

# The City Record

Official Publication of the City of Cleveland

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March the Fifth, Nineteen Hundred and Ninety-Seven

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44111
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council-Artha Woods, 216 City Hall, 664-2840.  
First Assistant Clerk-Sandra Franklin.

**MAYOR-Michael R. White**  
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy  
Barry Withers, Executive Assistant for Administration  
Judith Zimomra, Executive Assistant for Service  
Kenneth Silliman, Executive Assistant for Economic Development  
Richard Werner, Executive Assistant for Governmental Affairs.  
Susan E. Axelrod, Executive Assistant for Communications and Support Services  
Linda Willis, Director, Office of Equal Opportunity

**DEPT. OF LAW** - Sharon Sobol Jordan, Director of Law, Room 106;  
Karen E. Martines, Law Librarian; Criminal Branch-Justice Center, 8th Flr., Court Towers, 1200 Ontario  
Carolyn Watts-Allen, Chief Asst. Prosecutor  
Steven J. Terry, Chief Counsel

**DEPT. OF FINANCE** - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit  
**DIVISIONS** - Accounts - A. Schneider, Commissioner, Room 19  
City Treasury - Mary Christine Jackman, Treasurer, Room 115  
Assessments and Licenses - John Hunt, Commissioner, Room 122  
Purchases and Supplies - William A. Moon, Commissioner, Room 128  
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue  
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue  
Financial Reporting and Control - Keith D. Schuster, Controller, Room 18  
Information Systems Services - Hamid Manteghi, Acting Commissioner, 1404 E. 9th St.

**DEPT. OF PUBLIC UTILITIES** - Michael Konicek, Director, 1201 Lakeside Avenue  
**DIVISIONS** - 1201 Lakeside Avenue  
Water - Julius Ciaccia, Jr., Commissioner  
Water Pollution Control - Darnell Brown, Commissioner  
Utilities Fiscal Control - M. Blech, Commissioner  
Cleveland Public Power - Nagah M. Ramadan, Commissioner  
Street Lighting Bureau - Frank Schilling, Acting Chief.

**DEPT. OF PORT CONTROL** - William F. Cunningham, Jr., Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;  
Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner  
Burke Lakefront Airport - Michael C. Barth, Commissioner

**DEPT. OF PUBLIC SERVICE** - Henry Guzmán, Director, Room 113  
**DIVISIONS** - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.  
Streets - Randall T. Scott, Commissioner, Room 25  
Engineering and Construction - J. Christopher Nielson, Acting Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novik, Acting Commissioner, Harvard Yards  
Architecture - Kenneth Nobilio, Commissioner, Room 517

**DEPT. OF PUBLIC HEALTH** - Robert O. Staib, Director, Mural Building, 1925 St. Clair Avenue.  
**DIVISIONS** - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue  
Environment - Carolyn Wallace, Acting Commissioner, Mural Building, 1925 St. Clair Avenue  
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

**DEPT. OF PUBLIC SAFETY** - William M. Denihan, Director, Room 230.  
**DIVISIONS** - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street  
Fire - Robert M. Derrit, Acting Chief, 1645 Superior Avenue  
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.  
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street  
Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.

**DEPT. OF PARKS, RECREATION & PROPERTIES** - Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.  
**DIVISIONS** - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Property Management - Vernon Robinson, Commissioner, E. 49th & Harvard

Parking Facilities - Michael Cox, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.  
Recreation - Michael Cox, Acting Commissioner, Room 8  
Research, Planning & Development - M. Fallon, Commissioner, Burke Lakefront Airport

**DEPT. OF COMMUNITY DEVELOPMENT** - Terri Hamilton, Director, 3rd Floor, City Hall.  
**DIVISIONS** - Administrative Services - Terrence Ross, Commissioner.  
Neighborhood Services - Jack F. Krumhansl, Acting Commissioner.  
Neighborhood Development - Terri Hamilton, Commissioner.  
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

**DEPT. OF AGING** - Rm. 122, Delores A. Lynch, Director

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

**CIVIL SERVICE COMMISSION** - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Donna K. Nelson, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

**SINKING FUND COMMISSION** - Michael R. White, President; Betsy Hruby, Asst. Sec'y.; \_\_\_\_\_, Director; President of Council Jay Westbrook.

**BOARD OF ZONING APPEALS** - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Anthony Costanzo, Sec'y.

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

**BOARD OF REVISION OF ASSESSMENTS** - Law Director, Sharon Sobol Jordan; Pres. Finance Director, \_\_\_\_\_, Director Sec'y. Council President Jay Westbrook.

**BOARD OF SIDEWALK APPEALS** - Henry Guzmán, Service Director; Law Director, Sharon Sobol Jordan, Councilman Roosevelt Coats.

**BOARD OF REVIEW** - (Municipal Income Tax) - Law Director, Sharon Sobol Jordan, Utilities Director, Michael Konicek; President of Council, Jay Westbrook.

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

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

**MORAL CLAIMS COMMISSION** - Sharon Sobol Jordan, \_\_\_\_\_, Councilman Jay Westbrook.

**BOARD OF EXAMINERS OF ELECTRICIANS** - Raymond Ossovicki, Chairman; \_\_\_\_\_, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.

**BOARD OF EXAMINERS OF PLUMBERS** - Joseph Gyorky, Chrm.; Earl S. Bumgarner, \_\_\_\_\_, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

**CLEVELAND LANDMARKS COMMISSION** - Room 519, \_\_\_\_\_, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilmen Craig E. Willis and Helen K. Smith.

## CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, MARCH 5, 1997

No. 4343

## CITY COUNCIL

MONDAY, MARCH 3, 1997

### The City Record

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**ARTHA WOODS**

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

#### MONDAY—Alternating

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Johnson, Chairman; Rybka, Vice Chairman; Patton, Paulenske, Robinson, Sweeney, White.

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

#### MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; \_\_\_\_\_, Vice Chairman; Britt, Johnson, Melena, Smith, Sweeney, Westbrook, White.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** Patmon, Chairman; Robinson, Vice Chairman; Gordon, Jackson, Lewis, Melena, Polensek.

#### MONDAY

2:00 P.M.—**Finance Committee:** Westbrook, Chairman; Polensek, Vice Chairman; Britt, Coats, Johnson, Lewis, Patmon, Paulenske, Robinson, Rybka, Smith.

#### TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Paulenske, Vice Chairman; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

1:30 P.M.—**Legislation Committee:** Willis, Chairman; Melena, Vice Chairman; Dolan, Johnson, Rybka, Sweeney, White.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Smith, Chairman; Paulenske, Vice Chairman; Dolan, Patton, Sweeney, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Dolan, Gordon, Jackson, Patmon, Patton, Zone.

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Dolan, Lewis, Patmon, Willis, Zone.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; Gordon, Paulenske, White, Zone.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio March 3, 1997.  
The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Dolan, Gordon, Jackson, Johnson, Lewis, Melena, Moran, Patmon, Patton, Paulenske, Polensek, Robinson, Rybka, Smith, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Holland, Willis, Morrison and Acting Directors Horvath, Alexander.

Absent: Directors Sobol Jordan, Lynch.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Ernest Phillips, Pastor of Sunlight Church. Pledge of Allegiance.

#### MOTION

On the motion of Mr. Polensek, the reading of the minutes of the last meeting be dispensed with and the journal approved.

#### COMMUNICATIONS

##### File No. 314-97.

From the Northeast Ohio Regional Sewer District re: Big Creek Interceptor Rehabilitation. Received.

##### File No. 315-97.

From the Ohio Department of Transportation re: Federal Aid Project No. STP-F972(7). Received.

##### File No. 316-97.

February 12, 1997

The Honorable Jay Westbrook  
Cleveland City Council  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Joseph Davis for appointment to the

Fair Housing Board. This appointment is for two years will expire on March 1, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received  
Referred to Committee on Mayor's Appointments.

### COMMITTEE ON MAYOR'S APPOINTMENTS

The Chair appointed Councilman Gary Paulenske as Chairman and Councilmen Craig Willis, Charles L. Patton, Jr., Michael D. Polensek, and Odelia V. Robinson to consider the Mayor's Appointments.

#### File No. 2183-96-A.

March 3, 1997

To The Honorable Council  
of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's letter of December 6, 1996, wherein he names his appointment as follows:

**Ms. Sandra Morgan**  
(Term expires December 31, 1997)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

#### File No. 1831-96-A.

March 3, 1997

To The Honorable Council  
of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's re-appointment to the City Planning Commission.

We have before us the Mayor's letter of October 2, 1996, wherein he names his appointment as follows:

**Larry Lumpkin**  
(Term expires November 2, 2000)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

**File No. 1749-96-A.**

March 3, 1997

To The Honorable Council of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Police Review Board.

We have before us the Mayor's letter of September 16, 1996, wherein he names his appointment as follows:

**Ms. Romanita Rodriguez-Johnson**  
(Term expires August 8, 1998)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

**File No. 16-97-A.**

March 3, 1997

To The Honorable Council of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Police Review Board.

We have before us the Mayor's letter of December 24, 1996, wherein he names his appointment as follows:

**Elvin Vauss**  
(Term expires August 8, 2000)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

**File No. 70-97-A.**

March 3, 1997

To The Honorable Council of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Community Relations Board.

We have before us the Mayor's letter of January 24, 1997, wherein he names his appointment as follows:

**Paula Fields**  
(Term expires March 31, 1999)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

**File No. 157-97-A.**

March 3, 1997

To The Honorable Council of the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Community Relations Board.

We have before us the Mayor's letter of January 24, 1997, wherein he names his appointment as follows:

**Raymond Negrón**  
(Term expires March 31, 1998)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman  
Craig Willis  
Charles L. Patton, Jr.  
Michael D. Polensek  
Odelia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 325-97.** Frank J. Corrigan.  
**Res. No. 353-97.** Guy LaGuardia.  
**Res. No. 354-97.** Ms. Evelyn Jones.  
**Res. No. 355-97.** Josephine Caldwell.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 356-97.** Margaret Houser.  
**Res. No. 357-97.** Broadway School of Music and the Arts.  
**Res. No. 358-97.** Mr. and Mrs. Charles Pearson.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 317-97.**

**By Mayor White.**

**An emergency ordinance agreeing to an adjustment of the municipal boundary line between the City of Cleveland and the City of Brook Park in accordance with Section 709.37 of the Ohio Revised Code.**

Whereas, over the past three years, the City of Brook Park ("Brook Park") and the City of Cleveland ("Cleveland") have been involved in disputes regarding the operation and growth of Cleveland Hopkins International Airport; and

Whereas, by Ordinance No. 203-97, passed \_\_\_\_\_, 1997, this Council authorized the Mayor, the Director of Law and the Director of Port Control to enter into a Settlement Agreement (the "Settlement Agreement") with Brook Park to resolve these disputes; and

Whereas, the Settlement Agreement, among other things, provides for the adjustment of the municipal boundary line between the two cities in accordance with Section 709.37 of the Ohio Revised Code; and

Whereas, the change in the municipal boundary line between the two cities will enable the City of Cleveland to exercise all municipal governmental powers over land owned by Cleveland Hopkins International Airport after implementation of the Settlement Agreement; and

Whereas, the proposed change in the municipal boundary line does not involve the transfer of territory inhabited by more than five (5) voters, from one municipal corporation to the other or from each to the other; 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 709.37 of the Ohio Revised Code, Cleveland does hereby agree that the municipal boundary line between Cleveland and Brook Park be changed to establish a new corporation line separating the two cities, which new corporation line is generally depicted in the Settlement Agreement and more particularly described as follows:

[Insert legal description]

**Section 2.** That the agreed change in the municipal boundary line shall take effect on the Closing Date of the Settlement Agreement, as defined in the text of the Settlement Agreement.

**Section 3.** That in the event that the conditions precedent to the Closing Date of the Settlement Agreement are not satisfied within the time period specified in Paragraph 12.5.2 thereof, and the Settlement Agreement therefor terminates pursuant to its terms, Cleveland's agreement to the boundary change described in this ordinance likewise shall terminate and be revoked by this Council.

**Section 4.** That the Clerk of Council is hereby directed to certify a copy of this ordinance to the Board of County Commissioners of Cuyahoga County, Ohio, pursuant to Section 709.37 of the Ohio Revised Code, for further proceedings in accordance with law.

**Section 5.** That the Clerk of Coun-

cil is hereby directed to notify the Board of Elections of Cuyahoga County pursuant to Section 709.011 of the Ohio Revised Code in writing of said boundary change and to transmit a plat showing said boundary change, within thirty days after the effective date of the boundary change.

