

The City Record

Official Publication of the Council of the City of Cleveland



February the Twenty-Second, Two Thousand and Six

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Emily Lipovan
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Michael A. House, Executive Assistant to the Mayor, Press Secretary
 Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Interim Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

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

DEPT. OF PORT CONTROL – John Mok, Interim Director

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

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Interim Director, Room 113

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

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

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

DEPT. OF PUBLIC SAFETY – Martin Flask, Interim Director, Room 230

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Interim Director

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Interim Director, 3rd Floor, City Hall
 DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Interim Director, Room 500
 DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director

COMMUNITY RELATIONS BOARD – Room 11, Theasha A. Danieli, Interim Director;
 Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman;
 Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives;
 Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall,
 Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez,
 Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; _____, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director _____, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director _____, Law Director Robert J. Triozzi; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small.

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connally, Hillary S. Taylor.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

FAIR HOUSING BOARD – Charles See, Chair; _____, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

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

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance Director _____; Council President Martin J. Sweeney; Councilman Dona Brady; Councilman _____.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald Bauknight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorik, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – _____, Chair; _____, Vice Chair; Robert Brown, Thomas Coffey, Jennifer Coleman, India Pierce Lee, Laura M. Noble, Michael Rastatter, Jr., John Torres, Ari Maron, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff; Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, FEBRUARY 22, 2006

No. 4811

CITY COUNCIL

MONDAY, FEBRUARY 20, 2006

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

EMILY LIPOVAN

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Turner.

9:30 A.M. — **Health & Human Services Committee:** Britt, Chair; Cleveland, Vice Chair; Conwell, Kelley, Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Britt, Cleveland, Dolan, Turner.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Britt, Coats, Cummins, Kelley, Polensek, Santiago, Turner.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Dolan, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair; Westbrook, Vice Chair, Conwell, Dolan, Lewis, Reed, Zone.

The following Committees are subject to the Call of the Chair:

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

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

February 15, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 15, 2006, at 10:30 a.m. with Mayor Jackson presiding.

Present: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Direc-

tor Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Commissioner, Office of Equal Opportunity.

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

Resolution No. 45-06.

By Interim Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on January 25, 2006 for the purchase of an estimated quantity of unarmed, uniformed security guard services, all items, for the various divisions of City government, under the authority of Ordinance No. 2133-05, passed by the Council of the City of Cleveland on November 28, 2005 are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.

Nays: None.

Absent: None.

Resolution No. 46-06.

By Interim Director Ciaccia.

Resolved by the Board of Control of the City of Cleveland that the bid of Marsh USA Inc. for the following: Fire, Boiler and Machinery & Extended Insurance Coverage for various locations for a term of one year, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 2nd day of December 2005, pursuant to the authority of Ordinance No. 892-05, passed June 6, 2005 which on the basis of the order quantity would amount to \$370,000.00, 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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Marsh USA Inc. for fire, boiler and machinery & extended insurance coverage for various locations for the above-mentioned Standard Contract is hereby approved:

SUBCONTRACTOR

MBE/FBE

Pinkney-Perry

Insurance

\$10,080.00

(MBE) (2.88%)

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.
Nays: None.
Absent: None.

Resolution No. 47-06.

By Interim Director Ciaccia.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 20, 2005, for labor and materials necessary to repair and maintain plate trucks, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 836-04, passed by the Council of the City of Cleveland on June 7, 2004, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.
Nays: None.
Absent: None.

Resolution No. 48-06.

By Interim Director Ciaccia.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 9, 2005, for labor and materials necessary to repair and maintain combination sewer and catch basin cleaners including appurtenances (Vector Trucks), for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 643-05, passed by the Council of the City of Cleveland on May 9, 2005, are rejected.

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Director Cox, Interim Director Rush, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.
Nays: None.
Absent: None.

Resolution No. 49-06.

By Interim Director Wasik.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking and Paving, Inc. for the public improvement of Jennings Road from Spring Road to the Jennings Freeway Ramp, all items, for the Division of Engineering and Construction, Department of Public Service, received on February 3, 2006, under the authority of Ordinance No. 821-05, passed June 6, 2005, upon a unit basis for the improvement, in the aggregate amount of \$4,436,785.35, is affirmed and approved as the lowest responsible bid, and the Director of Public Service is authorized to enter into contract for improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by Fabrizi Trucking and Paving, Inc. for the above mentioned public improvement is approved:

McTech Corporation
5000 Crayton Avenue
Cleveland, Ohio 44101
MBE — 14.65% — \$650,000.00

Julian Supply Company
16300 Waterloo
Cleveland, Ohio 44121
FBE — 0.4% — \$100,000.00

Friedel Trucking Co. Inc.
5714 Archmere Avenue
Cleveland, Ohio 44114
FBE — 2.7% — \$120,000.00

Yeas: Mayor Jackson, Director Triozzi, Interim Directors Dumas, Ciaccia, Mok, Wasik, Carroll, Flask, Cox, Acting Director Wilbur, Director Hutchinson, Interim Director Huth, Directors Fumich, Guzman and Interim Director Rybka.
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 slated in the examination announcement.

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 6, 2006

9:30 A.M.

Calendar No. 06-19: 403-405 East 152nd Street (Ward 11)

Eastern Monica LLC, owner, and Charles Brown, agent, appeal to erect a 5' x 38'-6" wooden wheelchair ramp at the front of an existing two-story, four dwelling units residence, situated on a 45' x 150' parcel located in a Two-Family District on the east side of East 152nd Street at 403-405 East 152nd Street; as proposed, the ramp is within 2' of the street line and open porches may not extend within 10' of the street line as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 06-21: 12001 Shaker Boulevard (Ward 6)

Pastor Derrick Noel, owner, appeals to establish use as a church and school in an existing two-story, brick office building, situated on a 90' x 160' parcel located in a Residence Office District on the north side of Shaker Boulevard at 12001 Shaker Boulevard; contrary to Sec-

tions 349.04(c) and (e), there are 33 parking spaces provided and a total of 50 spaces are required; and by reference, as regulated in a One-Family District, (337.02(e)(1), the proposed church and uses if located less than 15' from a residential district not used for a similar purpose, require the Board of Zoning Appeals approval and the lot abuts a Two-Family District at the rear property line.

Calendar No. 06-22: 1082-98 East 105th Street (Ward 8)

City of Cleveland Landbank, owner, and Maher Ali, prospective purchaser, appeal to add a gas station to an existing retail center, proposed to be situated on a 155' x 117' corner parcel located in a Local Retail Business District on the northwest corner of East 105th Street and Ostend Avenue at 1082-1098 East 105th Street; subject to the limitations of Section 343.01, a gas station is not permitted in a Local Retail Business District and is first permitted in a General Retail Business District as stated in Section 343.11 of the Codified Ordinances.

Calendar No. 06-23: 3100 West 117th Street (Ward 19)

Target Corporation, owner, and John Lateulere, agent, appeal to erect an 87,325 square foot grocery store and a 126,842 square foot retail department store with an accessory parking lot for 1,047 spaces on acreage located in a General Retail Business District on the west side of West 117th Street between Interstate 90 and Sector Avenue at 3100 West 117th Street; contrary to Section 349.04(f) there are 1,047 spaces are proposed and, calculated at the rate of one space per 150 square feet, 1,429 spaces are required for the grocery and retail department stores; and a 95' driveway width is proposed, where a maximum width of 30' is allowed according to Section 349.07(c)(3); and no landscaping plan is provided, contrary to Sections 352.08 through 352.11 of the Codified Ordinances.

Calendar No. 06-24: 4961 Old Grayton Road (Ward 20)

Jonathan Ullrich appeals to install approximately 307 linear feet of 6' tall fence at the front of a flag shaped acreage parcel, located in an A1 Semi-Industrial District on the east side of Old Grayton Road at 4961 Old Grayton Road; contrary to the Fence Regulations, a 6' fence height is proposed and fences in actual front and side street yards shall not exceed a 4' height and shall be at least 50% open, as stated in Section 358.05(a)(2) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 21, 2006

At the meeting of the Board of Zoning Appeals on Tuesday, February 21, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 06-12: 11112 Clifton Boulevard

Clifton Management LLC, owner, and Gene Elbert, tenant, appealed to change a first floor retail store to

an ice cream shop in a mixed use building located in a Multi-Family District.

