount not to exceed Sixty Thousand Dollars (\$60,000), and shall be paid from Fund No. 17 SF 652, Request No. 24284.

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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1085-98.

By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Fanta Equipment Company to provide economic development assistance to partially finance the construction and the purchase of machinery and equipment for its facility located at 6601 Storer Avenue, Cleveland, Ohio.

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 hereby authorized to enter into a contract with Fanta Equipment Company to provide economic development assistance to partially finance the construction and the purchase of machinery and equipment for its facility located at 6601 Storer Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1085-98-A.

Section 3. That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24285.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing

and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

Section 8. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1106-98.

By Councilman Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1762, 1764, and 1766 East 65th Street to George B. and Vernita R. Rivers.

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), 118-03-003, 118-03-004 and 118-03-005, as more fully described in Section 2 below, to George B. and Vernita R. Rivers.

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. 118-03-003 (Northerly Part)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 337 and bounded and described as follows:

Beginning at a point at the intersection of the Southerly line of Hough Avenue, N.E., (60 feet wide) with the Westerly line of East 65th Street (46 feet wide); thence South 00° 13' 20" East, along said Westerly line of East 65th Street, 91.00 feet to the Northeasterly corner of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 92-3940, Page 31 of Cuyahoga County Records and the principal place of beginning of the parcel of land herein described; thence continuing along said Westerly line of East 65th Street, 9.00 feet; thence South 89° 58' 00" West, 137.60 feet to a point in the Westerly line of said parcel of land so conveyed to the City of Cleveland; thence North 00° 05' 34" West, along said Westerly line of land so conveyed 9.00

feet to the Northwesterly corner thereof; thence South 89° 57' 00" East, along the Northerly line of said parcel of land so conveyed to the City of Cleveland, 137.58 feet to the principal place of beginning and containing 1238 square feet of land, be the same more or less, but subject to all legal highways.

The above described parcel is based on a survey prepared by Donald E. Woike, Registered Surveyor No. 5547, and prepared by Steve Salay, Registered Ohio Surveyor #5505, May 21, 1998.

P.P. No. 118-03-004

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. 337, bounded and described as follows:

Beginning in the Westerly line of East 65th Street (formerly Dorchester Avenue) at the Southeastly corner of premises conveyed by Ralph T. James to F.W. Goakes, by deed dated April 4, 1892 and recorded in Volume 509, Page 630 of Cuyahoga County Records; thence Southerly along said line of East 65th Street, 34 feet 8 inches to the Northerly line of premises conveyed by Edith Smith Williard to Joseph Loveman by deed dated June 2, 1906 and recorded in Volume 1043, Page 211 of Cuyahoga County Records; thence Westerly along said Loveman's Northerly line 137.52 feet to the Easterly line of Clare M. Hannon's Subdivision as recorded in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Northerly along said Easterly line of said Subdivision, 34 feet 8 inches to said Southerly line of said Goakes' land; thence Easterly along said Southerly line of said Goakes' land, 137.52 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 118-03-005

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. 337 and bounded and described as follows:

Beginning in the Westerly line of East 65th Street (formerly Dorchester Avenue) at a point 71 8/12 feet Southerly from the Southerly line of the parcel deeded by L.M. Southern and wife to W.G. Estep by deed dated January 1, 1891, and recorded in Volume 485, Page 268; thence Westerly, parallel with the Southerly line of said Estep's land 137 51/100 feet to the Westerly line of land set off to Loretta J. Pier in the partition of the Rufus Dunham Estate; thence Southerly along the Westerly line of said land set off to Loretta J. Pier 34 8/12 feet; thence Easterly to a point, on the Westerly line of East 65th Street, 34 8/12 feet Southerly from the place of beginning; thence Northerly along the Westerly line of East 65th Street 34 8/12 feet to the place of beginning, 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.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1108-98.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7026 Lawnview Avenue, N.E., to Clarence Moten.

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 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). 106-13-016, as more fully described in Section 2 below, to Clarence Moten.

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. 106-13-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 33 feet front to rear of Sublot No. 59 in the Holden and Halle's Allotment of the Rufus Dunham Farm of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Lawnview Avenue, N.E., and extending back of equal width 128 feet deep, 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 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 ordi-

nance, 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.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1121-98.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to St. Adelbert Church to hang twelve (12) Banners on Cleveland Public Power utility poles (by separate permission), which will encroach into the public right-of-way of East 83rd Street between Woodland Avenue and Carnegie Avenue for the period of July 8, 1998 to August 8, 1998 inclusive to celebrate their church festival.