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

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

**Ord. No. 318-97.**

**By Mayor White.**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to convey certain real property no longer needed for public use by the City of Cleveland located at Cleveland Hopkins International Airport to the City of Brook Park.**

Whereas, over the past three years, the City of Brook Park ("Brook Park") and the City of Cleveland ("Cleveland") have been involved in disputes regarding the operation and growth of Cleveland Hopkins International Airport; and

Whereas, by Ordinance No. 203-97, passed \_\_\_\_\_, 1997, this Council authorized the Mayor, the Director of Law and the Director of Port Control to enter into a Settlement Agreement (the "Settlement Agreement") with Brook Park to resolve these disputes; and

Whereas, this Council believes that this Agreement represents a fair, reasonable and mutually beneficial settlement to these disputes; and

Whereas, the Settlement Agreement, among other things, provides for the conveyance of title to certain real property to Brook Park located at Cleveland Hopkins International Airport, together with all easements, rights, privileges, hereditaments and appurtenances thereunto belonging, subject to reservations set forth in Paragraph 2.5 of the Settlement Agreement and reservations of easements in favor of Cleveland set forth in Paragraph 2.7 of the Settlement Agreement; and

Whereas, the real property to be conveyed to Brook Park is no longer needed for public use by Cleveland; and

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

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

**Section 1.** That, notwithstanding and as an exception to the provisions of Chapter 183 of the Codified Ordinances of Cleveland, Ohio, 1976, subject to approval of the conveyance by the Federal Aviation Administration (FAA) and subject to the approval of the release of the real property to be conveyed by the Trustee for the Airport Revenue Bonds, the Commissioner of Purchases and Supplies is authorized to convey the following described real property to Brook Park which is

determined to be no longer needed for public use by Cleveland:

[Insert legal description]

**Section 2.** That the conveyances shall be made by official quitclaim deed in the form attached to the Settlement Agreement and executed by the Mayor on behalf of the City of Cleveland. The deeds shall contain the reservations set forth in Paragraph 2.5 of the Settlement Agreement and reservations of easements in favor of Cleveland set forth in Paragraph 2.7 of the Settlement Agreement.

**Section 3.** That authority to convey the above described real property shall become effective on the Closing Date of the Settlement Agreement, as defined in the text of the Settlement Agreement.

**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.

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

**Ord. No. 319-97.**

**By Councilman Britt.**

**An emergency ordinance to vacate a portion of East 90th Street, hereinafter described.**

Whereas, on the 14th day of August, 1996 the Council of the City of Cleveland adopted Resolution No. 1201-96 declaring its intention to vacate a portion of East 90th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1201-96 has been served upon the owners of all the property abutting East 90th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of February, 1997, the Board of Revision of Assessments approved the vacation of East 90th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 90th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 90th Street, (45 feet wide), extending Northerly from the Northerly line of Carnegie Avenue S.E. (80.00 feet wide), to the Southerly line of Euclid Avenue S.E. (80.00 feet wide), including its turnouts on Carnegie Avenue S.E. and Euclid Avenue S.E., be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Divi-

sion of Light and Power, and Division of Water and Heat equipment. The description of easement is as follows:

That portion of East 90th Street, (45 feet wide), extending Northerly from the Northerly line of Carnegie Avenue S.E. (80.00 feet wide), to the Southerly line of Euclid Avenue S.E. (80.00 feet wide), including its turnouts on Carnegie Avenue S.E. and Euclid Avenue S.E.

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 90th Street, herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 320-97.**

**By Councilman Britt.**

**An emergency ordinance to vacate a portion of East 102nd Street, hereinafter described.**

Whereas, on the 10th day of June, 1996 the Council of the City of Cleveland adopted Resolution No. 492-96 declaring its intention to vacate a portion of East 102nd Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 492-96 has been served upon the owners of all the property abutting East 102nd Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of February, 1997, the Board of Revision of Assessments approved the vacation of East 102nd Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 102nd Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 102nd Street, (44 feet wide), extending Southerly from the Southerly line of Euclid Avenue (80.00 feet wide), to the Northerly line of Carnegie Avenue (width varies), be and the same is hereby vacated.

**Section 2.** That there be and here-

by is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment. The description of easement is as follows:

That portion of East 102nd Street, described as follows: East 102nd Street, (44 feet wide), extending Southerly from the Southerly line of Euclid Avenue (80.00 feet wide), to the Northerly line of Carnegie Avenue (width varies).

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 102nd Street, herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 321-97.**  
By Councilmen Britt, Coats and Westbrook (by departmental request).

**An emergency ordinance authorizing the Director of Public Service to accept a cash gift from University Hospitals Incorporated for the purpose of providing matching local funds for the public improvement of rehabilitating and reconstructing Cornell Road from Euclid Avenue to Murray Hill Road, and to identify additional funding sources for said improvement, for the Division of Engineering, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to accept a cash gift in the sum of not to exceed \$132,740.00 from University Hospitals Incorporated. The monies accepted under the authority of this section are hereby appropriated for the purpose of providing matching local funds for the public improvement of rehabilitating and reconstructing Cornell Road from Euclid Avenue to Murray Hill Road as authorized by Ordinance No. 1433-96, passed October 28, 1996, and shall be in addition to any other funding sources appropriated for said public improvement.

**Section 2.** That Section 7 of Ordinance No. 1433-96, passed October 28, 1996 is hereby amended to read as follows:

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 322, 20 SF 312, 20 SF 302, 20 SF 334, 52 SF 001, 52 SF 217, 54 SF 001, 58 SF 001 and 58 SF 217, Request Nos.

21799 and 21933, from the proceeds of any grant funds from the Ohio Public Works Commission, and from a cash gift from University Hospitals Incorporated to be used as a local cash match for this Improvement.

**Section 3.** That existing Section 7 of Ordinance No. 1433-96, passed October 28, 1996, is hereby repealed.

**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.

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

**Ord. No. 322-97.**  
By Councilmen Britt, Jackson, Rybka and Westbrook (by departmental request).

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11921-25 Buckeye Road to Robert J. and Marie R. Bray.**

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. 129-15-026, as more fully described in Section 2 below, to Robert J. and Marie R. Bray.

**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. 129-15-026

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. 428, and bounded and described as follows:

Beginning on the Northerly line of Buckeye Road, S.E., at a point 1066 46/100 feet Easterly from its intersection with the Easterly line of East 116th Street; thence Easterly along the Northerly line of Buckeye Road, S.E., 39 54/100 feet; thence Northerly parallel with the Easterly line of East 116th Street, 154 7/100 feet, thence Westerly parallel with the Northerly line of land conveyed to Joseph Halle and Joshua E. Hall by deed dates April 6, 1872 and recorded in Volume 201, Page 178 of Cuyahoga County Records, 39 11/100

feet; thence Southerly 148 87/100 feet to the place of beginning and being further known as Sublot No. 159 in the South Woodland Rice Avenue proposed Allotment of part of Original One Hundred Acre Lot No. 428 to be more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

**Ord. No. 323-97.**  
By Councilmen Coats and Westbrook (by departmental request).

**An emergency ordinance to amend Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, relating to the purchase, lease or lease with option to purchase of trucks, vans, passenger cars and heavy 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 Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, is hereby amended to read as follows:

Section 1. That the Director of Public Service is hereby authorized to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of trucks, vans, passenger cars and heavy equipment for use by the various departments and divisions of the City, as detailed in the document entitled "Listing of 1996 Vehicle Purchases" contained in File No. 918-96-C. For each type of vehicle listed under the column

entitled "Description" on the document to said file, the vehicle(s) shall be purchased solely for the use of the department or division listed under the column entitled "Division," the total cost of each type of vehicle shall not exceed the total amount listed under the column entitled "Total Estimated Cost" and the cost of each type of vehicle shall be paid solely from the funds identified under the appropriate column. The total amount of all purchases pursuant to this ordinance shall not exceed **\$6,216,270.00**. Bids shall be taken in such a manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

**Section 2.** That existing Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, is hereby repealed.

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

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

**Ord. No. 324-97.**  
By Councilmen Coats, Rybka and Westbrook (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1004-91, passed July 24, 1991, relating to consent of the City of Cleveland for participation in the repair and resurfacing of Rocky River Drive, thereto, to cause payment of Cleveland's share.

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 title, Section 1 and Section 2 of Ordinance No. 1004-91, passed July 24, 1991, are hereby amended to read, respectively, as follows:

An emergency ordinance giving consent of the City of Cleveland for participation in the repair and resurfacing of Rocky River Drive from Brook Park Road to the northern corporation line at Hogs Back Lane to the Director of Transportation of the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto, and to cause payment of the City of Cleveland's share of the cost of the above-described improvement to the State of Ohio.

**Section 1.** That it is declared to be in the public interest that the consent of the City be and such consent is hereby given to the Director of Transportation of the State of Ohio to participate in the construction of the following improvement in accordance with plans, specifications and estimates approved by said Director: The repair and resurfacing of Rocky River Drive from Brookpark Road to the northern corporation line at Hogs Back Lane (the "Improvement").

**Section 2.** That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 885-91, passed April 22, 1991, the

City hereby proposes to cooperate with the State of Ohio in the construction of the Improvement by assuming and contributing the entire cost and expense of the Improvement less the amount of Federal-aid funds set aside by the Director of Transportation for the financing of the Improvement from funds allocated by the Federal Highway Administration, United States Department of Transportation and less the amount of State Highway Funds determined to be eligible and set aside for the Improvement. **In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the Director not to be reliable or made necessary by the Improvement.**

**Section 2.** That the existing title, Section 1 and Section 2 of Ordinance No. 1004-91, passed July 24, 1991, are hereby repealed.

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

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

**Ord. No. 326-97.**  
By Councilman Dolan (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Patrick's Church to encroach into the right-of way of Rocky River Dr. and Puritas Ave. with hanging banners for the period of one year from March 17, 1997 to March 17, 1998.

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the consent of the Director of Public Service to St. Patrick's Church, 4427 Rocky River Drive, Cleveland, Ohio 44135; its successors and assigns, for the construction, use and maintenance of six (6) Banners to celebrate the Church's 150th Anniversary in existence and in service to the West Park Community. Banners are to be placed on Cleveland Electric Illuminating utility poles, for the period of one (1) year from March 17, 1997 to March 17, 1998. St. Patrick's Church Banners will encroach into the public right-of way of Rocky River Drive and Puritas Avenue at the following more fully described locations:

<u>POLE LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
On the E'y Side of Rocky River Drive	518399 518400 518401 518402	C.E.I. C.E.I. C.E.I. C.E.I.
On the N'y Side of Puritas Avenue	204106 523897	C.E.I. C.E.I.

**Section 2.** That said Banners are

to be placed in the public right-of-way at the locations as aforesaid, supra, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** Nothing herein contained shall create the right or grant permission from any owner/owners of the utility poles for their use to place brackets or other devices for attaching banners to said utility poles, at the locations described aforesaid.

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

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

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

**Ord. No. 327-97.**  
By Councilman Jackson.  
An emergency ordinance to vacate a portion of East 51st Street, hereinafter described.

Whereas, on the 27th day of January, 1997 the Council of the City of Cleveland adopted Resolution No. 131-97 declaring its intention to vacate a portion of East 51st Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 131-97 has been served upon the owners of all the property abutting East 51st Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of February, 1997, the Board of Revision of Assessments approved the vacation of East 51st Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 51st Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 51st Street, (width varies), extending from the Northerly line of Woodland Avenue S.E. (99.00 feet wide), Northerly, to the Southerly line of Ruble Court S.E. (width varies), be and the same is hereby vacated.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 51st Street, herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 328-97.**  
**By Councilmen Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance to appropriate property for the demolition and redevelopment of the blighted premises located at 2654 Lisbon Road, Cleveland, Ohio.**

Whereas, the Council of the City of Cleveland, by Resolution No. 2045-96, adopted February 24, 1997, declared the necessity and intention of appropriating the fee simple property interests of the blighted premises herein described for the elimination of spot blight and for the demolition and redevelopment of the blighted premises; and

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

Whereas, this ordinance constitutes an emergency measure required for the immediate preservation of the public health and safety, in that the existing conditions constitute a menace to public property, health and safety; now, therefore,

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

**Section 1.** That for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 2654 Lisbon Road, Cleveland, Ohio, through acquisition and redevelopment and/or rehabilitation, the following described fee simple interests be and the same hereby are appropriated:

**SPOT ELIMINATION BLIGHT**

2654 Lisbon Road  
 PPN: 126-20-025

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 415 and 423 and bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Lisbon Road, S.E., (50 feet wide), with the Southwesterly line of Evins Avenue, S.E., (40 feet wide);

Thence Northeasterly along the Northwesterly line of Lisbon Road, S.E., 44.66 feet to a Northeasterly corner of land conveyed to the Gerson-Stewart Corporation by deed dated October 7, 1941, and recorded in Volume 5405, Page 737 of Cuyahoga County Records;

Thence North 59° 14' 30" West, along a Northeasterly line of land so conveyed to the Gerson-Stewart Corporation, 32 feet to an angle;

Thence South 64° 19' 50" West along a Northwesterly line of land so conveyed to the Gerson-Stewart Corporation, 17.60 feet to a Southerly corner of land conveyed to Jay C. Price and Nina E. Price by deed dated August 18, 1942, and recorded

in Volume 5462, Page 296 of Cuyahoga County Records, and the principal place of beginning;

Thence North 83° 20' 30" West along a Southerly line of land so conveyed to Jay C. and Nina E. Price, 63.43 feet to an angle therein;

Thence North 59° 37' 40" West along a Southwesterly line of land so conveyed to Jay C. and Nina E. Price, 52.79 feet to a Southwesterly corner thereof;

Thence North 03° 21' 50" West, along a Westerly line of land so conveyed to Jay C. and Nina E. Price, 111.09 feet to an Easterly line of land conveyed to Pennsylvania Refining Company by deed dated July 31, 1941, and recorded in Volume 5403, Page 645 of Cuyahoga County Records;