Calendar No. 06-13: 211 Prospect Avenue
Downtown Buildings LLC, owner, appealed to demolish a two-story retail structure and construct a surface parking lot in General Retail Business District.

Calendar No. 06-14: 10510 Park Lane
PLY Associates, LP, appealed to renovate a six-story apartment building to accommodate a restaurant, construct a condominium and retail stores and a parking garage in a Multi-Family District.

Calendar No. 06-15: 818 East 185th Street
East 185th Street Properties LLC, owner, and Northshore Café, Inc., tenant, appealed to add live entertainment to the use of a first floor space of a café/restaurant in a Local Retail Business District.

The following appeals were **Denied:**

None.

The following appeal was **Withdrawn:**

Calendar No. 06-1: 12814 Carrington Avenue
Kudaco LLP and Murray Kudroff, owner, appealed to change a one family dwelling to a three family dwelling in an A1 One-Family District.

The following appeal was **Postponed:**

Calendar No. 06-17: 3749 East 142nd Street postponed to March 27, 2006.

In Executive Session on February 21, 2006, the following appeals heard by the Board on February 13, 2006 were adopted and approved.

The following appeals were **Approved:**

Calendar No. 06-5: 1031 Superior Avenue
The Catholic Diocese of Cleveland appealed to demolish an existing structure and establish a parking lot in its place in a Semi-Industry District.

Calendar No. 06-9: 1611 West 117th Street
Don Ponyicky appealed to construct a surface parking lot in a General Retail Business District.

Calendar No. 06-10: 1373 East 51st Street
Jordan Brenner and Ohio Technical College appeal to construct a surface parking lot in a Two-Family District.

Calendar No. 06-11: 1374 East 51st Street
Marc Brenner and Ohio Technical College appeal to install 350 square feet of 8' tall ornamental fence on a corner parcel in a Semi-Industry District.

Calendar No. 06-16: 17603 Fairville Avenue
The Cuyahoga Metropolitan Housing Authority appealed to construct 90 new dwelling units in a Two-

Family District; subject to conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Wednesday, March 8, 2006 1:30 p.m.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, March 8, 2006, at 1:30 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 2373-04.

By Council Member Cimperman.
An ordinance changing the Use Districts a parcel of land on the north side of Superior Ave. from a General Retail Business to a Semi-Industry Use District and changing the Use District of a parcel of land on the west side of E. 61st Street from a General Retail Business District to Multi-Family Residential District (Map Change No. 2144, Sheet 4).

Ord. No. 1896-05.

By Council Member Kelley.
An ordinance to change the Use Districts of parcel bounded by Melber Avenue, Ridge Road and Ridgemoor Ave. from Semi-Industry and Two-Family to Local Retail Business District as shown on the attached map (Map Change No. 2165, Sheet 2).

Ord. No. 2200-05.

By Council Members Brady and Cimperman (by departmental request).
An ordinance to amend Sections 1 and 2 of Ordinance No. 592-05, passed April 18, 2005, relating to the zoning of parcels on the west side of West 117th Street between Western Avenue and Interstate 90 (Map Change No. 2149, Sheet 2).

Ord. No. 161-06.

By Council Members Britt, Lewis, Cleveland, Cimperman and Sweeney (by departmental request).
An emergency ordinance to amend Section 344.07 of Ordinance No. 910-05, passed July 13, 2005, relating to the building height requirements within the Midtown Mixed-Use Dis-

trict; and to amend Sections 1, 2, 3, and 4 of Ordinance No. 1785-05, passed October 31, 2005, relating to zoning within the district.

Ord. No. 272-06.

By Council Member Brady.
An ordinance to change the zoning of parcels on the Southwest corner of Linnet Ave. and West 117th Street from a General Retail Business District to a Multi-Family Residential District (Map Change No. 2175 Sheet No. 2).

Joseph C. Cimperman
Chairman
Committee on City Planning

February 22, 2006 and March 1, 2006

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."

THURSDAY, MARCH 2, 2006

6th Floor Justice Center and District Jail Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 838-02, passed by the Council of the City of Cleveland, June 10, 2002.
THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 23, 2006 AT 10:00 A.M., 9TH FLOOR CONFERENCE ROOM, JUSTICE CENTER, 1300 ONTARIO AVENUE, CLEVELAND, OHIO 44113.

2006 Concrete Requirements Contract, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 2071-05, pending passage.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 23, 2006 AT 11:00 A.M., CITY HALL, CONFERENCE ROOM 518, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 3, 2006

Unarmed, Uniformed Security Guards Services, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2133-05, passed by the Council of the City of Cleveland, November 28, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 24, 2006 AT 12:00 P.M., DEPARTMENT OF FINANCE, ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

February 15, 2006 and February 22, 2006

WEDNESDAY, MARCH 8, 2006

Employee Uniforms, for the Various Divisions, Department of Port Control, as authorized by Ordinance No. 1875-05, passed by the Council of the City of Cleveland, October 24, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 24, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 24, 2006

Nottingham Water Works Plant Administration Building Project No. 457, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2295-04, passed by the Council of the City of Cleveland, April 18, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 28, 2006 AT 1:30 P.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

FRIDAY, MARCH 31, 2006

Laboratory Services for Water Quality, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 485-96, passed by the Council of the City of Cleveland, May 6, 1996.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 10, 2006 AT 1:30 P.M., PUBLIC UTILITIES BUILDING AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 15, 2006 and February 22, 2006

THURSDAY, MARCH 16, 2006

25-Cubic Yards Rear Loading Refuse Packer Bodies, for Various Divisions, Department of Public Service, Parks, Recreation and Properties and Public Safety, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MARCH 7, 2006 AT 2:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

February 22, 2006 and March 1, 2006

WEDNESDAY, MARCH 22, 2006

Phase II Residential Sound Insulation Program (RSIP) 2006 General Construction (Contract C-06-1) and HVAC/Electrical (Contract C-06-2), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 930-95, 469-98 and 327-2000, passed by the Council of the City of Cleveland, June 19, 1995, May 18, 1998 and June 12, 2000.

THERE WILL BE A **REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00)** IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 9, 2006 AT 10:00 A.M., C & S ENGINEERS OF OHIO, LOCATED AT ONE INTERNATIONAL PLACE, 20445 EMERALD PARKWAY, SUITE 100, CLEVELAND, OHIO 44135.

February 22, 2006 and March 1, 2006

FRIDAY, APRIL 7, 2006

Labor and Materials to Maintain/Repair Various Material Handling Equipment: Industrial Trucks, Sweepers and Scrubbers, Aerial Lifts, Tractors and Appurtenances, for the Various Divisions of the Department of Public Utilities, as authorized by Ordinance No. 1027-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, MARCH 17, 2006 AT 2:30 P.M., CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 22, 2006 and March 1, 2006

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2145-05.

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

An emergency resolution declaring the intent to vacate a portion of Penn Court N.W.

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

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

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

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

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the North-easterly 77.73 feet of Penn Court N.W. (16 feet wide), 162.25 feet east of the easterly right of way of West 32nd Street (66 feet wide).

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

Section 2. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 256-06.

By Council Member Pierce Scott. An emergency resolution objecting to the transfer of Liquor License of a C2, C2X and D6 Liquor Permit to 907 East 105th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Corp., DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 907 East 105th Street, Cleveland, Ohio 44108, Permanent Number 3019386; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a C2, C2X and D6 Liquor Permit from 2498 Corp., DBA Woodland Shoprite, 2498 East 40th Street, 1st floor, Cleveland, Ohio 44104, Permanent Number 9116861 to Beverly Galloway, 907 East 105th Street, Cleveland, Ohio 44108, Permanent Number 3019386, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 261-06.

