

# The City Record

Official Publication of the City of Cleveland

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May the Twentieth, Nineteen Hundred and Ninety-Eight

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

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Joseph T. Jones .....	15601 Lotus Drive	44128
2	Robert J. White .....	3760 East 126th Street	44105
3	Odelia V. Robinson .....	3448 East 123rd Street	44120
4	Kenneth L. Johnson .....	2948 Hampton Road	44120
5	Frank G. Jackson .....	2327 East 38th Street	44115
6	Patricia J. Britt .....	12402 Britton Drive	44120
7	Fannie M. Lewis .....	7416 Star Avenue	44103
8	William W. Patmon .....	867 East Boulevard	44108
9	Craig E. Willis .....	11906 Beulah Avenue	44106
10	Roosevelt Coats .....	1775 Cliffview Road	44112
11	Michael D. Polensek .....	17855 Brian Avenue	44119
12	Edward W. Rybka .....	6832 Indiana Avenue	44105
13	Joe Cimperman .....	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr. ....	3032 Vega Avenue	44113
15	Merle R. Gordon .....	1813 Tampa Avenue	44109
16	Larry Moran .....	3584 West 46th Street	44102
17	Timothy J. Melena .....	6109 West Clinton Avenue	44102
18	Jay Westbrook .....	10513 Clifton Boulevard	44102
19	Joseph J. Zone .....	3323 West 130th Street	44111
20	Martin J. Sweeney .....	3632 West 133rd Street	44111
21	Michael A. Dolan .....	16519 West Park Road	44111
	Clerk of Council—Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk—Sandra Franklin.		
<b>MAYOR—Michael R. White</b>			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
<b>DEPT. OF LAW</b> – Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
<b>DEPT. OF FINANCE</b> – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
<b>DIVISIONS</b> – Accounts – Gayle Goodwin Smith, Commissioner, Room 19 City Treasury – Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies – William A. Moon, Commissioner, Room 128			
Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control – _____, Contoller, Room 18			
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.			
<b>DEPT. OF PUBLIC UTILITIES</b> – Michael Konicek, Director, 1201 Lakeside Avenue			
<b>DIVISIONS</b> – 1201 Lakeside Avenue			
Water – Julius Ciaccia, Jr., Commissioner			
Water Pollution Control – Darnell Brown, Commissioner			
Utilities Fiscal Control – Morry Blech, Commissioner			
Cleveland Public Power – James F. Majer, Commissioner			
Street Lighting Bureau – Frank Schilling, Acting Chief.			
<b>DEPT. OF PORT CONTROL</b> – LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
<b>DEPT. OF PUBLIC SERVICE</b> – Henry Guzmán, Director, Room 113			
<b>DIVISIONS</b> – Waste Collection and Disposal – Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets – Randell T. Scott, Commissioner, Room 25			
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Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture – Kenneth Nobilio, Commissioner, Room 517			
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<b>DIVISIONS</b> – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment – Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
<b>DEPT. OF PUBLIC SAFETY</b> – William M. Denihan, Director, Room 230.			
<b>DIVISIONS</b> – Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service – Bruce Shade, Commissioner, 1708 South Pointe Drive			
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES</b> – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
<b>DIVISIONS</b> – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management – Vernon Robinson, Commissioner, East 49th & Harvard			

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

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

Recreation – Michael Cox, Acting Commissioner, Room 8

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

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

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

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

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

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

**COMMUNITY RELATIONS BOARD** – Room 11, Cornell P. Carter, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. 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; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.

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

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

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

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

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

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

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

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

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**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 Gibbons, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilman Craig E. Willis.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, MAY 20, 1998

No. 4406

## CITY COUNCIL

MONDAY, MAY 18, 1998

### The City Record

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**ARTHA WOODS**

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio May 18, 1998.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Cimperman, Cintron, Coats, Dolan, Jackson, Jones, Lewis, Melena, Moran, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Summers, Carmody, Konicek, Staib, Jackson, Hamilton, Warren, Axelrod and Morrison.

Absent: Mayor White and Directors Guzman, Denihan, Nolan and Carter.

Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by Rev. Kenneth Chalker of First United Methodist Church. Pledge of Allegiance.

#### MOTION

On the motion of Councilman Robinson, the reading of the minutes of the last meeting was dispensed with and the journal approved.

#### COMMUNICATIONS

##### File No. 1746-97-B.

From Victory Properties re: Withdrawing Objection to Estimated Assessments for the Cleveland Theater District, Parcel No. 101-36-023.

##### File No. 889-98.

From the Division of Purchases and Supplies re: Sales Request No. 90157, for sale or lease of property Detroit Avenue between West Boulevard and Landon Avenue. Received.

##### File No. 890-98.

From the Division of Purchases and Supplies re: Sales Request No. 90158, for sale or lease of property North Side of Detroit Avenue and West of West Boulevard. Received.

##### File No. 891-98.

From the Division of Purchases and Supplies re: Sales Request No. 90159, for sale or lease of property Southwest corner portion of East 131st Street and Miles Avenue Municipal Parking Lot. Received.

##### File No. 892-98.

From the Division of Purchases and Supplies re: Sales Request No. 90160, for sale or lease of property East 131st Street and Miles Avenue Municipal Parking Lot permanent easement for Ingress/Egress purposes. Received.

##### File No. 893-98.

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report April 1998. Received.

##### File No. 894-98.

From the Division of Purchases and Supplies re: Emergency Requisitions (RE-17132) and (RE-16021). Received.

##### File No. 895-98.

From the Department of Public Safety re: The Cleveland Development Foundation donated \$500.00 for the Outdoor Range of the Division of Police. Received.

##### File No. 896-98.

From the Department of Public Utilities re: Contract No. 49978 with Choice Construction for work on Cardinal Mindszenty Plaza, has been completed and accepted as of May 1, 1998. Received.

##### File No. 897-98.

From the Department of Port Control re: Notification of "Set Aside" Req. No. 13549. Received.

##### File No. 898-98.

From the Department of Port Control re: Notification of "Set Aside" Req. No. 13527. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 899-98.

Re: New Application - 5907469 - Michael O'Malley Inc. dba Geppettos Pizza & Ribs, 3314 Warren Road. (Ward 21). Received.

##### File No. 900-98.

Re: Transfer of Ownership Application - 9669177 - Barbara A. Wilson dba Benjamins, 1575 Merwing Avenue, first floor west end. (Ward 13). Received.

##### File No. 901-98.

Re Transfer of Ownership Application - 1206145 - Perry Cameron dba Glen Cove Pub, 231 East 156th Street, first floor. (Ward 11). Received.

##### File No. 902-98.

Re: Transfer of Ownership Application - 65715210005 - O'Reilly's Nightclub Inc., 3837 Ridge Road. (Ward 16). Received.

**File No. 903-98.**

Re: Transfer of Location Application - 49541830001 - L. & F. Tavern Inc. dba Rallis Cafe, 6125 Denison Avenue. (Ward 16). Received.

**File No. 904-98.**

Re: Transfer of Ownership and Location Application - 97601540005 - Woodhill Best Grocery Co. Woodhill Shoprite, 2664 Woodhill Road. (Ward 6). Received.

**File No. 905-98.**

Re Transfer of Ownership and Location Application - 5601223 - George J. Masavage dba Vets, 4629 West 130th Street. (Ward 20). Received.

**STATEMENT OF WORK  
ACCEPTED**

**File No. 906-98.**

From the Department of Parks, Recreation and Properties re: Contract No. 52125, For (07-97) City Hall Louver Replacement. Received.

**COMMUNICATION**

**File No. 907-98.**

May 13, 1998

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Robert Goldberg for appointment to the Cleveland-Cuyahoga County Port Authority. This appointment would expire on January 28, 2001.

Thank you for your consideration.

Sincerely,  
MICHAEL R. WHITE  
Mayor

Received. Referred to Committee on Mayor's Appointments.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 942-98.** Vaughn Jerrell Jackson.

**Res. No. 943-98.** James Alexs Johnson, Sr.

**Res. No. 944-98.** Louise Hodges.

**Res. No. 945-98.** Shirley Harvey.

**CONGRATULATORY RESOLUTIONS**

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

**Res. No. 946-98.** Dr. Henry Louis Gates, Jr.

**Res. No. 947-98.** Dr. William Julius Wilson.

**Res. No. 948-98.** National Council of Meridianites.

**Res. No. 949-98.** Mr. Deitz.

**Res. No. 950-98.** Mission Home.

**Res. No. 951-98.** Eunice Peters.

**Res. No. 952-98.** Mary D'Angelo.

**Res. No. 953-98.** Joseph O'Donnell.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 908-98.**

**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance to authorize (a) the issuance and sale of Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998, of the City of Cleveland under authority of Article XVIII of the Constitution of the State of Ohio for the purpose of paying costs of capital improvements to the Waterworks System, including the Refunding of Outstanding Revenue Bonds of the City issued for that purpose, those Revenue Bonds to be in an aggregate principal amount not to exceed \$155,000,000 with respect to bonds for new capital improvements and in an aggregate principal amount not to exceed \$200,000,000 with respect to refunding bonds (except, in each case, in the event that any Series I Bonds are to be offered at an Original Issue Discount), and to authorize the execution and delivery of a Ninth Supplemental Indenture Of Mortgage to secure the Series I Bonds; (b) to authorize the issuance of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 for the purpose of refunding certain Outstanding Revenue Bonds, to authorize the City to enter into an interest rate swap transaction with a notional amount not to exceed \$125,000,000 and the execution of interest swap agreements and other documents related thereto, and the execution and delivery of a supplemental indenture of mortgage to secure the Series 2002 Bonds; (c) to authorize the defeasance of certain Outstanding Revenue Bonds of the City issued for the Waterworks System from moneys available for such purpose in an aggregate amount not to exceed \$30,000,000 and the execution of a Defeasance Agreement and other documents related thereto; and declaring an emergency.**

Whereas, the City of Cleveland, Ohio (the "Issuer"), a municipal corporation and political subdivision in and of the State of Ohio (the "State"), is authorized and empowered, pursuant to Article XVIII of the Constitution of the State and pursuant to the Charter of the Issuer, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to the Waterworks System as it may deem advisable; (c) to borrow money for the purpose of paying costs of such additions, extensions, improvements, replacements and alterations; (d) to issue for such purpose, as provided herein, additional bonds on a parity with bonds previously issued under and secured by the Mortgage described below, including refunding bonds to refund bonds previously issued under and secured by the Mortgage; and (e) to secure such additional bonds by a supplemental indenture of mortgage, including a pledge of and lien on the Net Revenues and Mortgaged Properties, both as defined in the Mortgage; and

Whereas, by and pursuant to Ordinance No. 1103-A-77, duly passed July 25, 1977, (the "Bond Legisla-

tion"), and Resolution No. 2767-77, duly adopted October 31, 1977, this Council (the "Governing Body") authorized the issuance of Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, dated as of November 1, 1977 (the "Series A Bonds"), in the aggregate principal amount of \$80,000,000 for the purposes of refunding the Prior Revenue Bonds, refunding the Notes and paying Capital Costs, all as defined in the Bond Legislation; and

Whereas, the Bond Legislation provides in Section 6 thereof that the Issuer may issue additional revenue bonds on a parity with the Series A Bonds ("Parity Bonds"); and

Whereas, by and pursuant to Ordinance No. 872-83, duly passed April 18, 1983 (the "Series B Bond Legislation"), and Resolution No. 873-83, duly adopted April 18, 1983 (the "Series B Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series B, 1983 dated as of August 1, 1983 (the "Series B Bonds"), in the aggregate principal amount of \$50,000,000, for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 1455-85, duly passed June 17, 1985 (the "Series C Bond Legislation") and Resolution No. 1457-85, duly adopted June 17, 1985 (the "Series C Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series C, 1985, dated as of August 1, 1985 (the "Series C Bonds"), in the aggregate principal amount of \$57,500,000, for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 1171-86, duly passed June 9, 1986 (the "Series D Bond Legislation"), and Resolution No. 1172-86, duly adopted June 9, 1986 (the "Series D Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series D, 1986, dated as of October 15, 1986 (the "Series D Bonds"), in the aggregate principal amount of \$119,065,000, for the purpose of refunding certain of the then Outstanding Series B Bonds and Series C Bonds; and

Whereas, by and pursuant to Ordinance No. 651-87, duly passed on April 20, 1987 (the "Series E Bond Legislation"), and Resolution No. 665-87, duly adopted April 20, 1987 (the "Series E Bond Legislation"), this Governing Body authorized the issuance of Parity Bonds designated Waterworks Improvement First Mortgage Revenue Bonds, Series E, 1987, dated as of June 15, 1987 (the "Series E Bonds"), in the aggregate principal amount of \$153,315,000 for the purpose of paying Capital Costs; and

Whereas, by and pursuant to Ordinance No. 2802-91, duly passed January 27, 1992 (the "Series F Bond Legislation") and Resolution No. 168-92, duly adopted January 27, 1992 (the "Series F Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks Improvement First Mortgage Revenue Bonds, Series F, 1992, dated as of March 1, 1992 (the "Series F Bonds"), in the aggregate principal amount of \$290,650,000, for the pur-

pose of paying Capital Costs and refunding certain of the then Outstanding Series E Bonds; and

Whereas, by and pursuant to Ordinance No. 877-93, duly passed April 26, 1993 (the "Series G Bond Legislation") and Resolution No. 878-93 duly adopted April 26, 1993 (the "Series G Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series G, 1993, dated as of May 15, 1993 (the "Series G Bonds") in the aggregate principal amount of \$228,170,000 for the purpose of refunding certain designated maturities of the then Outstanding Series A Bonds, the Series D Bonds, the Series E Bonds and the Series F Bonds; and

Whereas, by and pursuant to Ordinance No. 2011-95, duly passed April 1, 1996 (the "Series H Bond Legislation") and Resolution No. 2049-95, duly adopted April 1, 1996 (the "Series H Resolution of Award"), this Governing Body authorized the issuance of Parity Bonds, designated Waterworks Improvement and Refunding First Mortgage Revenue Bonds, Series H, 1996, dated as of May 1, 1996, in the aggregate principal amount of \$204,885,000, for the purpose of paying Capital Costs and refunding certain designated maturities of the then Outstanding Series E Bonds and Series F Bonds; and

Whereas, the Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds (there are no Outstanding Series B Bonds and no Outstanding Series C Bonds) are secured on a parity by an Indenture of Mortgage, dated as of November 1, 1977 (the "Original Mortgage"), between the Issuer and National City Bank, Cleveland, Ohio, as Trustee (the "Trustee"), as amended and supplemented by the First Supplemental Indenture of Mortgage, dated as of August 1, 1983 (the "First Supplemental Mortgage"), the Second Supplemental Indenture of Mortgage, dated as of August 1, 1985 (the "Second Supplemental Mortgage"), the Third Supplemental Indenture of Mortgage, dated as of October 15, 1986 (the "Third Supplemental Mortgage"), the Fourth Supplemental Indenture of Mortgage, dated as of June 15, 1987 (the "Fourth Supplemental Mortgage"), the Fifth Supplemental Indenture of Mortgage, dated as of March 1, 1992 (the "Fifth Supplemental Mortgage"), the Sixth Supplemental Indenture of Mortgage, dated as of May 1, 1993 (the "Sixth Supplemental Mortgage"), and the Seventh Supplemental Indenture of Mortgage, dated as of May 1, 1996 (the "Seventh Supplemental Mortgage"), each between the Issuer and the Trustee; and

Whereas, the Original Mortgage, as supplemented, may be amended as provided in Article XIII thereof, and this Governing Body has, pursuant to and in accordance with the Series H Bond Legislation, authorized the Trustee and the Issuer to execute an Eighth Supplemental Indenture of Mortgage in order to make the modifications to the Original Mortgage as set forth in the Amended and Restated Indenture described therein, upon the receipt of the consent of the holders of not less than 66-2/3% in aggregate principal amount of the Revenue Bonds then Outstanding; and

Whereas, this Governing Body has determined that it is necessary to issue, sell and deliver additional revenue bonds constituting Parity Bonds in order to finance the costs of capital improvements to the Waterworks System and to refund certain Outstanding Revenue Bonds in order to reduce the total principal and interest payable on the Outstanding Revenue Bonds; and

Whereas, this Governing Body hereby determines to authorize the issuance, sale and delivery of such Parity Bonds, to be designated "Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998" (the "Series I Bonds") on the terms set forth herein; and

Whereas, this Governing Body hereby determines to authorize the issuance, sale and delivery of such Parity Bonds, to be designated "Waterworks Refunding Revenue Bonds, Series 2002" (the "Series 2002 Bonds") on the terms set forth herein; and

Whereas, this Governing Body has further determined that in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and to increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the proposed transaction it may be necessary for the Issuer to engage in an interest rate swap transaction, option contract or other similar agreement with a notional amount not to exceed \$125,000,000; and

Whereas, this Governing Body has further determined that it is necessary to defease certain of the Outstanding Revenue Bonds from monies which are currently available for such purpose in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt; and

Whereas, this Governing Body has further determined that the refundings provided for in this Ordinance will result in a reduction in the debt service charge payable by the Issuer; and

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

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

**Section 1. Definitions.** All words and terms defined in the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage shall have the same meanings herein as therein

unless otherwise defined herein or unless the context or use otherwise so indicates. In addition to the words and terms defined in the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage, the following words and terms as used in the Bond Proceedings, the Ninth Supplemental Mortgage (as hereinafter defined) and the Series I Bonds, and the Series 2002 Supplemental Mortgage (as hereinafter defined) and the Series 2002 Bonds shall have the following meanings, unless the context or use otherwise indicates:

"Amended and Restated Indenture" shall mean the Eighth Supplemental Indenture between the Issuer and the Trustee, providing for the amendment of the Original Mortgage, as supplemented, upon the receipt of the consent of the holders of 66-2/3% of the Revenue Bonds at the time Outstanding under the Original Mortgage.

"Book-entry form" or "book-entry system" means, with respect to the Revenue Bonds, a form or system, as applicable, under which (i) the ownership of beneficial interests in the Revenue Bonds and Debt Service on the Revenue Bonds may be transferred only through a book-entry and (ii) physical Revenue Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as Bondholder, with the physical Revenue Bond certificates "mobilized" in the custody of the Depository, the Trustee, or the bond Registrar as custodian for the depository. The book-entry system is maintained by and is the responsibility of the Depository and not the Issuer or the Trustee. The book-entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book-entry) interests in the Bonds.

"Continuing Disclosure Agreement" means, with respect to the Series I Bonds, the agreement, dated as of the date of the Ninth Supplemental Mortgage, authorized by Section 20, and which, together with the agreements of the Issuer set forth in that Section, shall constitute the Continuing Disclosure Agreement made by the Issuer for the benefit of holders and beneficial owners of the Series I Bonds in accordance with the Rule, and with respect to the Series 2002 Bonds, the agreement, dated as of the date of the Series 2002 Supplemental Mortgage, authorized by Section 20, and which, together with the agreements of the Issuer set forth in that Section, shall constitute the Continuing Disclosure Agreement made by the Issuer for the benefit of holders and beneficial owners of the Series 2002 Bonds in accordance with the Rule.

"Defeasance Agent" means National City Bank, Cleveland, Ohio acting as Defeasance Agent under the Defeasance Agreement.

"Defeasance Agreement" means the Defeasance Agreement dated as of the date therein between the Issuer and the Defeasance Agent.

"Defeasance Fund" means the fund, including the account or accounts therein, required to be maintained with the Defeasance Agent pursuant to the Defeasance Agreement.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book-entry system to record beneficial ownership of bonds or bond service charges, and to effect transfers of bonds, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Earliest Optional Redemption Date" shall mean, with respect to any Series I Bonds that are subject to optional redemption prior to maturity, the date specified in or pursuant to the Series I Resolution of Award as the first date on which those Series I Bonds may be optionally redeemed, provided that such date shall be no later than the date which is ten (10) years from the dated date of the Series I Bonds and with respect to any Series 2002 Bonds that are subject to optional redemption prior to maturity, the date specified in or pursuant to the Series 2002 Resolution of Award as the first date on which those Series 2002 Bonds may be optionally redeemed, provided that such date shall be no later than the date which is ten (10) years from the dated date of the Series 2002 Bonds.

"Interest Payment Dates" shall mean, with respect to the Series I Bonds, the first day of January and July in each year, commencing on such a date to be specified in or pursuant to the Series I Resolution of Award, occurring no later than one year after the date on which the Series I Bonds are delivered and paid for and with respect to the Series 2002 Bonds, the interest payment dates to be specified in or pursuant to the Series 2002 Resolution of Award, commencing on a date occurring no later than one year after the date on which the Series 2002 Bonds are delivered and paid for.

"Mandatory Redemption Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year specified in or pursuant to the Series I Resolution of Award in which Series I Term Bonds are to be redeemed with moneys deposited in the Bond Retirement Account for the payment of Sinking Fund Installments and with respect to the Series 2002 Bonds, the day in each year specified in or pursuant to the Series 2002 Resolution of Award in which Series 2002 Term Bonds are to be redeemed with moneys deposited in the Bond Retirement Account for the payment of Sinking Fund Installments.

"Maximum Interest Rate" shall mean, for purposes of its use in the definition of "Specified Interest Rates" herein, seven percent (7%).

"Mortgage" shall mean the Original Mortgage as supplemented and amended by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage and the Ninth Supplemental Mortgage, and as the same may be amended, supplemented or otherwise modified by any other Supplemental Indenture of Mortgage.

"Ninth Supplemental Mortgage" shall mean the Ninth Supplemental Indenture of Mortgage between the Issuer and the Trustee, including the Series I and Series 2002 Bond Legislation as a part thereof.

"Original Mortgage" means the Indenture of Mortgage between the Issuer and the Trustee, dated as of November 1, 1977, including the Bond Legislation as a part thereof.

"Original Purchasers" shall mean, with respect to the Series I Bonds, Bear, Stearns & Co. Inc., SBK Brooks Investment Corporation, J.P. Morgan Securities Inc., Lehman Brothers, Key Capital Markets, Inc., A.G. Edwards & Sons, Inc., Artemis Capital Group, Inc., and Paine Webber Incorporated, provided that any purchaser may be deleted if such purchaser does not become a party to the Series I Bond Purchase Agreement, and with respect to the Series 2002 Bonds, Bear Stearns, & Co., Inc., SBK Brooks Investment Corporation, J.P. Morgan Securities Inc. and any additional purchasers as appointed in the Series 2002 Resolution of Award provided that any purchaser may be deleted if such purchaser does not become a party to the Series 2002 Bond Purchase Agreement.

"Parity Bonds" shall mean the Series D Bonds, the Series E Bonds, the Series F Bonds, the Series G Bonds, the Series H Bonds, the Series I Bonds, the Series 2002 Bonds and any other Outstanding Revenue Bonds authorized and issued pursuant to Section 6 of the Bond Legislation, in addition to and on a parity with the Series A Bonds.

"Principal Payment Dates" shall mean the Principal Retirement Dates, Term Maturity Dates and Mandatory Redemption Dates.

"Principal Retirement Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year in which Series I Serial Bonds are to be retired in accordance with their stated terms as specified in or pursuant to the Series I Resolution of Award, provided that no such Principal Retirement Date shall be later than thirty (30) years from the dated date of the Series I Bonds, and with respect to the Series 2002 Bonds, the day in each year in which Series 2002 Serial Bonds are to be retired in accordance with their stated terms as specified in or pursuant to the Series 2002 Resolution of Award, provided that no such Principal Retirement Date shall be later than thirty (30) years from the dated date of the Series 2002 Bonds.

"Principal Retirement Schedule" shall mean with respect to the Series I Bonds, the schedule of the principal amount of the Series I Bonds to be retired at their state maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date (any such mandatory redemption being in lieu of any such retirement at maturity), as specified in or pursuant to the Series I Resolution of Award and with respect to the Series 2002 Bonds, the schedule of the principal amount of the Series 2002 Bonds to be retired at their state maturities or redeemed pursuant to mandatory redemption on each Principal Payment Date (any such mandatory redemption being in lieu of any such retirement at maturity), as specified in or pursuant to the Series 2002 Resolution of Award.