Thence South 09° 27' 00" West along an Easterly line of land so conveyed to Pennsylvania Refining Company, 36.81 feet to a point of curvature;

Thence Southerly along an Easterly line of land so conveyed to Pennsylvania Refining Company along the arc of a curve deflecting to the right, 70.76 feet, said arc having a radius of 238.37 feet and a chord which bears South 17° 57' 15" West, 70.50 feet to a Southeasterly corner thereof;

Thence North 56° 26' 10" West along a Southwesterly line of land so conveyed to Pennsylvania Refining Company, 65.92 feet to an inner corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 148.34 feet to an inner corner thereof;

Thence South 44° 52' 20" East along a Northeasterly line of land so conveyed to Pennsylvania Refining Company 55.33 feet to a Southeast-erly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 87.85 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated August 25, 1942, and recorded in Volume 5466, Page 400 of Cuyahoga County Records;

Thence South 44° 52' 20" East, along a Northeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, 106.88 feet to the most Easterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, about 7.38 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated October 11, 1957, and recorded in Volume 9021, Page 154 of Cuyahoga County Records;

Thence South 44° 54' 40" East along the Northeasterly line of land conveyed to Pennsylvania Refining Company as last aforesaid, about 54.17 feet to the most Westerly corner of land conveyed to The Ohio Confection Company by deed dated December 10, 1941, and recorded in Volume 5418, Page 553 of Cuyahoga County Records;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 69.73 feet to a Northeasterly corner thereof;

Thence South 44° 53' 40" East along a Northeasterly line of land so conveyed to The Ohio Confection Company, 18.06 feet to an inner corner thereof;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 105.80 feet to an inner corner thereof;

Thence North 44° 53' 40" West along a Southwesterly line of land so conveyed to The Ohio Confection Company, 38.43 feet to a Northwesterly corner thereof;

Thence North 45° 06' 20" East, along a Northwesterly line of land so conveyed to The Ohio Confection Company and along a Northwesterly line of land conveyed to The Gerson-Stewart Corporation by deed aforesaid, 153.14 feet to the principal place of beginning, according to a survey dated March, 1947, made by Charles W. Root, Registered Professional Engineer, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impeached to make inquiry into and assess the compensation to be paid for the fee simple interests in and to the blighted premises herein before described.

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

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

**Ord. No. 329-97.**  
**By Councilmen Polensek and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to consent to assignment of Contract No. 50047 from Eagle International Truck Sales to Wise International Trucks of Ohio, Inc.**

Whereas, pursuant to Ordinance No. 250-96, passed April 1, 1996, the Director of Public Safety entered into City Contract No. 50047 with Eagle International Truck Sales for a requirement contract for the purchase of replacement parts and labor for International trucks necessary for such equipment to remain under warranty; and

Whereas, Eagle International Truck Sales, Inc. and Wise International Trucks of Ohio, Inc. by their joint letter dated January 22, 1997, have requested consent of the City to assignment of said Contract No. 50047 to Wise International Trucks of Ohio, Inc., and Wise International Trucks of Ohio, Inc. has stated its intention to undertake the delivery obligations of Eagle International Truck Sales, Inc. under said contract; and

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to consent to the request of Eagle International Truck Sales, Inc. and Wise International Trucks of Ohio to assign the delivery obligations of



Eagle International Truck Sales, Inc. under Contract No. 50047 for the purchase of International truck parts and labor to Wise International Trucks of Ohio.

**Section 2.** That the Director of Public Safety is hereby authorized to execute all documents and do all things necessary and appropriate to effect such consent to assignment. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

**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.

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

**Ord. No. 330-97.**

**By Councilman Dolan.**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 619.121 relating to disseminating material harmful to juveniles through computer services free of charge.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 619.121 thereof to read as follows:

**Section 619.121 Disseminating Material Harmful to Juveniles Through Computer Services Free of Charge**

(a) No person, with knowledge of its character or content shall recklessly allow access, free of charge, to computer services by any juvenile to review or peruse any material or live performance that is harmful to juveniles.

(b) As used in this section:

(1) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.

A. "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to such an electronic device.

B. "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.

C. "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the

capability to transmit among the connected computers and communication facilities through the use of computer facilities.

(2) "Disseminate" means to transfer possession of, with or without consideration.

(c) The following are affirmative defenses to a charge under this section.

(1) The defendant is the parent, guardian or spouse of the juvenile involved.

(2) The juvenile involved, at the time of the conduct in question, was accompanied by his parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.

(3) The juvenile exhibited to the defendant or his agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that such juvenile was eighteen years of age or over or married, and the person to whom such document was exhibited did not otherwise have reasonable cause to believe that such juvenile was under the age of eighteen and unmarried.

(4) That the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.

(5) Except as provided in division (c)(3) of this section, mistake of age is not a defense to a charge under this section.

(d) (1) Whoever violates this section is guilty of disseminating matter harmful to juveniles through computer services, a misdemeanor of the first degree.

(2) Notwithstanding the provisions of division (c) of Section 601.99, an organization who violates this section shall be fined not less than one thousand dollars (\$1,000.00). A separate offense shall be deemed committed each day for each division of such organization during or on which an offense occurs or continues.

**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.

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

**Ord. No. 331-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept 442 grants from the Ohio Department of Development.**

Whereas, pursuant to House Bill 442, the Ohio Department of Development is authorized to make grants for purposes of land acquisition, infrastructure improvements, voluntary actions, and renovation of property to promote economic development within the state; and

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of Economic Development is hereby authorized to apply for and accept Ohio Department of Development 442 Grants ("Grant") to Fund the following Economic Development projects, as described in the Executive Summaries contained in Council File No. 331-97-A, which Executive Summaries include the budget, management and marketing plans for the Projects, as required by Ohio Revised Code §122.22(B):

A. \$1,000,000.00 to assist with development of property known as Collinwood Yards;

B. \$1,000,000.00 to assist with development of property known as Cleveland Business Park; and

C. \$1,000,000.00 to assist with development of property known as Emerald Corporate Park.

**Section 2.** That Grant funds awarded to the City pursuant to the authority granted herein shall be deposited in Fund Nos. 17 SF 041, 17 SF 042, 17 SF 043.

**Section 3.** That this Council hereby designates the following Eligible Applicants, as defined in Ohio Revised Code §122.19(B), or said Eligible Applicant's designee, to carry out the purposes set forth in Ohio Revised Code §122.20, and to undertake the projects described in the respective Executive Summaries contained in the Council File referenced in Section 1 hereof, which Executive Summaries include the budget, management and marketing plans for the Projects, as required by Ohio Revised Code §122.22(B):

Westside Industrial Retention Network (WIRENet)  
Cleveland-Cuyahoga County Port Authority  
Midtown Corridor  
Clark-Metro Development Corporation

**Section 4.** That the Cleveland City-wide Development Corporation shall serve as the Local Economic Development Planning Committee.

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

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

**Ord. No. 332-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at various sites throughout Ward 13 to Tremont West Development Corporation or its 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. 004-09-107, as more fully described in Section 2 below, to Tremont West Development Corporation or its designee.

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

P.P. No. 004-09-107

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 28 in The George Worthington's Re-allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 5 of Maps, Page 41 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Westerly line of West 11th Place at the Northeastly corner of said Sublot No. 28, thence running Westerly along the Northerly line of said Sublot No. 28, 65 feet; thence Southerly and parallel with the Westerly line of West 11th Place, 25 feet; thence Easterly and parallel with the Northerly line of Sublot No. 28, 65 feet to the Westerly line of West 11th Place; thence Northerly along the Westerly line of West 11th Place, 25 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 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. 004-15-055, as more fully described in Section 4 below, to Tremont West Development Corporation or its designee.

**Section 4.** That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 004-15-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 33 feet of the Westerly 70 feet of Sublot No. 65 in William Slade Jr.'s Allotment of University Heights of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Easterly side of Thurman Street, S.W., and extending back of equal width 70 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Easement recorded in Volume 721, Page 280 of Cuyahoga County Records.

Subject to Easement recorded in

Volume 721, Page 547 of Cuyahoga County Records.

Subject to Easement recorded in Volume 721, Page 336 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-15-056, as more fully described in Section 6 below, to Tremont West Development Corporation or its designee.

**Section 6.** That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 004-15-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 67 in the William Slade, Jr. Allotment of University Heights so-called, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northeastly line of Thurman Street, S.W., at the most Westerly corner of said Sublot No. 67; thence Northeastly along the Northwestly line of said Sublot No. 67, 82 feet; thence Southeastly parallel with the Southwestly line of said Sublot No. 67, 31 feet; thence Southwestly parallel with the first described line, 82 feet to the Northeastly line of Thurman Street, S.W.; thence Northwestly along the Northeastly line of Thurman Street, S.W.; 31 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also conveying the 2 foot easement reserved in Deed recorded in Volume 3389, Page 39 of Cuyahoga County Records, and the rights obtained in the agreement between Stanley Kocinski and Amelia Kocinski, husband and wife, John Svec and Judita Svec, husband and wife, John Lepish and Steven Pelech and Anna Pelech and Krist Toncheff and Anna Toncheff, husband and wife, recorded in Volume 3465, Page 124 of Cuyahoga County Records.

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. 004-18-024, as more fully described in Section 8 below, to Tremont West Development Corporation or its designee.

**Section 8.** That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 004-18-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 617 in S. S. Stone's Survey of College Tract, Subdivision of part of Original Brooklyn Township Lot No. 87 as the same appears of records of said County Volume 2, Page 32, being bounded as follows:

Beginning at the Northwestly corner of said Sublot No. 617 which point is at the intersection of the Easterly line of University Street, now West Seventh Street and the Southerly line of an alley 16 feet wide; thence Northeastly along said Southerly line of said alley 140

feet; thence Southerly parallel with University Street now West Seventh Street 33 feet to the Southerly line of said Sublot No. 617; thence Westerly along the Southerly line of said Sublot No. 617, 140 feet to the Easterly line of University Street, now West Seventh Street; thence Northerly on said Easterly line of University Street, now West Seventh Street 33 feet to the place of beginning and being a parcel of land 33 feet front and rear on the Easterly side of University Street, now West Seventh Street and 140 feet deep, be the same more or less but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-025, as more fully described in Section 10 below, to Tremont West Development Corporation or its designee.

**Section 10.** That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 004-18-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwestly 140 feet of Sublot No. 618 in S. S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and being 33 feet front on the Northeastly side of West 7th Street (formerly University 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 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. 004-18-026, as more fully described in Section 12 below, to Tremont West Development Corporation or its designee.

**Section 12.** That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 004-18-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southwestly 110 feet of Sublot No. 619 in S. S. Stone Survey subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and being 33 feet front on the Northeastly side of West 7th Street and extending back between parallel lines 110 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-027, as more fully described in Section 14 below, to Tremont West Development Corporation or its designee.

**Section 14.** That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 620 and 621 in S. S. Stone's Survey of the College Tract, so called, of a part of Original Brooklyn Township Lot No. 87, now in said City, bounded and described as follows:

Beginning on the Northeasterly line of West 7th Street (formerly University Street) at the Southwesterly corner of said Sublot No. 620; thence Northeasterly along the Northwesterly line of said Sublot No. 620 a distance of 90 feet; thence Northwesterly parallel with West 7th Street a distance of 36 feet; thence Southwesterly parallel with the Northwesterly line of said Sublot No. 621 to the Southwesterly line thereof and the Northeasterly line of West 7th Street; thence Southeasterly along the Northeasterly line of West 7th Street, 36 feet to the place of beginning, as per plat of said Subdivision recorded in Volume 2 of Maps, Page 32 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Zoning Ordinances, if any.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-040, as more fully described in Section 16 below, to Tremont West Development Corporation or its designee.

**Section 16.** That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 535 in S. S. Stone College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and being 25 feet front on the Southwesterly side of West 6th Street and extending back of equal width 100 feet deep to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-047, as more fully described in Section 18 below, to Tremont West Development Corporation or its designee.

**Section 18.** That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 542 in S. S. Stone College Tract Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and being 25 feet front on the Southwest side of West 6th Street and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 19.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Sup-

plies is hereby authorized to sell Permanent Parcel No. 004-18-052, as more fully described in Section 20 below, to Tremont West Development Corporation or its designee.

**Section 20.** That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 547 in S. S. Stone's Survey of College Tract, so called, as shown by the recorded plat in Volume 2 of Maps, Page 31 and 32 of Cuyahoga County Records, and being 25 feet front on the Southerly side of West 6th Street, (formerly known as McKinstry Street), and extending back of equal width 100 feet deep to the 12 foot alley in the rear, as per plat, be the same more or less, but subject to all legal highways, and further subject to restrictions of record, reservations, easements and conditions of record, if any.

**Section 21.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-063, as more fully described in Section 22 below, to Tremont West Development Corporation or its designee.

**Section 22.** That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 560 in The S. S. Stone's College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and having a frontage of 25 feet on West 6th Street and being 25 feet front on the Northeasterly side of West 6th Street and extending back of equal width 100 feet deep to West 6 Place in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 23.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-072, as more fully described in Section 24 below, to Tremont West Development Corporation or its designee.