By Council Member Lewis.

An emergency resolution supporting the location of a community-based correctional facility at 4801 Chester Avenue, the former Ward Bakery site.

Whereas, plans for a community-based correctional facility in Cuyahoga County are being discussed; and

Whereas, one of the sites being considered for the community based correctional facility is the former Ward Bakery location at 4801 Chester Avenue; and

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

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

Section 1. That this Council supports the location of a community-based correctional facility at 4801 Chester Avenue, the former Ward Bakery site.

Section 2. That the Clerk of Council shall transmit a copy of this res-

olution to the Commissioners of Cuyahoga County and to Lee Trotter, Deputy County Administrator.

Section 3. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 262-06.

By Council Member Brancatelli.

An emergency resolution declaring this Council's support of the proposal of Slavic Village Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, Slavic Village Homes LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Slavic Village Homes LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Slavic Village Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 263-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, South Pointe Commons LP is proposing to develop up to 95 housing units at 3315 West 25th Street, located northeast of the intersection of West 25th Street and Sackett Avenue, Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will serve a special needs population - permanent supportive housing for homeless individuals with disabilities; and

Whereas, support services will be made available, both on and off-site to these individuals; and

Whereas, the South Pointe Commons LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 264-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of Cleveland New Construction Limited Partnership IV to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, Cleveland New Construction Limited Partnership IV is proposing to develop up to 30 hous-

ing units on scattered sites throughout the City of Cleveland, with a special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland New Construction Limited Partnership IV proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland New Construction Limited Partnership IV to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 265-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of Cleveland Housing Network Limited Partnership XXII - SC to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, Cleveland Housing Network Limited Partnership XXII - SC is proposing to develop up to 60 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the South Central submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland Housing Network Limited Partnership XXII - SC proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of the Cleveland Housing Network Limited Partnership XXII - SC to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 266-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of Cleveland West Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, Cleveland West Homes LP is proposing to develop up to 30 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the West submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Cleveland West Homes LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cleveland West Homes LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 267-06.

By Council Member Pierce Scott.

An emergency resolution declaring this Council's support of the proposal of Erieview Homes II LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

Whereas, Erieview Homes II LP is proposing to develop up to 60 housing units on scattered sites throughout the City of Cleveland, with a special emphasis on the East submarket as defined by the Ohio Housing Finance Agency; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 50% of these housing units will be affordable to families with annual incomes at or below 50% of the area median income; and

Whereas, 10% of these housing units will be affordable to households whose annual income is at or below 35% of the area median income; and

Whereas, the project does not serve a special needs population; and

Whereas, the Erieview Homes II LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of the Erieview Homes II LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit a certified copy of this resolution to the Executive Director of the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 268-06.

By Council Member Santiago.

An emergency resolution declaring this Council's support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits

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

Whereas, South Pointe Commons LP is proposing to develop up to 95 housing units at 3315 West 25th Street, located northeast of the intersection of West 25th Street and Sackett Avenue, Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 50% of these housing units will serve a special needs population - permanent supportive housing for homeless individuals with disabilities; and

Whereas, support services will be made available, both on and off-site to these individuals; and

Whereas, the South Pointe Commons LP proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of South Pointe Commons LP to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the Executive Directors of Emerald Development & Economic Network, Inc. and the Cleveland Housing Network, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 269-06.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Cogswell Hall to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funding.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits and Housing Development Assistance Program (HDAP) funds for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Cogswell Hall, Inc. is proposing to develop 42 housing units at 7200 Franklin Boulevard; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 60% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, 10% of these housing units will serve households with incomes at or below 35% of the area median income; and

Whereas, this project will not target special needs populations; and

Whereas, the Cogswell Hall, proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Cogswell Hall to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funds.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Cogswell Hall, Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Res. No. 270-06.

By Council Member Zone.

An emergency resolution declaring this Council's support of the proposal of Detroit Avenue Greens to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funding.

Whereas, each year the Ohio Housing Finance Agency allocates housing credits and Housing Development Assistance Program (HDAP) funds for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Detroit Shoreway Community Development Organization is proposing to develop 47 housing units located at 7306, 7312, 7918, and 8003 Detroit Avenue; and

Whereas, 100% of these homes will be occupied by families at or below 60% of the area median income and no housing units will be market rate; and

Whereas, 60% of these housing units will be occupied by families at or below 50% of the area median income; and

Whereas, 10% of these housing units will serve specifically households with incomes at or below 35% of the area median income; and

Whereas, this project will not target special needs populations; and

Whereas, the Detroit Avenue Greens proposal will benefit the citizens of the City; and

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

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

Section 1. That this Council hereby declares its support of the proposal of Detroit Avenue Greens to the Ohio Housing Finance Agency for the use of low-income housing tax credits and HDAP funds.

Section 2. That the Clerk of Council is hereby directed to transmit two certified copies of this resolution to the Executive Director of Detroit Shoreway Community Development Organization.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted February 13, 2006.

Effective February 17, 2006.

Ord. No. 1266-05.

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

An emergency ordinance authorizing the Mayor and Directors of Parks, Recreation and Properties and other City officers to enter into an amendment to Common Area Maintenance Agreement No. 48828 between the Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc. the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC, the Cleveland Browns Football Company LLC, and the Cleveland Browns Holdings LLC for maintenance of the common areas of the North Coast Harbor.

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 Mayor and Directors of Parks, Recreation and Properties and Law and other City

officers are authorized to enter into an amendment to Common Area Maintenance Agreement No. 48828 between the Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc., the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC, the Cleveland Browns Football Company LLC, and the Cleveland Browns Holdings LLC for maintenance of the common areas of the North Coast Harbor, for the purposes of:

(a) removing the capital repair contributions after receiving a one-time final payment of \$70,000 payable to the capital repair budget from the following participants to repair the bulk heads:

1. the Rock and Roll Hall of Fame and Museum, Inc.;

2. the Great Lakes Museum of Science, Environment and Technology; and

3. and the Cleveland Browns Stadium Company LLC, the Cleveland Browns Football Company LLC, and the Cleveland Browns Holdings LLC.

(b) providing that after the one-time payment is made under (a) above, the City will be responsible for all capital repairs;

(c) Removing the parking area on East 9th Street Pier from the currently defined CAM area; and

(d) Removing the skate park area from the currently defined CAM area.

Section 2. That the amendment shall be prepared by the Director of Law.

Section 3. That commencing at three years after the passage of this ordinance and every three years thereafter, the Director of Public Service shall cause an inspection to be made of the bulkhead at North Coast Harbor and the common areas of the North Coast Harbor and report the findings to this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 1302-05.
By Council Member Polensek.
An emergency ordinance to change the name of Devon Road to Lakeport Road.

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 Codified Ordinances of the City of Cleveland, 1976, the name of Devon Road shall be changed to Lakeport Road.

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 February 13, 2006.

Effective February 17, 2006.

Ord. No. 1515-05.
By Council Members Cintron, Pierce Scott, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the Northeast Chemical site located at 3301 Monroe Avenue; and authorizing the Director to enter into one or more contracts with West Monroe LLC to implement the 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 Community Development is authorized to apply for and accept a Clean Ohio grant in an approximate amount of \$285,000, from the State of Ohio Department of Development for the Northeast Chemical site located at 3301 Monroe Avenue, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant, File No. 1515-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with West Monroe LLC to implement the project.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 13, 2006.

Ord. No. 1516-05.

By Council Members Zone, Pierce Scott, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for the Acorn Chemical Co. located at 8001 Franklin Boulevard; and authorizing the Director to enter into one or more contracts with 8001 Franklin LLC to implement the 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 Community Development is authorized to apply for and accept a Clean Ohio grant in an approximate amount of \$165,000, from the State of Ohio Department of Development for the Acorn Chemical Co. located at 8001 Franklin Boulevard, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

Section 2. That the executive summary for the grant File No. 1516-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with 8001 Franklin LLC to implement the project.