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the St. Adelbert Church, 2347 East 83 Street, Cleveland, Ohio; to install, maintain and remove twelve (12) banners, to be hung on Cleveland Public Power Poles (by separate permission), on both sides of East 83rd Street between Woodland Avenue and Carnegie Avenue for the period of July 8, 1998 to August 8, 1998, inclusive. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1122-98.

By Councilman Willis.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Northeastern Neighborhood Development Corporation to encroach into the public right-of-way of Lakeview Road from St. Clair Avenue to Osceola Avenue with twenty-seven (27) banners for the Forest Hills Banner Project.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Northeastern Neighborhood Development Corporation, 540 East 105th Street, Cleveland, Ohio 44108; its successors and assigns; for the construction, use and maintenance of twenty-seven (27) banners to be attached to Cleveland Public Power, (C.P.P.) and Cleveland Electric Illuminating Company (C.E.I.) utility poles (by separate permission), for the Forest Hills Banner Project, and which banners will encroach into the public right-of-way of Lakeview Road from St. Clair Avenue to Osceola Avenue, at the locations more fully described herein:

NORTHEASTERN NEIGHBORHOOD DEVELOPMENT CORPORATION ENCROACHMENT FOR THE FOREST HILLS BANNER PROJECT AREA:

LOCATION:	POLE NUMBER:	OWNER:
TOTAL 6-POLES - 3-Poles on West side of Lakeview Road; & 3-Poles with missing numbers on East side of Lakeview Road, South of St. Clair Avenue.	NE-6-88-1-1	C. P. P.
	NE-6-88-1-	C. P. P.
	NE-6-88-3-	C. P. P.
	No #	C. E. I.
	No #	C. E. I.
	No #	C. E. I.
TOTAL 3-POLES at Lakeview Road & Parklawn Avenue.	513302	C. E. I.
	513636	C. E. I.
	516637	C. E. I.
TOTAL 5-POLES at the intersections of Lakeview Road, Earle & Durant Avenues.	NE5-35A-7	C. P. P.
	NE5-35A-6	C. P. P.
	NE5-35A-5	C. P. P.
	35509	C. E. I.
	302162	C. E. I.
TOTAL 4-POLES at the intersection of Lakeview Road, Primrose & Thornwood Avenues.	35491	C. E. I.
	305472	C. E. I.
	NE5-20-10A-3	C. P. P.
	NE5-10A-2	C. P. P.
TOTAL 9-POLES at the intersections of Lakeview Road, East 114th Street, Castlewood & Chesterfield Avenues.	35487	C. E. I.
	3548-	C. E. I.
	35485	C. E. I.
	536847	C. E. I.
	536846	C. E. I.
	NE5-20-10A-4	C. P. P.
	NE5-20-10A-5	C. P. P.
	NE5-20-10A-11	C. P. P.
	NE5-20-10A-12	C. P. P.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any object to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed in the public right-of-way at the location as aforesaid in Section 1 and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 5. 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 June 15, 1998.

Effective June 23, 1998.

Ord. No. 1123-98.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to JF West St. Clair LLC, by and through its affiliate Jacobs Investments Management Company, Inc. for their property known as the D'Vine Wine Bar to encroach into the public right-of-way at 836 West St. Clair Avenue with an outdoor seasonal patio café.

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 hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written con-

sent of the Director of Public Service to JF West St. Clair, LLC, by and through its affiliate, Jacobs Investments Management Company, Inc., for their property, D'Vine Wine Bar located at 836 West St. Clair Avenue, its successors and assigns; for the construction, use and maintenance of an outdoor seasonal patio café with approximately twelve (12) two-man tables with chairs, and which café will encroach into the

public right-of-way of West St. Clair Avenue between West 6th and West 9th Streets at the locations more fully described herein.