**Section 24.** That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 569 in S. S. Stone College Tract Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and being 25 feet front on the Northeasterly side of West 6th Street, and extending back of equal width 100 feet deep on the Northwesterly line, 90 feet deep on the Southeasterly line which is also the Northwesterly line of Novak Alley S.W. (12 feet wide) and about 25 feet wide along West 6th Place in

the rear as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 25.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-091, as more fully described in Section 26 below, to Tremont West Development Corporation or its designee.

**Section 26.** That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-091

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 584 in S. S. Stone College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and being 25 feet front on the Southwesterly line of West 5th Street, and extending back of equal width, 100 feet deep to West 6th Place in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 27.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-093, as more fully described in Section 28 below, to Tremont West Development Corporation or its designee.

**Section 28.** That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-093

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 586 in S. S. Stone's Survey of College Tract, formerly in the Township of Brooklyn, and having a frontage of 25 feet on the Southwesterly side of West 5th Street (formerly Swan Street) in said City and 100 feet deep to an alley, as per plat recorded in Volume 2 of Maps, Page 31 of Cuyahoga County Records be the same more or less, but subject to all legal highways.

**Section 29.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-111, as more fully described in Section 30 below, to Tremont West Development Corporation or its designee.

**Section 30.** That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

## P.P. No. 004-18-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 605 and the Southwesterly 21 feet of Sublot No. 604 in S. S. Stone's College Tract Survey of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Pages 31 and 32 of Cuyahoga County Records.

Said Sublot No. 605 and part of Sublot No. 604 together form a parcel of land having a frontage of 46 feet on the Southeasterly side of Literary Road, S.W., and extending back between parallel lines 116 feet to the Northwesterly side of Herschel Court S.W., as appears by said

plat, be the same more or less, but subject to all legal highways.

**Section 31.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-114, as more fully described in Section 32 below, to Tremont West Development Corporation or its designee.

**Section 32.** That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P.P. No. 004-18-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 608 in S. S. Stone Survey Subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, and being 25 feet front on the Southeasterly side of Literary Road and extending back of equal width 116 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 33.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-115, as more fully described in Section 34 below, to Tremont West Development Corporation or its designee.

**Section 34.** That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P.P. No. 004-18-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 609 and 610 in S. S. Stone's College Tract Subdivision of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2, Page 31 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southeasterly side of Literary Road, S.W. and extending back of equal width 116.00 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 35.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-116, as more fully described in Section 36 below, to Tremont West Development Corporation or its designee.

**Section 36.** That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P.P. No. 004-18-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 611 in S. S. Stone's College Tract, of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Pages 31 and 32 of Cuyahoga County Records, and being 25 feet front on the Southeasterly side of Literary Road, and extending back of equal width 116 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 37.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-117, as more fully described in Section 38 below, to Tremont West Development Corporation or its designee.

**Section 38.** That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P.P. No. 004-18-117

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 612 in S. S. Stone's College Tract Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 32 of Cuyahoga County Records, and being 25 feet front on the Southeasterly side of Literary Street, (now known as Literary Road), and extending back of equal width 116 feet to an alley now known as Herschell Court S.W., as appears by said plat. Be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 39.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-119, as more fully described in Section 40 below, to Tremont West Development Corporation or its designee.

**Section 40.** That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P.P. No. 004-18-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 614 in S. S. Stone College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and being 25 feet front on the Southeasterly side of Literary Road, S.W. and extending back of equal width 116 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 41.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-121, as more fully described in Section 42 below, to Tremont West Development Corporation or its designee.

**Section 42.** That the real property to be sold pursuant to Section 41 of this Ordinance is more fully described as follows:

P.P. No. 004-18-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 523 and 524 in S.S. Stone's College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 and 32 of Cuyahoga County Records, and together forming a parcel of land 56 feet front on the Northwesterly side of Literary Road, S.W., and extending back of equal width 100 feet along the Northeasterly side of West 7th Street, to the Southeasterly side of Novak Alley, S.W., in the rear. As appears by said plat, be the same

more or less, but subject to all legal highways.

Excepting therefrom that part of the above described premises conveyed to Elizabeth L. Minshall by deed dated September 16, 1983 and recorded in Official Records Volume 83-449, Page 56 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

**Section 43.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-123, as more fully described in Section 44 below, to Tremont West Development Corporation or its designee.

**Section 44.** That the real property to be sold pursuant to Section 43 of this Ordinance is more fully described as follows:

P.P. No. 004-18-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 525 in S. S. Stone College Tract Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and being 25 feet front on the Northwesterly side of Literary Road, S.W. and extending back of equal width, 100 feet deep to Novak Alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 45.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-125, as more fully described in Section 46 below, to Tremont West Development Corporation or its designee.

**Section 46.** That the real property to be sold pursuant to Section 45 of this Ordinance is more fully described as follows:

P.P. No. 004-18-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 527 in S.S. Stone's Survey of the College Tract of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 2, Page 31 of Cuyahoga County Records, and being 25 feet front on the Northwesterly side of Literary Road, S.W., and extending back between parallel lines, 100 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 47.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-126, as more fully described in Section 48 below, to Tremont West Development Corporation or its designee.

**Section 48.** That the real property to be sold pursuant to Section 47 of this Ordinance is more fully described as follows:

P.P. No. 004-18-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 528 in S.S. Stone's Survey of The College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of

Maps, Page 31 of Cuyahoga County Records and being 25 feet front on the Northwesterly side of Literary Road, S.W., and extending back between parallel lines, 100 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 49.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-127, as more fully described in Section 50 below, to Tremont West Development Corporation or its designee.

**Section 50.** That the real property to be sold pursuant to Section 49 of this Ordinance is more fully described as follows:

P.P. No. 004-18-127

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 529 in S.S. Stone's College Tract Allotment of a part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 32 of Cuyahoga County Records, and being 25 feet front on the Northwesterly side of Literary Road and extending back of equal width 100 feet deep to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 51.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-137, as more fully described in Section 52 below, to Tremont West Development Corporation or its designee.

**Section 52.** That the real property to be sold pursuant to Section 51 of this Ordinance is more fully described as follows:

P.P. No. 004-18-137

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 597 in the S. S. Stone Subdivision, of part of Original Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records. Said Sublot has a frontage of 25.00 feet on Literary Road, as appears by said plat, but is subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 53.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-138, as more fully described in Section 54 below, to Tremont West Development Corporation or its designee.

**Section 54.** That the real property to be sold pursuant to Section 53 of this Ordinance is more fully described as follows:

P.P. No. 004-18-138

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 596 in the S. S. Stone Subdivision of part of Original Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records. Said Sublot has a frontage of 25.00 feet on Literary Road, as

appears by said plat, but is subject to all legal highways.

Zoning Ordinances, if any.

**Section 55.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-139, as more fully described in Section 56 below, to Tremont West Development Corporation or its designee.

**Section 56.** That the real property to be sold pursuant to Section 55 of this Ordinance is more fully described as follows:

P.P. No. 004-18-139

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 595 in S. S. Stone College Tract Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 57.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-140, as more fully described in Section 58 below, to Tremont West Development Corporation or its designee.

**Section 58.** That the real property to be sold pursuant to Section 57 of this Ordinance is more fully described as follows:

P.P. No. 004-18-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 594 in S. S. Stone College Tract Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 59.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-141, as more fully described in Section 60 below, to Tremont West Development Corporation or its designee.

**Section 60.** That the real property to be sold pursuant to Section 59 of this Ordinance is more fully described as follows:

P.P. No. 004-18-141

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly part of Sublot No. 593 in S. S. Stone's Survey of College Tract of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Record and bounded and described as follows:

Beginning at an iron pin the Northeastly line of West 5th Street at the most Southerly corner of said Sublot No. 593, said most Southerly corner of Sublot No. 593 is distant North 36° 57' 00" West, 129.10 feet from the intersection of the Northeastly line of West 5th Street with the Westerly line of Literary Road S.W., and distant South 36° 57' 00" East, 159.44 feet from the intersection of the Northeastly line of West 5th Street with the Southerly line of Railway Avenue S.W.; thence

North 36° 57' 00" West, along the Northeastly line of West 5th Street, 37.58 feet to an iron pin at the Southwesterly corner of said Sublot No. 593; thence North 4° 56' 20" East along the Westerly line of said Sublot No. 593, 39.79 feet to a point distant South 4° 56' 20" West, 50.48 feet from an iron pin in the Southerly line of Railway Avenue S.W., at the Northwesterly corner of said Sublot 593, said Northwesterly corner of Sublot No. 593 is distant South 84° 45' 00" East, 81.37 feet from the intersection of the Southerly line of Railway Avenue, S.W., with the Northeastly line of West 5th Street and distant North 84° 45' 00" West, 125.58 feet from the intersection of the Southerly line of Railway Avenue S.W., with the Westerly line of Literary Road, S.W.; thence South 84° 45' 00" East, parallel with the Southerly line of Railway Avenue S.W., 25.10 feet to an iron pin in the Easterly line of said Sublot No. 593; thence South 4° 57' 00" West, along the Easterly line of said Sublot No. 593, 67.62 feet to the place of beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor.

Subject to Zoning Ordinances, if any.

**Section 61.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-18-151, as more fully described in Section 62 below, to Tremont West Development Corporation or its designee.

**Section 62.** That the real property to be sold pursuant to Section 61 of this Ordinance is more fully described as follows:

P.P. No. 004-18-151

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublot No. 593 in S.S. Stone's College Tract, of part of Original Brooklyn Township No. 87 as shown by the recorded plat in Volume 2 of Maps, Page 31 of Cuyahoga County Records and having a frontage of 25.12 feet on the Southerly side of Railway Street and extending Southerly between parallel lines 50.48 feet, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 63.** 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 64.** 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 65.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain

such provisions as may be necessary to protect and benefit the public interest.

**Section 66.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 333-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Collinwood Development Corporation, L.L.C., to provide economic development assistance to develop a 50 acre industrial park at an area now known as Collinwood Yards.**

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

**Section 1.** That, provisions of Ordinance No. 56-94 passed June 13, 1995 to the contrary notwithstanding, the Director of Economic Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with Collinwood Development Corporation, L.L.C., to provide economic development assistance to develop a fifty (50) acre industrial park at an area now known as Collinwood Yards, located at East 152nd Street and South Waterloo Road, Cleveland, Ohio.

**Section 2.** That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 333-97-A.

**Section 3.** That the costs of said contract shall not exceed One Million Dollars (\$1,000,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 21597.

**Section 4.** That, the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instruments shall be prepared and approved by the Director of Law.

**Section 5.** That, the Director of Economic Development is hereby authorized to accept monies in repayment of such loan and to

deposit said monies in Fund No. 10 SF 502.

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

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 8.** That, prior to entering into any contract authorized herein, the Director of Finance is required and hereby directed to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

**Section 9.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 334-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with NorthStar Equipment Corp., or its designee, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new facility and to purchase machinery and equipment for its facility which will be located in the Cleveland Industrial Park.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, NorthStar Equipment Corp. (the "Enterprise") has proposed to construct a new facility and to purchase machinery and equipment for its facility to be located in the Cleveland Industrial Park; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate

preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of NorthStar Equipment Corp., or its designee(s), for enterprise zone incentives on the basis that NorthStar Equipment Corp. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with NorthStar Equipment Corp., or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new facility and to purchase machinery and equipment at their facility which will be located in the Cleveland Industrial Park; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 334-97-A.

**Section 4.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

**Ord. No. 335-97.**

**By Councilmen Patton and Westbrook (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by contract of hand held meter reading equipment, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of hand held meter reading equipment as set forth in detail on file in the office of the Division of Purchases and

Supplies and attached to Request No. 23395, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Bids shall be taken in such manner as to permit an award to be made for all items as a single contract or by separate contract for each or any combination of said items as the Board of Control shall determine.

**Section 2.** That the cost of said contract or contracts hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 23395.

**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.

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

**Ord. No. 336-97.**  
By Councilmen Polensek and Westbrook (by departmental request).

**An emergency ordinance authorizing the Director of Public Safety to accept a gift of the construction of a counter-sniper shooting range and a para-military obstacle course from the Greater Cleveland Chapter of the American Red Cross, and authorizing the Director to enter into an agreement with the donor, for the Division of Police, Department of Public Safety.**

Whereas, by letter dated January 22, 1996, the Greater Cleveland Chapter of the American Red Cross has made an offer to construct on City-owned property a 200 yard counter-sniper range and a para-military obstacle course; and

Whereas, the range and obstacle course will be used for training purposes by the Division of Police; and

Whereas, the estimated value of the facilities being constructed is estimated by the donor at \$100,000.00; and

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

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

**Section 1.** That the Director of Public Service is authorized to accept a gift from the Greater Cleveland Chapter of the American Red Cross of the construction of a 200 yard counter-sniper range and a para-military obstacle course, including a 40' confidence tower usable as a repelling platform.

**Section 2.** That the Director of Public Safety is authorized to enter into an agreement with the Greater Cleveland Branch of the American Red Cross for the purpose effectuating the construction of the facilities described in Section 1 and for the purpose of allowing the Public Safety Games of the American Red Cross to use said counter-sniper range and obstacle course at times that the same are not needed by the Cleveland Division of Police. Any such agreement shall be prepared by the Director of Law and shall contain such provisions as may be

necessary in her opinion to protect the public interest.