Section 4. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

Section 5. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 13, 2006.

Ord. No. 1641-05.
By Council Members Pierce Scott, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located on the northwest corner of Rocke-

feller Park at Superior Avenue and declaring certain easement rights no longer needed for public use.

Whereas, Dominion East Ohio Gas ("EOG") requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located on the northwest corner of Rockefeller Park at Superior Avenue; and

Whereas, EOG requires the easement rights to install a regulator station and related apparatus on City-owned property; and

Whereas, the easement rights to be granted 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, it is found and determined that an easement interest in the following described property is no longer needed for public use:

**PROPOSED DOMINION
EASEMENT**

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. 385, and more fully described as follows:

Beginning at the intersection of the Southerly line of Superior Avenue, 80 feet wide, with the Easterly line of Ansel Road, 50 feet wide.

Thence Easterly along the Southerly line of said Superior Avenue, 145 feet to a point, said point also being the Principal Place of Beginning of the easement herein intended to be described.

Thence Southerly and perpendicular to the Southerly line of said Superior Avenue, 20 feet to a point.

Thence Easterly and parallel to the Southerly line of Superior Avenue, 15 feet to a point.

Thence Northerly and perpendicular to the Southerly line of Superior Avenue, 20 feet to a point on the Southerly line of said Superior Avenue.

Thence Westerly, along the Southerly line of said Superior Avenue, 15 feet to the Principal Place of Beginning.

Section 2. 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 permanent easement interest to EOG subject to any conditions stated in this ordinance, at a price of one dollar.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to construct, landscape, properly screen, operate, repair, maintain, and install a regulator station and related apparatus on City-owned property.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of

the Director of Parks, Recreation and Properties; that the easement shall require that EOG indemnify the City, provide reasonable insurance, maintain any EOG improvements located within the easement; and pay any applicable taxes and assessments.

Section 5. 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 Directors of Parks, Recreation 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 above.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 1892-05.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Flats East Development, LLC, and/or the Cleveland-Cuyahoga County Port Authority to provide development assistance to partially finance the acquisition of land for retail, multifamily rental housing and/or parking facilities at the Project Site and the construction at the Project Site of parking facilities to support retail and/or multifamily rental housing uses at the Project Site.

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

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

Whereas, this project has been reviewed by the City's Department of Economic Development and approved by the Cleveland Citywide Development Corporation at its February 10, 2005 meeting; and

Whereas, it is found and determined that the acquisition of land by Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority for retail, multi-family rental housing and/or parking facilities at the Project Site

and the construction at the Project Site by Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority of parking facilities to support retail and/or multifamily rental housing uses at the Project site constitute a project in accordance with the Plan, as prepared and approved by the Cleveland Citywide Development Corporation and confirmed by the legislative authority of the City and is approved by the Board; and

Whereas, Council desires to authorize the development assistance to the project which has been reviewed by the Department of Economic Development and approved by the Cleveland Citywide Development Corporation in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That, provided Flats East Development, LLC and/or the Cleveland-Cuyahoga County Port Authority submits documents required by the City's bond counsel, and provides the Director of Law with evidence of suitable project financing commitments, the Director of Economic Development is authorized to enter into one or more contracts with Flats East Development LLC and/or the Cleveland-Cuyahoga County Port Authority to provide development assistance to partially finance the acquisition of land for retail, multifamily rental housing and/or parking facilities at the Project Site and the construction at the Project Site of parking facilities to support retail and/or multifamily rental housing uses at the Project Site.

Section 2. That the terms of the loan or loans shall be according to the terms set forth in the Summary contained in File No. 1892-05-B, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract or contracts shall not exceed Six Million Dollars (\$6,000,000) in the aggregate, and shall be paid from Fund Nos. 10 SF 541 and 10 SF 552, which funds are appropriated for this purpose, Request No. 103677.

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan or loans, is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations, and to deposit the monies in Fund Nos. 10 SF 542 and 10 SF 553.

Section 6. That the contract or contracts and other appropriate documents needed to complete the

transaction authorized by this legislation shall be prepared by the Director of Law.

Section 7. The contract or contracts authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or plead guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 1989-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the Hines Company to encroach into the public right-of-way of Superior Avenue by installing, using, and maintaining 16 bollard lights and 7 planters at 1100 Superior 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 the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the Hines Company (and mailing address) ("Permittee") to encroach into the public right-of-way of 1100 Superior Avenue by installing, using, and maintaining 16 bollard lights and 7 planters, at the following location:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Sublot No. 8 through 10, in J.M. Woolsey's Allotment of part of original Two Acre Lots Nos. 156 to 167, as shown by the recorded plat in Volume "N" of deeds, Page 486 of Cuyahoga County Records and a part of Payne Avenue N.E. (80 feet wide) Vacated by ordinance No. 1016-68 passed June 3, 1968 as shown by the recorded map in Volume 204 page 11 of Cuyahoga county Records.

Beginning at the intersection of the southerly line of Superior Avenue N.E. (132 feet wide) and the westerly line of East 12th Street (66 feet wide), thence N 34° 05' 12" W along the northwesterly prolongation of said westerly line of East 12th Street 25.5 feet to the principal place of beginning;

1. Thence southwesterly parallel with the southerly line of Superior Avenue N.E. S 55° 42' 39" W, 198.335 feet;

2. Thence N 34° 05' 12" W, 7.00 feet;

3. Thence parallel with the said southerly line of Superior Avenue N.E. N 55° 42' 39" E, 198.335 feet to the prolongation of the said westerly line of East 12th Street;

4. Thence S 34° 05' 12" E, 7.00 feet along the said prolongation of the said westerly line of East 12th Street to the principal place of beginning and containing 1388.35 square feet of land and subject to all legal highways and easements of record.

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2070-05.

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

An emergency ordinance determining the method of making the public improvement of reconstructing the Eagle Avenue pedestrian access way; and authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of

reconstructing the Eagle Avenue pedestrian access way from the Tower City Amphitheater in the Flats to Ontario Road in the Gateway Entertainment District, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166609.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2071-05.

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

An emergency ordinance determining the method of making the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, bridge approaches and appurtenances and authorizing the Director of Public Service to enter into one or more public improvement requirement contracts for the making of 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, bridge approaches and appurtenances, for the Division of Engineering and Construction, Department of Public Service, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for

a one year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, Department of Public Service. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 166611)

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2072-05.

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

An emergency ordinance determining the method of making the public improvement of constructing the West 121st Street extension between Sector Avenue and Berea Road; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the West 121st Street extension between Sector Avenue and Berea Road, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter

into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the improvement. The consideration to be paid for the property shall not exceed its appraised value.

Section 4. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 5. That the cost of the improvement and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166617.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2085-05.

By Council Member Cimperman.

An emergency ordinance to designate that section of Prospect Avenue from Medical Mutual Plaza at the corner of Prospect Avenue and Huron Road to East 4th Street as "Medical Mutual Way" as a secondary and honorary designation.

Whereas, Medical Mutual serves more than 1.5 million healthcare customers; and

Whereas, Medical Mutual is headquartered in downtown Cleveland in the historic Rose building; and

Whereas, Medical Mutual employs 2,500 Ohio-based employees; 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 any provision of the Codified Ordinances of the City of Cleveland, Ohio, 1976, to the contrary, that section of Prospect Avenue from Medical Mutual Plaza at the corner of Prospect Avenue and Huron Road to East 4th Street shall also be known as "Medical Mutual Way" as a secondary and honorary designation.

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 February 13, 2006.
Effective February 17, 2006.

Ord. No. 2091-05.

By Council Member Lewis.

An emergency ordinance to name the new tennis wall at the Thurgood Marshall Recreation Center as the "Benita Ashford Tennis Wall".