"Purchase Price" shall mean with respect to the Series I Bonds, the amount specified as such in or pursuant to the Series I Resolution of Award provided that amount shall be not less than 97% of the amount determined by (i) subtracting from the aggregate principal amount of

the Series I Bonds any original issue discount with respect to any Series I Bonds, plus (ii) any original issue premium with respect to any Series I Bonds, plus (iii) any accrued interest on the Series I Bonds from their date to the date of delivery of the Series I Bonds to the Original Purchasers, less (iv) the premium or other costs of any policy of municipal bond insurance purchased with respect to the Series I Bonds and with respect to the Series 2002 Bonds, the amount specified as such in or pursuant to the Series 2002 Resolution of Award provided that amount shall be not less than 97% of the amount determined by (i) subtracting from the aggregate principal amount of the Series 2002 Bonds any original issue discount with respect to any Series 2002 Bonds, plus (ii) any original issue premium with respect to any Series 2002 Bonds, plus (iii) any accrued interest on the Series 2002 Bonds from their date to the date of delivery of the Series 2002 Bonds to the Original Purchasers, less (iv) the premium or other costs of any policy of municipal bond insurance purchased with respect to the Series 2002 Bonds.

"Rebate Fund" means, with respect to the Series I Bonds, the Series I Account of the Rebate Fund established pursuant to Section 7 hereof and with respect to the Series 2002 Bonds, the Series 2002 Account of the Rebate Fund established pursuant to Section 13 hereof.

"Redemption Prices" shall mean, with respect to the Series I Bonds, the redemption prices, expressed as percentages of the principal amount of Series I Bonds to be so redeemed, at which the Issuer may elect to redeem Series I Bonds in accordance with Section 3.2 of the Mortgage, or at which the Issuer may be required to redeem Series I Bonds in accordance with Section 3.3 of the Mortgage, which redemption prices shall be determined in or pursuant to the Series I Resolution of Award, provided that no such redemption price shall exceed 105% or be less than 100% of the principal amount of the Series I Bonds to be so redeemed and with respect to the Series 2002 Bonds, the redemption prices, expressed as percentages of the principal amount of Series 2002 Bonds to be so redeemed, at which the Issuer may elect to redeem Series 2002 Bonds in accordance with Section 3.2 of the Mortgage, or at which the Issuer may be required to redeem Series I Bonds in accordance with Section 3.3 of the Mortgage, which redemption prices shall be determined in or pursuant to the Series 2002 Resolution of Award, provided that no such redemption price shall exceed 105% or be less than 100% of the principal amount of the Series 2002 Bonds to be so redeemed.

"Revenue Bonds" shall mean those Outstanding maturities of the Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds, Series H Bonds, the Series I Bonds and the Series 2002 Bonds authorized hereby and any other Parity Bonds at any time Outstanding.

"Rule" means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

"SEC" means the Securities and Exchange Commission.

"Series Bond Legislation" shall mean the Series B Bond Legislation, the Series C Bond Legislation, the

Series D Bond Legislation, the Series E Bond Legislation, the Series F Bond Legislation, the Series G Bond Legislation, the Series H Bond Legislation and the Series I and Series 2002 Bond Legislation and any other ordinance of the Governing Body authorizing the issuance of any Series of Parity Bonds, and comprising a part of the Supplemental Indenture of Mortgage securing such Series.

"Series 2002 Bond Purchase Agreement" shall mean the bond purchase agreement between the Issuer and the Original Purchasers approved pursuant to the Series 2002 Resolution of Award.

"Series 2002 Bonds" shall mean the Waterworks Refunding Revenue Bonds, Series 2002, authorized to be issued pursuant to Section 8 of the Series I and Series 2002 Bond Legislation.

"Series 2002 Certificate of Award" shall mean the certificate of award authorized pursuant to the Series 2002 Resolution of Award.

"Series 2002 Escrow Agent" means National City Bank, Cleveland, Ohio acting as escrow agent under the Series 2002 Escrow Agreement.

"Series 2002 Escrow Agreement" means the escrow agreement, dated as of the date of the Series 2002 Supplemental Mortgage, between the Issuer and the Trustee, in its capacity as Series 2002 Escrow Agent.

"Series 2002 Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Series 2002 Escrow Agent pursuant to the Series 2002 Escrow Agreement.

"Series 2002 Resolution of Award" shall mean the Resolution of Award, together with any Certificate of Award thereby authorized, adopted by this Governing Body in conjunction with and pursuant to the Series I and Series 2002 Bond Legislation, which Resolution alone specifies or which Resolution and any such Certificate of Award collectively specify such matters regarding the Series 2002 Bonds as are required to be specified therein pursuant to Section 9 of the Series I and Series 2002 Bond Legislation.

"Series 2002 Serial Bonds" shall mean those Series 2002 Bonds which are Serial Bonds, as specified in or pursuant to the Series 2002 Resolution of Award.

"Series 2002 Supplemental Mortgage" shall mean the Series 2002 Supplemental Indenture of Mortgage between the Issuer and the Trustee, including the Series I and Series 2002 Bond Legislation as a part thereof.

"Series 2002 Term Bonds" shall mean those Series 2002 Bonds which are Term Bonds, as specified in or pursuant to the Series 2002 Resolution of Award.

"Series I and Series 2002 Bond Legislation" shall mean this Ordinance, comprising a part of the Ninth Supplemental Mortgage and the Series 2002 Supplemental Mortgage.

"Series I Bond Purchase Agreement" shall mean the bond purchase agreement between the Issuer and the Original Purchasers approved pursuant to the Series I Resolution of Award.

"Series I Bonds" shall mean the Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998, authorized to be issued pursuant to Section 2 of the Series I and Series 2002 Bond Legislation.

"Series I Certificate of Award" shall mean the certificate of award authorized pursuant to the Series I Resolution of Award.

"Series I Escrow Agent" means National City Bank, Cleveland, Ohio acting as escrow agent under the Series I Escrow Agreement.

"Series I Escrow Agreement" means the escrow agreement, dated as of the date of the Ninth Supplemental Indenture, between the Issuer and the Trustee, in its capacity as Series I Escrow Agent.

"Series I Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Series I Escrow Agent pursuant to the Series I Escrow Agreement.

"Series I Resolution of Award" shall mean the Resolution of Award, together with any Certificate of Award thereby authorized, adopted by this Governing Body in conjunction with and pursuant to the Series I and Series 2002 Bond Legislation, which Resolution alone specifies or which Resolution and any such Series I Certificate of Award collectively specify such matters regarding the Series I Bonds as are required to be specified therein pursuant to Section 3 of the Series I and Series 2002 Bond Legislation.

"Series I Serial Bonds" shall mean those Series I Bonds which are Serial Bonds, as specified in or pursuant to the Series I Resolution of Award.

"Series I Term Bonds" shall mean those Series I Bonds which are Term Bonds, as specified in or pursuant to the Series I Resolution of Award.

"Sinking Fund Installment" shall mean, with respect to the Series I Bonds, as of any particular date of calculation, the amount, as specified in or pursuant to the Series I Resolution of Award, required to be paid by the Issuer on a particular Mandatory Redemption Date for the redemption of outstanding Series I Term Bonds which mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of any Series I Term Bond and with respect to the Series 2002 Bonds, as of any particular date of calculation, the amount, as specified in or pursuant to the Series 2002 Resolution of Award, required to be paid by the Issuer on a particular Mandatory Redemption Date for the redemption of outstanding Series 2002 Term Bonds which mature after said future date, but does not include any amount payable by the Issuer by reason only of the maturity of any Series 2002 Term Bond.

"Specified Interest Rates" shall mean, with respect to the Series I Bonds, the rate or rates at which the Series I Bonds bear interest, expressed as a percentage of the principal amount thereof, which rate or rates shall be determined in or pursuant to the Series I Resolution of Award, provided that the yield (determined as provided under the Code) shall not exceed the Maximum Interest Rate and with respect to the Series 2002 Bonds, the rate or rates at which the Series 2002 Bonds bear interest, expressed as a percentage of the principal amount thereof, which rate or rates shall be determined in or pursuant to the Series 2002 Resolution of Award, provided that the yield (determined as provided under the Code) shall not exceed the Maximum Interest Rate.

"Supplemental Indenture of Mortgage" shall mean the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (at such time as it becomes effective), the Ninth Supplemental Mortgage and the Series 2002 Supplemental Mortgage (at such time as it becomes effective), and any other indenture of mortgage, entered into pursuant to Article XIII of the Mortgage, amending, supplementing or otherwise modifying the Mortgage.

"Term Maturity Dates" shall mean, with respect to the Series I Bonds, the first day of January in each year in which Series I Term Bonds are to be retired at their stated maturity as specified in or pursuant to the Series I Resolution of Award, provided that no such Term Maturity Date shall be later than thirty (30) years from the dated date of the Series I Bonds and with respect to the Series 2002 Bonds, the day in each year in which Series 2002 Term Bonds are to be retired at their stated maturity as specified in or pursuant to the Series 2002 Resolution of Award, provided that no such Term Maturity Date shall be later than thirty (30) years from the dated date of the Series 2002 Bonds.

**Section 2. Authorization of the Series I Bonds.** This Governing Body finds and determines that it is necessary and proper, and in the best interest of the Issuer to issue, and the Issuer shall issue, the Series I Bonds for the purpose of paying costs of capital improvements to the Waterworks System and refunding the Refunded Bonds (hereinafter defined), which Series I Bonds shall be in an aggregate principal amount to be determined in accordance with, and subject to the limits set forth, in Section 3 hereof. The Series I Bonds shall constitute Revenue Bonds and shall be payable and secured only as set forth in the Bond Legislation. The Series I Resolution of Award may specify that the Series I Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series I Bonds of all such series satisfy the requirements of the Bond Legislation and of the Series I and Series 2002 Bond Legislation as though all such Bonds were the same, single series. The Refunded Bonds shall be designated by the Issuer in the Series I Certificate of Award and shall consist of those Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be refunded (and thereby deemed no longer Outstanding for purposes of the Mortgage) with the proceeds of the Series I Bonds available therefor (the "Refunded Bonds"), the refunding of which Outstanding Revenue Bonds will enable the Issuer, in the judgment of the officer or officers signing the Series I Certificate of Award, to obtain net present value debt service savings with respect to the Revenue Bonds so refunded. The Refunded Bonds shall be called for redemption on the date or dates (the "Redemption Date" or "Redemption Dates") specified in the Series I Certificate of Award. The Redemption Dates so specified shall be the dates required

under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

**Section 3. Award and Sale of Series I Bonds.** The Series I Bonds shall be sold pursuant to and in the manner set forth in the Series I Resolution of Award, which shall award the Series I Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series I Bond Purchase Agreement, designate the Paying Agent for the Series I Bonds and determine, specify and set forth the following details with respect to the Series I Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

(a) the aggregate principal amount; provided that such amount shall not exceed \$155,000,000 with respect to Series I Bonds issued to fund capital improvements to the Waterworks System, and shall not exceed \$200,000,000 with respect to Series I Bonds issued to refund the Refunded Bonds, assuming in each case that the Series I Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but, if any of the Series I Bonds are to be initially offered to the public at an original issue discount (any such original discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of Series I Bonds hereby authorized, shall be increased over those amounts by an amount equal to the sum of the products obtained from multiplying the Original Issue Discount at which each Series I Bond is to be initially offered to the public, by the principal amount of the Series I Bond to be so offered;

(b) the date or dates of the Series I Bonds;

(c) the Purchase Price;

(d) whether any Series I Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series I Bonds;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date; and

(j) the Specified Interest Rates.

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

**Section 4. Application of Proceeds of Series I Bonds.** From the proceeds of the sale of the Series I Bonds, there shall:

(a) be deposited to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the Issuer upon delivery of the Series I Bonds as accrued interest on any Series I Bonds from

their dated date to the date of the delivery of and payment for the Series I Bonds;

(b) be deposited in a separate account to be established by the Issuer and designated the "Series I Bonds Costs of Issuance Account," which account shall be held by the Issuer in trust, and except as hereinafter provided, applied solely to the payment of the costs of issuing the Series I Bonds, the amount to be set forth as required for such purpose in the Series I Certificate of Award;

(c) be deposited to the credit of the Debt Service Reserve Fund, an amount equal to the amount required to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Reserve Requirement;

(d) be deposited to the credit of the Series I Escrow Fund established pursuant to the Series I Escrow Agreement, those proceeds to be applied in accordance with the Series I Escrow Agreement to refund the Refunded Bonds; and

(e) be deposited to the credit of an account to be established in the Construction Fund and designated the "Series 1998 Bond Proceeds Account" the balance of such proceeds.

Any proceeds of the Series I Bonds deposited to the Series I Bonds Costs of Issuance Account pursuant to this Section 4 and not expended for payment of costs of issuance of the Series I Bonds within ninety days after the date on which the Series I Bonds are delivered to and paid for by the Original Purchasers shall be paid to the Trustee for deposit to the Series 1998 Bond Proceeds Account of the Construction Fund.

Provision shall be made in the Ninth Supplemental Mortgage for the application of any amounts held in the funds and accounts established under the Mortgage and no longer required for the security of the Revenue Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances.

**Section 5. Terms and Provisions Applicable to the Series I Bonds.**

(a) Form; Exchange and Transfer. Notwithstanding anything to the contrary in the Original Mortgage, (i) all Series I Bonds shall be issued in fully registered form, (ii) no Series I Bonds shall be convertible into unregistered Revenue Bonds payable to bearer, and (iii) no Series I Bond shall be exchangeable for a Coupon Revenue Bond or Bonds. To the extent that Sections 2.3, 2.6 and 2.10 of the Original Mortgage permit fully registered Revenue Bonds to be converted into or exchanged for Revenue Bonds payable to bearer or coupon Revenue Bonds, those sections are hereby amended to prohibit Series I Bonds from being so converted or exchanged.

The Series I Bonds initially shall be delivered only in book-entry form and (i) shall be registered in the name of the Depository or its nominee, as registered owner and immobilized in the custody of the Depository, and (ii) as such shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the Issuer pursuant to the provisions of the Ninth Supplemental Mortgage permitting the

Issuer to issue the Series I Bonds in the form of fully registered certificates in the event any Depository for the Series I Bonds ceases to serve as such and the Issuer declines or is unable to establish a book-entry system for the Series I Bonds with any other qualified Depository.

(b) Denominations and Dates. The Series I Bonds shall be issued in the form of a single Series I Bond for each maturity or mandatory sinking fund payment, in denominations of \$5,000 or any integral multiple thereof and shall be dated as of the date or dates specified in or pursuant to the Series I Resolution of Award. Each Series I Bond shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series I Bonds.

(c) Interest and Place of Payment. The Series I Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their date. The principal and Redemption Price, if any, of and the interest payable on each Series I Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Ninth Supplemental Mortgage, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Series I Serial Bonds shall mature on the Principal Retirement Dates, and the Series I Term Bonds shall mature on the Term Maturity Dates, as specified in or pursuant to the Series I Resolution of Award.

(e) Optional and Mandatory Redemption. The Series I Bonds may be subject to redemption prior to maturity at the option of the Issuer, if and to the extent so specified in or pursuant to the Series I Resolution of Award. Any Series I Bonds so determined to be subject to optional redemption and maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the Earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Prices specified in or pursuant to the Series I Resolution of Award and in accordance with the Mortgage. The Series I Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate amount of the Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as specified in or pursuant to the Series I Resolution of Award and in accordance with Sections 3.3, 3.5 and 3.6 of the Mortgage.

(f) Execution. The Series I Bonds shall be executed and sealed by the persons and in the manner set forth in Section 2.8 of the Mortgage.

(g) Numbering. The Series I Bonds shall be numbered from R98I-1 upward in order of authentication.

**Section 6. Authorization of Ninth Supplemental Mortgage and Series I Escrow Agreement.** In order to secure the payment of the principal of and the premium, if any, and interest on the Series I Bonds by the Original Mortgage as amended and supplemented by the First Supple-



mental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage and the Seventh Supplemental Mortgage and as further amended and supplemented pursuant to the authority of the Bond Legislation and this Series I and Series 2002 Bond Legislation, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Series I Bonds, a good and sufficient Ninth Supplemental Mortgage, approved as to form and correctness by the Director of Law, substantially in the form now on file with the Clerk, in File 908-98-A, with such changes therein or thereto not inconsistent with the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage and the Series I and Series 2002 Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Ninth Supplemental Mortgage by such officers. The Series I and Series 2002 Bond Legislation shall constitute a part of the Ninth Supplemental Mortgage, and National City Bank, Cleveland, Ohio, shall continue to serve as Trustee under the Mortgage and shall signify its acceptance of the duties and obligations of the Trustee under the Ninth Supplemental Mortgage by executing the Ninth Supplemental Mortgage. In addition, the First Supplemental Mortgage, on file with the Clerk in File No. 908-98-A, and the amendments to the Original Mortgage contained therein are hereby ratified and approved.

In order to cause the proceeds of the Series I Bonds deposited in the Series I Escrow Fund pursuant to Section 4 hereof to be invested as required under Section 12.2 of the Mortgage so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied in accordance with the terms thereof to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver a Series I Escrow Agreement between the Issuer and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series I Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts

therein for the above-described purposes and further providing for the payment of the fees and expenses of the Trustee for the performance of its fiduciary duties as Series I Escrow Agent. The Series I Escrow Agreement shall provide for the redemption of those Refunded Bonds subject to redemption in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption at the earliest possible date including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Series I Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Series I Escrow Fund are of such maturities or redemption dates, and interest payment dates, and, bear such interest, as will be sufficient, together with any available moneys in the Series I Escrow Fund, for the payment of Debt Service on the Refunded Bonds.

**Section 7. Rebate Fund: Series I Bonds.** There is hereby established and ordered to be maintained a separate account (except when invested as provided in the Mortgage), designated the Series I Account, within the Rebate Fund established pursuant to the Series E Bond Legislation and held in the custody of the Trustee. Any provision hereof or of the Mortgage to the contrary notwithstanding, the Rebate Fund is not pledged to the payment of Debt Service, is not one of or part of any of the Funds, and is free and clear of the pledge or lien under the Mortgage. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to the Series I Account of the Rebate Fund shall be made as provided in the Ninth Supplemental Mortgage.

**Section 8. Authorization of the Series 2002 Bonds.** This Governing Body hereby authorizes the Issuer to issue the Series 2002 Bonds for the purpose of refunding the Current Refunded Bonds (hereinafter defined), which Series 2002 Bonds shall be in an aggregate principal amount to be determined in accordance with, and subject to the limits set forth, in Section 9 hereof. The Series 2002 Bonds shall constitute Revenue Bonds and shall be payable and secured only as set forth in the Bond Legislation. The Series 2002 Resolution of Award may specify that the Series 2002 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2002 Bonds of all such series satisfy the requirements of the Bond Legislation and of the Series I and Series 2002 Bond Legislation as

though all such Bonds were the same, single series. The Current Refunded Bonds shall be designated by the Issuer in the Series 2002 Certificate of Award and shall consist of those Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be refunded (and thereby deemed no longer Outstanding for purposes of the Mortgage) with the proceeds of the Series 2002 Bonds available therefor (the "Current Refunded Bonds"), the refunding of which Outstanding Revenue Bonds will enable the Issuer, in the judgment of the officer or officers signing the Series 2002 Certificate of Award, to obtain net present value debt service savings with respect to the Revenue Bonds so refunded. The Current Refunded Bonds shall be called for redemption on the date or dates (the "Redemption Date" or "Redemption Dates") specified in the Series 2002 Certificate of Award. The Redemption Dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

**Section 9. Award and Sale of Series 2002 Bonds.** The Series 2002 Bonds shall be sold pursuant to and in the manner set forth in the Series 2002 Resolution of Award, which shall award the Series 2002 Bonds to the Original Purchasers, approve and authorize the execution and delivery of the Series 2002 Bond Purchase Agreement, designate the Paying Agent for the Series 2002 Bonds and determine, specify and set forth the following details with respect to the Series 2002 Bonds in accordance with and subject to the limitations set forth in the Series I and Series 2002 Bond Legislation:

(a) the aggregate principal amount of the Series 2002 Bonds shall not exceed \$125,000,000, assuming that the Series 2002 Bonds are to be initially offered to the public at a price at least equal to one hundred percent (100%) of their aggregate principal amount, but, if any of the Series 2002 Bonds are to be initially offered to the public at an original issue discount (any such original discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of Series 2002 Bonds hereby authorized, shall be increased over those amounts by an amount equal to the sum of the products obtained from multiplying the Original Issue Discount at which each Series 2002 Bond is to be initially offered to the public, by the principal amount of the Series 2002 Bond to be so offered;

(b) the date or dates of the Series 2002 Bonds;

(c) the Purchase Price;

(d) whether any Series 2002 Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series 2002 Bonds;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date; and

(j) the Specified Interest Rates.

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

**Section 10. Application of Proceeds of Series 2002 Bonds.** From the proceeds of the sale of the Series 2002 Bonds, there shall:

(a) be deposited to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the Issuer upon delivery of the Series 2002 Bonds as accrued interest on any Series 2002 Bonds from their dated date to the date of the delivery of and payment for the Series 2002 Bonds;

(b) be deposited in a separate account to be established by the Issuer and designated the "Series 2002 Bonds Costs of Issuance Account," which account shall be held by the Issuer in trust, and except as hereinafter provided, applied solely to the payment of the costs of issuing the Series 2002 Bonds, the amount set forth as required for such purpose in the Series 2002 Certificate of Award;

(c) be deposited to the credit of the Debt Service Reserve Fund, an amount equal to the amount required to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Reserve Requirement; and

(d) be deposited to the credit of the Series 2002 Escrow Fund established pursuant to the Series 2002 Escrow Agreement, those proceeds to be applied in accordance with the Series 2002 Escrow Agreement to refund the Current Refunded Bonds.

Any proceeds of the Series 2002 Bonds deposited to the Series 2002 Bonds Costs of Issuance Account pursuant to this Section 10 and not expended for payment of costs of issuance of the Series 2002 Bonds within ninety days after the date on which the Series 2002 Bonds are delivered to and paid for by the Original Purchasers shall be paid to the Trustee for deposit to the Debt Service Fund.

Provision shall be made in the Series 2002 Supplemental Mortgage for the application of any amounts held in the funds and accounts established under the Mortgage and no longer required for the security of the Revenue Bonds as a result of the Current Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances.

**Section 11. Terms and Provisions Applicable to the Series 2002 Bonds.**

(a) Form; Exchange and Transfer. Notwithstanding anything to the contrary in the Original Mortgage, (i) all Series 2002 Bonds shall be issued in fully registered form, (ii) no Series 2002 Bonds shall be convertible into unregistered Revenue Bonds payable to bearer, and (iii) no Series 2002 Bond shall be exchangeable for a Coupon Revenue Bond or Bonds. To the extent that Sections 2.3, 2.6 and 2.10 of the Original Mortgage permit fully registered Revenue Bonds to be converted into or exchanged for Revenue Bonds payable to bearer or coupon

Revenue Bonds, those sections are hereby amended to prohibit Series 2002 Bonds from being so converted or exchanged.

The Series 2002 Bonds initially shall be delivered only in book-entry form and (i) shall be registered in the name of the Depository or its nominee, as registered owner and immobilized in the custody of the Depository, and (ii) as such shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the Issuer pursuant to the provisions of the Series 2002 Supplemental Mortgage permitting the Issuer to issue the Series 2002 Bonds in the form of fully registered certificates in the event any Depository for the Series 2002 Bonds ceases to serve as such and the Issuer declines or is unable to establish a book-entry system for the Series 2002 Bonds with any other qualified Depository.