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

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

**Ord. No. 337-97.**  
By Councilmen Robinson and Westbrook (by departmental request).

**An emergency ordinance authorizing and directing the purchase by requirement contract of dishwashing, laundry, general cleaning and hygiene supplies for the Division of Correction, Department of Public Health, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items dishwashing, laundry, general cleaning and hygiene supplies in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Correction, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21831)

**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.

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

**Ord. No. 338-97.**

By Councilman Rybka.

**An emergency ordinance to enact Section 337.081 of the Codified Ordinances of Cleveland, Ohio, 1976, and to amend Section 335.01 of said Codified Ordinances, as amended by Ordinance No. 552-96, passed June 10, 1996, and Section 335.02, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, relating to downtown residential districts.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 337.081 to read as follows:

**Section 337.081 Downtown Residential (DR) District**

(a) **Purpose.** A Downtown Residential (DR) District is established to reserve suitably-located sites for development or retention of multi-family housing, supplemented by compatible retail or office uses, within the downtown area of the City of Cleveland. Reservation of such sites for residential use is intended to strengthen the economy of the City's central business district by supplementing the demand for retail and entertainment uses, particularly during evening and weekend hours. Establishment of a downtown residential zoning district is also intended to protect residential uses in the downtown area from detrimental effects of incompatible uses.

(b) **Definition of Residential Use.** For purposes of this section, the term "residential use" shall refer to dwelling units for non-transient occupancy, dormitory rooms, and all hallways and other common areas serving such units or rooms.

(c) **Permitted Uses.** In a Downtown Residential (DR) District, permitted uses shall be limited to the following, provided that at least fifty-one percent (51%) of all floor area devoted to main uses in each main building or complex of main and accessory buildings shall be in residential use, as defined in division (b) of this section:

(1) residential uses; including "Class A" multiple dwellings, townhouse buildings and dormitories,

(2) professional, business, governmental, institutional and medical offices,

(3) restaurants, taverns and other eating establishments,

(4) retail stores and retail services, except as prohibited in division (d) of this section,

(5) theaters, nightclubs, dance halls, bowling alleys, skating rinks and other places of entertainment and recreation, except as prohibited in division (d) of this section,

(6) banks and other financial service establishments, copying and printing services, employment agencies, and other business service establishments, except as prohibited in division (d) of this section,

(7) museums, libraries, galleries, schools, places of worship, daycare centers, and other cultural and institutional uses, not for correctional purposes,

(8) accessory uses permitted in Multi-Family and General Retail Districts, and roof-top antennae and

associated equipment for transmission or reception.

(9) uses similar to those permitted with respect to the type of goods sold, the type of services offered, hours of operation, and effects on nearby residential uses.

(d) **Prohibited Uses.** All uses not listed as permitted nor determined to be a similar use are prohibited. In addition, the following uses are specifically prohibited in Downtown Residential (DR) Districts:

(1) uses permitted only in an Industrial District,

(2) service stations, service garages, and car washes ("automobile laundries"), except as an accessory use to a multiple dwelling, where such services are available exclusively to residents to the multiple dwelling and for which no exterior signs are displayed,

(3) adult entertainment uses, as defined in Section 347.07 of this Code,

(4) animal kennels and establishments in which animal slaughtering is conducted.

(e) **Limitation on Parking.** In Downtown Residential (DR) Districts, parking shall be permitted as an accessory use but shall be limited to a maximum of two (2) parking spaces per dwelling unit and one (1) parking space per 500 feet of commercial area for each main building or complex of main and accessory buildings. No additional parking shall be permitted.

(f) **Limitation on Location of Non-Residential Main Uses.** In Downtown Residential (DR) Districts, no building shall be devoted exclusively to retail, office, or other permitted non-residential main uses. Such uses shall be located only in buildings which are devoted principally to residential use or to garages providing parking for the residential uses.

(g) **Exceptions to Yard Regulations.** Requirements for interior side yards and rear yards may be waived by the Board of Zoning Appeals in Downtown Residential (DR) Districts if the Board determines that one of the following factors applies:

(1) the subject property owner has obtained a legal interest from an adjoining property owner to provide yard areas which are equivalent to those required — such legal interest to be properly recorded, to be of appropriate duration and to be filed with the Division of Building and Housing prior to issuance of a Building Permit;

(2) no windows for residential uses are located in any side of the building where the required yard area is not provided; or

(3) development of a structure on an adjoining property, so as to block adequate light and air to windows for residential uses, is made infeasible by topography, natural features or other factors identified by the Board.

(h) **Area Regulations.** Regulations of Section 355.04 regarding "minimum lot area per dwelling unit" and the ratio of "maximum gross floor area to lot area" shall not apply in Downtown Residential (DR) Districts.

(i) **Nonconforming Uses and Buildings.** Legally established nonconforming uses located in a Downtown Residential (DR) District may be continued in accordance with the regulations of Chapter 359 of the Zoning Code. In addition, within a DR District, any building which does not meet the minimum require-

ment for proportion of floor area in residential use shall be governed by the following regulations with regard to changes in use:

(1) Any existing non-residential use may be replaced by any use permitted in the DR District, without action by the Board of Zoning Appeals.

(2) Any vacant space in which the immediate prior use was non-residential may be occupied by any use permitted in the DR District, without action by the Board of Zoning Appeals.

**Section 2.** That Sections 335.01 and 335.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 552-96, passed June 10, 1996, and enacted by Ordinance No. 2204-A-48, passed December 19, 1949, respectively, are hereby amended to read as follows:

**Section 335.01 Designation of Use Districts**

The City is hereby divided into the Public Land Protective District and into **seventeen** use districts which shall be known, in order of restrictiveness, beginning with the most restrictive as:

Limited One-Family Districts  
One-Family Districts  
Two-Family Districts  
Townhouse (RA) Districts  
Limited Multi-Family Districts  
Multi-Family Districts

**Downtown Residential (DR) Districts**

Residence-Office Districts  
Parking Districts  
Local Retail Business Districts  
Shopping Center Districts  
University (College) Retail Districts  
General Retail Business Districts  
Residence-Industry Districts  
Semi-Industry Districts  
General Industry Districts  
Unrestricted Industry Districts

**Section 335.02 Residence and Dwelling House Districts Defined**

(a) As used in this Zoning Code, "Residence Districts" means any one or all of the first **eight** use districts enumerated in Section 335.01.

(b) As used in this Zoning Code, "Dwelling House District" mean any or all Residence Districts other than Multi-Family Districts.

(c) Except as otherwise provided in this Zoning Code, no building or other structure or premises in a Dwelling House District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than a dwelling house.

**Section 3.** That existing Sections 335.01 and 335.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 552-96, passed June 10, 1996, and enacted by Ordinance No. 2204-A-48, passed December 19, 1949, respectively, are hereby repealed.

**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.

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

**Ord. No. 339-97.**

**By Councilmen Smith and Westbrook (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of installing and replacing curbing, aprons, ramps for the handicapped, and other concrete work for the various divisions of the Department of Port Control and authorizing the Director of Port Control to enter into one or more requirement contracts for the making of such improvement, for a period not to exceed two years.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing and/or replacing curbing, aprons, ramps for the handicapped, and other concrete work which is not otherwise included as part of any other public improvement contract, for the various divisions of the Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Port Control is hereby authorized and directed to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for the period of two years, upon a unit basis, the unit prices for which shall include all labor, material and equipment, required therefore, with no fixed price for items not subject to competitive bidding. In the discretion of the Board of Control separate requirement contracts may be let for the work to be done for each of the divisions of the Department of Port Control.

**Section 3.** That the Director of Finance shall certify said contract or contracts in the amount set forth in the initial requisition, and thereafter shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

**Section 4.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 101 and 60 SF 106, Request No. 22567.

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

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

**Ord. No. 340-97.**

**By Councilmen Smith and Westbrook (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for the installation, maintenance and repair of fencing for the various divisions of the Department of Port Control, for a period not to exceed two years.**



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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary for the installation, maintenance and repair of fencing in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22569)

**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.

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

**Ord. No. 341-97.**  
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with the Strongsville Tobacco Trading Company, Inc. for use of certain space at Cleveland Hopkins International Airport for operation of a tobacco/gourmet concession.

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

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

**Section 1.** That the Director of Port Control ("Director") is hereby authorized to enter into a Lease By Way of Concession ("Lease") with the Strongsville Tobacco Trading Company, Inc. ("Lessee") for use of approximately 150 square feet of space in the mini-mall of the terminal building for a kiosk, and approximately 500 square feet of space located outside of Concourse A, at Cleveland Hopkins Interna-

tional Airport (the "Premises") for operation of a tobacco/gourmet kiosk and shop. The Premises shall be used to sell the following items only:

Kiosk

- Bulk assorted nuts;
- Dried and seasonal fresh fruits;
- Bottled waters and juices;
- Hot popcorn and pretzels; and
- Breath mints and lozenges

Concourse A Shop

- Cigarettes, cigars and tobaccos;
- Wines, beers and liquors (bottled only);
- Smoking accessories — fine lighters, cigars and cigarette cases, cigar clippers, nail clippers, humidors, pipes, cigarette holders;
- Packaged gourmet coffees;
- Bottled water and juices;
- Assorted nuts;
- Hot popcorn and pretzels;
- Dried and seasonal fresh fruits;
- Seasonal and unique gift items (gourmet food types);
- Assorted bulk and boxed Godiva chocolates; and
- Mints, gum and assorted wrapped candy bars

The term of the Lease authorized herein shall begin upon execution of the agreement by the Director and terminate five (5) years thereafter, unless sooner cancelled or terminated. Lessee shall pay as rent for the use of the Premises a minimum guarantee of \$10,000 or ten percent (10%) of gross revenues whichever is greater.

**Section 2.** That said Lease shall be drafted by the Director of Law, and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 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.

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

**Ord. No. 342-97.**  
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of air filters and labor and materials necessary to provide related services for air handling units for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of air filters and labor and materials necessary to provide related services for air handling units in the

approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22568)

**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.

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

**Ord. No. 343-97.**  
By Councilmen Rybka, Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Broadway Area Housing Coalition, or their designee, to provide a grant to finance the demolition of certain properties in furtherance of construction of the Third Federal Savings and Loan Operations Center, located at 7007 Broadway Avenue, Cleveland, Ohio.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with the Broadway Area Housing Coalition, or their designee, to provide a grant to finance the demolition of certain properties in furtherance of the construction of the Third Federal Savings and Loan Operations Center at 7007 Broadway Avenue.

**Section 2.** That the terms of said grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 343-97-A.

**Section 3.** That the costs of said contract shall not exceed Two Hundred and Fifty Thousand Dollars (\$250,000), and shall be paid from Fund No. 17 SF 652, Request No. 23345.

**Section 4.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**Ord. No. 344-97.**  
**By Councilman Westbrook (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1995 Ohio income tax master file data.**

Whereas, the State of Ohio is the sole source of state income tax data; and

Whereas, the State of Ohio has provided 1995 Ohio income tax master file data to the City of Cleveland; and

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

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

**Section 1.** That the Director of Finance is hereby directed to pay the sum of Eighteen Thousand Six Hundred Twenty Dollars and 97/100 (\$18,620.97) to the treasurer of the State of Ohio from Fund No. 81 SF 001, Request No. 21204, for extraction from the 1995 Ohio Individual Master File of taxpayer information relating to the communities served by the Central Collection Agency.

**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.

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

**Res. No. 345-97.**

**By Councilmen Jackson and Rybka (by departmental request).**

**An emergency resolution designating the northwest corner of Euclid Avenue and East 36th Street as "Applied Plaza" and designating the building at 3301 Euclid Avenue as "One Applied Plaza".**

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

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

**Section 1.** That the northwest corner of Euclid Avenue and East 36th Street, be and the same hereby is designated as "Applied Plaza".

**Section 2.** That the headquarters building of Applied Industrial Technologies, Inc., having a street address of 3301 Euclid Avenue, be and the same hereby is designated as "One Applied Plaza".

**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.

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

**Res. No. 346-97.**  
**By Mayor White (by departmental request).**

**An emergency resolution declaring the intention to vacate a portion of East 12th Street.**

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 12th Street, as hereinafter 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 it hereby its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of:

EAST 12TH STREET (16.5 feet wide) extending Northerly from the Northerly line of Carnegie Avenue S.E. (99.00 feet wide) to the Southerly line of Bronson Court S.E. (16.5 feet wide).

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

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

#### FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

**Ord. No. 347-97.**

**By Councilman Britt.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 6. (Jean E. Appleby and the Girl Scouts of Lake Erie Council).**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 6; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 6: Jean E. Appleby and Girl Scouts of Lake Erie Council.