Whereas, Ms. Benita Ashford serves as a tennis coach at the Thurgood Marshall Recreation Center; and

Whereas, Ms. Ashford also serves on the recreation center's Advisory Board; and

Whereas, Ms. Ashford is an advocate for public improvements at the recreation center; and

Whereas, it is appropriate to honor Ms. Ashford's dedication to tennis programs at Thurgood Marshall Recreation Center; 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 new tennis wall located at Thurgood Marshall Recreation Center is hereby named "Benita Ashford Tennis Wall".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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 February 13, 2006.
Effective February 17, 2006.

Ord. No. 2092-05.

By Council Member Lewis.

An emergency ordinance to name the refurbished baseball field at the Thurgood Marshall Recreation Center as the "John Roscoe Baseball Field".

Whereas, Mr. John Roscoe served as a volunteer and coach at the Thurgood Marshall Recreation Center; and

Whereas, Mr. Roscoe was a World War II veteran and a minor league baseball player; and

Whereas, Mr. Roscoe was an advocate for public improvements at the recreation center; and

Whereas, it is appropriate to honor Mr. Roscoe's dedication and commitment to recreation programs at Thurgood Marshall Recreation Center; 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 refurbished baseball field located at Thurgood Marshall Recreation Center is hereby named "John ("Johnny") Roscoe Baseball Field".

Section 2. That the Director of Parks, Recreation, and Properties is hereby authorized and directed to take the necessary action to give effect to this ordinance including the placement of proper signs.

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 February 13, 2006.

Effective February 17, 2006.

Ord. No. 2141-05.

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

An emergency ordinance authorizing the acquisition of certain easement interests from The City Bank Investment Company for the public improvement of constructing a sidewalk on the corner of Rocky River Drive and Lorain Road, for the 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. Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from The City Bank Investment Company in and to the premises hereinafter described to construct a sidewalk on the corner of Rocky River Drive and Lorain Road, more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 13. Also being part of the land conveyed to The City Bank Investment Company, Ltd. as recorded in Volume 97-04221, Page 45 of the Cuyahoga County Land Records, being more definitely described as follows:

Commencing at the intersection of the centerline of Rocky River Drive (width varies) and the centerline of Lorain Road (width varies);

Thence, along the centerline of Rocky River Drive, North 10° 06' 56" East, 190.00 feet;

Thence, leaving said centerline, North 76° 10' 49" East, 32.82 feet to the easterly right of way of Rocky River Drive at the northwesterly corner of said land conveyed to The

City Bank Investment Company, Ltd. and the True Point of Beginning for the easement herein described;

Thence, along the northerly line of said land conveyed to The City Bank Investment Company, Ltd., North 76° 10' 49" East, 11.04 feet;

Thence, leaving said northerly line, South 10° 06' 55" West, 16.77 feet;

Thence North 79° 53' 05" West, 0.80 feet;

Thence South 10° 06' 55" West, 43.80 feet;

Thence South 79° 53' 05" East, 0.80 feet;

Thence South 10° 06' 55" West, 59.33 feet;

Thence South 46° 33' 02" East, 12.53 feet;

Thence North 76° 17' 15" East, 12.93 feet;

Thence South 13° 42' 45" East, 0.67 feet;

Thence North 76° 17' 15" East, 25.12 feet;

Thence North 13° 42' 45" West, 0.67 feet;

Thence North 76° 22' 46" East, 31.55 feet to the easterly line of said land conveyed to The City Bank Investment Company, Ltd.;

Thence, along said easterly line of land conveyed to The City Bank Investment Company, Ltd., South 10° 06' 56" West, 16.41 feet to the northerly right of way of Lorain Road;

Thence, along said right of way, South 76° 10' 49" West, 92.18 feet to the easterly right of way of Rocky River Drive;

Thence, along said easterly right of way, North 10° 06' 56" East, 148.04 feet to the point of beginning.

Containing within said bounds 0.0627 acres (2,729 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November of 2005.

Bearings are based on monuments OM 711 and OM 1416 of the Cleveland Regional Geodetic Survey (CRGS).

Section 2. That the cost of the acquisition of the easement rights shall be One Dollar and other valuable considerations which are determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Public Service is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 14, 2006.

Ord. No. 2142-05.

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

An emergency ordinance authorizing the acquisition of certain easement interests from William E. Dagg for the public improvement of constructing a fire lane turnaround at East 185th Street and Mozina Drive, for the 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. Notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, that the Commissioner of Purchases and Supplies is authorized to acquire certain easement rights from William E. Dagg in and to the premises hereinafter described for the construction of a fire lane turnaround at East 185th Street and Mozina Drive, more fully described as follows:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 5 in John Mozina's Subdivision of part of Original Euclid Township Tract No; 15, as shown by the plat recorded in Volume 95, Page 9 of Cuyahoga County Map Records and being further bounded and described as follows:

Beginning at concrete nail set at the intersection of the centerline of East 185th Street (80 feet wide) with the centerline of Mozina Drive (40 feet wide)

Thence North 88° 45' 00" West along the centerline of Mozina Drive, 135.00 feet to a point-of-curvature therein;

Thence North 01° 15' 00" East, 20.00 feet to a point-of-curvature in the northerly right-of-way of Mozina Drive;

Thence along the curved northerly right-of-way of Mozina Drive, deflecting to the left, an arc of 36.92 feet, said curve having a radius of 130.00 feet and a chord that bears South 83° 06' 48" West, 36.80 feet to the principal place of beginning of the easement herein described;

Thence along the curved northerly right-of-way of Mozina Drive, deflecting to the left, an arc of 15.08 feet, said curve having a radius of 130.00 feet and a chord that bears South 71° 39' 15" West, 15.07 feet to a point;

Thence North 23° 47' 20" West 40.00 feet to a point;

Thence North 66° 12' 40" East, 15.00 feet to a point;

Thence South 23° 47' 20" East, 41.43 feet to the principal place of beginning and effecting 0.014 acres of land as surveyed and described by Scott J. Casey, P.S. 8219 of The Riverstone Company, in July of 2005, be the same more or less, but subject to all legal highways and easements of record.

Note: All 518" x 30" iron pins set and capped "Riverstone Company - Dudley PS6747 - Casey PS8219"

Section 2. That the cost of the acquisition of the easement rights shall be One Dollar and other valuable considerations which are determined to be fair market value or the

amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Public Service is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2143-05.

By Council Members White, Brancantelli, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating the Broadway/Miles/Turney intersection and associated improvements; authorizing the Director of Public Service to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of rehabilitating the Broadway/Miles/Turney intersection and associated improvements, for the Division of Engineering and Construction, Department of Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Service is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Service is authorized to employ by contract or contracts one or more

consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the improvement authorized by this ordinance.

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

Section 4. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes such real property as is necessary to make the improvement. The consideration to be paid for the property shall not exceed fair market value.

Section 5. That the Director of Public Service is authorized to execute on behalf of the City all documents necessary to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 6. That the cost of the improvement, design, and property acquisition authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, Request No. 166628.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2144-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Augustine Health Campus to encroach into the public right-of-way of 7801 Detroit Avenue by installing, using, and maintaining overhead and underground communication cables.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to St. Augustine Health

Campus (7801 Detroit Avenue, 44102) ("Permittee") to encroach into the public right-of-way beneath and above Detroit Avenue by installing, using, and maintaining communication duct banks at the following location:

LEGAL DESCRIPTION FOR AN ENCROACHMENT PERMIT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being the center line of a 1 foot strip of a proposed communication cable within the right of way of Detroit Avenue, N.W. 86 feet wide; being in Original Brooklyn Township Lot Number 29 and being more particularly described as follows:

Beginning at the intersection of the westerly line of West 78th Street, 40 feet wide with the northwesterly line of said Detroit Avenue, N. W.; thence South 71°-10'-50" West, along said northwesterly line of Detroit Avenue, N.W. about 41.0 feet to a point and the place of beginning of the communication cable herein intended to be described:

Course No. 1; thence South 18°-49'-10" West along a line drawn perpendicular to said northwesterly line of Detroit Avenue, N.W., about 10.0 feet to the center of an existing wood power and light pole;

Course No. 2; thence South 21°-26'-03" West, in a direct line, about 64.0 feet to the center of an existing steel light pole;

Course No. 3; thence South 18°-49'-10" West, along a line drawn perpendicular to the southeasterly line of Detroit Avenue N.W. said point being about 53.0 feet southwesterly from its intersection with the southerly prolongation of said westerly line West 78th Street. Be the same more or less but subject to all legal highways.