(b) Denominations and Dates. The Series 2002 Bonds shall be issued in the form of a single Series 2002 Bond for each maturity or mandatory sinking fund payment, in denominations of \$5,000 or any integral multiple thereof, or in any other denomination or integral multiple thereof permitted by the Mortgage, and shall be dated as of the date or dates specified in or pursuant to the Series 2002 Resolution of Award. Each Series 2002 Bond shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2002 Bonds.

(c) Interest and Place of Payment. The Series 2002 Bonds shall bear interest at their respective Specified Interest Rates from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and Redemption Price, if any, of and the interest payable on each Series 2002 Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Series 2002 Supplemental Mortgage, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) Maturities. The Series 2002 Serial Bonds shall mature on the Principal Retirement Dates, and the Series 2002 Term Bonds shall mature on the Term Maturity Dates, as specified in or pursuant to the Series 2002 Resolution of Award.

(e) Optional and Mandatory Redemption. The Series 2002 Bonds may be subject to redemption prior to maturity at the option of the Issuer, if and to the extent so specified in or pursuant to the Series 2002 Resolution of Award. Any Series 2002 Bonds so determined to be subject to optional redemption and maturing by their stated terms after the Earliest Optional Redemption Date shall be subject to redemption at the option of the Issuer on or after the Earliest Optional Redemption Date in whole on any date or in part on any Interest Payment Date at the Redemption Prices specified in or pursuant to the Series 2002 Resolution of Award and in accordance with the Mortgage. The Series 2002 Term Bonds shall also be subject to mandatory redemption prior to maturity at the Redemption Price on each Mandatory Redemption Date in the aggregate amount of the Sinking Fund Installment to be paid on such

Mandatory Redemption Date, all as specified in or pursuant to the Series 2002 Resolution of Award and in accordance with Sections 3.3, 3.5 and 3.6 of the Mortgage.

(f) Execution. The Series 2002 Bonds shall be executed and sealed by the persons and in the manner set forth in Section 2.8 of the Mortgage.

(g) Numbering. The Series 2002 Bonds shall be numbered from R02-1 upward in order of authentication.

**Section 12. Authorization of Series 2002 Supplemental Mortgage and Series 2002 Escrow Agreement.**

In order to secure the payment of the principal of and the premium, if any, and interest on the Series 2002 Bonds by the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (if effective), the Ninth Supplemental Mortgage and as further amended and supplemented pursuant to the authority of the Bond Legislation and this Series I and Series 2002 Bond Legislation, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Series 2002 Bonds, a good and sufficient Series 2002 Supplemental Mortgage, approved as to form and correctness by the Director of Law, substantially in the form of the Ninth Supplemental Mortgage now on file with the Clerk in the File referenced in Section 6 hereof with such changes therein or thereto not inconsistent with the Original Mortgage as amended and supplemented by the First Supplemental Mortgage, the Second Supplemental Mortgage, the Third Supplemental Mortgage, the Fourth Supplemental Mortgage, the Fifth Supplemental Mortgage, the Sixth Supplemental Mortgage, the Seventh Supplemental Mortgage, the Eighth Supplemental Mortgage (if effective), the Ninth Supplemental Mortgage and the Series I and Series 2002 Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 2002 Supplemental Mortgage by such officers. The Series I and Series 2002 Bond Legislation shall constitute a part of the Series 2002 Supplemental Mortgage, and National City Bank, Cleveland, Ohio, shall continue to serve as Trustee under the Mortgage and shall signify its acceptance of the duties and obligations of the Trustee under the Series 2002 Supplemental Mortgage by executing the Series 2002 Supplemental Mortgage.

In order to cause the proceeds of the Series 2002 Bonds deposited in the Series 2002 Escrow Fund pursuant to Section 10 hereof to be invested as required under Section 12.2 of the Mortgage so that the

Current Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied in accordance with the terms thereof to the payment of the principal of and interest and any redemption premium on the Current Refunded Bonds as and when due, to and including the Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver an Series 2002 Escrow Agreement between the Issuer and the Trustee as Series 2002 Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series 2002 Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein for the above-described purposes and further providing for the payment of the fees and expenses of the Trustee for the performance of its fiduciary duties as Series 2002 Escrow Agent. The Series 2002 Escrow Agreement shall provide for the redemption of those Current Refunded Bonds subject to redemption in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption at the earliest possible date including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Series 2002 Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Current Refunded Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Series 2002 Escrow Fund are of such maturities or redemption dates, and interest payment dates, and, bear such interest, as will be sufficient, together with any available moneys in the Series 2002 Escrow Fund, for the payment of Debt Service on the Current Refunded Bonds.

**Section 13. Rebate Fund; Series 2002 Bonds.** There is hereby established and ordered to be maintained a separate account (except when invested as provided in the Mortgage), designated the Series 2002 Account, within the Rebate Fund established pursuant to the Series E Bond Legislation and held in the custody of the Trustee. Any provision hereof or of the Mortgage to the contrary notwithstanding, the Rebate Fund is not pledged to the payment of Debt Service, is not one of or part of any of the Funds, and is free and clear of the pledge or lien under the Mortgage. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and

deposits to the Series 2002 Account of the Rebate Fund shall be made as provided in the Series 2002 Supplemental Mortgage.

**Section 14. Authorization for Interest Rate Swap Transaction, Option Contract or other Similar Agreement in Connection with the Series 2002 Bonds.** Notwithstanding any of the limitations contained in Section 16 hereof with respect to Rate Exchange Agreements, the Director of Public Utilities and the Director of Finance are hereby authorized to enter into an interest rate swap transaction, option contract or other similar agreement with Bear, Stearns Co., Inc. or such affiliate thereof, or such other counterparty as shall be determined by the Director of Finance upon the advise of the City's Financial Advisor, in order to further reduce the cost of borrowing on the Issuer's outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the Series 2002 Bonds. Such interest rate swap, option contract or other similar agreement may be entered into in conjunction with an issuance of a series of Series 2002 Bonds or on a stand-alone basis without such issuance of Series 2002 Bonds. The notional amount for such interest rate swap transaction, option contract or other similar agreement shall not exceed \$125,000,000.

**Section 15. Incorporation of Bond Legislation.** It is understood and acknowledged that the Series I Bonds and Series 2002 Bonds are being issued pursuant to and in accordance with the terms of the Bond Legislation and of the Series I and Series 2002 Bond Legislation, and that the Series I Bonds and Series 2002 Bonds are subject to the terms and conditions of the Bond Legislation except to the extent that such terms and conditions are modified or amended by or pursuant to the Series I and Series 2002 Bond Legislation. All terms, conditions, covenants and warranties contained in the Bond Legislation, except as otherwise provided in or pursuant to the Series I and Series 2002 Bond Legislation, shall apply with like force and effect to the Series I Bonds and Series 2002 Bonds as if originally made in connection with the issuance thereof.

**Section 16. Interest Rate Exchange Agreement.** The Governing Body finds that by engaging in interest rate swap transactions, from time to time, the Issuer can, in effect, convert interest on all or a portion of the Revenue Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations from time to time and minimizing the risk of variations in its debt service costs. To permit the Issuer to have the flexibility to undertake such interest rate swap transactions and to establish the procedures for approving such transactions, this Governing Body authorizes the execution and delivery of an Interest Rate Exchange Agreement (the "Rate

Exchange Agreement") and any related agreements necessary for the consummation of the transactions contemplated by such Rate Exchange Agreement.

Upon the recommendation of the financial advisor of the Issuer to the Director of Finance that an interest rate swap transaction be undertaken by the Issuer, the Director of Finance may authorize such an interest rate swap transaction in accordance with the Rate Exchange Agreement; provided that (a) the maximum aggregate notional amount of interest rate swap transactions outstanding at any one time, net of offsetting interest rate swap transactions, shall not exceed an amount equal to the greater of (i) twenty percent of the aggregate outstanding principal amount of all Outstanding Revenue Bonds issued under the Mortgage, or (ii) such amount as will not result in a lowering of the ratings assigned to the Outstanding Revenue Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies and (b) the term of each interest rate swap transaction shall not exceed 30 years. The aggregate amount of all such rate interest swap transactions in effect as of any time shall be determined on a net basis; that is, where any such transaction is entered into to offset or reverse an earlier transaction, to the extent of the offsetting or reversing effect, the amounts of such offsetting or reversing interest rate swap transactions shall not be included in the aggregate total. The approval of each interest rate swap transaction by the Director of Finance shall be conclusively evidenced by the execution of the applicable interest rate swap transaction by the Director of Finance or any other person duly authorized by this Council to execute interest rate swap transactions.

The Issuer may pay any amounts due under the Rate Exchange Agreement and the interest rate swap transactions from the Net Revenues of the Waterworks System held in or for the credit of the Additions and Improvements Fund under the Original Mortgage, as supplemented, and any other available moneys of the Issuer permitted by law to be used for the purpose of making those payments. Nothing in the Rate Exchange Agreement or the interest rate swap transactions, however, shall be deemed to prohibit the Issuer from using, of its own volition, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms and conditions of or its obligations under the Rate Exchange Agreement or the interest rate swap transactions.

Anything in this Series I and Series 2002 Bond Legislation, the Rate Exchange Agreement or any interest rate swap transaction to the contrary notwithstanding, the obligation of the Issuer to make payments under the Rate Exchange Agreement and any interest rate swap transaction does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the Issuer, the State of Ohio or any other political subdivision thereof. Nothing herein gives any party to the Rate Exchange Agreement the right to have excises, ad valorem or other taxes levied by the Issuer or the State of Ohio

or by the taxing authority of any other political subdivision for the payment of any amounts due under the Rate Exchange Agreement and the interest rate swap transactions.

**Section 17. Covenants of the Issuer.** The Issuer, by issuance of the Series I Bonds, covenants and agrees with the Holders of the Series I Bonds, and by issuance of the Series 2002 Bonds, covenants and agrees with the Holders of the Series 2002 Bonds, that:

(a) The Issuer will use the proceeds of the Series I Bonds to pay costs of capital improvements to the Waterworks System, to retire the Refunded Bonds, and to pay costs relating to the issuance of the Series I Bonds.

(b) The Issuer will use the proceeds of the Series 2002 Bonds to retire the Current Refunded Bonds, and to pay costs relating to the issuance of the Series 2002 Bonds.

(c) The Clerk, or other appropriate officer of the Issuer, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Series I Bonds and Series 2002 Bonds, respectively, together with such information from the Issuer's records as is necessary to determine the regularity and validity of such issuance.

(d) The Issuer will, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of the Series I Bonds and the Series 2002 Bond Legislation or as may be required by Section 13, Article XVIII of the Constitution of Ohio and the Charter of the Issuer and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(e) The Issuer will observe and perform all its agreements and obligations provided for in the Series I Bonds and the Series 2002 Bonds, the Mortgage or the Series I and Series 2002 Bond Legislation. All of the obligations under the Series I and Series 2002 Bond Legislation and the Ninth Supplemental Mortgage and Series 2002 Supplemental Mortgage are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the Issuer within the meaning of Section 2731.01, Ohio Revised Code.

(f) The Issuer will use, and will restrict the use and investment of, the proceeds of the Series I Bonds and Series 2002 Bonds in such manner and to such extent as may be necessary so that (a) the Series I Bonds and Series 2002 Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(g) The Issuer hereby covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series I Bonds and Series 2002 Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions

that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Series I Bonds and Series 2002 Bonds to the respective governmental purposes of each borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

Each covenant made in this section with respect to the Series I Bonds and Series 2002 Bonds is also made with respect to all issues for which any portion of the Debt Service is paid from proceeds of the Series I Bonds and Series 2002 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Series I Bonds and Series 2002 Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Series I Bonds and Series 2002 Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the Series I Bonds and the Series 2002 Bonds.

The Mayor, the Director of Finance or any other officer of the Issuer having responsibility for the issuance of the Series I Bonds and Series 2002 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Issuer with respect to the Series I Bonds and Series 2002 Bonds as the Issuer is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for, or available under, Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series I Bonds and Series 2002 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amounts or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer and (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the Issuer, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series I Bonds and Series 2002 Bonds. The Director of Finance or any other officer or employee or consultant to the Issuer having responsibility with respect to the issuance of the Series I Bonds and the Series 2002 Bonds, alone or in conjunction with any other officer or employee or consultant of the Issuer, shall give one or more appropriate certificates of the Issuer for inclusion in the transcript of proceedings for the

Series I Bonds and the Series 2002 Bonds, respectively, setting forth the reasonable expectations of the Issuer regarding the amount and use of all the respective proceeds of the Series I Bonds and Series 2002 Bonds the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Series I Bonds and the Series 2002 Bonds, respectively.

**Section 18. Authorization of Bond Rating and Credit Enhancement.** If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the Series I Bonds or the Series 2002 Bonds by one or more nationally recognized rating agencies and for a credit enhancement facility (including, without limitation, a policy of municipal bond insurance) are necessary or desirable for marketing purposes, the Director of Finance, in his official capacity, is hereby authorized to prepare and submit any or all of those applications, to provide such information as may be required in support thereof and to provide further for the payment of the costs of such ratings or credit facility from funds to be appropriated for such purpose if and to the extent that such payment shall not be made by the Original Purchaser or provided for from the respective amounts deposited to the Series I Bonds Costs of Issuance Account established pursuant to Section 4 hereof or the Series 2002 Bonds Costs of Issuance Account established pursuant to Section 10, hereof, or from the Net Revenues of the Waterworks System.

**Section 19. Defeasance:** Defeasance Agreement. This Governing Body finds and determines that is necessary and proper, and in the best interest of the Issuer to defease the Defeased Bonds (hereinafter defined) from moneys currently available for such purpose in accordance with the Mortgage. The Defeased Bonds shall be designated by the Issuer in the Defeasance Agreement and shall consist of the Outstanding Series A Bonds, Series D Bonds, Series E Bonds, Series F Bonds, Series G Bonds and Series H Bonds which can be defeased with available moneys pursuant to the Mortgage and will enable the Issuer, in the judgment of the officer or officers signing the Defeasance Agreement to realize net present value debt service savings with respect to the Revenue Bonds so defeased, reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt. The Director of Finance is hereby authorized to deposit into the Defeasance Fund available monies in accordance with the Mortgage in an amount not to exceed \$30,000,000 determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause the moneys deposited into the Defeasance Fund to be invested as required under Section 12.2 of the Mortgage so that the Defeased Bonds are deemed paid and discharged, and in order to cause the amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the Defeased Bonds, as and when due to and including the

Redemption Date, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver a Defeasance Agreement approved as to form and correctness by the Director of Law, providing for the establishment of the Defeasance Fund as a trust fund in the custody of the Defeasance Agent and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the payment to the Defeasance Agent of fees and expenses for its performance of its fiduciary duties as Defeasance Agent on behalf of the Issuer. The officers executing the Defeasance Agreement on behalf of the Issuer shall determine that such Defeasance Agreement satisfies the requirements of this Section 19 which determination shall be conclusively evidenced by the execution of the Defeasance Agreement by such officers. The Defeasance Agreement shall provide for the redemption of those Defeased Bonds in accordance with the Mortgage and shall provide irrevocable instruction to the Trustee to effect such redemption, including instructions for the notification of Bondholders. The Mayor, Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the Issuer to more efficiently structure the Defeasance Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the defeasance of the Defeased Bonds including without limitation, the retention of a firm of independent certified public accountants to verify that the federal securities to be deposited in the Defeasance Fund are of such maturities or redemption dates, and interest payment dates, and, bear such interest, as will be sufficient, together with any available moneys in the Defeasance Fund, for the payment of Debt Service on the Defeased Bonds.

**Section 20. Continuing Disclosure Agreement.** In compliance with SEC Rule 15c2-12, the Issuer shall enter into a Continuing Disclosure Agreement with the Trustee, which shall be approved as to form and correctness by the Director of Law. In the Continuing Disclosure Agreement, the Issuer shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any State information depository, the annual financial information and operating data and notices of specified events required by that Rule, as more particularly described in the Continuing Disclosure Agreement. The Mayor, Director of Finance, Director of Public Utilities, Director of Law and other appropriate officers of the Issuer are authorized and directed to execute, acknowledge and deliver in the

name, and on behalf of the Issuer, such agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The Issuer understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the Series I Bonds and the Series 2002 Bonds, including holders of book-entry interests in those Bonds.

**Section 21. Consulting Engineer, Document Transmission Services and Financial Advisor.** The Director of Public Utilities and the Director of Finance of the City, should they so determine, are hereby authorized to select a consulting engineer and contract with a provider of web site document transmission services in connection with the issuance of the Series I Bonds and the issuance of the Series 2002 Bonds on terms agreed upon by the Director of Public Utilities and Director of Finance, and to pay the cost of such services from the proceeds of the Series I Bonds or the Series 2002 Bonds, as applicable.

The Director of Public Utilities and Director of Finance of the City are hereby authorized to retain the services of Carmona Motley Hoffmann, Inc. as the City's Financial Advisor in connection with the issuance of the Series I Bonds and the Series 2002 Bonds on the terms agreed upon by the Director of Public Utilities and Director of Finance and to pay the cost of such services from the proceeds of the Series I Bonds and the Series 2002 Bonds, as applicable.

**Section 22. Authorization of Other Documents.** To provide for the issuance and sale of the Series I Bonds and the Series 2002 Bonds and the consummation of the transactions contemplated hereby, the Mayor, the Director of Finance, the Director of Utilities or any one of them are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the Issuer, a letter agreement with the Depository generally relating to the book-entry system. The Mayor, the Director of Finance, the Director of Utilities, the Director of Law and the Clerk of the Governing Body, and such other officers of the Issuer as may be appropriate, are authorized and directed to furnish, execute, and deliver such documents, certifications and instruments as may be necessary or appropriate to issue the Series I Bonds and the Series 2002 Bonds and to consummate the transactions contemplated herein and in the Mortgage, the Bond Purchase Agreement, the Escrow Agreements, the Defeasance Agreement, the swap agreement, option contract or other similar agreement authorized pursuant to Section 14 and, if any, the Rate Exchange Agreement.

**Section 23. Open Meeting Determination.** It is found and determined that all formal actions of this Governing Body concerning and relating to the adoption of this Series I and Series 2002 Bond Legislation were adopted in an open meeting of this Governing Body, and that all deliberations of this Governing Body, and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**Section 24. Findings and Recitals of Validity.** The Issuer hereby determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Series I Bonds and the Series 2002 Bonds in order to make such bonds legal, valid and binding obligations of the Issuer have or will have happened or have or will have been done and performed in regular and due form as required by law and the Issuer's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Series I Bonds or their issuance. It is further found and determined, and is hereby represented and recited, that the provisions of the Issuer's Charter and the rules of this Governing Body have been fully complied with and that the Series I and Series 2002 Bond Legislation was adopted in conformity therewith.

**Section 25. Severability.** In case any section or provision of the Series I and Series 2002 Bond Legislation or in case any covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under the Series I and Series 2002 Bond Legislation, or any application thereof, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, or actions thereunder, such illegality or inoperability shall not affect the remainder thereof or any other section or provision of the Series I and Series 2002 Bond Legislation, or any other covenant, stipulation, obligation, agreement, act, or action, or part thereof, made, assumed, entered into, or taken under the Series I and Series 2002 Bond Legislation, which shall at the time be construed and enforced as if such illegal, invalid or inoperable portion were not contained therein, nor shall such illegality, invalidity or inoperability or any application thereof affect any legal and valid and operable application thereof from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act, or action, or part thereof, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent from time to time permitted by law.

**Section 26. Amended and Restated Indenture.** Pursuant to the provisions of Section 13.2 of the Original Mortgage, which provides that the holders of 66-2/3% in aggregate principal amount of the Revenue Bonds then outstanding under the Original Mortgage, as supplemented, may consent to the execution by the Issuer and the Trustee of such supplemental indentures as shall be deemed necessary and desirable by the Issuer for the purpose of modifying, altering, amending, adding to or rescinding the terms or provisions contained in the Original Mortgage, as supplemented, the Issuer has pursuant to the Series H Bond Legislation previously determined to seek the amendment of the Original Mortgage and all Supplemental Indentures of Mortgage as provided in the Amended and Restated Indenture. Each holder of a Series H Bond has been deemed to have consented to such amendments and each holder of a Series I Bond and a Series 2002 Bond shall be deemed to con-

sent to such amendments. Upon the receipt of such other consents as are needed to achieve the required 66-2/3%, the Mortgage shall be amended and restated in its entirety as provided in the Amended and Restated Indenture. Prior to that date the Amended and Restated Indenture shall constitute a security agreement subject and subordinate to the Mortgage and the Revenue Bonds issued under the Mortgage as provided therein. The Issuer may authorize the issuance of obligations under the Amended and Restated Indenture that shall be subject and subordinate to the lien of the Mortgage. Pursuant to the Series H Bond Legislation the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, the Amended and Restated Indenture, approved as to form and correctness by the Director of Law, substantially in the form heretofore filed with the Clerk, in File 2011-95, with such changes therein or thereto that are not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Amended and Restated Indenture by such officers. National City Bank, Cleveland, Ohio, shall serve as Trustee under the Amended and Restated Indenture and shall signify its acceptance of the duties and obligations of the Trustee under the Amended and Restated Indenture by executing the Amended and Restated Indenture. Pursuant to the provisions of Section 18 of the Series H Bond Legis-

lation, the following sections of Ordinance No. 1103-A-77 were amended and repealed, all as of the date provided in sub-section (c) below, as follows:

(a) Section 1 of Ordinance No. 1103-A-77 is amended to read in its entirety as follows:

"Bond Legislation" shall mean with respect to the Series A Bonds, this ordinance.

"1977 Indenture" means the Indenture of Mortgage, dated as of November 1, 1977, between the Issuer and the Trustee, as supplemented.

"Revenue Bonds" shall mean the Series A Bonds and any other bonds issued under the 1977 Indenture, as supplemented, on or prior to the effective date of the Amended and Restated Indenture, at any time outstanding.

"Series A Bonds" shall mean the Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, authorized to be issued pursuant to Section 5 hereof.

"Sinking Fund Installment" shall mean, with respect to the Series A Bonds, as of any particular date of calculation, the amount required to be paid by the City of Cleveland with respect to the Series A Bonds, and its lawful successors and assigns with respect to the waterworks system or any part thereof, on a particular future date for the retirement of Term Bonds, which mature after said future date, but does not include any amount payable by the City of Cleveland by reason only of the maturity of a Revenue Bond.

"Term Bonds" shall mean with respect to the Series A Bonds, those Series A Bonds, maturing on one principal maturity date and the principal of which is payable from fixed amounts provided to be deposited in each year for the payment of such principal on or prior to maturity.

(b) Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 of Ordinance No. 1103-A-77 are repealed.

(c) The amendment and repeals of said sections of Ordinance No. 1103-A-77 made by Section 18 of the Series H Bond Legislation and restated herein shall become effective upon the consent to the amendments of the Original Mortgage and all Supplemental Indentures of Mortgage provided in the Amended and Restated Indenture of the holders of 66-2/3% in aggregate principal amount of the Revenue Bonds then Outstanding under the Original Mortgage, as supplemented from time to time. The Director of Finance or Director of Law shall deliver to the Clerk of Council, for placement in the Clerk's file referenced in Section 6 of the Series H Bond Legislation and Section 6 hereof, written notice from the Trustee concerning the receipt by the Trustee of the consent of the required percentage of holders of the Revenue Bonds to those amendments and the effective date of that consent.