**Section 2.** That all of the require-

ments of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

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

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

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

**Ord. No. 348-97.**

**By Councilman Patton (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Cory United Methodist Church to install, use and maintain two (2) pole banners on Cleveland Public Poles (pole permit obtained at Cleveland Public Power separately from encroachment permit), on East 105th Street Southerly of Drexel Avenue to announce Cory United Methodist Church's Anniversary for the period of January 9, 1997 to December 31, 1997.**

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 Service is hereby authorized and directed to issue a permit to Cory United Methodist Church to install, use and maintain, two (2) pole banners (pole permit obtained at Cleveland Public Power separately from encroachment permit) announcing the Anniversary of Cory United Methodist Church, 1117 East 105th Street, Cleveland, Ohio 44108; from the period of January 9, 1997 to December 31, 1997 which will encroach into the right-of-way of East 105th Street at the following locations:

**STREET**  
East 105th Street

**POLE LOC./& NUMBER**  
1st Pole South of  
Drexel Avenue, (E);  
No. NE2-30-14; CPT,  
3594, SPN06, 355.

**ATTACHMENT**  
Hang Banner on  
Wood CPP Pole.

**STREET**  
East 105th Street

**POLE LOC./& NUMBER**  
2nd Pole South of  
Drexel Avenue, (E);  
No. NE2-30-13

**ATTACHMENT**  
Hang Banner on  
Wood CPP Pole.

**Section 2.** That said banners in

Section 1, shall encroach in the public right-of-way at the locations aforesaid, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all lost which may result from said permit.

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

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

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

**Ord. No. 349-97.**

**By Councilman Smith.**

**An emergency ordinance consenting and approving the issuance of a permit for a Run on March 15, 1997, sponsored by St. Malachi Church.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Run, sponsored by St. Malachi Church, on March 15, 1997, beginning on Winslow Ave., Winslow Ave. to Center, Center to River, River to Elm, Elm to Riverbed, Riverbed to Carter, Carter to Scranton, Scranton to Independence, turn around and return along the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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.

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

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

**Ord. No. 350-97.**

**By Councilman Willis.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 9. (Jean E. Appleby and the Girl Scouts of Lake Erie Council).**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 9; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 9: Jean E. Appleby and Girl Scouts of Lake Erie Council.

**Section 2.** That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

**Section 3.** That the privilege granted herein may be revoked at any time by this Council.

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

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

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

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 351-97.**

**By Councilman Lewis.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 8802-06 Superior Avenue, and repealing Res. No. 2056-96, objecting to said transfer of ownership, pursuant to a Cooperation Agreement signed February 18, 1997.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 8802-06 Superior Avenue by Res. No. 2056-96, adopted November 18, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a Cooperation Agreement signed February 18, 1997, a copy of which is in the file for this address in the City Law Department; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2X Liquor Permit to 8802-06 Superior Avenue be and the same is hereby withdrawn and Res. No. 2056-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**Res. No. 352-97.**

**By Councilman Sweeney.**

**An emergency resolution urging Rini-Rego Stop-N-Shop Corporation to terminate their lease option at Puritas Plaza or to sublease the building to another supermarket chain willing to place its operations at Puritas Plaza.**

Whereas, the Rini-Rego Stop-N-Shop Corporation ("Rini-Rego") has operated a supermarket in Puritas Plaza over the last several years selling perishable and non-perishable goods to neighborhood residents; and

Whereas, Rini-Rego recently announced that it would relocate their supermarket from Puritas Plaza to West 138th Street and Lorain; and

Whereas, on March 1, 1997, the building that housed the supermarket at Puritas Plaza became vacant; and

Whereas, Rini-Rego has renewed its lease on this vacant building for another five years, even though it has relocated its supermarket; and

Whereas, since Rini-Rego still holds the lease to the building, no other supermarket chain can place its operations inside of the building without authorization from Rini-Rego; and

Whereas, the existence of Rini-Rego's vacant building in Puritas Plaza could decrease the property values of neighboring properties and increase the risk of arson and vandalism, as well as blight, to this commercial retail district; and

Whereas, since no other supermarket exists in the vicinity of the Bellaire-Puritas neighborhood, the loss of the Puritas Plaza store will create tremendous inconvenience to the many elderly citizens in the community who do not have access to transportation to shop at a supermarket outside their neighborhood boundary, as well as to a significant number of neighborhood WIC recipients, who will have to travel to another supermarket outside their community to receive perishable goods in exchange for food stamp coupons; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health

or safety in that the loss of the Puritas Plaza supermarket will cause immediate hardship to the Bellaire-Puritas neighborhood; now, therefore,

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

**Section 1.** That this Council strongly urges Rini-Rego Stop-N-Shop Corporation to allow another supermarket chain to sublease the building at the Puritas Plaza location or terminate its existing lease in order to allow another supermarket chain to place one of its stores at the Puritas Plaza location.

**Section 2.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to the corporate officers of Rini-Rego Stop-N-Shop Corporation.

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

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

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

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 160-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2215 East 87th Street to Fairfax Bicentennial Village Development Ltd.

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

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

##### Ord. No. 258-97.

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

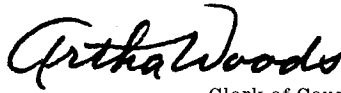
An emergency ordinance to amend Section 1 of Ordinance No. 1035-95, passed June 5, 1995, as amended by Ordinance No. 1162-95, passed June 19, 1995, relating to the acquisition and transfer of property from the County to the City to the Cleveland Restoration Society.

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

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

#### MOTION

The Council adjourned at 8:20 p.m. to meet on Monday, March 10, 1997 at 7:00 p.m.



Clerk of Council

#### THE CALENDAR

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

NONE

#### BOARD OF CONTROL

February 26, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 26, 1997, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch. Absent: None.

Others: William Moon, Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

##### Resolution No. 118-97.

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 127.10 of the Codified Ordinances of Cleveland, Ohio, 1976, Acordia Workers' Compensation Services is hereby selected upon the nomination of the Director of Finance as the firm best qualified to be employed by contract for the purpose of providing professional actuarial services including accounting, auditing and claims management services necessary to reduce the premium rate to the City for Workers' Compensation, and to obtain credits through audit of the Workers' Compensation account and merit rating experience, for the period of January 1, 1997 through December 31, 1998, with an option to renew for a third year, and for providing independent medical examinations for the year 1997 including the cost of scheduling the exams, the examiner's fee and any other costs associated with the examinations which are necessary to properly adjudicate and manage the City's claims.

Be it further resolved that the Director of Finance is hereby authorized to enter into a written contract with Acordia Workers' Compensation Services, on the basis of its October 16 and October 29, 1996 proposals, which contract shall be prepared by the Director of Law, shall provide that the total fee for actuarial services shall not exceed \$195,000 per year plus a medical exam fee of \$24,000 for the year 1997, and shall contain such additional terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

##### Resolution No. 119-97.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland, that all bids received on January 24, 1997 for one boom truck for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 2557-89, passed by the Council of the City of Cleveland on November 13, 1989, be and the same are hereby rejected.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.

Absent: None.

##### Resolution No. 120-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of BancTec USA, Inc. for the following: upgrade of two (2) processing machines (all items) (including monthly maintenance, two (2)@\$131.00 each), except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Fiscal Control, Department of Public Utilities, received on the 30th day of January, 1997, pursuant to the authority of Ordinance No. 1302-96, passed September 23, 1996, which on the basis of order quantities would amount to Forty Five Thousand Seven Hundred Eighty Dollars (\$45,780.00), (Net), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.

Absent: None.

##### Resolution No. 121-97.

By Director Cunningham.

Whereas, pursuant to Ordinance No. 1469-72, passed by the Council of the City of Cleveland on December 4, 1972, and Board of Control Resolution No. 173-73, adopted March 21, 1973, the City of Cleveland ("City") entered into a Lease By Way of Concession with Central Leasing Co., licensee of National Car Rental System, Inc. for a car storage and service facility at Cleveland Hopkins International Airport, City Contract No. 25509, as supplemented by Ordinance No. 2134-76, passed on October 25, 1976, and twice amended by Ordinance Nos. 1055-75 and 834-87, passed on June 9, 1975, and April 27, 1987, respectively; and

Whereas, pursuant to Ordinance No. 242-81 as amended by Ordinance No. 1881-82, passed by the Council of the City of Cleveland on March 8, 1982 and October 25, 1982, respectively, and Board of Control Resolution No. 341-83, adopted June 1, 1983, the City of Cleveland entered into a Lease By Way of Concession with Central Leasing Co., dba National Car Rental System, Inc.,

City Contract No. 33957, to operate and maintain a car rental agency at Cleveland Hopkins International Airport; and

Whereas, pursuant to Board of Control Resolution No. 1107-89, adopted November 29, 1989, the owners of all of the issued and outstanding shares of Central Leasing Co. sold one hundred percent (100%) of the issued and outstanding stock to National Car Rental System, Inc. and

Whereas, pursuant to Board of Control Resolution No. 321-95, adopted May 3, 1995, National Car Rental System, Inc. assigned its leases at Cleveland Hopkins International Airport to NCR Acquisition Corp., which formally changed its name to National Car Rental System, Inc. on June 1, 1995; and

Whereas, by letter dated January 10, 1997, National Car Rental System, Inc. requested the City's consent, pursuant to their its at Cleveland Hopkins International Airport, to enter into a Share Exchange Agreement with Republic Industries, Inc. effective February 28, 1997, providing for National Car Rental System, Inc. to become a subsidiary of Republic Industries, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the terms of the Leases By Way of Concession, City Contracts Nos. 25509 and 33957, this Board hereby consents to the request of National Car Rental System, Inc. to enter into a Share Exchange Agreement with Republic Industries, Inc. to become a subsidiary of Republic Industries, Inc. effective as of February 28, 1997, subject to all terms of said leases.

Be it further resolved that the Director of Port Control is authorized to complete and execute any documents necessary and appropriate to effect the consent hereby granted, which documents shall contain such additional terms and conditions as the Director of Law shall deem necessary to protect the City's interests.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 122-97.**

By Director Cunningham.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Innerscope Technical Services, Inc. for the public improvement of speedwalk building asbestos abatement for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on February 6, 1997, pursuant to the authority of Ordinance No. 929-96, passed June 18, 1996, upon a unit basis, for the improvement in the aggregate amount of Two hundred ninety-two thousand five hundred and no/100 (\$292,500.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Innerscope Technical Services, Inc. for the speedwalk building asbestos

abatement at Cleveland Hopkins International Airport Department of Port Control is hereby approved:

**SUBCONTRACTOR WORK/SUPPLY**

All Safe Construction  
2021 Guadalupe Ave.  
Youngstown, Ohio 44505  
Air monitoring

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 123-97.**

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Gunton Corp., Ohio Division, dba Pella Window & Door Company for an estimated quantity of Replacement windows for Engine Houses #9 and #42, all items, for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on October 24, 1996 and December 26, 1996, pursuant to the authority of Ordinance No. 1028-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Twenty-eight thousand, three hundred forty-two and 00/100 Dollars, (\$28,342.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 98059 for Windows for Enginehouse No. 9  
and 99726 for Windows for Enginehouse No. 42  
which shall be certified against such contract in the sum of Ten thousand, four hundred eighty-seven and 00/100 Dollars, (\$10,487.00) and Seventeen thousand, eight hundred fifty-five and 00/100 Dollars, (\$17,855.00).

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 124-97.**

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Royal Landscape Inc. for the public improvement of Willard Park Site Improvements, for bid items 1.0-4.0, including the 10% contingency line item, and including Alternate Bid #4, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, received on December 18, 1996, pursuant to the authority of Ordinance No. 2046-91, passed October 28, 1991, upon a unit

basis, for the improvement in the aggregate amount of Ninety-four thousand, three hundred forty-nine and 20/100 (\$94,349.20) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for Royal Landscape Inc. on the public improvement contract for Willard Park Site Improvements hereby are approved:

**SUBCONTRACTORS RESPONSIBILITY**

Thompson Ground Development	Excavation, Site Preparation, & Demolition (MBE)
United Ready Mix	Concrete (MBE)
Barrow Sign	Signage (FBE)

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 125-97.**

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 304-96 passed by the Council of the City of Cleveland on March 8, 1996, the firm of STEVEN McQUILLIN & ASSOCIATES is hereby selected upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the consultant to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide certain historic preservation services necessary for the documentation of the Cleveland Municipal Stadium and the Donald Gray Gardens to Historic American Buildings Survey standards.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract for such services with STEVEN McQUILLIN & ASSOCIATES based upon its proposal dated September 13, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as she deems necessary to benefit and protect the public interest.

Be it further resolved that the fees for services to be performed under the contract authorized hereby shall not exceed a total of Seven Thousand Five Hundred Dollars (\$7,500.00).

Be it further resolved that the employment of David M. Thum as a sub-consultant to STEVEN McQUILLIN & ASSOCIATES is hereby approved.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.  
 Nays: None.  
 Absent: None.

**Resolution No. 126-97.**

By Directors Spellman and Hamilton.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R.J. Platten Contracting Co. for the public improvement of Irma Park Site Improvements, for bid items B1-B27, B31, B33-B38, B40-B41, B43-B52, B54-B57, including Alternate items B1, B2, and B8, and including the adjusted 3% contingency line item; Terminal Park bid items A1-A16, A18-A19, A21-A53, including the adjusted 5% contingency line item, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, received on December 4, 1996, pursuant to the authority of Ordinance No. 1284-96 and 617-96, passed October 14, 1996 and June 18, 1996 - upon a unit basis, for the improvement in the aggregate amount of Four hundred twenty-eight thousand, eighty-nine, and 67/100 (\$428,089.67) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties and the Director of Community Development is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following sub-contractors for R.J. Platten Contracting Company on the public improvement contract for Irma Park & Terminal Park Site Improvements hereby are approved:

**SUBCONTRACTORS RESPONSIBILITY**

Lito Trucking	Trucking & Materials (MBE)
United Ready Mix	Concrete Supplies (MBE)
Barrow Sign	Signage (FBE)
Cook Paving	Asphalt Work (MBE)
Able Fence	Fence (FBE)

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Directors Smith, Cox, Ross, Director Nolan, Acting Director Sullivan, Director Lynch.  
 Nays: None.  
 Absent: None.