Prepared by Garrett and Associates, Engineers and Surveyors, October, 2005, and approved by Greg Esber, Section Chief, Plats and Surveys, City of Cleveland

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2153-05.

**By Council Member Pierce Scott.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair Avenue to ICI Inc., Inter City Investors.**

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 Ordina-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 108-09-027, as more fully described below, to ICI Inc., Inter City Investors.

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

P. P. No. 108-09-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 4 in the United States Land Company's Re-subdivision of Sublots Nos. 11 to 17 inclusive, in W.H. Van Tine's Subdivision of part of Original One Hundred Acre Lots Nos. 361 and 369, as shown by the recorded plat in Volume 43 of Maps, Page 24 of Cuyahoga County Records.

Said Sublot No. 4 has a frontage of 42 feet on the Northerly side of St. Clair Avenue, N.E., and extends back 116.06 feet on the Westerly line of 143.93 feet on the Easterly line and is 50.41 feet wide in the rear, 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 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 including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 2190-05.

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

An emergency ordinance authorizing the Director of Public Service to make alterations and modifications in Contract No. 64708 for improvements to Valley Road with Perk Company, Inc. for the Department of Public Service.

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

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

Section 1. That the Director of Public Service is authorized to make the following alterations and modifications in Contract No. 64708 with Perk Company, Inc. for improvements to Valley Road, for the Department of Public Service:

Subsidiary Additions

1.	Replace existing water main with new 12-inch CL 52 water main pipe	\$145,250.00
2.	Install 2 new 12-in gate valves	3,650.00
3.	Install 3 new 1-in water service connections	+ 10,920.00
	TOTAL SUBSIDIARY ADDITIONS	\$159,820.00

Subsidiary Credits

1.	Credit for water line work in the contract but no longer necessary as a result of this change	\$ 28,212.50
	TOTAL SUBSIDIARY CREDITS	

Total Subsidiary Additions	\$159,820.00
Total Subsidiary Credits	- 28,212.50
Total Additions this Subsidiary	\$131,607.50

ORIGINAL CONTRACT AMOUNT	\$2,529,598.45
TOTAL ADDITIONS THIS SUBSIDIARY	+ 131,607.50
REVISED CONTRACT AMOUNT	\$2,661,205.45

which alteration has been recommended in writing by the Director of Public Service, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid therefore has been agreed upon in writing and signed by the Director of Public Service and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum or \$131,607.50 to be paid from Fund No. 52 SF 001.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

**Ord. No. 2198-05.
By Council Members Cimperman,
Johnson and Jackson (by depart-
mental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at West 13th Place and Abbey Avenue to Katherine L. Gluntz.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of the City-owned property to Katherine L. Gluntz no longer needed for public use and located at West 13th Place and Abbey Avenue; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the following described property is no longer needed for public use:

LEGAL DESCRIPTION
FOR
CITY OF CLEVELAND
P. P. #004-09-060

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Sublot 23, in George Worthington's re-allotment, being a part of Original Brooklyn Township Lots No. 70 and 87, as recorded in Volume 5, Page of 41 in the Cuyahoga County Map records, and being described as follows:

Beginning at the intersection of the Southerly right-of-way line of Abbey Avenue (60 feet wide,) and the Easterly right-of-way line of West 13th Place, (33 feet wide,) the principal place of beginning;

Thence along the Southerly right-of-way line of Abbey Avenue, North 89° 48' 12" East, a distance of 79.76 feet to the Westerly right-of-way line of West 12th Place, (11 feet wide,) to an iron pin set;

Thence along the Westerly right-of-way line of West 12th Place, South 00° 36' 25" East, to the Northeastern corner of West 13th Place Subdivision, as recorded in Volume 231, Page 84, of the Cuyahoga County Map records, a distance of 31.68 feet to a drill hole set;

Thence along the Northerly line of said subdivision, to the Westerly right-of-way line of West 13th Place, South 89° 22' 56" West, a distance of 79.76 feet to an iron pin set;

Thence Northerly along the Easterly right-of-way line of West 13th Place, North 00° 36' 25" West, a distance of 32.27 feet to an iron pin set, being the principal place of beginning, containing 0.0585 acres of land, more or less, as surveyed by Norman R. Hoovler, P.S. No. 8259.

Subject, however, to all legal right-of-way of previous record;

Basis of Bearings: The centerline of West 12th Place, (i.e. North 00° 36' 25" West,) is the reference meridian as recorded in the West 13th Place Subdivision, Volume 231, Page 84, in the Cuyahoga County Map Records, for the foregoing description. iron pins called for as

set are 5/8" iron pins, thirty (30) inches, and capped with a yellow plastic plug inscribed "HOVLER 8259."

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 Katherine L. Gluntz at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyance 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 necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect 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 this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

**Ord. No. 2202-05.
By Council Members Cimperman,
Sweeney and Jackson (by depart-
mental request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to K & D Enterprises, Inc., Managing Member of Stonebridge Towers Ltd., to encroach into the public rights-of-way above Washington Avenue and Elm Street by installing, using, and maintaining street level building overhangs at their apartment/condominium building, Phase V to be located at 2020 Center 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 the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to K & D Enterprises, Inc., Managing Member of Stonebridge Towers Ltd., 8383 Mentor Avenue, Mentor Ohio 44060 ("Permittee") to encroach into the public rights-of-way above Washington Avenue and Elm Street by installing, using, and maintaining street level building overhangs at their apartment/condominium building, Phase V, at the following location:

LEGAL DESCRIPTION
Encroachment Permit
2020 Center Street

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

Numbers 51 and 70, said parcel being further bounded and described as follows:

Beginning at the intersection of the northeasterly line of Center Street, 66 feet wide, and the southeasterly line of Washington Avenue, 66 feet wide;

Thence North 18°-39'-17" East along the southeasterly line of Washington Avenue, a distance of 115.00 feet to the PRINCIPAL PLACE OF BEGINNING of the parcel herein described;

Course No. 1: thence North 71°-20'-43" West, a distance of 10.00 feet to a point;

Course No. 2: thence North 18°-39'-17" East along a line parallel with and distant 10.00 feet northwesterly by rectangular measurement from the southeasterly line of Washington Avenue, a distance of 129.27 feet to a point;

Course No. 3: thence South 71°-23'-56" East along a line parallel with and distant 15.00 feet northeasterly by rectangular measurement from the southwesterly line of Elm Street, a distance of 158.33 feet to its intersection with the northwesterly line of the Superior Viaduct, 80 feet wide, as dedicated in Volume 11 of Maps, Page 46 of Cuyahoga County Records;

Course No. 4: thence South 29°-07'-58" West along the northwesterly line of the Superior Viaduct, a distance of 15.26 feet to its intersection with the southwesterly line of Elm Street, 66 feet wide;

Course No. 5: thence North 71°-23'-56" West along the southwesterly line of Elm Street, a distance of 145.55 feet to its intersection with the southeasterly line of Washington Avenue, as aforesaid;

Course No. 6: thence South 18°-39'-17" West along the southeasterly line of Washington Avenue, a distance of 114.28 feet to the principal place of beginning, containing 0.0803 acres of land more or less, as described in November of 2005 by Timothy J. Feller, Registered Professional Land Surveyor No. 7104 for and on behalf of McSteen & Associates, Inc. under Project No. 05-066 and is subject to all legal highways and easements of record.

The bearings used in this legal description are to an assumed meridian and are used to denote angles only.