**Section 27. Effective Date.** This Series I and Series 2002 Bond Legislation is declared to be an emergency measure for the reasons set forth in the preambles of this Series I and Series 2002 Bond Legislation, which are made a part hereof, and, provided that this Series I and Series 2002 Bond Legislation receives the affirmative vote of two-thirds of all members elected to the Governing Body, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 909-98.**

**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modifications in Contract No. 50009 for the Spring Road relief sewer project with Vallejo/Terrace, a joint venture, for the Division of Water Pollution Control, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 50009 with Vallejo/Terrace, a joint venture, for the Spring Road relief sewer project, for the Division of Water Pollution Control, Department of Public Utilities:

**Spring Road Relief Sewer**

**City Contract No. 50009**

**Subsidiary Agreement - Schedule of Items**

**Additions**

1. Open cut construction of 195' of 24" pipe instead of previously recommended boring installation.	\$55,681.31
2. Abandon existing 24" overflow sewer.	5,205.00
3. Relocation of 10" water main.	3,937.36
4. Modified manhole location.	1,272.58
5. Additional costs associated with stabilization of subgrade below the 54" pipe.	1,206.40
6. Removal of concrete cradle around the existing 72" pipe.	1,541.34
7. Additional cost associated with 24" storm sewer connection.	2,380.92
8. Replace #57 slag with #57 limestone around the NEORSD's chamber.	5,201.92
9. Temporary access road.	6,317.88
10. 36" connection at different location.	1,690.54
11. Replace existing catch basin at STA 26+58	563.37
12. Coring 3' of concrete wall instead of 9" as previously estimated.	8,714.67
13. Installation of manhole chambers at 4 locations	2,210.32

14. Relocation of water line on Broadview Road	11,982.42
15. Additional pavement and site restoration in relation to waterline connections on the north side of Spring Road.	132,371.30
16. Non-performed type 6 curbing on southside of Spring Road	(4,704.30)
17. Additional site restoration on Spring Road	2,811.27
18. Modification to the NEORS D vault.	6,451.78
19. 76" ft. of 18" Vitrified Clay Pipe.	2,397.63
20. Substitute slag with limestone for bedding material.	1,965.43
21. Relocate water main on West 12th.	2,120.87
22. Relocate water main on West 14th.	1,672.33
23. Relocate water main on South Hill	336.52
24. Repair water main at Broadale	713.04
25. Supplying of 286' of vitrified clay pipe.	1,917.60
Subtotal	\$ 255,419.50
Less Amount Remaining in Contract	( 13,755.12)
TOTAL SUBSIDIARY ADDITIONS	\$ 241,664.38
Original Contract Amount	\$ 970,524.50
Total Subsidiary Additions	241,664.38
REVISED CONTRACT AMOUNT	\$1,212,188.88

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$241,664.38, to be paid from Fund No. 54 SF 001.

**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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 910-98.**  
**By Councilmen Patmon, Zone and Johnson (by departmental request).**  
**An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, relating to the Cleveland Public Power energy adjustment charge, and to repeal Section 523.25 of the Codified Ordinances, passed July 23, 1990, and Section 523.251 of the Codified Ordinances, passed June 6, 1994, relating to the CEI Lawsuit Surcharge.**

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. \_\_\_\_\_-98, on \_\_\_\_\_, 1998, be and the same are hereby approved.

**Section 2.** That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, is hereby amended to read as follows:

**Section 523.21 Energy Adjustment Charge**

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered **calculated pursuant to subsections (c)(1) and (2) of this Section, and shall not be less than the charge calculated pursuant to such subsections on October 1, 1997.**

(c)(1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential load by the total kilowatt hours distributed to residential customers. From the resulting figure shall be subtracted 7 mills per kilowatt hour.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Section 523.048. From the resulting figure shall be subtracted 1.5 mills per kilowatt hour.

**Section 3.** That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 327-95, passed February 27, 1995, existing Section 523.25, as enacted by Ordinance No. 1657-90, passed July 23, 1990, and existing Section 523.251, as enacted by Ordinance No. 978-94, passed June 6, 1994, 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 Public Utilities, Finance, Law; Committees on Public Utilities, Legislation, Finance.

**Ord. No. 911-98.**  
**By Councilmen Westbrook and Johnson (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to enter into a First Amendment to Lease by Way of Concession, City Contract No. 48824, with APCOA, Inc.**

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

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

**Section 1.** That the Director of the Department of Port Control is authorized to enter into a First Amendment to Lease by Way of Concession with APCOA, Inc., City Contract No. 48824, as follows: delete all references to the Department of Public Service as a contracting party; change the term for the East 9th Street Parking Facility to be five (5) years commencing upon the completion of construction of improvements; provide that the East 9th Street Facility shall consist of approximately 113 parking spaces; provide that all improvements made to the East 9th Street Parking Facility shall be amortized through to the expiration of the term of such facility; the estimated cost of capital improvements on the East 9th Street Facility is \$362,690; APCOA, Inc. ("Lessee") shall be responsible for the cost of all operating expenses and capital improvements.

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

**Section 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. 912-98.**

**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the lease of hangar space for police aircraft and the purchase of aviation fuel, for the Division of Police, Department of Public Safety, for a period of one year, with a one year option to renew.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is hereby authorized to lease aircraft hangar space, which may include the provision of ground handling service, and to purchase aviation fuel from the lessor, for the purpose of maintaining police aircraft. The selection of the hangar space shall be made by the Board of Control after canvass by the Director of Public Safety and may specify that the hangar space be located at Burke Lakefront Airport.

**Section 2.** That the term of the lease authorized by this ordinance shall be for a period of one year, upon execution of a contract, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year term, and cancellable upon thirty days written notice by said director.

**Section 3.** That the hangar space shall be leased at the fair market value as determined by the Board of Control.

**Section 4.** That said lease shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City.

**Section 5.** That the Director of Public Safety, and other appropriate City officials, are hereby authorized and directed to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**Section 6.** That the cost of the lease authorized by this ordinance shall be paid from Fund No. 01-60-02-0641, Request No. 24382.

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

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

**Ord. No. 913-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at scattered sites to Cleveland Housing Network Limited Partnership XV.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-32-055 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 121-32-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southeasterly 23 feet of Sublot No. 61 and the Northwesterly 10 feet of Sublot No. 62 in Graham-Scofield's Allotment of part of Original One Hundred Acre Lots Nos. 418 and 419 as shown by the recorded plat in Volume 64 of Maps, Page 33 of Cuyahoga County Records, together forming a parcel of land 33 feet front on the Southwesterly side of Notre Dame Avenue (formerly Grafied Avenue, S.E.) and extending back 104.47 feet on the Southeasterly line, 104.48 feet on the Northwesterly line and having a rear line of 33 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-32-056 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 121-32-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 16 feet, front to rear, of Sublot No. 60, and the Westerly 17 feet, front to rear, of Sublot No. 61 in Graham-Scofield's Allotment of part of Original One Hundred Acre Lots Nos. 418 and 419, as shown by the

recorded plat in Volume 64 of Maps, Page 33 of Cuyahoga County Records, together forming a parcel of land 33 feet front on the Southerly side of Notre Dame Avenue (formerly known as Grafied Avenue, S.E.) and extending back between parallel lines 104-48/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-32-094 as more fully described in Section 6 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 121-32-094

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in the Heisley Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419, and 420, as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southwesterly side of Mount Overlook Avenue, S.E., (formerly Heisley Avenue) and extending back of equal width 104.65 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-32-095 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 121-32-095

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 59 in the Heisley Heights Subdivision of part of Original One Hundred Acre Lots Nos. 418, 419, and 420, as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Southerly side of Mount Overlook Avenue, S.E., (formerly Heisley Avenue) and extending back 104.65 feet on the Easterly line, 104.65 feet on the Westerly line, which is also the Easterly line of Mapleside Road, S.E., and having a rear lie of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-34-082 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 121-34-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 95 in the Heisley Heights Subdivi-



sion of part of Original One Hundred Acre Lots Nos. 418, 419 and 420 as shown by the recorded plat in Volume 36 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Mt. Overlook Avenue, S.E., (formerly Quincy Avenue, S.E.) and extending back between parallel lines 104 65/100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 002-27-052 as more fully described in Section 12 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 002-27-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 173 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot Nos. 32, 48 and 49 as shown by the recorded plat in Volume 3 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lawn Avenue, and extending back equal width 125 feet to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 002-32-032 as more fully described in Section 14 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 002-32-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 10 feet of Sublot No. 48 and the Northerly 20 feet of Sublot No. 49 in N.M. Standart's Allotment of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 1 of Maps, Page 22 of Cuyahoga County Records, and being 30 feet front on the Westerly side of West 57th Street, and extending back 114 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 002-32-033 as more fully described in Section 16 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 002-32-033

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

Southerly 20 feet front to rear of Sublot No. 49 and the Northerly 10 feet front to rear of Sublot No. 50 in N. Standart's Subdivision of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 1 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of West 57th Street (formerly Scott Street), and extending back of equal width 114 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-06-030 as more fully described in Section 18 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 006-06-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 551 in John M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33, as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records and being 35 feet front on the Northwesterly side of Colgate Avenue and extending back of equal width 126 feet to the Southerly side of Elton Court, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 19.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-10-072 as more fully described in Section 20 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 006-10-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 82 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33, as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records and being 35 feet front on the Northerly side of Colgate Avenue, N.W. and extending back of equal width 126 feet deep to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

**Section 21.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-12-135 as more fully described in Section 22 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 109-12-135

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 143 in John W. Taylor and Company's "Douglas Park" Allotment of a part of Original One Hundred Acre Lot No. 370 in said City, said Sublot No. 143 has a frontage of 40 feet on the Southerly side of Earle Avenue, N.E., and extends back of equal width 108.04 feet deep on the Easterly line and 107.92 feet deep on the Westerly line, as per plat of said Allotment recorded in Volume 22 of Maps, Page 8 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 23.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 108-26-032 as more fully described in Section 24 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 108-26-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 89 in John W. Taylor and Company's Douglas Park Subdivision of part of Original One Hundred Acre Lot No. 370, as shown by the recorded plat in Volume 22 of Maps, Page 8 of Cuyahoga County Records. Said Sublot No. 89 has a frontage of 40 feet on the Northerly side of Earle Avenue, N.E., and extends back between parallel lines 106-66/100 feet as appears by said plat.

**Section 25.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-19-056 as more fully described in Section 26 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-19-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly half of Sublot No. 311 in Hiram Stone's Addition of part of Original Brooklyn Township Lot Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 25 feet on the Southerly side of Wade Avenue, S.W., and extending back of equal width 132 feet to the Northerly side of Mill Court, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 27.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-19-057 as more fully described in Section 28 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-19-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 80 feet of the Westerly 35 feet of Sublot No. 312 in Hiram Stone's Addition, being a Subdivision of part of Original Brooklyn Township Lot Nos. 53 and 68k as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Wade Avenue, S.W., and extending back of equal width 80 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 29.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-19-119 as more fully described in Section 30 below, Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-19-119

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known a Southwesterly part of Sublot No. 312 in the Hiram Stone Subdivision of part of Original Brooklyn Township Lot No 68 as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records.

Said part of Sublot No. 312 has a frontage of 35 feet on the Northerly side of Mill Court (14 feet wide), extends back between parallel lines of 52 feet along the Westerly line of said Sublot No. 312, has a rear line of 35 feet parallel with and 80 feet Southerly from the Southerly side of Wade Avenue (60 feet wide), and contains 0.0418 Acres of land, be the same more or less, but subject to all legal highways.

**Section 31.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 32.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 33.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 34.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 914-98.**

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

**An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into a Neighborhood Development Investment Fund contract with Otis Associates Limited Partnership, or its designee, to provide economic development assistance to renovate the buildings comprising Otis Terminals for residential and commercial use.**

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

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

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

**Section 1.** That, provisions of Ordinance No. 56-94 passed June 13, 1994 to the contrary notwithstanding, the Directors of Community Development and Economic Development are hereby authorized to enter into a Neighborhood Development Investment Fund contract with Otis Associates Limited Partnership, or its designee, to provide economic development assistance to renovate the buildings comprising Otis Terminals for residential and commercial use, located in the Warehouse District, bordering West 9th Street, St. Clair Avenue and West 10th Street, 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. 914-98-A.

**Section 3.** That the costs of said contract shall not exceed Two Million Five Hundred Dollars (\$2,500,000.00), and shall be paid from Fund No. 10 SF 501, Request No. 23104.

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

**Section 5.** That the Directors of Community Development and Economic Development are 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 Directors of Community Development and Economic Development are hereby authorized to charge and accept fees in an amount not to exceed the max-

imum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

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

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

**Ord. No. 915-98.**

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

**An emergency ordinance establishing a Community Reinvestment Area in the area of 1300 West Ninth Street, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.**

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

Whereas, the area located at 1300 West Ninth Street is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at 1300 West Ninth Street and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

**Section 1.** That based upon the information and data presented to this Council and the information contained in Council File No. 915-98-A, it is hereby found and determined that the area located at 1300 West Ninth Street, (Permanent Parcel Nos. 101-13-005 and 101-13-004) is blighted and deteriorated area in which housing facilities or struc-

tures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

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

**Section 3.** That the renovation of the four inter-connected buildings that comprise Otis Terminals to create approximately 258,000 square feet of multi-family residential space, consisting of approximately 249 multi-family residential units, in the Community Reinvestment Area is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such multi-family residential real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 75% of the assessed taxes for years 1-5, 50% of the assessed taxes for years 6-10, and 25% of the assessed taxes for years 11-12 for the construction activities for multi-family residential real property described above.

**Section 4.** That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance. That this exemption from real property taxation is contingent upon all applicable requirements of Section 3735.65 et seq. of the Ohio Revised Code and this ordinance having been met.

**Section 5.** That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

**Section 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. 916-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3004 and 3008 Barber Avenue to Mark A. Rivera.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 007-23-023 and 007-23-024, as more fully described in Section 2 below, to Mark A. Rivera.

**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. 007-23-023**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Sublots Nos. 12, 13 and 14 in Barber and McCrosky's Allotment of part of Original Brooklyn Township Lot No. 68 as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records. Said part of Sublot No. 27 is bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 27, said point being also the intersection of the Northerly line of Barber Avenue, S.W. with the Westerly line of West 30th Street (formerly Mill Street), thence Westerly along the Northerly line of Barber Avenue, S.W., 50 feet to a point therein; thence Northerly at right angles to said Northerly line of Barber Avenue, S.W. to a point in the Westerly line of West 30th Street, thence Southerly along the Westerly line of West 30th Street to the place of beginning, be the same more or less, but subject to all legal highways.

**P. P. No. 007-23-024**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 50 feet of the Westerly 55 feet of Sublot No. 27 in A.M. McGregor's Re-Allotment of part of Original Brooklyn Township Lot No. 68, as shown by the recorded plat in Volume 12 of Maps, Page 14 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Barber Avenue, S.W. and extending back at right angles therewith and the alley therewith to West 30th Street and the alley in the rear of said Sublot No. 27, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the docu-

ments are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community 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. 917-98.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with the following agencies to provide social service programs:

**Section 2.** That the City Departments implementing the Community Development Block Grant social service programs are hereby authorized to enter into contract with non-profit agencies providing social services.

**Section 3.** That the aggregate cost of the contracts authorized in Sections 1 and 2 of this ordinance shall be in an amount not to exceed \$2,500,000.00, and shall be paid from Fund No. 14 SF 024, Request No. 23109.

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

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

**Ord. No. 918-98.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to expend funds and to enter into contracts with various housing development entities, or their designees, including those listed below, for the purpose of implementing the Housing Trust Fund Program:

**Section 2.** Eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to homebuyers.

**Section 3.** That the cost of said contracts shall be in an amount not to exceed \$3,903,000.00, and shall be paid from Federal HOME Grant Fund No. 13 SF 875 and Community Development Block Grant Fund No. 14 SF 024, Request No. 23105.

**Section 4.** That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund No. 14 and to utilize said repayments and other program income in a revolving fund for making additional expenditures under this program.

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

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

**Ord. No. 919-98.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation or construction of low income housing units.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation, or construction of approximately seventy (70) rehabilitated units and thirty (30) new construction units of low income housing.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$2,000,000.00, and shall be paid from Fund Nos. 13 SF 875, Request No. 23106.

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

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

**Ord. No. 920-98.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with the following agencies to provide housing, commercial, industrial and real estate development activities:

**City-wide Development Assistance Program**

Cleveland Neighborhood Development Corporation  
 Cleveland Housing Network: Receivership Project  
 Cleveland Restoration Society  
 Cleveland Tenants Organization  
 Hispanic Business Association  
 Living in Cleveland Center  
 Lutheran Housing Corporation:  
 Tool Loan Program  
 Lutheran Housing Corporation:  
 Furnace Repair Program  
 Neighborhood Housing Services of Cleveland, Inc.  
 United Labor Agency

**CDC Competitive Grant Program**

Amistad Development Corporation  
 Bellaire Puritas Development Corporation  
 Broadway Area Housing Corporation  
 Buckeye Area Development Corporation  
 Burten, Bell, and Carr Development Corporation  
 Clark Metro Development Corporation  
 Collinwood Community Services Center/Collinwood Area Development Corporation  
 Collinwood Village Development Corporation/Waterloo Trade Association  
 Cudell Improvement, Inc.  
 Detroit-Shoreway Community Development Organization  
 Fairfax Renaissance Development Corporation  
 Famicos Foundation  
 Flats Oxbow Association  
 Glenville Development Corporation  
 Historic Gateway Development Corporation  
 Historic Warehouse District Development Corporation  
 Hough Area Partners in Progress, Inc.

Kamms Corner Development Corporation

Midtown Corridor, Inc.

Miles Ahead, Inc.

Mt. Pleasant Now Development Corporation

Nolasco Housing Corporation

Northeast Shores Development Corporation

Northeastern Neighborhood Development Corporation

Ohio City Near West Development Corporation

Old Brooklyn Community Development Corporation

Shaker Square Development Corporation

Slavic Village Broadway Development Corporation

Southeast Improvement Association

St. Clair-Superior Coalition

Tremont West Development Corporation

Union-Miles Development Corporation

Westown Community Development Corporation

**Section 2.** That the cost of said contracts shall be in an amount not to exceed \$2,053,000.00, and shall be paid from Fund Nos. 14 SF 023, and 14 SF 024, Request No. 23110.

**Section 3.** That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional housing, commercial, industrial and real estate development activities.

**Section 4.** That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

**Section 5.** That 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, Finance, Law; Committees on Community and Economic Development, Finance.

**Ord. No. 921-98.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block

Grant float loan in the amount of \$3,500,000.00 for the purchase, rehabilitation or construction of low income rental housing in the City of Cleveland.

**Section 2.** That the contract shall include the requirement that plans for all new housing construction be approved by the ward participating community development corporation (CDC) and that any changes to such plans must be approved by the CDC and the requirement that tenants for housing projects financed through the herein authorized loan shall be chosen from referrals by the CDC to Cleveland Housing Network, where such referrals are provided.

**Section 3.** That the terms of said loan shall be determined by the Director of Community Development in accordance with regulations, state and local law, and said Director is authorized to amend said terms from time to time, as he deems necessary to remain consistent with said laws and regulations.

**Section 4.** That the cost of said contract shall be paid from Fund No. 14 SF810, Request No. 23107.

**Section 5.** That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of said loan. Any security instrument shall be approved by the Director of Law.

**Section 6.** That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in the CDBGfund.

**Section 7.** That the Director of Community Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from the CDBGfund.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction authorized hereunder.

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

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

**Ord. No. 922-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3191 Scranton Road and 2007 - 2009 Buhner Avenue to Mega Church.**

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

Whereas, real property acquired

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 008-11-010 and 008-11-126, as more fully described in Section 2 below, to Mega Church.

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

P. P. No. 008-11-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 12 and 13 in Meyer and Curtiss' Subdivision of part of Original Brooklyn Township Lot No. 72 as shown by the recorded plat in Volume 4 of Maps, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point in the Easterly line of Scranton Road, S.W. being also the Westerly line of Sublot No. 13 at the Northwest corner of a parcel of land deeded to Kari H. and Emma Sommer, by deed dated August 23, 1908 and recorded in Volume 1095, Page 376 of Cuyahoga County Records; thence Easterly along said Sommer's Northerly line and said line produced Easterly to a point in a line which is a continuation Southerly of the Easterly line of a parcel of land conveyed to John J. and Mary E. Sommer, by deed dated January 5, 1903 and recorded in Volume 363, Page 394 of Cuyahoga County Records and deed dated January 3, 1903, and recorded in Volume 372, Page 365 of Cuyahoga County Records; thence Northerly along said continuation of the Easterly line of John J. and Mary B. Sommer's land as aforesaid, to a point 6 feet Southerly from the South east corner of said John J. and Mary B. Sommer's land; thence Westerly along a line parallel with the Southerly line of John J. and Mary S. Sommer's land and 6 feet Southerly therefrom to the Easterly line of Scranton Road, S.W.; thence Southerly along the Easterly line of Scranton Road, about 54 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 008-11-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublots Nos. 12, 13, and 14 in the Meyer and Curtiss Subdivision of part of Original Brooklyn Township Lot No. 72, as shown by the recorded plat in Volume 4, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Southerly line of Buhner Avenue, S.W. 50 feet wide at

the Northeasterly corner of a parcel of land conveyed to Barbara C. Piteo by deed dated May 13, 1947 and recorded in Volume 6278, Page 209 of Cuyahoga County Records; thence Southerly 108.12 feet along the Easterly line of said Piteo's land and the Easterly line of a parcel of land conveyed to Steve and Katie Novak by deed dated, May 17, 1919 and recorded in Volume 2163, Page 452 of Cuyahoga County Records to the Southeasterly corner of said Novak's land; thence Westerly 35.90 feet along the Southerly line of said Novak's land to the Northeasterly corner of a parcel of land conveyed to August and Hanna Fisher by deed dated October 23, 1917 and recorded in Volume 1977, Page 21 of Cuyahoga County Records; thence Southerly 40.00 feet along the Easterly line of said Fisher's land to the Southwesterly corner thereof, said point also being the Southerly line of Sublot No. 13; thence Easterly 89.77 feet along the Southerly line of Sublots Nos. 13 and 14 to the Southwesterly corner of a parcel of land conveyed to Glenn C. and Julia K. Cline by deed dated March 25, 1951 and recorded in Volume 7233, Page 575 of Cuyahoga County Records; thence Northerly 61.82 feet along the Westerly line of said Cline's land to a point; thence Westerly 25.02 feet parallel with the Southerly line of Buhner Avenue to a point; thence Northerly 7.30 feet parallel to said Cline's Westerly line to a point; thence Westerly 16.35 feet parallel with said Southerly line of Buhner Avenue to a point; thence Northerly 79.00 feet parallel with said Cline's Westerly line to a point in said Southerly line of Buhner Avenue; thence Westerly 9.50 feet along said Southerly line of Buhner Avenue to the place of beginning.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

**Ord. No. 923-98.**  
By Councilmen Willis, Jackson, Rybka and Johnson (by departmental request).

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11131, 11133, 11135, 11119, 11121 and 11123 Superior Avenue to Rayjon Incorporated.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 109-24-020 and 109-24-021, as more fully described in Section 2 below, to Rayjon Incorporated.

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

P. P. No. 109-24-020  
Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 2 and the Easterly 5-18/100 feet front and rear of Sublot No. 1 in A.J. Marsh's Subdivision of part of Original One Hundred Acre Lot Nos. 379 and 387, as shown by the recorded plat of said allotment in Volume 21 of Maps, Page 3 of Cuyahoga County Records, and being 40-18/100 feet front on the Northerly side of Superior Avenue, N.E., and extending back of equal width 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement contained in the instrument dated February 12, 1907 and recorded in Volume 1050, Page 274 of Cuyahoga County Records affecting premises described in Schedule A.

Recital of Easement contained in the instrument dated May 5, 1976 and recorded in Volume 14242, Page 621 of Cuyahoga County Records affecting premises described in Schedule A.

Subject to Zoning Ordinances, if any.