**ENCROACHMENT AREA/D'VINE
WINE BAR AT 836 WEST
ST. CLAIR AVENUE**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Cleveland Village Two Acre Lot Number 26 and is further bounded and described as follows:

Beginning at a point in the Northwesterly line of St. Clair Avenue N.W., 99.00 feet wide, distant North 55°-02'-41" East, 257.10 feet measured along said Northwesterly line from the Northeastery line of West 9th Street, 99.00 feet wide, said point being on the Northeastery face of a four-story masonry building; thence South 34°-57'-19" East, 9.50 feet; thence South 55°-02'-41" West along a line parallel with the Northwesterly line of St. Clair Avenue N.W., 60.00 feet; thence North 34°-57'-19" West, 9.50 feet to the Northwesterly line of St. Clair Avenue N.W.; thence along the Northwesterly line of St. Clair Avenue N.W., North 55°-02'-41" East, 60.00 feet to the place of beginning and containing 570 square feet of land as described by Christopher J. Dempsey, Professional Surveyor No. 6914 of Dempsey & Neff, Inc. in June, 1998, being the same more or less, but subject to all legal highways.

Note: bearings shown are to an assumed meridian and are used to denote angles only.

Section 2. That said café will be placed within the public rights-of-way as aforesaid in Section 1, and said café will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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.

Passed June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1124-98.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Tower City Properties, Ltd. (The Avenue), Tower City Hotel Assoc. (Chase Financial Tower), Skylight Office Tower, LP (Skylight Office Tower), Post Office Plaza, LP (M. K. Ferguson), Terminal Investments, Inc. (Terminal Tower), to encroach into the right-of-way of Huron Rd., Prospect Ave., & Ontario Ave., with eighty-three banners from June 15, 1998 to August 31, 1998, inclusive.

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 hereby is authorized

to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Tower City Properties, Ltd. (The Avenue, 230 Huron Road, Cleveland, Ohio), Tower City Hotel Associates, L.P. (Chase Financial Tower, 250 Huron Road, Cleveland, Ohio), Skylight Office Tower, L.P. (Skylight Office Tower, 1660 West 2nd Street, Cleveland, Ohio), Post Office Plaza, L.P. (M. K. Ferguson, 1500 West 3rd Street, Cleveland, Ohio), Terminal Investments, Inc. (Terminal Tower, 1100 Terminal Tower, 50 Public Square, Cleveland, Ohio); their successors and assigns, for the construction, use and maintenance of eighty-three (83) banners to be hung on 75 privately owned utility poles (by separate permission), eight (8) banners will be double hung, and sixty-seven (67) will be single hung; from the period of June 15, 1998 to August 31, 1998, inclusive, and which banners will encroach into the public right-of-way of portions of Huron Road, Prospect Avenue and Ontario Avenue, and are for the Tower City Banner Program, and are more fully described at the locations as shown in File No. 1124-98-A, filed in the Office of the City Clerk of the Council of the City of Cleveland.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed within the public rights-of-way as aforesaid in Section 1 and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

Section 5. 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1125-98.

By Councilman Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to the Northeast Shores Development Corporation to stretch four (4) banners, on Cleveland Public Power utility poles (by separate permission), on E. 185th St. & Neff Rd., Lake Shore Blvd. & E. 185th St., LaSalle at E. 185th St. & Pawnee at E. 185th St. for the period of July 14, to August 5, 1998 inclusive, to publicize their street festival.

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the

Northeast Shores Development Corporation 18901 Lake Shore Boulevard, Cleveland, Ohio 44119; to install, maintain and remove four (4) banners, using eight (8) Cleveland Public Power Poles (by separate permission), at East 185th Street and Neff Road; Lake Shore Boulevard and East 185th Street; LaSalle Road at East 185th Street and Pawnee Avenue at East 185th Street; for the period from July 14, 1998 to August 5, 1998, inclusive. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1126-98.

By Councilman Polensek.

An emergency ordinance consenting and approving the issuance of a permit for The East 185th Street Festival Run on July 30, 1998, sponsored by Northeast Shores Development Corporation, as part of the Annual East 185th Street Festival.

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 East 185th Street Festival Run, sponsored by the Northeast Shores Development Corporation, as part of the Annual East 185th Street Festival, beginning at approximately 7:00 P.M. on Thursday, July 30, 1998, and ending at approximately 8:00 P.M. the same day. The run will begin at Villa Angela / St. Joseph High School and encompass a scenic route along the westbound lanes of Lake Shore Boulevard, Euclid Creek State Park and the residential area along Lake Erie, and end at Villa Angela / St. Joseph High School, 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 of 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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1127-98.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cuyahoga County Fair to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission), which will encroach into the public right-of-way of Euclid Avenue at East 9th Street for the period of July 13, 1998 to August 10, 1998, inclusive, to publicize this event.