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

Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against

any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2230-05.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement to lease to Green Energy Ohio property located on the Kirtland Intake Crib for the purpose of conducting a wind study and maintaining a wind monitoring tower for a period of two years and to grant ownership of the lessee's property and associated equipment to the City upon expiration of the lease; determining the method of making the public improvement of installing a wind turbine and associated equipment; authorizing one or more public improvement contracts to construct the improvement; authorizing the employment of one or more professional consultants to design the improvement; and authorizing one or more requirement contracts of labor and materials necessary to maintain the wind turbine, the wind monitoring tower and associated equipment.

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 Utilities is authorized to enter into an agreement to lease to Green Energy Ohio, certain property located on the Kirtland Intake Crib which is not needed for public use for the purpose of conducting a wind study and maintaining a wind monitoring tower for a two-year period.

Section 2. That, the property shall be leased for fair market value, which is determined to be equal to Green Energy Ohio transferring ownership of the wind monitoring tower upon expiration of the two-year lease to the City at no cost.

Section 3. That the lease may authorize Green Energy Ohio to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 4. That the lease shall be prepared by the Director of Law.

Section 5. That the Director of Public Utilities, the Director of Law, and other appropriate City officials

are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a wind turbine on the wind monitoring tower or elsewhere on the Kirtland Intake Crib (the "Improvement"), for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 7. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis 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, of the trades or components may be the subject of a separate contract on a unit basis.

Section 8. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 9. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 10. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain the new wind turbine and associated equipment authorized by this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commis-

sioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 11. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials necessary to maintain the wind monitoring tower and associated equipment after the City receives ownership of the property, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 12. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 13. That the cost of the contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 161459.

Section 14. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2233-05.

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

An emergency ordinance determining the method of making the public improvement of constructing and installing manually controlled pumps and equipment at the Nottingham Plant into the new Plant Computer Control System; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of 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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing and installing manual-

ly controlled pumps and equipment at the Nottingham Plant into the new Plant Computer Control System, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders 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, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, 52 SF 2131, and from the fund or funds which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose, Request No. 161458.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2242-05.

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

An emergency ordinance to supplement Ordinance No. 821-05, passed June 6, 2005, by adding new Sections 4a and 4b relating to the reconstruction of Jennings Road, and authorizing an agreement with First Interstate Development Company, Ltd.

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. 821-05, passed June 6, 2005, is supplemented by adding new Sections 4a and 4b to read as follows:

Section 4a. That if funds are necessary for the improvement authorized under this ordinance because the bids exceed the budget estimate, then the Director of Public Service is authorized to enter into an agreement with First Interstate Development Company, LTC. ("First Interstate") to accept funds equal to the

difference between the cost of the improvement and the budget estimate.

Section 4b. That the agreement shall be prepared by the Director of Law.

Section 2. That the title and Section 5 of Ordinance No. 821-05, passed June 6, 2005, are amended to read as follows:

An emergency ordinance authorizing the Mayor to accept a grant from the Ohio Public Works Commission for the reconstruction of Jennings Road; determining the method of making the public improvement; authorizing the Director of Public Service to enter into one or more public improvements contracts for the making of the improvement; to amend Section 2 of Ordinance No. 2302-04, passed December 13, 2004, relating to professional services for the improvement; and to allow an agreement with First Interstate Development Company, Ltd.

Section 5. That the cost of the improvement authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, and 20 SF 506, from the fund or funds which are credited the grant proceeds accepted under this ordinance, and from the fund or funds which are credited any funding received from First Interstate Development Company, Ltd. under the agreement authorized by this ordinance, if necessary.

Section 3. That the existing title and Section 5 of Ordinance No. 821-05, passed June 6, 2005, are repealed.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2249-05.

By Council Member Coats.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 146th and 147th Streets to Cleveland Municipal School District.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-051 as more fully described below, to Cleveland Municipal School District.

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. 115-06-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 102 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2 as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 147th Street and extending back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to driveway easement recited in Volume 7052, Page 562 of Cuyahoga County Records filed August 2, 1950.

Also subject to all 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. 115-06-075 as more fully described below to Cleveland Municipal School District.

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

P. P. No. 115-06-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 44 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 146th Street, (formerly Lyman Street) and extending back of equal width 140 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 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. 115-06-083 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 33 feet 4 inches of Sublot No. 35 in Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and being 33 feet 4 inches front on the Westerly side of East 146th Street (formerly Lyman Ave-

nue) and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-088 as more fully described, to Cleveland Municipal School District.

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

P. P. No. 115-06-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly .83 feet of Sublot No. 32 and the Northerly 30 feet of Sublot No. 31, in the Nelson Moses Subdivision of a part of Original Euclid Township Lots 1 and 2 as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records. Said parts of Sublot Nos. 32 and 31 forming a parcel of land having a frontage of 30.83 feet front on the Westerly side of East 146th Street, 60 feet wide (formerly Lyman Avenue) and extending back of equal width 140 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easements and restrictions of record, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 115-06-089 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-089

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. 30 and the Northerly 10 feet front to rear of Sublot No. 29 in Nelson Moses Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of East 146th Street (formerly Lyman Avenue) and extending back of equal width 140 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. 115-06-127 as more fully described below, to Cleveland Municipal School District.

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

P. P. No. 115-06-127

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

Northerly 20 feet from front to rear of Sublot No. 30, and the Southerly 10 feet from front to rear of Sublot No. 31 in the Nelson Moses' Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 8 of Maps, Page 9 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of East 146th Street (formerly Lyman Avenue) and extending back of equal width 140 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That all documents necessary to complete the 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 14. 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 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 2250-05.

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Linwood Avenue to Tajydeen Bankole and Anita Bankole.

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). 106-12-022, 106-12-023 and 106-12-024, as more fully described below, to Tajydeen Bankole and Anita Bankole.

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

P. P. No. 106-12-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 14 and 15 and the Westerly 3 feet of Sublot No. 16 in J.H. Salisbury's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records and together forming a parcel of land having a frontage of 69 feet 9 inches on the Southerly side of Linwood Avenue, N.E., (formerly Beecher Street), and extending back 125 feet on the Easterly line, 125 feet on the Westerly line, which is also the Easterly line of East 65th Street, and having a rear line of 69 feet 9 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 106-12-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 30 feet from the front to rear of Sublot No. 16 in J.H. Salisbury's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records, and being 30 feet front on the Southerly side of Linwood Avenue, N.E., (formerly Beecher Street), and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P. P. No. 106-12-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, Sublot No. 17 in J.H. Salisbury's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 43 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Linwood Avenue, N.E. (formerly Beecher Street) and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as

may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 15-06.

By Council Members Cimperman, Lewis, Brady and Sweeney (by departmental request).

An emergency ordinance to amend Resolution No. 2372-04, adopted February 28, 2005, relating to declaring it necessary to reconstruct or abandon sidewalk vaults encroaching upon the public right-of-way of Euclid Avenue between Public Square and East 70th Street; and revoking any and all existing encroachment permits for all sidewalk vaults in the assessment area.

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 3 of Resolution No. 2372-04, adopted February 28, 2005, is amended to read as follows:

Section 3. That subject to Section 3a below, that 30% of the cost of said improvement and expenses shall be assessed on all lots and lands abutting on, and other specially benefited property adjacent to Euclid Avenue between Public Square and East 70th Street, in proportion to the benefits which may result from the improvement, and it is determined that the lots and lands are specially benefited by the improvements. The cost of the work shall include the cost of plans, specifications, profiles and estimates and of printing, serving, and publishing notices, resolutions and ordinances, the cost of all labor and materials, including securing the improvement site, and all other necessary expenditures. The Director of Public Service has fixed ten (10) years as the estimated life of the improvement.

Section 2. That existing Section 3 of Resolution No. 2372-04, adopted February 28, 2005, is repealed.