**Resolution No. 127-97.**

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by COOPERS & LYBRAND, L.L.P., accounting and other services consultant for the demolition of the Old Cleveland Municipal Stadium and the design and construction of a new football

stadium, under the contract authorized by Board of Control Resolution No. 92-97 adopted February 5, 1997, is hereby approved:

SUB-CONSULTANTS	WORK	CONTRACT AMOUNT
Tucker, Young, Jackson, Tull, Inc.	Engineering	\$119,808.00 (16.3%) (MBE)
MCM Company, Inc.	Construction	\$37,180.00 (5.0%) (FBE)
Dingus and Daga, Inc.	Accounting	\$39,936.00 (5.4%) (MBE)
D.M. Dixon & Associates, Inc.	Insurance	\$24,660.00 (3.3%) (MBE/FBE)

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.  
 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.

FREDDIE J. FENDERSON,  
 President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 17, 1997**

**9:30 A.M.**

Calendar No. 97-26: 3220 W. 130 St. Ronald Groening, owner, to erect 108' of 6' high board-on-board and lattice fence along the south property line to partially enclose the 45' x 130' lot located in a Two Family District and occupied by a one family dwelling known as 3220 W. 130 St.; said fence to be located 3' from the dwelling to the south instead of 6' therefrom as required by Section 337.23 of the Codified Ordinances.

Calendar No. 97-27: 1881-83 Torbenson Dr. Metro Health System, owner, c/o John A. Begala, and Council for Economic Opportunities in Greater Cleveland, tenant, c/o Kola Sunmonu, to use for food preparation the 40' x 73' one story portion of the 200' x 190' irregular shaped three and one story former hospital building on an irregular shaped parcel located partially in a One Family District and partially in a Two Family District at 1881-83 Torbenson Dr.; said use for food preparation being contrary to the residential use limitations of Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 97-28: 4469 W. 147 St. John Norton, owner, to erect a 23' x 7' addition to the front of the 23' x 32' two story one family dwelling on a 40' x 120' lot located in a One Family District at 4469 W. 147 St.; said addition being contrary to the setback encroachment prohibitions of Section 357.13 of the Codified Ordinances.

Calendar No. 97-29: 2121 Prior Ct., S.E. Raymond Kristosik, owner, to erect a 3 story frame 16' x 70' three family apartment on a 31' x 113' (av.) irregular shaped lot located in a C-Multi-Family District at 2121 Prior Ct.; said lot not being 7200 square feet in area for 3 families as required by Section 355.04 and the gross floor area of the proposed apartment being .96 of the lot area instead of the .5 maximum of Section 355.04 and the north sideyard being 7' in width instead of 8' as required by Section 357.09 and the accessory off-street parking to be placed in front of the proposed building and at the street line instead of 5' back as required by Sections 357.06 and 357.14 of the Codified Ordinances.

Calendar No. 97-30: 10209 Lamontier Ave., S.E. Alex M. Thompson, owner, to install a dwelling unit in the third floor attic and thereby convert to three dwelling units the 25' x 40' frame two and 1/2 story two family dwelling house on a 40' x 139' lot located in a B-Two-Family District at 10209 Lamontier Ave.; said use being contrary to the two family limitations of Section 337.03 and said lot not being 7200 square feet area as required by Section 355.04 and the east sideyard being 3' wide instead of 8' as required for a multiple family use by Section 357.09 of the Codified Ordinances.

Calendar No. 97-31: Appeal of Dennis Feltrin

Dennis Feltrin, applicant, appeals from the refusal to issue a Private Police Commission by William M. Denihan, Director, Department of Public Safety.

ANTHONY COSTANZO,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 3, 1997**

At the Meeting of the Board of Zoning Appeals, on, Monday, February 24, 1997, the following appeals were heard by the Board, and decided on Monday, March 3, 1997.

The following appeals were **Granted**:

Calendar No. 97-17: 1927 E. 70th Street.

Erskine Cade and Debra Cade, owners, to erect 527 feet of fencing, being of various heights and types to partially enclose lot.

Calendar No. 97-19: 3399 E. 65th Street

John Sklodowski, owner, to erect a 20' x 8' two story frame addition to the rear of the two story frame two family dwelling house.

The following appeal was **Withdrawn**:

Calendar No. 97-4: 10613 Lorain Avenue.

The following appeals were **Postponed**:

Calendar No. 97-14: 4771 Pearl Road S.W. to March 17, 1997.

Calendar No. 97-15: 3879 E. 71st Street to March 17, 1997.

Calendar No. 97-20: 8003 Broadway S.E. to March 10, 1997.

ANTHONY COSTANZO,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

**Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.**

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, MARCH 12, 1997**

**Teletype Devices for the Deaf**, for the Division of Information Systems Services, Department of Finance, as authorized by Ordinance No. 198-94, passed by the Council of the City of Cleveland, March 14, 1994.

February 26 and March 5, 1997

**FRIDAY, MARCH 14, 1997**

**Frame Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2024-96, passed by the Council of the City of Cleveland, December 16, 1996.

**Ford Truck Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2025-96, passed by the Council of the City of Cleveland, December 16, 1996.

February 26 and March 5, 1997

**THURSDAY, MARCH 20, 1997**

**Grinding of Pavement**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 2192-96, passed by the Council of the City of Cleveland, February 10, 1997.

**Various Sewer Maintenance Appurtenances - Vitrified Clay Pipe**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

**TV Inspection System**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1603-96, passed by the Council of the City of Cleveland, November 5, 1996

**Labor and Materials to Clean Test Insulator, Busing and Lighting Arrestors**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 363-96, passed by the Council of the City of Cleveland, April 1, 1996

February 26 and March 5, 1997

**FRIDAY, MARCH 21, 1997**

**Tire Recapping**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1969-96, passed by the Council of the City of Cleveland, December 16, 1996.

**Three (3) Cab and Chassis with USV Type Body (Light Body)**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

**One (1) Cab and Chassis with One (1) Cab and Chassis with USV Type Body (Medium-Heavy Body)**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

February 26 and March 5, 1997

**WEDNESDAY, MARCH 19, 1997**

**Luke Easter Park Landscaping Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1455-94 and 762-96, passed by the Council of the City of Cleveland, November 21, 1994 and May 20, 1996, respectively.

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

**Reproduction and Mounting Services**, for the various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2210-96, passed by the Council of the City of Cleveland, January 13, 1997.

March 5 and March 12, 1997

**FRIDAY, MARCH 21, 1997**

**Crane Carrier**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2022-96, passed by the Council of the City of Cleveland, December 16, 1996.

March 5 and March 12, 1997

**WEDNESDAY, MARCH 26, 1997**

**Labor and Material to Maintain the Trac Vac Residuals Collection System at Garrett A. Morgan Water Works Facility**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2033-96, passed by the Council of the City of Cleveland, February 10, 1997.

**Two (2) Portable Lead Analyzers**, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 1798-96, passed by the Council of the City of Cleveland, December 2, 1996.

March 5 and March 12, 1997

**FRIDAY, MARCH 28, 1997**

**Burials for the Indigent Dead**, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 1464-96, passed by the Council of the City of Cleveland, September 30, 1996.

**Repair of Rear Loading Packer Bodies**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1018-96.

**Repair of Compactor and Push Pits**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 1019-96.

March 5 and March 12, 1997

**FRIDAY, APRIL 4, 1997**

**New Cleveland Browns Stadium Project Mass Excavation and Pilings**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2193-96, passed by the Council of the City of Cleveland, January 13, 1997.

**BID DOCUMENTS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, AT THE COST OF \$150.00 (NON-REFUNDABLE). ONLY A CERTIFIED CASHIER'S CHECK WILL BE ACCEPTED. A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 18, 1997, 10:00 A.M. IN ROOM 230B OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

March 5 and March 12, 1997

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 2045-96.**  
**By Councilmen Jackson, Rybka and Rokakis (by departmental request).**

**An emergency resolution declaring the necessity and intention to appropriate property for redevelopment and/or rehabilitation of the blighted premises located at 2654 Lisbon Road, Cleveland, Ohio.**

Whereas, the Council of the City of Cleveland, by Ordinance No. 1444-A-88, passed June 18, 1990, approved and adopted Chapter 324 of the Codified Ordinances of Cleveland, Ohio, relating to the elimination of spot blight;

Whereas, pursuant to the authority of Chapter 324 of the Codified Ordinances, the Council of the City of Cleveland approved and adopted Ordinance No. 144-96, passed June 18, 1996, wherein Council found and determined that 2654 Lisbon Road, Permanent Parcel 126-20-025, is blighted premises and that the acquisition and redevelopment of the blighted premises is necessary in order to eliminate the blight and prevent its recurrence; 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 for the public purpose of eliminating blight and preventing the recurrence of blight in the neighborhood surrounding the blighted premises located at 2654 Lisbon Road through acquisition and redevelopment, rehabilitation and/or demolition, it is necessary to appropriate in fee simple the blighted premises, and the Council does hereby declare its intent to appropriate such fee simple interest in and to the following described blighted premises:

2654 Lisbon Road  
PPN: 126-20-025

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original One Hundred Acre Lot Nos. 415 and 423, and bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Lisbon Road, S.E., (50 feet wide), with the Southwesterly line of Evins Avenue, S.E., (40 feet wide);

Thence Northeasterly along the Northwesterly line of Lisbon Road, S.E., 44.66 feet to a Northeasterly corner of land conveyed to the Gerson-Stewart Corporation by deed dated October 7, 1941, and recorded in Volume 5405, Page 737 of Cuyahoga County Records;

Thence North 59° 14' 30" West, along a Northeasterly line of land so conveyed to the Gerson-Stewart Corporation, 32 feet to an angle;

Thence South 64° 19' 50" West along a Northwesterly line of land so conveyed to the Gerson-Stewart Corporation, 17.60 feet to a Southerly corner of land conveyed to Jay C. Price and Nina E. Price by deed dated August 18, 1942, and recorded in Volume 5462, Page 296 of Cuyahoga County Records, and the principal place of beginning;

Thence North 83° 20' 30" West along a Southerly line of land so conveyed to Jay C. and Nina E. Price, 63.43 feet to an angle therein;

Thence North 59° 37' 40" West along a Southwesterly line of land so conveyed to Jay C. and Nina E. Price, 52.79 feet to a Southwesterly corner thereof;

Thence North 03° 21' 50" West, along a Westerly line of land so conveyed to Jay C. and Nina E. Price, 111.09 feet to an Easterly line of land conveyed to Pennsylvania Refining Company by deed dated July 31, 1941, and recorded in Volume 5403, Page 645 of Cuyahoga County Records;

Thence South 09° 27' 00" West along an Easterly line of land so conveyed to Pennsylvania Refining Company, 36.81 feet to a point of curvature;

Thence Southerly along an Easterly line of land so conveyed to Pennsylvania Refining Company along the arc of a curve deflecting to the right, 70.76 feet, said arc having a radius of 238.37 feet and a chord which bears South 17° 57' 15" West, 70.50 feet to a Southeasterly corner thereof;

Thence North 56° 26' 10" West along a Southwesterly line of land so conveyed to Pennsylvania Refining Company, 65.92 feet to an inner corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 148.34 feet to an inner corner thereof;

Thence South 44° 52' 20" East along a Northeasterly line of land so conveyed to Pennsylvania Refining Company 55.33 feet to a Southeasterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 87.85 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated August 25, 1942, and recorded in Volume 5466, Page 400 of Cuyahoga County Records;

Thence South 44° 52' 20" East, along a Northeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, 106.88 feet to the most Easterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, about 7.38 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated October 11, 1957, and recorded in Volume 9021, Page 154 of Cuyahoga County Records;

Thence South 44° 54' 40" East along the Northeasterly line of land conveyed to Pennsylvania Refining Company as last aforesaid, about 54.17 feet to the most Westerly corner of land conveyed to The Ohio Confection Company by deed dated December 10, 1941, and recorded in Volume 5418, Page 553 of Cuyahoga County Records;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 69.73 feet to a Northeasterly corner thereof;

Thence South 44° 53' 40" East along a Northeasterly line of land so conveyed to The Ohio Confection Company, 18.06 feet to an inner corner thereof;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 105.80 feet to an inner corner thereof;

Thence North 44° 53' 40" West along a Southwesterly line of land



so conveyed The Ohio Confection Company, 38.43 feet to a Northwestly corner thereof;

Thence North 45° 06' 20" East, along a Northwestly line of land so conveyed to The Ohio Confection Company and along a Northwestly line of land conveyed to The Gerson-Stewart Corporation by deed aforesaid, 153.14 feet to the principal place of beginning, according to a survey dated March, 1947, made by Charles W. Root, Registered Professional Engineer, be the same more or less, but subject to all legal highways.