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cuyahoga County Fair, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), on Euclid Avenue at East 9th Street, being Pole Nos. B59-8 and B59-8, for the period of July 13, 1998 to August 10, 1998, inclusive to publicize the Cuyahoga County Fair. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1128-98.

By Councilman Melena.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Our Lady of Mt. Carmel to stretch banners at 6928 Detroit Avenue, for the period from July 1, 1998 to July 26, 1998, inclusive, publicizing the Church Festival

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Our

Lady of Mt. Carmel to install, maintain and remove banners at 6928 Detroit Ave., (pole #34838 #T-140) for the period from July 1, 1998 to July 26, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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 June 15, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1131-98.

By Councilman Cimperman (by departmental request).

An emergency ordinance determining to proceed to provide additional security for the Cleveland Theater District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing in the District in the City of Cleveland; adopting the assessments; and levying the assessments.

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 it is hereby determined to proceed to provide additional security for the Cleveland Theater District, clean and maintain the public rights-of-way and Star Plaza within the District and collectively market the District (collectively, "District Services") in the Cleveland Theater District as established in Resolution No. 483-95, adopted June 5, 1995, as amended by Resolution No. 1746-97, adopted December 15, 1997 (collectively, "the Resolution of Necessity").

Section 2. That said District Services shall be performed in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, profiles and estimates heretofore approved and filed in the office of the Clerk of Council.

Section 3. That all claims for damages resulting from the District Services that have been filed in accordance with law shall be judicially inquired into after completion of the District Services.

Section 4. That it is further determined that the cost of said District Services to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 5. That the list of assessments for the cost of said District Services reported to this Council and now on file in the office of the Clerk of Council, and aggregating \$1,652,521.00 and as approved by the

Assessment Equalization Board heretofore appointed by Resolution No. 938-98, adopted May 18, 1998, the report of which Board was approved by Resolution No. _____, adopted _____, 1998, and as approved by the Assessment Equalization Board heretofore appointed by Resolution No. 1055-98, adopted June 8, 1998, the report of which Board was approved by Resolution No. _____, adopted _____, 1998, be and the same are hereby

adopted and confirmed as final assessments.

Section 6. That the several amounts of the final assessments are hereby assessed and levied on the lots and lands benefitted and to be charged therewith in the Cleveland Theater District as set forth in the Resolution of Necessity.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue on file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City within thirty (30) days after the passage of this ordinance. The second through fifth annual installments shall be payable in cash within thirty (30) days after each of the next four anniversaries of the date of passage of this ordinance. All assessments and installments which have not been paid at the expiration of the respective thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 10. That the Clerk of this Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of this Council is directed to cause notice of the levy of the assessments herein to be filed with the County auditor within twenty (20) days following the passage of this ordinance.

Section 12. That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 13. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1132-98.
By Councilman Cimperman (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Cleveland Theater District Development Corporation with respect to the levy of an assessment for the Cleveland Theater District and approving of an amendment to the articles of incorporation of the Cleveland Theater District Development Corporation.

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 hereby authorized to enter into a contract with Cleveland Theater District Development Corporation setting forth the terms under which the City will levy an assessment for the Cleveland Theater District.

Section 2. That this Council hereby approves the amendments to the Articles of Incorporation of the Cleveland Theater District Development Corporation on file in File No. 1132-98-A, in accordance with Ohio Revised Code §1710.02(E).

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 June 15, 1998.
Effective June 24, 1998.

Ord. No. 1137-98.
By Councilmen Jackson and Gordon.
An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with outside agencies to provide AIDS related services. CDBG Year XXIV.

Whereas, the City of Cleveland has received a Community Development Block Grant Year XXIV from the United States Government; 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 hereby authorized to enter into contracts with various outside agencies for the purpose of providing AIDS related services in conjunction with the Community Development Block Grant Program.

Section 2. That the Directors of Health and Community Development are hereby authorized to enter a memorandum of understanding for this program.