P. P. No. 109-24-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 1 in A.J. Marsh's Subdivision of part of Original One Hundred Acre Lot Nos. 379 and 387, as shown by the recorded plat in Volume 21 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Being on the Northerly side of Superior Avenue, N.E., (formerly Superior Street) at the Southwesterly corner of said Sublot No. 1; thence Easterly along the Northerly line of Superior Avenue, N.E., 38 feet to the Southwesterly corner of land conveyed by Carrie Baisch single to Frederick W. Warlow by deed dated February 12, 1907 and recorded in Volume 1050, Page 274 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to said Frederick W. Warlow 120 feet to the Northerly line of said Sublot; thence Westerly along the Norther-

ly line of said Sublot, 38 feet to the Northwesterly corner of said Sublot; thence Southerly along the Westerly line of said Sublot, 120 feet to the place of beginning.

Sublot to a common driveway recorded in Volume 4658, Page 483 of Cuyahoga County Records.

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. 924-98.**

By Councilmen White and Johnson (by departmental request).

**An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Titles II and III of the Job Training Partnership Act; to appropriate such funds to provide for administration of the JTPA program by the Department of Personnel and Human Resources; authorize funds for food and beverages for meetings of the Private Industry Council of Cleveland and for the annual Fortitude Award Ceremony; and enter into various contracts for training services for the disadvantaged and employment and training assistance for dislocated workers.**

Whereas, the Job Training Partnership Act of 1982, Public Law 97-300, as amended by the Job Training Reform Amendments of 1992, Public Law 102-367, ("JTPA"), is a New Federalism program, the purpose of which is to "... establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the workforce and enhancing the productivity and competitiveness of the Nation"; and

Whereas, in accordance with the JTPA, the Governor of the State of Ohio has designated service delivery and substate areas for the JTPA throughout Ohio and the Governor has designated the geographic boundaries of the City of Cleveland ("City") as a Service Delivery Area ("SDA") and Substate Area ("SSA") No. 20; and

Whereas, in accordance with the agreement required by the JTPA and approved by the Governor, for the JTPA Program Years ("PY") '98 and '99, for the period July 1, 1998 through June 30, 2000, between the Chairman of the Private Industry Council of Cleveland ("PICC") and the City, the City has been designated the JTPA grant recipient and administrative entity; and, substate grantee in SDA/SSA No. 20; and

Whereas, the Secretary of the United States Department of Labor has issued allotments of the JTPA funds to the Ohio Bureau of Employment Services which has issued allocations under the JTPA Titles II and III to the City for PY '98, subject to approval of the comprehensive job training and substate plan; and

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

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

**Section 1.** That the Director of Personnel and Human Resources is hereby authorized to accept the following allocations of grants from the State of Ohio Bureau of Employment Services under the JTPA, Title II-Training Services For The Disadvantaged, and Title III - Employment and Training Assistance for Dislocated Workers, for the delivery of allowable program services to eligible individuals, and to credit said grants to the fund and subfunds designated herein:

GRANT NAME	FUND	AMOUNT
Title II Part A 77% Adult Training Program	15 SF 081	\$ 3,839,827.00
Title II Part A 5% Services For Older Individuals	15 SF 082	250,632.00
Title II Part C 8% State Education Coordination and Grants	15 SF 086	366,663.00
Title II Part C 82% Youth Training Program	15 SF 085	542,764.00
Title II Part B Summer Youth Employment and Training Program	15 SF 084	4,409,734.00
Title III Employment and Training Assistance for Dislocated Workers	15 SF 083	\$ 1,291,597.00
	TOTAL	\$10,701,217.00

The Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grant.

**Section 2.** That the following sums from each grant specified in Section 1 herein are hereby appropriated as follows to provide for administration of the JTPA program:

A. <u>Adult Training Program</u>		
Personnel and Related Expenses	.....	\$ 1,400,000.00
Other Expenses	.....	\$ 2,439,827.00
	Total	\$ 3,839,827.00
B. <u>Services for Older Individuals</u>		
Personnel and Related Expenses	.....	\$ 65,064.00
Other Expenses	.....	\$ 185,568.00
	Total	\$ 250,632.00
C. <u>State Education Coordination and Grants</u>		
Personnel and Related Expenses	.....	\$ 69,996.00
Other Expenses	.....	\$ 296,667.00
	Total	\$ 366,663.00
D. <u>Youth Training Program</u>		
Personnel and Related Expenses	.....	\$ 114,276.00
Other Expenses	.....	\$ 428,488.00
	Total	\$ 542,764.00
E. <u>Summer Youth Employment and Training Program</u>		
Personnel and Related Expenses	.....	\$ 522,067.00
Other Expenses	.....	\$ 3,887,667.00
	Total	\$ 4,409,734.00
F. <u>Employment and Training Assistance For Dislocated Workers</u>		
Personnel and Related Expenses	.....	\$ 337,639.00
Other Expenses	.....	\$ 953,958.00
	Total	\$ 1,291,597.00

**Section 3.** That the Director of Personnel and the Human is hereby authorized to expend funds to provide food and beverages during meetings of the Private Industry Council of Cleveland and during the annual Fortitude Award Ceremony, in an amount not to exceed Six Thousand Dollars (\$6,000.00) during the period July 1, 1998 to June 30, 1999.

**Section 4.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts for Training Services for the Disadvantaged, pursuant to JTPA Title II and Employment and Training Assistance for Dislocated Workers, pursuant to JTPA Title III for Central Services with the following service deliverers:

Basic Readjustment and Retraining Services:  
United Labor Agency, Inc.

Professional Legal Services:  
David G. Hill and Associates, Co., L.P.A.

Supportive Services:  
Towards Employment, Inc.

That the cost of the contracts authorized in this section shall not exceed an aggregate amount of One Million Five Hundred Ninety Four Thousand Nine Hundred Fifty Eight Dollars (\$1,594,958.00).

**Section 5.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following educational institutions: American Red Cross, Board of Education of the Cleveland City School District, Borman Enterprises Inc. dba Cleveland Industrial Training Center, Breakwall Corporation dba Total Technical Institute, Inc., The Brentley Institute, Inc., Bryant & Stratton Business Institute, Cleveland Institute of Dental-Medical Assistants, Cuyahoga Community College, King College of Business, Inc. dba Sawyer College of Business, Meadowmark Computer Training, Inc., Modern Secretary, Inc. dba Sawyer College of Business, and West Side Institute of Technology. That the cost of the contracts in this section shall not exceed an aggregate amount of One Million One Hundred One Thousand One Hundred Ninety One Dollars (\$1,101,191.00).

**Section 6.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers for delivery of the activities listed below:

(A) for Basic Education Skills, Remedial Education, and GED Preparation Training Activities:  
The Merrick House  
MetroHeath Medical Center

(B) for Customized Occupational Skills Training Activities:  
The Bridge Foundation  
Center For Employment Training-Cleveland  
M.B.M. Equipment  
PREP, Inc.

(C) for Job Search Assistance:  
West Side Ecumenical Ministry

That the cost of the contracts authorized in this section shall not exceed an aggregate amount of Seven Hundred Thirty Thousand Dollars (\$730,000.00).

**Section 7.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the Board of Education of the Cleveland City School District and Youth Opportunities Unlimited for delivery of State Education Coordination School-To-Work Transition Assistance activities. That the cost of the contracts authorized in this section shall not exceed an aggregate amount of Two Hundred Ninety Six Thousand Six Hundred Sixty Seven Dollars (\$296,667.00).

**Section 8.** That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service delivers for the delivery of the Summer Youth Employment and Training Program, Title II Part B:

(A) for Central Services:  
Board of Education of the Cleveland City School District

(B) for Educational and Work Experience Services:  
Board of Education of the Cleveland City School District  
Cleveland Public Theatre  
The Phillis Wheatley Association  
Urban League of Greater Cleveland  
Youth Opportunities Unlimited

That the cost of the contracts in this section shall not exceed an aggregate amount of Three Million Eighty Seven Thousand Six Hundred Sixty Seven Dollars (\$3,087,667.00).

If any supplemental allocation of grant funds are allocated to the City and are accepted by ordinance, the Director of Personnel and Human Resources is authorized to increase the amounts to be paid to the service providers identified in this Section 8 as necessary to effectively operate the program. The Director is authorized to amend any contracts entered into pursuant to this Section 8 in order to obtain additional services and to increase the amounts of such contracts as a result of such supplemental allocations.

**Section 9.** That the cost of the contracts and amendments authorized above will be paid from Fund Nos. 15 SF 081, 20 SF 082, 15 SF 086, 15 SF 085, 15 SF 084 and 15 SF 083.

**Section 10.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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



**Ord. No. 925-98.**

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

**An emergency ordinance authorizing the Directors of Economic and Community Development to enter into various agreements relating to the provision of economic development financial assistance for the rehabilitation and redevelopment of the Colonial and Euclid Arcades (the "Project"); authorizing the Mayor and/or the Director of Economic Development to apply for and accept loan and grant funds from the United States Department of Housing and Urban Development ("HUD") and to enter into agreements for the lending of such funds; authorizing the Commissioner of Purchases and Supplies to acquire title to certain property in the Euclid/Prospect Community Development Plan Area and to reconvey title to such property to those parties from whom it was acquired to effectuate the public purpose of the Plan and the Project; and authorizing the execution of various contracts, certifications, and other documents related thereto.**

Whereas, the Euclid/Prospect Community Development Plan, approved and adopted by the Council of the City of Cleveland by Ordinance No. 2606-81, passed December 14, 1981 as amended by Ordinance No. 1766-87, passed November 16, 1987, and as further amended by Ordinance No. 2317-92, passed December 14, 1992, (the "Plan"), contemplates certain rehabilitation and/or redevelopment activities in the Euclid/Prospect Community Development Plan Area in accordance with the Plan; and

Whereas, Arcades Retail Garage, LLC has submitted a proposal for the rehabilitation and redevelopment of the properties commonly known as the Colonial and Euclid Arcades, which proposed redevelopment provides the best use and best carries out the intent of the Plan; and

Whereas, the acquisition, conveyance, and redevelopment of the Colonial and Euclid Arcades has been determined to be a satisfactory and desirable method for the elimination of blight and the prevention of the recurrence of blight in the Euclid/Prospect Community Development Plan Area; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety in that the authorization of agreements with Arcades Retail Garage, LLC is necessary so that steps can be undertaken immediately to eliminate conditions of blight and deterioration and to achieve a redevelopment which will prevent the recurrence of blight and deterioration in the Euclid/Prospect Community Development Plan Area; now, therefore,

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

**Section 1.** That proposal of Arcades Retail Garage, LLC (hereinafter the "Redeveloper") for the acquisition, conveyance, and redevelopment of the properties commonly known as the Colonial and Euclid Arcades in the Euclid/Prospect Community Development Plan Area is hereby approved.

**Section 2.** That the Director of Economic Development is hereby authorized to enter into a contract with Redeveloper to provide economic development assistance for the rehabilitation and/or redevelopment of the Colonial and Euclid Arcades located at 530 Euclid Avenue, Cleveland, Ohio and as further described in File No. 925-98-A (the "Project"). The costs of said Project shall not exceed Five Hundred Thousand Dollars (\$500,000) and shall be paid from Fund No. 17 SF 008, Request #24278.

**Section 3.** That the Director of Community Development is hereby authorized to enter into a Community Development Float Loan Agreement with Redeveloper to provide economic development loan assistance (the "Float Loan") for construction of the Project in an amount not to exceed Two Million Six Hundred Forty-One Thousand Five Hundred Dollars (\$2,641,500). The initial term of said Float Loan shall be for a period of one (1) year, and said Float Loan may be renewed by the Director of Community Development for one (1) additional year and for one (1) additional six (6) month period for a total period not to exceed thirty (30) months. Interest shall be paid on said Float Loan at the rate of two percent (2%) per annum. The costs of the Float Loan shall be paid from Fund No. 14 SF 810, Request No. 23108.

**Section 4.** That the Directors of Community Development and/or Economic Development are hereby authorized to apply for and accept from the United States Department of Housing and Urban Development ("HUD") a HUD Section 108 grant and/or loan in the amount of Two Million Eight Hundred Ninety Thousand Dollars (\$2,890,000) for the purposes set forth in the executive summary contained in File No. 925-98-A, and such funds are hereby appropriated for the purposes described in said executive summary. Upon receipt of said Section 108 grant and/or loan the Directors of Community and/or Economic Development are authorized to enter into one or more contracts for financial assistance for the Project in an amount not to exceed the funds received pursuant to the City's application. The costs of said contract shall not exceed the proceeds received pursuant to this section, and shall be paid from the fund or funds to which are credited such proceeds.

**Section 5.** That the terms of the loans described and authorized herein shall be in accordance with the executive summary contained in File No. 925-98-A, and shall be in accordance with applicable federal, state, and local laws and regulations together with such other terms as the Director shall deem necessary and appropriate to effectuate the intent of the Project.

**Section 6.** That the Directors of Economic and/or Community Development are hereby authorized to accept such collateral as such Directors shall deem necessary and/or appropriate to secure repayment of said loans, and any security interests or other documents related thereto shall be prepared and approved by the Director of Law.

**Section 7.** That the Director of Economic Development is hereby authorized to accept monies in

repayment of the loans authorized and described in Sections 2 and 3 hereinabove and to deposit said monies in Fund Nos. 17 SF 006, and 14 SF 810, respectively, and the fees from the loan authorized and described in Section 4 shall be deposited in a fund to be established for such purpose.

**Section 8.** That the Directors of Economic Development and Community Development are hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under applicable federal regulations and to expend such fees to cover costs incurred in the preparation of loan documents, closing and servicing costs, and other expenses related to the Project. Such fees for the loans authorized in Sections 2 and 4 shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund, and such fees from the loan authorized in Section 3 shall be deposited to and expended from Fund No. 14.

**Section 9.** That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, as amended, the Commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Project as more fully described in File No. 925-98-A and to subsequently reconvey title to such property to those parties from whom it was acquired, to comply with the requirements of Section 5709.41(B)(1) of the Ohio Revised Code, provided that the consideration for such conveyances shall be nominal consideration as determined by the Board of Control. The Mayor and Commissioner of Purchases and Supplies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

**Section 10.** That the agreements authorized pursuant to this Ordinance shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary or appropriate to protect the City's interest.

**Section 11.** That the Mayor, the Directors of Law, Finance, Community Development, and Economic Development are hereby authorized to execute such certifications and documents and to take such other actions as may be necessary or appropriate to carry out the terms of the agreements authorized in this Ordinance.

**Section 12.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

**Section 13.** That this Ordinance is hereby declared to be an emergency measure, and, provided it receives the affirmative vote of two-thirds (2/3) of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 926-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Zarembo Midtown, LLC to provide economic development assistance to partially finance the acquisition of the Bearings Building and construction of a new commercial office building, located at 3634 Euclid Avenue, Cleveland, Ohio.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with Zarembo Midtown, LLC to provide economic development assistance to partially finance the acquisition of the Bearings Building and construction of a new commercial office building, located at 3634 Euclid Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 926-98-A.

**Section 3.** That the costs of said contract shall not exceed \$3,000,000 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23756.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

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

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

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

**Ord. No. 927-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a project agreement with Courthouse Towers, Inc. for the acquisition, clearance and redevelopment of certain lands in the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area.

Whereas, the Council of the City of Cleveland by Ordinance No. \_\_\_\_\_, passed \_\_\_\_\_, approved and adopted the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan dated June, 1998, (the "Plan"), for the plan area designated and described in said Plan (the "Plan Area"); and

Whereas, the Plan established an action area for a portion of the Plan Area (the "Action Area") to achieve some of the following purposes: public or private land acquisition, public or private demolition or redevelopment of structures, public or private site improvements, or any combination of these purposes; and

Whereas, Courthouse Towers, Inc., has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving some of the purposes for the Action Area as described in the Plan; and

Whereas, this ordinance constitutes an emergency measure providing for the public property, health or safety, in that the authorization of a project agreement with Courthouse Towers, Inc., will achieve certain purposes for the Action Area as described in the Plan; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development is authorized to enter into and execute a project agreement for and on behalf of the City of Cleveland with Courthouse Towers, Inc., (the "Redeveloper") for the acquisition, disposition and private redevelopment for a portion of the Action Area in accordance with the provisions of the Community Development Plan ("the Plan").

**Section 2.** That the project agreement authorized by Section 1 shall include without limitation the following terms and conditions:

(a) an agreement by the City of Cleveland to acquire that property within the Action Area which cannot be privately acquired in a timely fashion through reasonable negotiations;

(b) an agreement by the City of Cleveland to convey, by official deed or deeds, within the Action Area, certain property more fully described in Section 3 of this ordinance; provided that the deed or deeds shall contain such restrictive covenants, reversionary interests or similar provisions as may, in the judgment of the Director of Economic Development, be required to insure the elimination within the Action Area of conditions of blight and deterioration and for the prevention of recurrence of said conditions;

(c) a commitment by the Redeveloper to comply with all Federal and state real property acquisition requirements, including without limitation relocation assistance, to the extent Federal or state funding is usual for acquisition;

(d) a commitment by the Redeveloper to pay all costs of real property acquisition within the Action Area;

(e) a commitment by the Redeveloper to pay all costs of demolition required to develop the Action Area in accordance with the Plan; and

(f) such other requirements as the Director of Economic Development may deem necessary to protect the interests of the City of Cleveland.

**Section 3.** That the property to be conveyed to the Redeveloper pursuant to the project agreement is described as follows:

Permanent Parcel No. 101-08-004

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Two Acre Lot No. 7, further described as follows:

All of that parcel of land bounded on the Southeast by the Northwestern line of West Lakeside Avenue, N.W. (99 feet wide); on the Northeast by a parcel conveyed to 310 West Lakeside Avenue Partnership by deed dated May 22, 1996 and recorded in Volume 96-4728, Page 43 of Cuyahoga County Records, and by a parcel conveyed to Worldcom Network Services by deed dated May 15, 1997 and recorded in Volume 97-4475, Page 12 of Cuyahoga County Records; on the Southwest by a parcel of land conveyed to Lakeside Avenue Partnership by deed dated May 3, 1988 and recorded in Volume 88-1922, Page 49 of Cuyahoga County Records, and by a parcel conveyed to the Cuyahoga County Board of Commissioners by deed dated May 20, 1933; and on the Northwest by said parcel conveyed to the Cuyahoga County Board of Commissioners.

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

**Section 4.** That this Council finds the conveyance to the Redeveloper of the property described in Section 3, for the purposes of redevelopment, constitutes a public use of said property.

**Section 5.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 3 of this ordinance at a price not less than the fair reuse value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

**Section 6.** That the conveyance to the Redeveloper shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

**Section 7.** That the Mayor, the Director of Economic Development, the Director of Law, and such appropriate City officials are authorized to execute such certifications and documents, and take such other actions as may be necessary or appropriate in connection with carrying out the terms of the project agreement and the activities contemplated by the Plan.

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

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

**Ord. No. 928-98.**

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

**An emergency ordinance authorizing the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Community Development Plan for the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Plan Area and for the Action Area therein; and making certain findings and determinations in connection therewith.**

Whereas, a proposed community development plan, designated the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Community Development Plan, dated June, 1998, (the "CD Plan"), for the plan area designated and described in said CD Plan (the "Plan Area"), has been prepared and submitted to Council and which CD Plan includes the area described and designated therein as the Action Area (the "Action Area") and which Plan contemplates certain activities and treatment for the elimination of conditions of blight and deterioration and for the prevention of recurrence thereof within the Plan Area; and

Whereas, the City Planning Commission has found and determined that the Plan Area is a blighted and deteriorated area within the meaning of Section 313.02 of the Codified Ordinances of the City of Cleveland, such findings of the City Planning Commission being based on a document entitled "The Warehouse District Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Survey Area" ("the Survey") with respect to the Plan Area; and the City Planning Commission further found and determined based on the Survey that the Action Area is a blighted and deteriorated area within the meaning of Section 313.02 of said Codified Ordinances; and

Whereas, pursuant to notice duly given, the City Planning Commission held a public hearing on the Plan, which Plan includes the Action Area, and has approved such CD Plan; and

Whereas, the CD Plan amends and supercedes any previously adopted plan with respect to the Plan Area; and

Whereas, the Survey, the CD Plan dated June, 1998, and the City Planning Commission findings and related materials have been presented to this Council, and are set forth in File No. 928-98-A, and oral reports and testimony thereon have been presented by City staff, and Council has been apprised of the facts, conditions, structural deficiencies, and blighted

influences pertaining to the Plan Area and the Action Area, including the existence of a majority of structures therein which are blighted due to one or more of the following factors: structural deficiencies, deterioration, dilapidation, obsolescence, nonconformities with modern code requirements relating to building or fire protection, existing conditions therein endangering life and property by fire or other causes, or other conditions which are detrimental to the public health, safety, morals and general welfare; and

Whereas, this Council has determined that it shall be City policy that specific "Action Areas," with defined boundaries, within community development plan areas will be established by the City when the City has determined that the presence of blight, and the possible recurrence of blight, can be prevented through City or private maintenance, rehabilitation or redevelopment; and

Whereas, the CD Plan contemplates general measures to eliminate such conditions of blight and deterioration from the Plan Area; and the Action Area portion of the Plan contemplates specific measures to eliminate such conditions of blight and deterioration from the Action Area by providing for the maintenance, rehabilitation, or clearance and redevelopment of structures on the property comprising the area described in said Action Area, pursuant to the CD Plan standards; and

Whereas, for the foregoing reasons, Council has determined that the Plan for the Action Area, and the implementation of the measures therein set forth will be in the best interests of the citizens of the City and will provide for the general health, safety and welfare of the City; and

Whereas, this ordinance constitutes and emergency measure providing for the immediate preservation of the public property, health and safety in that approval of the CD Plan for the Action Area is necessary in order that steps can be immediately undertaken to eliminate conditions of blight and deterioration in the Plan Area; now, therefore,

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

**Section 1.** That based upon the facts and conditions concerning blight and deterioration contained in said Survey and the findings and reports hereinabove referenced, it is hereby found and determined that the area described as the Community Development Plan Area in the following description is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of the City of Cleveland:

Main Avenue/West Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area and Action Area

Beginning on the centerline of West 3rd Street at its intersection with the centerline of West Lakeside Avenue;

Thence Northerly along the centerline of West 3rd Street to its intersection with the centerline of Summit Avenue, so called;

Thence in a general Westerly direction along the centerline of Summit Avenue, so called, to its intersection with the centerline of West 9th Street;

Thence Southerly along the centerline of West 9th Street to its intersection with the centerline of West Lakeside Avenue;

Thence Easterly along the centerline of West Lakeside Avenue to the place of beginning.

**Section 2.** That, based upon the facts and conditions concerning blight and deterioration contained in said Survey and the findings and reports hereinabove referenced, it is hereby found and determined that the area described as the Action Area which is equal to and the same as the boundary described as the Plan Area, is a blighted and deteriorated area and meets the requirements of Section 313.02 of the Codified Ordinances of Cleveland, Ohio, 1976, notwithstanding and as an exception to certain notice requirements of Section 315.03 of said Codified Ordinances.

**Section 3.** That the aforesaid Survey, findings and reports concerning the facts and conditions concerning blight and deterioration in the Plan Area and Action Area are hereby accepted, and this Council hereby finds that the public actions and policies proposed and contemplated by the CD Plan are necessary and appropriate in order to eliminate the conditions of blight and deterioration, and prevent the recurrence thereof; and that the CD Plan for the Plan Area and the Action Area are hereby approved as a Community Development Plan within the meaning of, and for the purposes of the Community Development Code of the City of Cleveland and the procedures followed for preparation and approval of such plan and hearing thereof are hereby approved, and it is hereby found and determined that the CD Plan conforms to and is in compliance with the applicable provisions of the Codified Ordinances of Cleveland.