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

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

Adopted February 24, 1997.  
Effective February 28, 1997.

**Res. No. 284-97.**  
**By Councilman Willis.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 914 East 123rd Street, first floor and basement.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 2434444, Eddie's Mini Market Inc., dba Eddie's Mini Market, 914 East 123rd Street, first floor and basement, Cleveland, Ohio 44108, to Permit No. 1157495, BW4 Inc., dba Eddie's Mini Market, 914 East 123rd Street, first floor and basement, Cleveland, Ohio 44108; 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, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code, Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 2434444, Eddie's Mini Market Inc., dba Eddie's Mini Market, 914 East 123rd Street, first floor and basement, Cleveland, Ohio 44108, to Permit No. 1157495, BW4 Inc., dba Eddie's Mini Market, 914 East 123rd Street, first floor and basement, Cleveland, Ohio 44108, 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 hereby is 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 24, 1997.  
Effective February 28, 1997.

**Res. No. 285-97.**  
**By Councilman Willis.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 1405 East 115th Street, first floor and basement, and repealing Res. No. 2070-96, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 1405 East 115th Street, first floor and basement, by Res. No. 2070-96, adopted November 18, 1996; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 1405 East 115th Street, first floor and basement, be and the same is hereby withdrawn and Res. No. 2070-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Adopted February 24, 1997.  
Effective February 28, 1997.

**Res. No. 286-97.**  
**By Councilman White.**  
**An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 3880 Martin Luther King Drive, and repealing Res. No. 1545-96, objecting to said renewal.**

Whereas, this Council objected to the renewal of a Liquor Permit to 3880 Martin Luther King Drive by Res. No. 1545-96, adopted August 14, 1996; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

**Section 1.** That objection to the renewal of a Liquor Permit to 3880 Martin Luther King Drive be and the same is hereby withdrawn and Res. No. 1545-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 24, 1997.  
Effective February 28, 1997.

**Ord. No. 1843-96.**  
**By Councilmen Robinson, Johnson, Rybka and Rokakis (by departmental request).**  
**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use along Herron Row at Kingsbury and sometimes referred to as Kingsbury Park to Mt. Pleasant Now Development Corporation, or its designee.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use along Herron Row at Kingsbury and sometimes referred to as Kingsbury Park; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

Block "B" - along Herron Row at Kingsbury  
PPN: 127-18-085

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Block "B" in the Herron Row at Kingsbury Subdivision of part of Original Newburg Township Lots Nos. 441, 442 and 443 as shown by the recorded plat in Volume 265, Page 67 and refiled in Volume 266, Page 8 of Cuyahoga County Records and being bounded and described as follows:

Beginning at a point on the Northerly curved line of Kingsbury Blvd., S.E. (70 feet wide) at the Southwesterly corner of Sublot No. 33 in said Subdivision;

Thence along an arc of a curve in said Kingsbury Blvd., S.E. deflecting to the right having a radius of 410.42 feet, an arc distance of 230.15 feet, a chord which bears North 64° 17' 21" West, 227.15 feet to a point of tangency therein;

Thence continuing along a Northeasterly line of Kingsbury Blvd., S.E., North 48° 13' 28" West, 298.25 feet to the Southeasterly corner of Sublot No. 34 in said Herron Row at Kingsbury Subdivision;

Thence North 41° 46' 32" East along the Southeasterly line of Sublot No. 34 in said Subdivision, 251.05 feet to the Northeasterly corner thereof, said point lying in the Northeasterly line of the Herron Row at Kingsbury Subdivision;

Thence South 30° 38' 01" East, along the Northeasterly line of said Herron Row at Kingsbury Subdivision 121.55 feet to a point of curvature therein;

Thence continuing along said Northeasterly line of Herron Row at Kingsbury, being the arc of a circle deflecting to the left, having a radius of 265.12 feet, an arc distance of 191.25 feet, a chord which bears South 51° 17' 58" East, 187.13 feet to a point of tangency therein;

Thence continuing along the Northerly line of said Herron Row at Kingsbury Subdivision, South 71° 57' 55" East 54.50 feet to its intersection with the Northwesterly corner of Sublot No. 33 in said Subdivision;

Thence South 00° 00' 16" East, along the Westerly line of said Sublot No. 33, 246.00 feet to the place of beginning and containing 2.2603 acres of land, as appears by said plat, be the same more or less but subject to all legal highways.

Herron Row at Kingsbury

PPN: 127-18-086 - Block "E"

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Block "E" in the Herron Row at Kingsbury Subdivision of part of Original Newburg Township Lots Nos. 441, 442 and 443 as shown by the Recorded Plat in Volume 266 of Maps, Page 8 thru 11 of Cuyahoga County Records and being bounded and described as follows:

Beginning at a point in the Easterly line of East 102nd Street, (50 feet wide) at the Southwesterly corner of said Block "E";

Thence North 0° 02' 24" West along said Easterly line of East 102nd Street, 219.88 feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 45.00 feet an arc distance of 96.70 feet, a chord which bears North 61° 31' 17" East, 79.14 feet to a point of reverse curvature in the

Southeasterly line of Kingsbury Blvd., S.E. (70 feet wide);

Thence Southwesterly, along said curved line of Kingsbury Blvd., S.E. along the arc of a circle deflecting to the left having a radius of 480.42 feet, an arc distance of 277.43 feet, a chord which bears South 73° 27' 39" East, 273.59 feet to a point of tangency in said Southerly line of Kingsbury Blvd., S.E., North 89° 59' 44" East, 173.30 feet to a point of curvature therein;

Thence continuing along said Southerly line of Kingsbury Blvd., S.E. along the arc of a circle deflecting to the right, having a radius of 1337.70 feet, an arc distance of 202.31, a chord which bears South 85° 40' 18" East, 202.12 feet to a point of tangency therein;

Thence continuing, along said Southerly line of Kingsbury Blvd., S.E. South 81° 20' 21" East, 5.14 feet to a point at the Northwesterly corner of Sublot No. 16 as shown in said Herron Row at Kingsbury Subdivision;

Thence South 0° 41' 53" East, along the Westerly line of said Sublot No. 16, 155.04 feet to the Southerly line of said Herron Row at Kingsbury Subdivision;

Thence along said Southerly line of the Herron Row at Kingsbury Subdivision, being also the Southerly line of Block "E" as first aforesaid, South 89° 18' 07" West, 713.55 feet to the place of beginning and containing within said bounds 3.1194 acres of land, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Mt. Pleasant Now Development Corporation, or its designee, at a price not less than fair market value as determined by the Board of Control.

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

**Section 4.** That 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 24, 1997.

Effective February 28, 1997.

**Ord. No. 52-97.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into an amendment to Agreement No. 48939 with Hill & Knowlton for Washington representation services for the City of Cleveland.**

Whereas, pursuant to Ordinance No. 1616-95, passed December 18, 1995, the Director of Parks, Recre-

ation and Properties entered into Agreement No. 48939 with Hill & Knowlton for Washington representation services for the City of Cleveland; and

Whereas, the City wishes to extend the agreement for an additional two year period beginning October 1, 1996; and

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

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

**Section 1.** That the Director of Finance is authorized to enter into an amendment to Agreement No. 48939 with Hill & Knowlton for Washington representation services for the City of Cleveland. Said amendment shall extend the term of the agreement for an additional two years period beginning October 1, 1996, payable from Fund No. 01-99-98-0320. All other terms and conditions of Agreement No. 48939 shall remain the same.

**Section 2.** That said amendment to Agreement No. 48939 shall be prepared and approved by the Director of Law and shall contain such provisions as she deems necessary to protect the public interest.

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

Passed February 24, 1997.

Effective February 28, 1997.

**Ord. No. 279-97.**

**By Councilman Dolan.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Patrick's Church (West Park) to stretch banners on Rocky River Drive and on Puritas Avenue for the period from May 1, 1997 to May 31, 1997, inclusive, publicizing its 150th 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 Public Service is hereby authorized and directed to issue a permit to St. Patrick's Church (West Park) to install, maintain and remove banners on Rocky River Drive (pole numbers 518399, 518400, 518401 and 518402) and on Puritas Avenue (pole numbers 204106 and 523897) for the period from May 1, 1997 to May 31, 1997, 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 banners and said

banners shall be removed promptly upon the expiration of said permit.

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

Passed February 24, 1997.

Effective February 28, 1997.

**Ord. No. 280-97.**

**By Councilman Paulenske.**  
**An emergency ordinance to amend Section 1 of Ordinance No. 177-97 relating to the issuance of a permit for the 9th Annual Walk-A-Thon on May 10, 1997, 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 Section 1 of Ordinance No. 177-97, passed February 3, 1997, be and the same is hereby amended to read as follows:

"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 a Walk-A-Thon, sponsored by the Hunger Network of Greater Cleveland, on May 10, 1997, beginning at Burke Lakefront Airport, exit the parking lot and proceed south on E. 9th Street to Lakeside Avenue, west on Lakeside Avenue to W. 3rd Street, south on W. 3rd Street to St. Clair Avenue, west on St. Clair Avenue to W. 9th Street, south on West 9th Street to Huron Road, Huron Road to E. 13th Street, east on Euclid Avenue to E. 17th Street, cross the street and turn around, returning on Euclid Avenue to E. Roadway, north to West Mall Drive, north on West Mall Drive to Lakeside Avenue, Lakeside Avenue to E. 9th Street, E. 9th Street to North Coast Harbor and where the walk will finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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 Section 1 of Ordinance No. 177-97, passed February 3, 1997, be and the same is hereby repealed.

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

Passed February 24, 1997.

Effective February 28, 1997.

**Ord. No. 281-97.**

**By Councilmen Paulenske, Smith and Gordon.**

**An emergency ordinance consenting and approving the issuance of a permit for the Annual Earth Day Walk on April 20, 1997, sponsored by the Earth Day Coalition.**

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 Annual Earth Day Walk, sponsored by the Earth Day Coalition, on April 20, 1997, beginning at Public Square, proceed south on Ontario Street, turn right and proceed down the Eagle Street Ramp, turn left at Scranton Road and head south along the Cuyahoga River into Tremont, turn right at MetroHealth Blvd. and then left onto West 25th Street, at Brookside Park Drive, head down into the main Cleveland Zoo entrance and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or 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 24, 1997.

Effective February 28, 1997.

**Ord. No. 282-97.**

**By Councilmen Rybka and Westbrook (by departmental request).**

**An emergency ordinance to amend the seventh whereas clause and Section 2 of Ordinance No. 2133-96, passed November 25, 1996, relating to a moratorium on the acceptance of applications for any permit relating to the establishment or expansion of a Correctional Halfway House.**

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 seventh whereas clause and Section 2 of Ordinance No. 2133-96, passed November 25, 1996, are hereby amended to read, respectively, as follows:

Whereas, the various departments of the City require an additional one hundred and thirty five (135) days in order to properly complete regulations for the establishment, expansion, or operation of Correctional halfway houses within the City in

order to protect the public health, safety, morals, and general welfare; and

Section 2. That, notwithstanding and as an exception to any and all provisions of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, no City department shall accept an application for any permit where such application relates to the establishment, expansion, or operation of a Correctional Halfway House until the City has completed its review of public health, safety, morals, and general welfare issues with respect to the manner in which Correctional Halfway Houses are provided for in the community and has adopted regulations addressing same, or until one hundred and thirty five (135) days have passed following the effective date of this ordinance, whichever is first to occur.

**Section 2.** That the existing seventh whereas clause and Section 2 of Ordinance No. 2133-96, passed November 25, 1996, are hereby repealed.

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

Passed February 24, 1997.

Effective February 28, 1997.

**Ord. No. 283-97.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Director of Public Utilities to enter into a professional service contract for the purpose of undertaking a programming and feasibility study for the property located at 1440 Lakeside Avenue for the Department of Public Utilities, Division of Water.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to enter into a professional service contract for the purpose of undertaking a programming and feasibility study of the property located at 1440 Lakeside Avenue for use by the various departments and divisions of the City of Cleveland, including the Departments of Public Utilities, Finance, Health, Divisions of Water, Printing, and Taxation. The selection of said consultant for such service shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 2.** That the cost of the professional service contract authorized in Section 1 hereinabove shall not exceed One Hundred Thousand Dollars (\$100,000.00) and shall be paid from the fund and subfunds legally available and appropriated for the use of the Division of Water.

**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 24, 1997.  
Effective February 28, 1997.

**Mayor's Appointment: 2:00 P.M.** — Present: Patton, Robinson. Excused: Paulenske, Chrm.; Polensek, Willis.

**Tuesday, March 4, 1997**

**Finance Committee (Budget): 9:30 A.M.** — Present: Westbrook, Chrm.; Polensek, Vice Chrm.; Britt, Coats, Johnson, Lewis, Patmon, Robinson, Rybka, Smith. Excused: Paulenske.

**Wednesday, March 5, 1997**

**Finance Committee (Budget): 9:30 A.M.** — Present: Westbrook, Chrm.; Polensek, Vice Chrm.; Britt, Coats, Johnson, Lewis, Patmon, Robinson, Rybka, Smith. Excused: Paulenske.

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**Monday, March 3, 1997**

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