Section 3. That the costs of the contracts authorized by Section 1 of this ordinance shall be paid from Fund No. 14 SF 024 RL 23114 and shall not exceed \$30,000.00.

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.

Passed June 15, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1138-98.
By Councilman Willis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 128th Street, East 110th Street, Lakeview/Temblett, Lakeview and Churchill to Northeastern Neighborhood Development Corporation 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, 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. 110-09-055 as more fully described in Section 2 below, to Northeastern Neighborhood Development Corporation 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. 110-09-055

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. 373 and described as follows:

Beginning on the Easterly line of East 128th Street at a point distant 40 feet Southerly measured along said Easterly line, from its intersection with the Southerly line of the Euclid View Allotment as recorded in Volume 52 of Maps, Page 18 of Cuyahoga County Records; thence Southerly along the Easterly line of East 128th Street, 40 feet; thence Easterly and parallel with the Southerly line of Euclid View Allotment 124.27 feet to the Westerly line of Sublot No. 7 in the Bor Mot Superior Through Subdivision as recorded in Volume 85 of Maps, Page 40 of Cuyahoga County Records; thence Northerly along the Westerly line of said Sublot No. 7, 40 feet to the Northwesterly corner thereof; thence Westerly and parallel with the Southerly line of the Euclid View Allotment 124.19 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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. 110-09-056 as more fully described in Section 4 below, to Northeastern Neighborhood Development Corporation or designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 110-09-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 4, 5, and 6 in the Bor-Mot Superior Through Subdivision of part of Original One Hundred Acre Lots Nos. 365 and 373, as shown by the

recorded plat in Volume 85 of Maps, Page 40 of Cuyahoga County Records and being 114.75 feet front on the Easterly line of East 128th Street and extending back 124.75 feet on the Northerly line, 125.06 feet on the Southerly line, which is also the Northerly line of Brackland Avenue, N.E., and having a rear line of 108.61 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

The Plat as recorded in Volume 85 of Maps, Page 40 of Cuyahoga County Records and known as being Sublots Nos. 4, 5, and 6 shows restriction and building lines.

Restrictions contained in the deed dated May 23, 1924 and recorded in Volume 2927, Page 387 of Cuyahoga County Records.

Also subject to all 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. 110-09-057 as more fully described in Section 6 below, Northeastern Neighborhood Development Corporation or designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 110-09-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in the C.S. Realty Company's Subdivision No. 4 of part of Original One Hundred Acre Lot No. 373 as shown by the recorded plat in Volume 54 of Maps, Page 27 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 128th Street, and extending back 113.93 feet on the Northerly line, 114.08 feet on the Southerly line, which is also the Northerly side of Brackland Avenue, N.E., 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.

Said property also subject to a driveway easement recorded on May 7, 1986, in Volume 86-7385, Page 19 of Cuyahoga County Records. A copy of which is attached hereto and incorporated herein.

Also subject to all 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. 110-19-011 as more fully described in Section 8 below, to Northeastern Neighborhood Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 110-19-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Charles Realty Company's Temblett Avenue Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 63 of Maps, Page 31 of Cuyahoga County Records and being 55.11 feet front on the Easterly side of Lakeview Road, N.E., 103.54 feet deep on the Northerly line, 100 feet deep on the Southerly line, which is also the Northerly line of Temblett Avenue, N.E., and 55 feet on the rear as appears by said plat.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commis-

sioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-30-006 as more fully described in Section 10 below, to Northeastern Neighborhood Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 110-30-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 184 in Knight Richardson and Moore Allotment of part of Original One Hundred Acre Lot No. 379, as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 114th Street and extending back of equal width 100 feet, as appears on said plat.

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. 111-01-083 as more fully described in Section 12 below, to Northeastern Neighborhood Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 111-01-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 33 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and being 20 feet front on the Westerly side of Rumar Drive, N.E., 23.56 feet on the curved turnout between the Westerly and the Southerly side of Rumar Drive, N.E., and extending back 80 feet on the Southerly line and 65 feet on the Northerly line which is also the Southerly side of Rumar Drive, N.E., and having a rear line of 35 feet along the Easterly side of East 110th Street, 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. 111-01-086 as more fully described in Section 14 below, Northeastern Neighborhood Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 111-01-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 and part of Sublot No. 7 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of East 110th Street at the Northwest corner of said Sublot No. 6; thence Southerly along the Easterly line of East 110th Street, 40 feet, 2 inches to a point; thence Easterly parallel with the Northerly line of said Sublot No. 7, about 121.53 feet to the Easterly line of Sublot No. 7;