**Section 4.** That, notwithstanding and as an exception to Section 317.03 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the CD Plan will afford maximum opportunity consistent with the sound needs of the City as a whole for redevelopment of the Plan Area and Action Area; that the Plan gives the due consideration to the provision of adequate open space, park and recreational areas appropriate to the area and the Plan is in conformity with the general plan of the City and the workable program for community improvements of the City.

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

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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 929-98.**

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

**An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of portions of the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.**

Whereas, the maintenance of trees in the downtown area of the City of Cleveland involves special costs due to adverse natural conditions; and

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of the downtown area of the City of Cleveland during the 1999-2000 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, creating or excavating cutouts for shade trees and other related activities in and along the streets of the downtown area of the City of Cleveland during a 12-month period beginning during 1999 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council 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 is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants thereof to control the blight and disease of shade trees within public rights of way by removing, planting, trimming, watering and creating or excavating cut-outs for shade trees, and other related activities (collectively, "Tree Maintenance") in and along the streets of a portion of the downtown area of the City of Cleveland for a 12-month period beginning during 1999.

**Section 2.** That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1999-2000 Tree Maintenance District" which shall include all territory within the following boundaries:

**BOUNDARIES OF TREE  
MAINTENANCE DISTRICT**

Beginning on the centerline of the Conrail Railroad right-of-way at its intersection with the Northerly prolongation of the centerline of West 10th Street;

Thence Southerly and Southeast-ly along the Northerly prolongation and the centerline of West

10th Street to its intersection with the centerline of Superior Avenue N.W.;

Thence Easterly along the centerline of Superior Avenue N.W.; to its intersection with the Northerly prolongation of the Easterly right-of-way line of Columbus Road N.W.;

Thence Southerly along said Northerly prolongation and the Easterly right-of-way line of Columbus Road N.W. and its Southerly prolongation to its intersection with the centerline of the Cuyahoga River;

Thence Easterly and Southeast-ly along the centerline of the Cuyahoga River to its intersection with the Southwesterly prolongation of the Southerly line of Huron Road, S.E.;

Thence Northwesterly along the Southwesterly prolongation and Southerly right-of-way line of Huron Road S.E. to its intersection with the most Southerly right-of-way line of Prospect Avenue S.E.;

Thence Southeast-ly along the most Southerly right-of-way line of Prospect Avenue S.E. to its intersection with the centerline of East 18th Street;

Thence Northerly along the centerline of East 18th Street and along its Northerly prolongation to its intersection with the centerline of said Conrail right-of-way;

Thence Westerly along said centerline of the Conrail right-of-way to its intersection with the Northerly prolongation of the centerline of West 10th Street and the place of beginning.

**Section 3.** That the plans, specifications and profiles for said Tree Maintenance, at the estimated cost of \$167,580.00, heretofore prepared and placed in File No. 929-98-A in the Office of the Clerk of Council, are hereby approved.

**Section 4.** That the entire cost of such Tree Maintenance in the 1999-2000 Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1999-2000 Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

**Section 5.** That the assessments to be levied shall be payable in cash within thirty (30) days after passage of the City's ordinance of assessment or at the option of the owner in one (1) annual installment. All cash payments remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 6.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessment.

**Section 7.** That the Commissioner of Assessments and Licenses has prepared and filed in the Office of the Clerk of Council and placed in the File referenced in Section 3 of this ordinance an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed based upon the estimated cost of the Tree Maintenance which is now on file in the Office of the Clerk of Council.

**Section 8.** The Commissioner of Assessments and Licenses is directed to cause notice of passage of this resolution and of the filing of the estimated assessment to be served on the owners of all lots and lands to be assessed, as provided by law.

**Section 9.** 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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Res. No. 930-98.**

**By Councilmen Patmon and Johnson (by departmental request).**

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

Whereas, pursuant to Article XVIII of Constitution of the State of Ohio and the Charter of the City of Cleveland, this Council (the "Governing Body") has therefore duly passed an ordinance (the "Series I and Series 2002 Bond Legislation") authorizing, among other things, the issuance by the City of Cleveland (the "Issuer") of Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998 (the "Series I Bonds") in an aggregate principal amount not to exceed \$155,000,000 with respect to Bonds for new improvements, and in an aggregate principal amount not to exceed \$200,000,000 with respect to

Refunding Bonds (except, in each case, in the event that any Series I Bonds are to be offered at an original issue discount), and further authorizing a Ninth Supplemental Indenture of Mortgage (the "Ninth Supplemental Mortgage") to secure the Series I Bonds on a parity with the Issuer's Waterworks Improvement First Mortgage Revenue Bonds, Series A, 1977, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series D, 1986, its Waterworks Improvement First Mortgage Revenue Bonds, Series E, 1987, its Waterworks Improvement First Mortgage Revenue Bonds, Series F, 1992, its Waterworks Improvement First Mortgage Refunding Revenue Bonds, Series G, 1993 and its Waterworks Improvement and Refunding First Mortgage Revenue Bonds, Series H, 1996 that are Outstanding under the Mortgage, as defined in the Series I and Series 2002 Bond Legislation, and to further amend and supplement the Indenture of Mortgage, dated as of November 1, 1977 (the "Original Mortgage"), between the Issuer and National City Bank, Cleveland, Ohio, as Trustee (the "Trustee"), as amended and supplemented; and

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

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

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

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

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

**Section 2. Award of Series I Bonds.** The Series I Bonds are hereby awarded to the Original Purchasers on terms to be set forth in the Series I Bond Purchase Agreement in accordance with the Mort-

gage, the Series I and Series 2002 Bond Legislation and the Series I Resolution of Award.

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

(a) the aggregate principal amount of the Series I Bonds;

(b) the date or dates of the Series I Bonds;

(c) the Purchase Price;

(d) whether any Series I Bonds are subject to optional redemption prior to maturity and the Earliest Optional Redemption Date for any such Series I Bonds;

(e) the Redemption Prices;

(f) the Principal Retirement Dates;

(g) the Term Maturity Dates;

(h) the Mandatory Redemption Dates;

(i) the Principal Retirement Schedule, including the amount of any Sinking Fund Installment to be paid on any Mandatory Redemption Date;

(j) the Specified Interest Rates;

(k) the Paying Agent;

(l) the Redemption Date; and

(m) the Refunded Bonds, if any.

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

**Section 4. Series I Bond Purchase Agreement.** The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series I Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series I Bond Purchase Agreement shall incorporate the terms of the Series I Bonds as determined pursuant to the Series I and Series 2002 Bond Legislation and the Series I Resolution of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series I Bonds, including, without limitation any conditions relating to the obtaining of a credit enhancement facility (including any insurance policy) to enhance the security of the Series I Bonds, the obtaining of which credit enhancement facility the officers executing the Series I Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in the

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

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

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

**Section 7. Findings and Recitals of Validity.** The Issuer hereby determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Series I Bonds in

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

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

**Section 9. Effective Date.** This Series I Resolution of Award is declared to be an emergency measure for the reasons set forth in the preambles of this Series I Resolution of Award, which are made a part hereof, and, provided that this Series I Resolution of Award receives the affirmative vote of two-thirds of all members elected to this Governing Body, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

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

**Res. No. 931-98.**

**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency resolution to provide for the issuance and sale of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 (except in the event that any Series 2002 Bonds are to be offered at an Original Issue Discount); to award the Series 2002 Bonds to Original Purchasers thereof; to prescribe the form and content and authorize the execution and delivery of a Series 2002 Bond Purchase Agreement; to authorize a Series 2002 Certificate of Award fixing the principal amount, date, interest rates, maturities, redemption provisions and other terms, provisions and details of the Series 2002 Bonds subject to the restrictions set forth in the Series I and Series 2002 Bond Legislation; to determine certain other matters required to be determined herein by the Series I and Series 2002 Bond Legislation; and declaring and emergency.**

Whereas, pursuant to Article XVIII of Constitution of the State of

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

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

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

Whereas, this Series 2002 Resolution constitutes an emergency measure, providing for the immediate preservation of the public property, health and safety, and for the further reason that this Series 2002 Resolution is required to be immediately effective to permit the issuance and sale of the Series 2002 Bonds which is necessary to enable the Issuer to obtain debt service savings for the benefit of its Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Definitions.** All words and terms defined in the Series I and Series 2002 Bond Legislation, whether

so defined therein directly or by reference to the Original Mortgage as amended and supplemented, shall have the same meanings herein.

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

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

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

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

**Section 4. Series 2002 Bond Purchase Agreement.** The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 2002 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 2002 Bond Purchase Agreement shall incorporate the terms of the Series 2002 Bonds as determined pursuant to the Series I and Series 2002 Bond Legislation and the Series 2002 Resolution of Award and shall set forth the date, location, procedure and conditions

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

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

**Section 6. Open Meeting Determination.** It is found and determined that all formal actions of this Governing Body concerning or relating to the adoption of this Series 2002 Resolution were adopted in an open

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

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

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

**Section 9. Effective Date.** This Series 2002 Resolution is declared to be an emergency measure for the reasons set forth in the preambles of this Series 2002 Resolution, which are made a part hereof, and, provided that this Series 2002 Resolution receives the affirmative vote of two-thirds of all members elected to this Governing Body, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

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

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

**Ord. No. 888-98.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Lexington Avenue to Ivan Gadson.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 104-21-005, 104-21-006 and 104-21-007 (western half), as more fully described in Section 2 below, to Ivan Gadson.

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

P.P. No. 104-21-005, 104-21-006 and western half of 104-21-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublots Nos. 43, 45 and Northwesterly part of Sublot No. 47 in the Luther and Arvilla Moses' Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records.

Beginning at a monument at the intersection of the centerline of Lexington Avenue (60' wide) and the centerline of East 65th Street (60' wide) thence due West along said center line of Lexington Avenue 554.34 feet to a point therein; thence South 0° 00' 39" East, 30 feet to the Northwest corner of Sublot No. 43 and the principle place of beginning, thence continuing South 0° 0' 39" East 99.45 feet along the Westerly line of Sublot No. 43 to the Northwesterly corner of a parcel of land conveyed to the City of Cleveland by deed dated January 9, 1996 and recorded Volume 96-00190, Page 35 of Cuyahoga County Records.

Thence North 89° 58' 42" East along the Northerly line of said parcel, its Easterly prolongation and the Northerly line of a parcel of land conveyed to the City of Cleveland by deed dated June 27, 1979 and recorded in Volume 15454, Page 311 of Cuyahoga County Records, 100.09 feet to a point therein.

Thence North 0° 03' 07" West 99.42 feet to the Southerly right of way of Lexington Avenue.

Thence due West along said right of way 100.02 feet to the principal place of beginning and containing therein 9948.79 square feet, be the same more or less, but subject to all legal highways.

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

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and

shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 932-98.**

**By Councilman Cimperman.**  
**An emergency ordinance authorizing the Director of Public Service to issue a permit to Clean-Land, Ohio to encroach into the public right-of-way of Euclid Avenue from Ontario Street to East 18th Street with eighty-two (82) Planter Boxes.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Clean-Land, Ohio, 1836 Euclid Avenue, Cleveland, Ohio 44115; its successors and assigns; for the construction, use and maintenance of eighty-two (82) Planter Boxes to be placed at locations more fully described as follows:

**CLEAN-LAND, OHIO/PROPOSED ENCROACHMENT AREA FOR PLANTER BOXES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being bounded and described as follows:

The encroachment location for the Planter Boxes will be in Euclid Avenue from Ontario Street to East 18th Street, and said Planter Boxes will not extend more than thirty-two (32) inches into the rights-of-way of Euclid Avenue on both the North and South sides; and of the first eighty-two (82) Planter Boxes to be installed in 1998, the four (4) sizes will be: 60" X 24" X 18" — Quantity = 25; 60" X 24" X 30" — Quantity = 4; 48" X 24" X 18" — Quantity = 15; and 30" X 30" X 24" — Quantity = 38.

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

**Section 3.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 933-98.**

**By Councilman Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Chukwunwike Okoye)**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 5: Chukwunwike Okoye.

**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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 934-98.**

**By Councilman Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Abdollah N. Sharifi)**

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 prereq-

uisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 5: Abdollah N. Sharifi.

**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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 935-98.**

**By Councilman Jackson.**  
**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Anthony Iwenofu)**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; 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 5: Anthony Iwenofu.

**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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 936-98.**

**By Councilman Gordon.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Archwood Denison Concerned Citizens to stretch a banner across Pearl Rd. on the east side of the street and a wooden utility pole on the corner of Archwood and Pearl Rd., for the period from May 27, 1998 to June 9, 1998, inclusive, publicizing the Annual Street Sale/Steepie Climb.**

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 Archwood Denison Concerned Citizens to install, maintain and remove a banner across Pearl Rd. on the east side of the street and a wooden utility pole on the corner of Archwood and Pearl Rd., for the period from May 27, 1998 to June 9, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 940-98.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 13, except in the Central Business District, (Abdollah N. Sharifi)**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council,

expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 13; 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 13, except in the Central Business District: Abdollah N. Sharifi.

**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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Res. No. 937-98.**

**By Councilman Rybka.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 3077 E. 65th St., and repealing Res. No. 385-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 3077 E. 65th St., by Res. No. 385-98, adopted, March 2, 1998; 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 C1 Liquor Permit to 3077 E. 65th St., be and the same is hereby withdrawn and Res. No. 385-98, 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 938-98.**

**By Councilman Cimperman (by departmental request).**

**An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland.**

Whereas, this Council did, on the 15th day of December, 1997, duly adopt Resolution No. 1746-97, declaring therein the necessity of provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland; and

Whereas, pursuant to said resolution, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; 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 Michael Thomas McBride, Curly M. Range and Janice Eaton, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board, and Gladys Faye Callahan be hereby appointed as an alternate member of such assessment equalization in the event one of the aforesaid members are unable to serve, to hear and determine all written objections filed in accordance with law to the estimated assessments heretofore filed with the Clerk of this Council pursuant to Resolution No. 1746-97 of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 1746-97 and by law.

**Section 2.** That the assessment equalization board shall meet at 8:00 o'clock, a.m. on the 5th day of June, 1998, at Cleveland City Hall, 601 Lakeside Avenue, Room 24, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

**Section 3.** That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 939-98.**

**By Councilman Polensek.**

**An emergency resolution withdrawing objection to the transfer of ownership and location of a C2 Liquor Permit to 383 E. 156th St., and repealing Res. No. 379-98, objecting to said transfer of ownership and location.**

Whereas, this Council objected to the transfer of ownership and location of a C2 Liquor Permit to 383 E. 156th St, by Res. No. 379-98, adopted March 2, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; 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 and location of a C2 Liquor Permit to 383 E. 156th St, be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between Councilman Polensek and the permit holder on May 11, 1998, and Res. No. 379-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location 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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 941-98.**

**By Councilman Coats.**

**An emergency resolution urging The Civil Service Commission to amend its rules to define the term "bona fide resident of the City of Cleveland".**

Whereas, Section 74(c) of the Charter of the City of Cleveland and Rule 4.40G of The Rules of the Civil Service Commission of the City of Cleve-

land provide that a person who is a bona fide resident of the City of Cleveland at the time of the filing of his/her application for examination have added to their score ten (10) points, if they passed the exam; and

Whereas, bona fide resident must be defined to mean a person who at the time of the filing of his/her application for an examination has been a resident of the City of Cleveland for at least one (1) year; and

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

Now, therefore, be it resolved by the Council of the City of Cleveland:

**Section 1.** That this Council hereby urges The Civil Service Commission to take whatever action is necessary to define "bona fide resident of the City of Cleveland" as used in Section 74(c) of the Charter of the City of Cleveland and Rule 4.40G of the Rules of The Civil Service Commission to mean a person who has had as his/her primary residence a residence in the City of Cleveland for at least one (1) year at the time of his/her filing an application for examination with said Commission.

**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 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 1.

Those voting yea: Councilmen Cimperman, Cintron, Coats, Jackson, Jones, Lewis, Melena, Moran, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Those voting nay: Councilman Dolan.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 2102-97.**

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

An emergency ordinance determining the method of making the public improvement of constructing terminal and roadway signs at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. In Section 2, at the end, insert the following:

**"In addition, the Director of Port Control shall solicit a proposal from the City of Cleveland sign shop to perform the work in lieu of entering into a public improvement contract."**

2. In Section 1, at the end, insert the following:

**"The Director of Port Control shall incorporate as a part of the making of the public improvement, the design and installation of a minimum of eight (8) kiosks in interna-**

**tional languages, at such locations and containing such languages as are determined by the Director and presented to Council Committee on Aviation within four (4) months of the passage of this ordinance."**

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 304-98.**

By Councilman Jackson.

An emergency ordinance to vacate a portion of Prospect Court S.E. hereinafter described.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 305-98.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 679-97, passed April 21, 1997, relating to vacating a portion of East 174th Street.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 306-98.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 680-97, passed April 21, 1997, relating to vacating a portion of East 174th Street, East 175th Street and Manoa Avenue S.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 359-98.**

By Councilman Jackson.

An emergency ordinance to vacate a portion of Prospect Court S.E. hereinafter described.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 363-98.**

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

An emergency ordinance giving consent of the City of Cleveland for the interim resurfacing of West 140th Street from Puritas Avenue to Lakewood Heights Boulevard; authorizing the Director of Public Service to enter into any agreements relative thereto; to authorize the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for

its portion of said improvements; determining the method of making the above public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 470-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1998 Federal AIDS Prevention Program; and to enter into contract with various entities to implement the program.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 475-98.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1777 Crawford Road and 1790 East 86th Street to Albert L. Owens and Cynthia L. Owens.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 508-98.**

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

An emergency ordinance authorizing the Director of Public Utilities to establish an outdoor residential lighting program, and authorizing the purchase of equipment, labor and materials, and services necessary to implement the program, for the Division of Cleveland Public Power, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In Section 5, line 7, strike "20486" and insert in lieu thereof "22197".

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 510-98.**

By Councilmen Patmon, Zone, Johnson, Polensek and Sweeney (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting

new Section 523.061 thereof, relating to rates, rules and regulations for outdoor residential lighting provided by the Division of Cleveland Public Power, Department of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law Recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In Section 2, at Section 523.061, line 7, after "bill," insert "**for a period of twelve (12) months commencing with the first billing period after installation.**"

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 516-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Bulkey Holdings Incorporated to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 4204 Detroit Avenue, Cleveland, Ohio 44102.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, line 4 and in Section 1, line 2, strike "Bulkey" and insert in lieu thereof "**Bulkley**".

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 546-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for landscape maintenance at various waterworks facilities and work stations, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, strike lines 7 and 8 in their entirety, and insert in lieu thereof "**of Public Utilities.**".

2. In Section 1, lines 4 and 5 and in line 13, strike "two (2) years" and insert in lieu thereof "**one year**".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 547-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the

Division of Water, Department of Public Utilities, for a period not to exceed two years.

Approved by Directors of Public Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance; when amended as follows:

1. In the title, strike lines 8 and 9 in their entirety, and insert in lieu thereof "**Department of Public Utilities.**".

2. In Section 1, lines 4 and 5 and in lines 13 and 14, strike "two (2) years" and insert in lieu thereof "**one year**".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 676-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or its designee, for a term not to exceed seventeen months, for the public purpose of office space for the Division of Information Systems Services.

Approved by Directors of Finance, Law; Recommended by Committee on Finance; when amended as follows:

1. Strike Section 2 in its entirety and insert in lieu thereof the following:

**"Section 2. That the term of the lease authorized hereby shall be five (5) months commencing August 1, 1998 with one option, exercisable by the Director of Finance to renew for a one (1) year term commencing January 1, 1999 upon the same terms and conditions, including rental. The lease shall provide that the City may cancel at any time during the term upon six (6) months' written notice from said Director."**

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 687-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for the operation of the Storefront Renovation Program.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 688-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Department of Community Development; and for reimbursement of non-profit subrecipients for the cost of the audits required by OMB Circular A-133.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 689-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds for administrative expenses of the Code Enforcement and Demolition Programs.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 690-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts to provide for the demolition, removal or the boarding up of structures within the City of Cleveland.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 692-98.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to expend Community Development Block Grant funds for the operation of the Project Clean Program.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 761-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 855-97, passed June 16, 1997, relating to the public improvement of renovating, upgrading or otherwise improving the Convention Center and West Side Market.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; Recommended by Committees on Public Parks, Property, and Recreation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 764-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction

and commercial redevelopment loan programs.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 765-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with the Federation for Community Planning, fiscal agent for the Summer Sprout Program, to operate a community gardening program.

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

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 766-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and the Community Relations Board to expend Community Development Block Grant funds for fair housing services.

Approved by Directors of Community Development, Community Relations Board, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 767-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Approved by Directors of Community Development, Community Relations Board, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 770-98.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1583, 1587, 1591 East 65th Street to Stephen Anthony and Natalie Marie Sangster.

Approved by Directors of Community Development, Community Relations Board, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 774-98.**

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

An emergency ordinance authorizing the sale of real property as part

of the Land Reutilization Program and located at 6301, 6305 and 6309 Quimby Avenue to William Mumford and Morray Mumford.

Approved by Directors of Community Development, Community Relations Board, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 776-98.**

By Councilmen Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept a grant from the Cuyahoga County Planning Commission for the Northeast Ohio Area-wide Coordinating Agency Regional Retail Business Analysis.

Approved by Directors of City Planning, Commission, Finance, Law; Recommended by Committees on City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 820-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of exterminating services, for the Division of Recreation, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 858-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into two concession agreements with Ameritech to provide pay telephones within the right-of-way and to provide pay telephones on City of Cleveland-owned property and City facilities, each for a period of three years with up to a two-year option to renew.

Approved by Directors of Finance, Law; Recommended by Committee on Finance.

The rules were suspended. Yeas 17. Nays 0. Read third time in full. Passed. Yeas 17. Nays 0.

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1269-97.**

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and environmental services necessary to design a security and control system at Cleveland Hopkins International Airport; determining the method of making the above described public improvement; and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 298-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of curb bumpers and plow blades, for the Division of Streets, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 301-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of guard rail elements, posts, end wings, and necessary hardware, for the Division of Streets, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 357-98.**

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

An emergency ordinance giving consent of the City of Cleveland for the resurfacing of Broadway Avenue from I-77 to Orange Avenue and resurfacing and modifying East 30 to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into agreements relative thereto.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 429-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair salt spreaders, inserts and plows, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 430-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic cones and safety drums, for the Division of Streets, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 469-98.**

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

An emergency ordinance determining the method of making the public improvement of implementing Phase II of the sound insulation program for homes in the vicinity of Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into contract for the making of such improvement; authorizing the Director to employ professional consultants necessary to make such improvement; and authorizing the Director to enter into related agreements.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 552-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by

requirement contract of E.Z. Pack packer parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period not to exceed two years.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 553-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Ford passenger and police car parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period not to exceed two years.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 554-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of remanufactured transmissions, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 555-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Chevrolet-GMC car, van and truck parts, including labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period not to exceed two years.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 556-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks and air conditioning units in City vehicles and equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 620-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of the Community Relations Board to apply for and accept a grant from Bryne Memorial for the Teen Court Program; and authorizing said director to enter into a contract with YMCA to implement the program.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 696-98.**

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a Governor's Reserve Grant and an Incentive Award under Title III of the Job Training Partnership Act from the Ohio Bureau of Employment Services; to enter into various contracts with service deliverers to implement the program; and to enter into stan-

dard contracts for computers and telephone equipment.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 697-98.**

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts for various training services for the disadvantaged under the Job Training Partnership Act.

Read third time. Passed. Yeas 17. Nays 0.

**Ord. No. 698-98.**

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a National Training Partnership and Special Training Program, Pilot and Demonstration Programs grant under Title IV Part D of the Job Training Partnership Act from the U.S. Department of Labor and enter into a contract with Youth Opportunities Unlimited for the Quantum Opportunities Project.

Read third time. Passed. Yeas 17. Nays 0.

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Pat Britt, Councilman Merle R. Gordon, Councilman Kenneth L. Johnson and Councilman Bill W. Patmon be and is hereby authorized.