Section 3. That Resolution No. 2372-04, adopted February 28, 2005, is supplemented by adding new Section 3a to read as follows:

Section 3a. That the assessments levied under this resolution shall not exceed the lesser of: the limitations set forth in Section 158 of the Charter; and the estimated cost to construct the assessment set forth under the title "30% Assessment following value engineering" on the vault assessment computations document contained in File No. 15-06-A, in the office of the Clerk of Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 88-06.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on St. Clair to Collinwood and Nottingham Village 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(s). 115-28-001, 115-28-002, 115-28-003, 115-28-004, as fully described below, to Collinwood and Nottingham Village Development Corporation or designee.

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

P. P. Nos. 115-28-001, 002, 003, 004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 76, 77, 78 and 79 in The R. R. and P. P. Company's Five Points Allotment of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 63 of Maps, Page 32 of Cuyahoga County

Records and together forming a parcel of land 180 feet front on the Southeastly side of St. Clair Avenue N.E., 143.73 feet deep on North-easterly line, which is also the Southwesterly line of Rondel Road, N.E., 140.33 feet deep on the Southwesterly line which is also the Northeastly line of Royal Road N.E., and 179.86 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 108-06.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept funds from the United States of America to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of a major disaster for Hurricane Katrina.

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

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

Section 1. That the Director of Finance is authorized to apply for and accept funds from the United States of America, acting through the Federal Emergency Management Agency, to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of

a major disaster for Hurricane Katrina (FEMA-3250-EM). The Director of Finance is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance, and the funds are appropriated for the purpose of reimbursing the various divisions of the Department of Finance.

Section 2. That the Director of Finance is authorized to enter into any agreements and execute any documents necessary to implement this ordinance.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 195-06.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from Neighborhood Progress Inc. to evaluate and analyze the operations of the Department of Building and Housing; and authorizing the Director to enter into one or more contracts with The Lean Firm for professional services necessary to implement the grant.

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 Building and Housing is authorized to apply for and accept a grant in the amount of \$25,000.00, from Neighborhood Progress Inc. to evaluate and analyze the operations of the Department of Building and Housing; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for this purpose.

Section 2. That, provided the City of Cleveland receives the grant described in this ordinance, the Director of Building and Housing is authorized to enter into one or more contracts with The Lean Firm for professional services necessary to evaluate and analyze the processes and operations of the Department of Building and Housing to assist the Department in determining its future operations and procedures.

Section 3. That, provided the City of Cleveland receives the grant described in this ordinance, the cost of the contract or contracts collectively shall not exceed \$75,000.00 and shall be paid from the fund or funds which are credited the proceeds of the grant accepted in this ordinance and from Fund No. 01-850101-632000, RL 146654.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it

shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.

Effective February 17, 2006.

Ord. No. 254-06.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to the Euclid - St. Clair Development Corporation, for a term of ten years, with one option to renew for an additional ten year period, for the purpose of providing office space.

Whereas, the City of Cleveland owns certain property known as 813 East 152nd Street, which is not needed for public use; and

Whereas, the Euclid - St. Clair Development Corporation has proposed to lease the property from 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to the Euclid - St. Clair Development Corporation ("Lessees"), certain property which is not needed for public use for the term of the lease:

P. P. No. 115-22-039

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 17, 18 and 38 in W.F. Walworth's Subdivision of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 152nd Street (formerly Collamer Avenue) 60 feet wide at its intersection with the Southerly line of said Sublot No. 18; thence Northerly along the Easterly line of East 152nd Street about 50.023 feet to the Northwesterly corner of land conveyed to The Collinwood Masonic Temple Association by deed filed for record May 31, 1940, and recorded in Volume 5089, Page 25 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to The Collinwood Masonic Temple Association, which is also the Southerly wall of a brick building located on said Sublot No. 17, about 115 feet to the Northeasterly corner of land so conveyed to The Collinwood Masonic Temple Association; thence Southerly along the Easterly line of land so conveyed to the Collinwood Masonic Temple Association; about 0.08 feet to the Northerly line of said Sublot No. 18; thence Easterly along the Northerly line of said Sublot No. 18, 40 feet to the Northwesterly corner of said

Sublot No. 38, thence Southerly along the Westerly line of said Sublot No. 38, 12 feet to a point; thence Easterly and parallel to the Northerly line of said Sublot No. 38, 173 feet 5 inches to the Westerly line of East 154th Street (formerly Clinton Street); thence Southerly along the Westerly line of East 154th Street, 38 feet to the South-easterly corner of said Sublot No. 38; thence Westerly along the Southerly line of said Sublot Nos. 38 and 18, 328 feet 5 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 115-22-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 155 feet of Sublot No. 19 and the Westerly 33 feet of Sublot No. 39 in W.F. Walworth's Subdivision of part of Original Euclid Township Lot No. 42, Tract No. 10, as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records and together forming a parcel of land having a frontage of 50 feet on the Easterly side of East 152nd Street (formerly Collamer Avenue) and extending back of equal width 188 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 115-22-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 12 feet from front to rear of Sublot No. 38 in W. F. Walworth's Subdivision of a part of Original Euclid Township Lot No. 42 as shown by the recorded plat in Volume 7 of Maps, Page 30 of Cuyahoga County Records, and being 12 feet front on the Westerly side of East 154th Street (formerly Clinton Street) and extending back of equal width 173.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ten years with one option, exercisable by the Director of Parks, Recreation and Properties, to renew for an additional ten year period.

Section 3. That the property described above shall be leased at a rental of \$1.00 per year, and other valuable considerations which is determined to be fair market value.

Section 4. That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City, including the triple net obligation of Lessees.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the

affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 258-06.
By Council Members Britt and Pierce Scott.

An emergency ordinance consenting and approving the issuance of a permit for the 2006 Hudson Relays, on April 29, 2006, sponsored by Case Western Reserve University.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the 2006 Hudson Relays sponsored by Case Western Reserve, on April 29, 2006, starting at "The Rock;" next to Fribley, near the bottom of the elephant steps; in front of Carlton Commons, top of stairs; top of Edgemoor at Overlook; in front of the Greenhouse Restaurant; corner of Euclid and Adelbert (runner must pass baton after crossing Euclid, in front of Severance Hall); in front of the Peter B. Lewis building, corner of Bellflower and Ford; just past the driveway of the tiny lot at the southeastern edge of the Northside Residential Village on Juniper Road; in front of Pierce house in the Northside Residential Village; in front of Clark Hall on the Mather Quad; back at "The Rock"; President's Last Lap Only; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 259-06.
By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the 18th Annual Walk for Hunger, on May 13, 2006, sponsored by the Hunger Network of Greater Cleveland.

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 18th Annual Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 13, 2006, with the Walk beginning at Burke Lakefront Airport and progressing to Erieside, around the Browns Stadium, south on West 3rd, west on St. Clair, south on West 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to East 9th, north on East 9th, north on East 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to East 9th, north on East 9th to North Coast Harbor to the finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

Ord. No. 260-06.
By Council Member White.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Bethany Christian Church to stretch banners at Avon Avenue & Martin Luther King Drive, for the period from February 23, 2006 to March 23, 2006, inclusive, celebrating the church's 50th Anniversary.

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 the Department of Public Service is hereby authorized and directed to issue a permit to Bethany Christian Church to install, maintain and remove banners at Avon Avenue & Martin Luther King Drive for the period from February 23, 2006 to March 23, 2006, 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 February 13, 2006.
Effective February 17, 2006.

Ord. No. 271-06.
By Council Member Reed.
An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Murtis H. Taylor Multi-Service Center for the Congregate Meals Program through the use of Ward 3 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into an agreement with Murtis H. Taylor Multi-Service Center for the Congregate Meals Program for the public purpose of providing meals to senior citizens and low income residents that reside in the city of Cleveland through the use of Ward 3 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 13, 2006.
Effective February 17, 2006.

COUNCIL COMMITTEE MEETINGS

**Tuesday, February 21, 2006
9:00 a.m.**

Finance Committee: GENERAL FUND BUDGET HEARINGS: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

**Wednesday, February 22, 2006
9:00 a.m.**

Finance Committee: GENERAL FUND BUDGET HEARINGS: Present: Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone. *Pro-tem:* Reed, Lewis, Polensek.

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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