thence Northerly along the Easterly line of Sublots Nos. 6 and 7, to the Northeasterly corner of Sublot No. 6; thence Westerly along the Northerly line of Sublot No. 6, 108.09 feet to the place of beginning 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. 120-01-059 as more fully described in Section 16 below, Northeastern Neighborhood Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 120-01-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the Phillip's Subdivision of a part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Churchill Avenue, N.E., and extending back between parallel lines 120 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to conditions contained in Volume 870, Page 587 of Cuyahoga County Records.

Also subject to all 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. 120-09-049 as more fully described in Section 18 below, to Northeastern Neighborhood Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 120-09-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 57 in the Knowlton Subdivision of part of Original One Hundred Acre Lot No. 387 as shown by the recorded plat in Volume 14 of Maps, Page 44 of Cuyahoga County Records, being 40.90 feet front on the Westerly side of East 115th Street and being 145 feet deep on the Northerly line, 145 feet deep on the Southerly line and 41.84 feet wide in the rear, 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 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.

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.

Passed June 15, 1998.

Effective June 24, 1998.

Ord. No. 1144-98.

By Councilman Cimperman.

An emergency ordinance to repeal Ordinance No. 1042-98, passed June 8, 1998, relating to the issuance of a permit to the Cleveland Irish Cultural Festival.

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 Ordinance No. 1042-98, passed June 8, 1998 is hereby repealed.

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 June 15, 1998.

Effective June 24, 1998.

Ord. No. 1145-98.

By Councilman Westbrook.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (Wayne Hickman).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 18: Wayne Hickman.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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.

Passed June 15, 1998.

Effective June 23, 1998 without the signature of the Mayor.

Ord. No. 1146-98.
By Councilman Westbrook.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (David Smith).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 18: David Smith.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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.

Passed June 15, 1998.

Effective June 23, 1998 without the signature of the Mayor.

Ord. No. 1155-98.
By Councilman Cintron.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to the Near West Theatre to stretch one (1) banner, on Cleveland Public Power utility poles (by separate permission), across Bridge Avenue at 3606 Bridge Avenue, for the period of July 15, 1998 to August 10, 1998, inclusive, to publicize the 20th Anniversary Year of Near West Theatre.

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Near West Theatre, 4315 Bridge Avenue, Cleveland, Ohio 44113; to install, maintain and remove one (1) banner, using two (2) Cleveland Public Power Poles (by separate permission), across Bridge Avenue and in front of St. Patrick's Club Building at 3606 Bridge Avenue; for the period from July 15, 1998 to August 10, 1998, inclusive. Said Banner shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial adver-

tising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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 June 15, 1998.

Effective June 23, 1998.

COUNCIL COMMITTEE MEETINGS

Friday, June 12, 1998

Committee on Mayor's Appointments: 2:00 P.M. — Present: Coats, Chairman; Robinson, Sweeney, Zone.

Monday, June 15, 1998

Community & Economic Development Committee (joint with City Planning, Legislation and Finance Committees): 9:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

City Planning Committee (joint with Community & Economic Development, Legislation and Finance Committees): 9:00 A.M. — Present: Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

Legislation Committee (joint with Community & Economic Development, City Planning and Finance Committees): 9:00 A.M. — Present: Zone, Chairman; Jones, Vice Chairman; Britt, Cimperman, Dolan, Johnson, Rybka.

Finance Committee (joint with Community & Economic Development, City Planning and Legislation Committees): 9:00 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

Public Parks, Property and Recreation Committee (joint with Community & Economic Development, City Planning and Finance Committees): 10:00 A.M. — Present: Willis, Chairman; Dolan, Vice Chairman; Britt, Lewis, Polensek, Sweeney, White.

Community & Economic Development Committee (joint with Public Parks, Property and Recreation, City Planning and Finance Committees): 10:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

City Planning Committee (joint with Public Parks, Recreation & Properties, Community & Economic Development and Finance Committees): 10:00 A.M. — Present: Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

Finance Committee (joint with Public Parks, Recreation and Properties, Community & Economic Development, City Planning and Finance Committees): 10:00 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

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