The Council adjourned at 8:10 p.m. to meet on Monday, June 1, 1998 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**

May 13, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 13, 1998, at 11:00 a.m., with Mayor's White presiding.

Present: Mayor White, Directors Summers, Carmody, Koniczek, Acting Director Sheehan, Director Guzman, Acting Directors Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 342-98.**

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Inc. for an

estimated quantity of Lamps (all items) for the Division of Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on March 18, 1998, pursuant to the authority of Ordinance No. 2206-96, passed January 13, 1997, which on the basis of the estimated quantity would amount to Three Hundred Thousand and 00/100 Dollars, (\$300,000.00), (2%, 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 01403**

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Jackson, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Hamilton.

**Resolution No. 343-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 297-98, adopted by the Board on April 29, 1998, approving Horticultural Associates of Rochester, Inc. as the lowest and best bidder for System Expansion Residential Reforestation Program, Spring 1998, item nos. 4B, 6B, 7B, 10B, 11B, 23B, 28B, 29B, 39B, 41B, 45B, 59B, 60B, 87B and 91B, is amended by deleting item no. "29B" and the amount of the total award, "Fourteen Thousand Ninety and no/100 Dollars (\$14,090.00)" and substituting "Thirteen Thousand Three Hundred Fifty and no/100 Dollars (\$13,350.00)" and also deleting the initial Requisition amount of "Fourteen Thousand Ninety and no/100 Dollars (\$14,090.00)" and substituting "Thirteen Thousand Three Hundred Fifty and no/100 Dollars (\$13,350.00)".

Be it further resolved that all other provisions of said Resolution No. 297-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 344-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 299-98, adopted by the Board on April 29, 1998, approving Schichtel's Nurs-

ery, Inc. as the lowest and best bidder for System Expansion Residential Reforestation Program, Spring 1998, item nos. 5B, 8B, 9B, 14B, 22B, 24B, 42B, 43B, 44B, 46B, 47B, 48B, 49B, 63B, 75B, 77B, 78B, 81B, 82B and 88B, is amended by adding item no. "29B", and deleting the amount of the total award, "Thirty Five Thousand Two Hundred Fifty Nine and no/100 Dollars (\$35,259.00)" and substituting "Thirty Six Thousand Ninety Nine and no/100 Dollars (\$36,099.00)".

Be it further resolved that all other provisions of said Resolution No. 299-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 345-98.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Carbonite Filter Corporation for an estimated quantity of anthracite filter media (options 1 and 2), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 24th day of December, 1997, pursuant to the authority of Ordinance No. 1458-97, passed September 22, 1997 on the basis of the estimated quantity would amount to Seven Thousand Two Hundred Seventy One Dollars and Twenty Two Cents, (\$7,271.22), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 02008**

which shall be certified against such contract in the sum of Seven Thousand Two Hundred Seventy One Dollars and Twenty Two Cents (\$7,271.22).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 346-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Julian Supply Corp. for an estimated quantity of copper pipe (items 1 and 2), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 19th of March, 1998, pursuant to

the authority of Section 129.25 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to Twenty Seven Thousand Sixty Dollars, (\$27,060.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 02029**

which shall be certified against such contract in the sum of Twenty Seven Thousand Sixty Dollars (\$27,060.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 347-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of S. D. Myers, Inc. for an estimated quantity of testing and disposal of PCB oils and contaminated materials, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 2nd day of April, 1998, pursuant to the authority of Ordinance No. 2013-97, passed December 15, 1997 on the basis of the estimated quantity would amount to Two Hundred Thousand and no/100, (\$200,000.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 09546**

which shall be certified against such contract in the sum of Ten Thousand and no/100 (\$10,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 348-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Smith Truck Cranes &

Equipment Co., Inc. for the following: repair of one (1) boom truck (all items) for the Division of Water, Department of Public Utilities, received on the 3rd day of April, 1998, pursuant to the authority of Ordinance No. 2148-97, passed February 2, 1998, which on the basis of order quantities would amount to Thirty Seven Thousand One Hundred Thirty Dollars (\$37,130.00) Dollars, 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, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry and Director Jackson.

**Resolution No. 349-98.**

By Acting Director Sheffield-McClain.

Whereas, pursuant to the authority of Ordinance No. 1585-A-76, as amended by Ordinance No. 990-80, passed by the Council of the City of Cleveland on August 16, 1976 and October 20, 1980 respectively, the City of Cleveland entered into an Agreement and Lease ("Agreement") with American Airlines, Inc. ("American"), City Contract No. 31083, for American's use of the Cleveland Hopkins International Airport ("Airport"); and

Whereas, pursuant to Article XVI of the Agreement, as modified by Article I of the Supplement thereto dated October 10, 1983, American desires to Amend their current Sublease Agreement with Trans World Airlines, Inc. ("TWA"); and

Whereas, by its November 1, 1997 letter, American has requested consent of the City to deletion of 2,880 feet of holdroom space at Gate A5 and 1,350 of lower level operations space from the premises subleased to TWA under the Agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the request of American for consent to delete 2,880 feet of holdroom space at Gate A5 and 1,350 square feet of lower level operations space from the premises subleased to TWA under the Agreement and Lease with American for operations at Cleveland Hopkins International Airport, Contract No. 31083, is hereby granted.

Be it further resolved, that the Director of Port Control is authorized to execute any documents and do all things necessary to effect the consent granted herein.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry.

**Resolution No. 350-98.**

By Acting Director Sheffield-McClain.

Whereas, pursuant to the authority of Ordinance No. 1585-A-76, as amended by Ordinance No. 990-80, passed by the Council of the City of Cleveland on August 16, 1976, and October 20, 1980, respectively, the City of Cleveland entered into an Agreement and Lease with Southwest Airlines Co., City Contract No. 46540, for Southwest's use of the

Cleveland Hopkins International Airport and the Airport Terminal Building ("Airport"); and

Whereas, pursuant to Article XVI of said Agreement and Lease, Southwest desires to sublease part of its leased premises at Cleveland Hopkins International Airport to Air Canada; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the terms of the Agreement and Lease with Southwest Airlines Co., City Contract No. 46540, this Board does hereby approve the request of Southwest Airlines, Co., to enter into a sublease agreement with Air Canada for Air Canada's use of 1013 square feet of office space at Cleveland Hopkins International Airport (behind ticket counter), 439 square feet of ticket counter space, and 1790 square feet of baggage make-up space (all, former Midway) effective February 1, 1998 provided that the terms of such sublease shall not be in conflict with the terms of City Contract No. 46540.

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 to the sublease hereby approved 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, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry.

**Resolution No. 351-98.**

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Mid American Security Service, Inc. for an estimated quantity of Unarmed Uniformed Guard Services for the various divisions of the Department of Port Control, for the period of two (2) years, commencing with the execution of a contract received on the 29th day of April, 1998, pursuant to the authority of Ordinance No. 1966-97, passed on February 9, 1998, which on the basis of the estimated quantity would amount to Six Hundred, Forty-Seven Thousand, Four Hundred and 00/100 (\$647,400.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 13566 which shall be certified against such contract in the sum of Sixty-Five Thousand and 00/100 (\$65,000.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Directors

Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: Acting Director Terry.

**Resolution No. 352-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Good Mechanic Auto Co. of Richfield, Inc. dba G & M Auto Company a Road One Co. for an estimated quantity of Towing Services (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on March 20, 1998, pursuant to the authority of Ordinance No. 73-98, passed February 9, 1998, which on the basis of the estimated quantity would amount to approximately Ninety Seven Thousand and no/100 Dollars, (\$97,000.00), (10%-45 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19635 which shall be certified against such contract in the sum of Twelve Thousand and no/100 Dollars (\$12,000.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor Good Mechanic Auto Co. of Richfield, Inc. dba G & M Auto Company a Road One Co., for the purchase of towing services, (all items), is hereby approved:

Rogers Towing  
FBE  
(\$11,000.00)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

**Resolution No. 353-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ohio Machinery Co. for an estimated quantity of Caterpillar parts and labor (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on April 3, 1998, pursuant to the authority of Ordinance No. 149-98, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately Thirty Thousand and no/100 Dollars, (\$30,000.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a require-

ment 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. 19626 which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars (\$3,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 354-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of Anti-Freeze (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on April 3, 1998, pursuant to the authority of Ordinance No. 152-98, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately Forty One Thousand Eight Hundred Sixty and no/100 Dollars, (\$41,860.00), (2% - 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19627 which shall be certified against such contract in the sum of Four Thousand and no/100 Dollars (\$4,000.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Universal Oil, Inc., for the purchase of Anti-Freeze, (all items), is hereby approved:

L. Gray Barrel & Drum  
MBE  
(\$8,658.00)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 355-98.**

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Ordinance No. 246-96 passed by the Council of the City of Cleveland on April 29, 1996, the firm of Richard Fleischman Architects, Inc., is hereby selected upon the nomination of the Director of Port Control from a list of qualified firms available for such employment as the firm of Architects ("Architect") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary for the first phase of renovations and improvements to the Customs and Immigration Facility at Cleveland Hopkins International Airport.

Be it further resolved, that the Director of Port Control hereby is authorized to enter into a written contract with Richard Fleischman Architects, Inc., based upon its proposal dated April 20, 1998, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Sixteen Thousand Five Hundred and no/100 Dollars (\$16,500.00). Reimbursable expenses shall not exceed Five Thousand Five Hundred and no/100 Dollars (\$5,500.00). The total compensation to the Architect shall not exceed Twenty-Two Thousand and no/100 Dollars (\$22,000.00).

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 356-98.**

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 816-96 passed by the Council of the City of Cleveland on June 10, 1996, the firm of Richard Fleischman Architects, Inc., is hereby selected upon the nomination of the Director of Port Control from a list of qualified firms available for such employment as the firm of Architects ("Architect") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary for the rejuvenation of the exterior walls of concourses B and C and the Control Tower with supplemental exterior design and improvements at Cleveland Hopkins International Airport.

Be it further resolved, that the Director of Port Control hereby is authorized to enter into a written contract with Richard Fleischman Architects, Inc., based upon its proposal dated May 7, 1998, which contract shall be prepared by the Director of Law and shall include such additional provisions as he deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Four

Hundred Sixty Three Thousand and no/100 Dollars (\$463,000.00). Reimbursable expenses shall not exceed Twenty Thousand and No/100 Dollars (\$20,000.00). The total compensation to the Architect shall not exceed Four Hundred Eighty Three Thousand and No/100 Dollars (\$483,000.00).

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 357-98.**

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 1786-97, passed by the Council of the City of Cleveland September 22, 1997, the firm of R. E. Warner & Associates is hereby selected upon the nomination of the Director of Public Service from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Public Service as the firm to be employed by the City in order to obtain professional engineering services for the public improvement of Grayton Road access to Cleveland Business Park.

Be it further resolved that the Director of Public Service hereby is authorized to enter into a written contract with R. E. & Warner & Associates based upon its proposal of March 27, 1998, and as revised per correspondence dated May 12, 1998, provided that the compensation to be paid shall not exceed \$217,958.00, which contract shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subconsultants by R. E. Warner & Associates for the design services contract authorized above is hereby approved:

Ralph Tyler Companies  
1120 Chester Avenue, Suite 200  
Cleveland, OH 44114  
(MBE) — 30%

Oxbow Engineering, Inc.  
10 West Erie Street, Suite 201  
Painesville, OH 44077  
(FBE) — 10%

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Sheehan, Director Guzman, Acting Director Joyce, Terry, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials



may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date 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, JUNE 1, 1998**

**9:30 A.M.**

**Calendar No. 98-84:** 694 East 185th Street

Michael Shore owner, and tenant Aaron's Grooming Salon c/o Kelly A. Harris, appeal to change the use of an existing 19' x 84' store, (between two existing stores), into a dog grooming salon located on a 81' x 142' irregular shaped lot at 692-694 East 185th Street; said use being contrary to the Local Retail District regulations of Section 343.01 of the Codified Ordinances.

**Calendar No. 98-88:** 1947 West 54th Street

Abdellatif Abuzahrieh, owner appeals to convert an existing 23' x 28' one-dwelling unit located on a 3,960 sq. ft. lot and located in a Two-Family District into two dwelling units at 1947 W. 54th Street; said conversion to two dwelling units being contrary to the 40' width and the 4800 sq. ft. lot size required by Section 355.05(b) and the North side yard being 3' and the South side yard being 4' instead of the 10' aggregate width required by Section 357.09(b)(2)(B) and said conversion not being in conformance with the off-street parking requirements of Section 349.03 and 349.04 and said conversion to constitute an expansion contrary to the expansion limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 98-90:** 15501 Munn Road

Rita Mikolay and John A. Mikolay, co-trustees of Rita Mikolay Revocable Trust, owners, and Realty One c/o James W. Fox Jr., tenant, appeal to attach a 4' x 20' temporary banner to the building front of an existing 40' x 60' 2-story masonry office building facing in a Northeastly direction at 15501 Munn Road, located in a Local Retail Business District; said banner being in non-conformance with the size limitations as required in Section 350.12 of the Codified Ordinances.

**Calendar No. 98-91:** 4404 West 47th Street

Kiram Savage, owner, and the tenant, Jenny's Pizza c/o Donald Moore, appeal to change use of an existing 2-story frame commercial/residential building located on a 35' x 105' lot and located in a Two-Family District into a carryout restaurant at 4404 West 47th Street; said change of use being contrary to the residence limitations of Section 337.03 and the Local Retail Business District requirements of Section 343.01(b)(2)(A) and subject to the substitution limitation of Section 359.01 of the Codified Ordinances.

**Calendar No. 98-92:** 799 East 82nd Street

Anthony M. Pilla, Bishop, owner and St. Phillip Neri Church, tenant, c/o Father Gary Stakem, appeals to renovate and change the use of an existing 36' x 62' convent house on an irregular shaped acreage parcel, into 3 dwelling units and located in a Semi-Industry District at 799 East 82nd Street; said use being contrary to the Semi-Industry regulations of Section 345.03 and subject to the substitution limitation of Section 359.01 of the Codified Ordinances.

**Calendar No. 98-93:** 3525 Scranton Road, S.W. and 1901 Eglindale Avenue, S.W.

County of Cuyahoga acting by and through MetroHealth Board of Trustees, owner c/o Cecelia R. Huffman, and MetroHealth Skilled Nursing, tenant c/o Cecelia R. Huffman, and Multiple Sclerosis Association of America/HUD, tenant c/o Dominick Durante, appeal to erect a 380' x 450' one-story masonry (approximately 90,000 sq. ft.) irregular shaped nursing home and a 150' x 50' two story frame 17 dwelling units apartment building and accessory parking areas, all on the irregular shaped acreage corner parcel located in a General Retail Business and Two-Family District at the southeast corner of Scranton Road and Eglindale Avenue and to be known for the nursing home as 3525 Scranton Road and for the apartment building as 1901 Eglindale Avenue; said nursing home to be mainly within the residence district and not in conformance with the yard and parking requirements of Section 337.24 and the apartment building being totally within the residence district contrary to the residence limitations of Section 337.03 and not in conformance with the off-street parking requirements of Section 349.04 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 18, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, May 11, 1998, the following appeals were heard by the Board, and, on Monday, May 18, 1998 were decided by the Board.

The following appeals were **Granted:**

**Calendar No. 98-68:** 3006 East 73rd Street

Cuyahoga Metropolitan Housing Authority (CMHA), owner, c/o Ken Maxwell and Mark Robinson, tenant,

appealed, to change 2 residential units to Business office space.

**Calendar No. 98-69:** 13325 Carrington Ave., S.W.

Margaret Jackiewicz, owner, appealed, to install 215 linear feet of 6' high wooden fence and 8 linear feet of 7' high wooden gate (conditional grant).

**Calendar No. 98-70:** 10008 Westchester Ave., N.E.

Jerome and Delores Campbell, owners, appealed to enclose an existing 7' x 11' x 27' open front porch.

**Calendar No. 98-76:** 957 Evangeline Rd., N.E.

Dale Lyndall, owner, appealed to change the use of an existing 35' x 44' one-dwelling unit and store to two-dwelling units.

**Calendar No. 98-83:** 3206 Warren Road, N.W.

St. Mary's Romanian Church, owner, c/o Tom Radu and West Park Gardens and Gifts c/o Diane Evon, tenant, appealed, to convert the front part of an existing two-family house into a gift shop.

The following appeal was **Postponed** to June 8, 1998.

**Calendar No. 98-79:** 2061 West 10th Street.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
May 13, 1998

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

\* \* \*

**Docket A-5-98.**

RE: Continuation of Appeal of Margaret L. White, Owner of the Residential Property located on the premises known as 19350 Puritas Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated January 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one month (1 mo.) in which to obtain permits and abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and in one month (1 mo.) for required action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

**Docket A-44-98.**

RE: Appeal of Dennis Hokavar, Owner of the Property located on the premises known as 800 East 200th Street from a NOTICES OF VIOLATION of the Commissioner of the Division of Building and Housing dated February 20, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-44-98 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-45-98.**

RE: Appeal of Golden Bullion Enterprises Inc., Owner of the Property located on the premises known as 13501-03 St. Clair Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated February 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two months (2 mos.) in which to obtain permits and begin abatement of the violations and to require that the property remain boarded and secured and the grounds debris free during this period of time; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

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**Docket A-53-98.**

RE: Appeal of DeVonn Burwell, Owner of the Residential Property located on the premises known as 1006 East 147th Street from a 30 DAY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated February 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1006 East 147th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

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**Docket A-58-98.**

RE: Appeal of Green Tree Financial Servicing Corp., Mortgagee of the Residential Property located on the premises known as 7900 Crumb Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated March 3, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four months (4 mos.) in which to obtain permits and abate the violations, with the under-

standing that the City will work with the Appellant for extensions as required for the Sheriff Sale, the property is to be maintained boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 10, 1998. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

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**Docket A-59-98.**

RE: Appeal of Herbert Kay, Owner of the Property located on the premises known as 7300 Clark Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated March 10, 1998, requiring compliance with the codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-59-98 has been POSTPONED; to be rescheduled for May 27, 1998.

\* \* \*

**Docket A-60-98.**

RE: Appeal of Lomack J. Gray, Owner of the Property located on the premises known as 3820-74 East 90th Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated March 13, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3820-74 East 90th Street to the Division of Fire for supervision and further action as required. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

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**Docket A-61-98.**

RE: Appeal of Shirley M. Wise, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 11815 Milan Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to be installed as indicated on the drawings, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-62-98.**

RE: Appeal of Cheryl J. Hudson, Owner of the Residential Property located on the premises known as 2044 West 99th Street from a 30 DAY GARAGE CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated April 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY GARAGE CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by requiring that any unreasonable debris or combustibles be removed from the garage, noting that boards will be stored there for construction purposes. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-63-98.**

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 1945 East 97th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated March 16, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the area to be occupied and sprinklered without sprinklering the remainder of the building, noting that it will be sprinklered and that the remain areas of the building will be sprinklered as they are occupied, and that the total occupancy and sprinkler system will be in place by the end of year 2000. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-64-98.**

RE: Appeal of John McPherson, Owner of the Property located on the premises known as 10919 Franklin Boulevard from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated March 27, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, the Docket will be rescheduled for May 27, 1998.

\* \* \*

**Docket A-67-98.**

RE: Appeal of Albert Forney, Owner of the Property located on the premises known as 931 East 143rd Street from a NOTICE OF VIOLATION of the Commissioner of the

Division of Building and Housing dated April 8, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that should the rear exit, noted to be not required, remain as indicated in the photos and on the sketch, then the bathroom windows opening onto that area must be protected and the toilet exhaust fan must be installed to properly ventilate the toilet rooms. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-71-98.**

RE: Appeal of Stephen & Katherine Wafalosky, Owners of the Residential Property located on the premises known as 1870 Fulton Road from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated October 1, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

There will be no action on Docket A-71-98 at this time; the Docket will remain open for possible appeals if new violations arise from the new plans being submitted to the Building Department.

\* \* \*

**Docket A-75-98.**

RE: Appeal of Bob Whorley, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 4119 Buechner Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 24, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to be installed as indicated on the drawings, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-81-98.**

RE: Appeal of City of Cleveland (Public Utilities Building), Owner of the Property located on the premises known as 1201 Lakeside Avenue from an ADJUDICATION ORDER/SUPPLEMENTARY CONDITIONS of the Commissioner of the Division of Building and Housing dated May 5, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and to require that the interior of the customer lobby wall be

sprinklered with sprinkler heads 6' o.c. to achieve an one hour rating on that side of the wall; and to require that Door 102a swing be reversed as suggested to swing out into the direction of travel; and to permit the stairs to be constructed with approximately fourteen feet (14 ft.) between the top to the bottom of the stairs without in the immediate landings. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**Docket A-82-98.**

RE: Appeal of Edward Lymer, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 6201 West Clinton Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated May 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to be installed as indicated on the drawings, noting the support of Councilman Melena and the adjacent neighbor. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Williams, Saunders. Nays: None. Absent: Messrs. Bowes, Sullivan.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Denk and seconded by Mr. Saunders for approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-22-98—Puritas Place Apartments, Inc.
- A-38-98—The Aetna Welding Co., Inc.
- A-39-98—The Bank of New York
- A-40-98—Harbourton Mortgage Co.
- A-42-98—Stella Hunter
- A-48-98—John Latimer
- A-56-98—Emerald Homes, Inc.
- A-57-98—Robert T. Gielski
- A-69-98—Riveredge Dentistry
- A-70-98—The Cleveland Restoration Society

Yeas: Messrs. Denk, Bowes, Saunders. Nays: None. Not Voting: Mr. Williams. Absent: Mr. Sullivan.

\* \* \*

Separate motions were entered by Mr. Saunders and seconded by Mr. Denk for approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-66-98—Mike Stevens

Yeas: Messrs. Denk, Saunders, Sullivan. Nays: Mr. Bowes. Not Voting: Mr. Williams.

**APPROVAL OF MINUTES:**  
Separate motions were entered by Mr. Denk and seconded by Mr. Saunders for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

April 29, 1998

Yeas: Messrs. Denk, Bowes, Saunders. Nays: None. Not Voting: Mr. Williams. Absent: Mr. Sullivan.

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**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**

**Notice of Public Hearing on the MAIN AVENUE/LAKESIDE AVENUE/WEST 3rd STREET/WEST 9th STREET COMMUNITY DEVELOPMENT PLAN**

Notice is hereby given in accordance with Chapter 315 of the Codified Ordinances of the City of Cleveland that the Cleveland City Planning Commission will hold a Public Hearing on Friday, June 5, 1998 at 9:00 a.m. in Room 514 City Hall, 601 Lakeside Avenue, Cleveland, Ohio, for the purpose of considering the approval of the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan ("the Plan"). The Plan proposes certain land acquisition and clearance activities for the eventual redevelopment of an Action Area whose boundaries coincide with those of the Plan Area. Further, the Plan proposes general treatment measures to eliminate conditions of blight and deterioration found to exist in the Plan Area and prevent the recurrence of blight.

**Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area Boundaries**

Situated in the City of Cleveland, County of Cuyahoga County, and State of Ohio and being part of Original Two (2) Acre Lot Numbers 1 through 8, both inclusive and bounded and described as follows:

Beginning on the centerline of West 3rd Street at its intersection with the centerline of West Lakeside Avenue;

Thence Northerly along the centerline of West 3rd Street to its intersection with the centerline of Summit Avenue, so called;

Thence in a general Westerly direction along the centerline of Summit Avenue, so called, to its intersection with the centerline of West 9th Street;

Thence Southerly along the centerline of West 9th Street to its intersection with the centerline of West Lakeside Avenue;

Thence Easterly along the centerline of West Lakeside Avenue to the place of beginning.

The purpose of the hearing is to enable the City Planning Commission to publicly present the aforementioned elements of the proposed Plan and solicit reaction to the proposed Plan from any interested party. Documents that constitute the Plan are on file for public inspection during business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) at the Cleveland City Planning Commission offices, Room 501, City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Any person or organization desiring to be heard at said public hearing will be afforded an opportunity to be heard.

HUNTER MORRISON  
Director  
City Planning Commission

May 20 and May 27, 1998

## 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, MAY 27, 1998

**Franklin Loew Park Ball Diamond Improvements — Phase 1**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-97, passed by the Council of the City of Cleveland, July 16, 1997.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER 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 (15) DAYS AFTER THE BID OPENING DATE.

May 13, 1998 and May 20, 1998

THURSDAY, MAY 28, 1998

**Installation and Maintenance of City Telephones, Products and Ancillary Equipment**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1174-97, passed by the Council of the City of Cleveland, July 16, 1997.

May 13, 1998 and May 20, 1998

FRIDAY, MAY 29, 1998

**Frame Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 147-98, passed by the Council of the City of Cleveland, March 9, 1998.

May 13, 1998 and May 20, 1998

WEDNESDAY, JUNE 17, 1998

**Crown Waterworks Reservoir Rehabilitation Project, Westlake, Ohio**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, JUNE 1, 1998, 10:00 A.M. AT THE CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OH 44145. THE MEETING WILL BE FOLLOWED BY A WALK-THRU OF THE SITE AT CLAGUE ROAD AND CLIFF DRIVE.

May 13, 1998 and May 20, 1998

WEDNESDAY, JUNE 3, 1998

**Burke Runway Overlay and ILS Installation**, for the Department of Port Control, as authorized by Ordinance Nos. 1281-97 and 549-98, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD IN THE CONFERENCE ROOM OF BURKE LAKEFRONT AIRPORT AT 10:00 A.M. ON THURSDAY, MAY 28, 1998.

May 20, 1998 and May 27, 1998

FRIDAY, JUNE 5, 1998

**Swimming Pool Chemicals**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 513-98, passed by the Council of the City of Cleveland, April 6, 1998.

**Lease of Golf Carts**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 558-98, passed by the Council of the City of Cleveland, April 6, 1998.

May 20, 1998 and May 27, 1998

WEDNESDAY, JUNE 10, 1998

**Crown Water Plant Expansion Phase III, Masonry Repair of The Shore Shaft Building**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, JUNE 1, 1998, 10:00 A.M. AT THE CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OH. 44145. THE MEETING WILL BE FOLLOWED BY A WALK-THRU OF THE SITE AT CLAGUE ROAD AND CLIFF DRIVE.

May 20, 1998 and May 27, 1998

THURSDAY, JUNE 11, 1998

**Labor and Materials To Upgrade the Central Clock System**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1020-97, passed by the Council of the City of Cleveland, June 16, 1997.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 28, 1998, 1:30 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

**Towing Unattended Vehicles**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 543-96, passed by the Council of the City of Cleveland, May 6, 1996.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 27, 1998, 1:30 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

May 20, 1998 and May 27, 1998

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 871-98.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the issuance of a D3A Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsmt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a D3A Liquor Permit to Permit No. 4000829, Hotz Cafe Inc., 2529 W. 10th St., 1st Fl. & Bsmt., Cleveland, Ohio 44113; 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 issuance of a D3A Liquor Permit to Permit No. 4000829, Hotz Cafe Inc., 2529 W. 10th St., 1st Fl. & Bsmt., Cleveland, Ohio 44113 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 May 11, 1998.  
Effective May 20, 1998.

**Res. No. 872-98.**

**By Councilman Cintron.**

**An emergency resolution declaring the intention to vacate a portion of Castle Court S.W. and a portion of West 16th Street.**

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Castle Court S.W. and a portion of West 16th Street as hereinafter described, and

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

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

**Section 1.** That it hereby declares its intention to vacate all those portions of the following described real property:

CASTLE COURT S.W., (10.00 feet wide), and its Northeasterly turnout extending Easterly from the Southerly prolongation of the Easterly line of West 17th Place (10.00 feet wide) to the Westerly line of West 16th Street (50.00 feet wide).

AND

WEST 16TH STREET, (50.00 feet wide), extending Southerly from the Easterly prolongation of the Northerly line of Castle Court S.W. (10.00 feet wide) to the Northerly line of Castle Avenue S.W. (66.00 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.

Adopted May 11, 1998.  
Effective May 20, 1998.

**Res. No. 873-98.**

**By Councilman Gordon.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Rd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 4238040, Jankaus Inc., DBA Sidekicks, 2139 Broadview Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44109, to Permit No. 1896770, Dalaps Group Inc., DBA Last Chance Saloon & Grille, 2139 Broadview Rd., Cleveland, Ohio 44109; 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 D5 Liquor Permit from Permit No. 4238040, Jankaus Inc., DBA Sidekicks, 2139 Broadview Rd., 1st Fl. & Bsmt., Cleveland, Ohio 44109, to Permit No. 1896770, Dalaps Group Inc., DBA Last Chance Saloon & Grille, 2139 Broadview Rd., Cleveland, Ohio 44109 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 May 11, 1998.  
Effective May 20, 1998.

**Res. No. 874-98.**

**By Councilman Polensek.**

**An emergency resolution objecting to the transfer of ownership and location of a D1, D2, D3, D3A & D6 Liquor Permit to 15721 Waterloo Rd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1, D2, D3, D3A & D6 Liquor Permit from Permit No. 4174273, JB & KL Inc., DBA Waterloo Rec Rose Garden, 1st Fl. Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110, to Permit No. 1549930, Clebra Inc., DBA The Rose Garden, 1st Fl. Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110; 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 and location of a D1, D2, D3, D3A & D6 Liquor Permit from Permit No. 4174273, JB & KL Inc., DBA Waterloo Rec Rose Garden, 1st Fl. Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110, to Permit No. 1549930, Clebra Inc., DBA The Rose Garden, 1st Fl. Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110 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 May 11, 1998.

Effective May 20, 1998.

**Res. No. 875-98.**  
**By Councilman Robinson.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 15012 Kinsman Rd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 0668411, Best Mart Inc., DBA Best Mart, 15012 Kinsman Rd., Cleveland, Ohio 44120; 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 oper-

ated 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 issuance of a C1 Liquor Permit to Permit No. 0668411, Best Mart Inc., DBA Best Mart, 15012 Kinsman Rd., Cleveland, Ohio 44120 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 May 11, 1998.

Effective May 20, 1998.

**Res. No. 876-98.**  
**By Councilman Rybka.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 4324 Warner Rd., 1st Fl., and repealing Res. No. 1518-97, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 4324 Warner Rd., 1st Fl., by Res. No. 1518-97, adopted August 13, 1997; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to 4324 Warner Rd., 1st Fl., be and the same is hereby withdrawn and Res. No. 1518-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 11, 1998.

Effective May 20, 1998.

**Res. No. 877-98.**  
**By Councilmen Robinson and Westbrook.**

**An emergency resolution approving the Council Member Business Expenditure Policies and Procedures dated March 30, 1998 and approved by the Rules Committee.**

Whereas, pursuant to Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, the Rules Committee of City Council approved a revision to the Council Member Business Expenditure Policies and Procedures, dated March 30, 1998 based upon the applicable reporting requirements of the federal income tax code; and

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

Now, therefore, be it resolved by the Council of the City of Cleveland:

**Section 1.** That this Council hereby approves the revision to the Council Member Business Expenditure Policies and Procedures, dated March 30, 1998, and approved by the Rules Committee of City Council.

**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 May 11, 1998.

Effective May 20, 1998.

**Ord. No. 1277-97.**  
**By Councilmen Smith, Rybka and Westbrook (by departmental request).**  
**An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Michael Baker & Associates for the engineering services necessary to design construction of new Runway 5L-23R at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to enter into contract with Michael Baker & Associates for professional engineering services necessary to design construction of new Runway 5L-23R on the basis of its proposal in the total sum of not to exceed \$5.8 million.

**Section 2.** That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22507.

**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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 1279-97.**  
**By Councilmen Smith, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road; to enact new Section 8 and to renumber existing Section 8 as new Section 9.**

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

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

**Section 1.** That, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the relocation of Brook Park Road.

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

**Section 2.** That Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby supplemented by enacting new Section 8 to read as follows:

**Section 8.** That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.

**Section 3.** That existing Section 8 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby renumbered to new "Section 9".

**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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 1288-97.**  
**By Councilmen Smith, Rybka and Westbrook (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and environmental services necessary to design the construction of new entrance and exit roadways at Cleveland Hopkins International Airport.**

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

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

**Section 1.** That, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers and one or more environmental consultants or one or more firms of environmental consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the construction of new entrance and exit roadways at Cleveland Hopkins International Airport.

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

**Section 2.** That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22508.

**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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 1291-97.**  
**By Councilmen Smith, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design improvements to Abrams Creek.**

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

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

**Section 1.** That, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design improvements to Abrams Creek.

Provided that the Director of Port Control has furnished a copy of the request for proposals to each of the members of the Committee on Aviation and Transportation prior to solicitation of proposals and provided further that the Director has made a presentation to said Committee which identifies the consultants recommended by the Department of Port Control to perform such services and includes a written summary of all of the proposals received as a result of the Department's canvass, the selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22505.

**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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 1319-97.**  
**By Councilmen Sweeney, Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Abeco-Ayad, Inc., or its designee, to provide economic development assistance to partially finance interior and exterior renovation of a service station, located at 2165 East 55th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Abeco-Ayad, Inc., or its designee, to provide economic development assistance to partially finance interior and exterior renovation of a service station, located at 2165 East 55th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1319-97-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Fifty Thousand Nine Hundred and Sixty Dollars (\$150,960.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF003, Request No. 22303.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable 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. 18 SF 004, Loan Fees Fund.

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

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

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 81-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.**

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 Public Health is hereby authorized and directed to enter into a contract with the State of Ohio, Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the period from October 1, 1997 through June 30, 1999. The contract shall provide that the City will receive compensation for performing such assessments in the estimated amount of \$28,710.00 and such other funds as may become available during the contract period, and the Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City.

**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 May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 240-98.**  
**By Councilmen Sweeney, Westbrook and Johnson (by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, relating to professional services necessary for the acquisition of homes, property maintenance and relocation of residents located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71, Springdale, Westport Avenue, and W. 198th Street; to enact new Section 3 and to renumber existing Section 3 as new Section 4.**

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 and Section 1 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants to provide professional services necessary for the acquisition of homes, property maintenance and relocation of residents located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71 right-of-way, Springdale and Westport Avenues and West 198th Street in Cleveland, for the Department of Port Control.

**Section 1.** That the Director of Port Control is hereby authorized and directed to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the acquisition of homes and the relo-

cation of residents within the boundaries of Forestwood Avenue (north), and Brysdale Avenue (north), Interstate 71 right-of-way (east), Springdale and Westport Avenues (south), and West 198th Street (west) in the City of Cleveland. Said services shall specifically include but not be limited to appraisal services, appraisal reviews, surveys, title work services, escrow services, real estate advisory services, recording services, environmental investigations, and relocation services and all services necessary to effect the relocation of the residents and property maintenance in accordance with FAA rules and regulations.

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

**Section 2.** That Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby supplemented by enacting new Section 3 to read as follows:

**Section 3.** That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.

**Section 3.** That existing Section 3 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby renumbered to new "Section 4".

**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 May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 307-98.**  
**By Councilmen Sweeney, Westbrook, Rybka and Johnson (by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, relating to the acquisition boundaries of real property located in the vicinity of Cleveland Hopkins International Airport.**

Whereas a full effort is to be made by the Administration to tender purchase offers to homeowners before the end of 1998; 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 title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71 right-of-way, Springdale Avenue and Westport Avenue and West 198th Street in the City of Cleveland; authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to perform services including, but not limited to, architectural, engineering, noise measurement and administrative services for sound insulation of homes located in the vicinity of Cleveland Hopkins International Airport; determining the method of making the public improvement of construction for Phase II of the sound insulation improvement program for homes located in the vicinity of Hopkins Airport, and authorizing the Director of Port Control to enter into contract or contracts for the making of such improvements, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 1. That the Commissioner of Purchases and Supplies is hereby authorized to purchase all real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue and Brysdale Avenue (north), Interstate 71 right-of-way (east), Springdale Avenue and Westport Avenue (south), and West 198th Street (west), as part of the City's noise abatement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control, located within the following described area, provided that the grant agreement applicable to a particular parcel is executed prior to the purchase of that parcel:

**ACQUISITION BOUNDARIES  
CLEVELAND HOPKINS  
INTERNATIONAL AIRPORT**

Beginning on the centerline of Rocky River Drive S.W. (width varies) at its intersection with the Westerly prolongation of the Northerly line of the Riverview Subdivision No. 2 as shown by the recorded map in Volume 95, Page 38 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and the Northerly line of said Riverview Subdivision No. 2 to its intersection with the Westerly right-of-way line of Interstate Route 71;

Thence Southwesterly along the Westerly right-of-way of said Interstate Route 71 to its intersection with the Southerly line of the Riverview Subdivision No. 2 as aforesaid;

Thence Westerly along the Southerly line of the aforesaid Riverview Subdivision No. 2 and its Westerly prolongation to the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to its intersection with the Easterly prolongation of the

Southerly line of the Conger-Helper Realty Company's Home Gardens Allotment as shown by the recorded map in Volume 63, Page 10 of Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and the Southerly line of the said Conger-Helper Realty Company's Home Gardens Allotment and its Westerly prolongation to its intersection with the Easterly line of the C. & D. Southwest Subdivision;

Thence Southerly along the said C. & D. Southwest Subdivision to the Southeast corner of Sublot Number 71 in said Subdivision;

Thence Westerly along said Sublot Number 71 to its intersection with the Easterly line of West 198th Street (70 feet wide);

Thence Southerly along the Easterly line of said West 198th Street to its intersection with the Easterly prolongation of the Southerly line of Elsmere Avenue S.W. (50 feet wide);

Thence Westerly along the Easterly prolongation and the Southerly line of Elsmere Avenue S.W. to its intersection with the Southerly prolongation of the Westerly line of Sublot Number 130 in the C. & D. Southwest Subdivision as aforesaid;

Thence Northerly along the Southerly prolongation and the Westerly line of Sublot Number 130 through 145 both inclusive and the Northerly prolongation thereof to its intersection with the centerline of Midvale Avenue S.W. (50 feet wide);

Thence Easterly along the centerline of Midvale Avenue S.W. to its intersection with the centerline of West 198th Street as aforesaid;

Thence Northerly and Westerly along the centerline of said West 198th Street to its intersection with the centerline of Forestwood Avenue S.W.;

Thence Northerly along the centerline of said West 198th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot Number 15 in the aforesaid C. & D. Southwest Subdivision;

Thence Easterly along the Westerly prolongation and the Northerly line of Sublot Number 15 through 34, both inclusive and the Easterly prolongation thereof to its intersection with the Northerly line of Sublot Number 1 in The West River Subdivision Number 1 as shown in Volume 159, Page 27 of Cuyahoga County Records;

Thence continuing Easterly along Sublot Numbers 1 through 37, both inclusive of said Subdivision, and the Easterly prolongation thereof to its intersection with the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to the place of beginning.

**Section 2.** That the existing title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, 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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 315-98.  
By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997; to supplement said ordinance by adding new Section 2; and to renumber existing Section 3 thereof, relating to a grant from the Ohio Department of Health for the STD (Sexually Transmitted Disease testing) program.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997, are hereby amended to read, respectively, as follows:

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1997-1998 STD (Sexually Transmitted Disease testing) program and to enter into contract for the purchase of equipment and supplies necessary to implement the program.

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$278,570.00, and such funds as may become available, from the Ohio Department of Health, to conduct the 1997-1998 STD program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the existing title and Section 1 of Ordinance No. 431-97, passed May 19, 1997, are hereby repealed.

**Section 3.** That Ordinance No. 431-97, passed May 19, 1997, is hereby supplemented by adding new Section 2 to read as follows:

Section 2. That the Director of Public Health is hereby authorized to enter into contract for the purchase of equipment and supplies necessary to implement the program, and that said contract is payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

**Section 4.** That existing Section 2 of Ordinance No. 431-97, passed May 19, 1997, is hereby renumbered to new "Section 3".

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 316-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1998 Immunization Action Plan Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$115,707, and such other funds as they may become available during the grant year, from the Federation for Community Planning from Ohio Department of Health, to conduct the 1998 Immunization Action Plan Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 316-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 318-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 1998 Cuyahoga County Health Promotion Project.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$75,000 and such other funds as may become available during the grant year, from the Cuyahoga County Board of Health, to conduct the 1998 Cuyahoga County Health Promotion Project, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 318-98-A, made a part hereof as if fully rewritten

herein, is hereby approved in all respects.

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

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 319-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning for the 1997-98 Health Services for Residents of Public Housing Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$106,495.00, and such other funds as may become available during the grant term, from the Federation for Community Planning, to conduct the 1997-98 Health Services for Residents of Public Housing Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 319-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That, prior to spending any of the grant funds accepted Pursuant to this ordinance, the Director of Public Health shall appear before the Council Committee on Public Health to identify how the funds will be used.

**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 May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 323-98.**  
**By Councilmen Jackson, Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5703, 5705, 5709, 5801, 5807 Quincy to St. Paul AME Zion Church.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-28-081, 118-28-017, 118-28-018, 118-28-019, and 118-28-020, as more fully described in Section 2 below, to St. Paul AME Zion Church.

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

P. P. No. 118-28-081

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 26 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6, Page 14 of Cuyahoga County Records and being 20.5 feet front on the Northerly side of Quincy Avenue, S.E. and extending back 57 feet on the Easterly line, 56.5 feet on the Westerly line, which is also the Easterly line of East 57th Street and having a rear line of 20.5 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P. P. No. 118-28-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334 in said City and being 50 feet front on the Northerly side of Quincy Avenue, S.E., and extends back 150 feet deep along the Easterly side line of 57th Street, as shown by the recorded plat in Volume 6, Page 14, of Cuyahoga County Records of Maps, excepting from the above described parcel of land that part of Sublot No. 26 conveyed to Milton Curtis by deed dated July 12, 1945 and recorded in Volume 5880, Page 175 of Cuyahoga County Records.

P. P. No. 118-28-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 224 in W.S. Chamberlain's Subdivision of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and forming a parcel of land 50 feet front on the Northerly side of Quincy Avenue, S.E. and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

## P. P. No. 118-28-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 225 in W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 14 of Cuyahoga County Records. Said Sublot No. 225 has a frontage of 50 feet on the Northerly side of Quincy Avenue, S.E., (formerly Quincy Street), and extends back between parallel lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

## P. P. No. 118-28-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 226 in the W.S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records and being 50 feet front on the Northerly side of Quincy Avenue, S.E. (80 feet wide) and extending back of equal width 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 324-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5804 and 5800 Denison Avenue, S.W., to Joseph J. and Daniel Mayo.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 016-15-020 and 016-15-021, as more fully described in Section 2 below, to Joseph J. and Daniel Mayo.

**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. 016-15-020

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the J. H. McArthur and F. W. Sears Subdivision of part of Original Brooklyn Township Lots Nos. 35 and 46, as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records and having a frontage of 38.98 feet on the Northeastly side of Denison Avenue, S.W., and extending back between parallel lines 130 feet, excepting therefrom so much of the land which lies within the bounds of Denison Avenue, S.W. as widened, and shown by the Dedication Plat in Volume 33 of Maps, Page 17 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

## P. P. No. 016-15-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublot No. 1 in J. H. McArthur and F. W. Sears Subdivision of part of Original Brooklyn Township Lots Nos. 35 and 46 as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records, and being 38.98 feet front on the Northeastly side of Denison Avenue, SW 60 feet wide as now widened, and extending back between parallel lines about 123.11 feet deep along the Westerly side of West 58 Street, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

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

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 325-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Lorain Realty Company, L.L.C., to provide economic development assistance and renovation of real property necessary to expand the operation of Marshall Ford West located at 16100 Lorain 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 Lorain Realty Company, L.L.C., to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand the operation of Marshall Ford West located at 16100 Lorain Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 325-98-A.

**Section 3.** That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24265.

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

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

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

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

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 326-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Accurate Instrument Service Co. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Accurate Instrument Service, Co. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 326-98-A.

**Section 3.** That the costs of said contract shall not exceed Twenty Four Thousand Dollars (\$24,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 24267.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

**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 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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 327-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with All My Children Day Care Center, Inc. to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with All My Children Day Care Center, Inc. to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 327-98-A.

**Section 3.** That the costs of said contract shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 23342.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

**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 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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 328-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Carotech, Inc. to provide economic development assistance to partially finance the acquisition of land and construction of a new facility to be located on Walworth Avenue in the Walworth Run Industrial Park, Cleveland, Ohio 44102.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Carotech, Inc. to provide economic development assistance to partially finance the acquisition of land and the construction of a new facility to be located on Walworth Avenue, in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 328-98-A.

**Section 3.** That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 24268.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

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

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

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 358-98.**  
**By Councilman Jackson.**  
**An emergency ordinance to vacate a portion of Indianola Avenue S.E. hereinafter described.**

Whereas, on the 10th day of June, 1996, the Council of the City of Cleveland adopted Resolution No. 558-96 declaring its intention to vacate a portion of Indianola Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 558-96 has been served upon the owners of all the property abutting Indianola Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Indianola Avenue S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Indianola Avenue S.E. (32.00 feet wide), extending Northerly from the Northerly line of Crayton Avenue S.E. (60.00 feet wide), to that portion of Indianola Avenue vacated by Ordinance Number 387-70, passed by the Council of the City of Cleveland on March 23, 1970, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of Indianola Avenue S.E. (32.00 feet wide), extending Northerly from the Northerly line of Crayton Avenue S.E. 60.00 feet wide), to that portion of Indianola Avenue vacated by Ordinance Number 387-70, passed by the Council of the City of Cleveland on March 23, 1970.

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 Indianola Avenue S.E., herein provided by sending him a copy of this Ordinance.

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

from and after the earliest period allowed by law.

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 360-98.**  
**By Councilman Johnson.**  
**An emergency ordinance to vacate a portion of East 92nd Place hereinafter described.**

Whereas, on the 13th day of August, 1997, the Council of the City of Cleveland adopted Resolution No. 1501-97 declaring its intention to vacate a portion of East 92nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1501-97 has been served upon the owners of all the property abutting East 92nd Place, 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of East 92nd Place, 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 92nd Place, 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 92nd Place (12.00 feet wide), extending Northerly from the Northerly line of Buckeye Road S.E. (80.00 feet wide) to the Southerly line of Dorado Court S.E. (12.00 feet wide). DORADO COURT S.E. (12.00 feet wide), extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Northerly prolongation of the Westerly line of East 92nd Street Place (12.00 feet wide). TANTO COURT S.E. (12.00 feet wide) extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Easterly line of East 92nd Place (12.00 feet wide), 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 92nd Place, herein provided by sending him a copy of this Ordinance.

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

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 361-98.**  
**By Councilman Sweeney.**  
**An emergency ordinance to vacate a portion of Original Grayton Rd. hereinafter described.**

Whereas, on the 13th day of August, 1997, the Council of the City of Cleveland adopted Resolution No.

943-97 declaring its intention to vacate a portion of Original Grayton Rd., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 943-97 has been served upon the owners of all the property abutting Original Grayton Rd., 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Original Grayton Rd., 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 Original Grayton Rd., 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 Original Grayton Rd., (60.00 feet wide), lying Westerly of a line 30.00 feet Westerly from that portion of the centerline of Relocated Grayton Road described as follows: Beginning at a stone monument in the centerline of Grayton Road at its intersection with the Southerly line of the Grayton Village Subdivision as shown by the recorded plat in Volume 154 of Maps, Page 22 of Cuyahoga County Records; thence North 14°-52'-00" West about 216.93 feet to a point of curvature therein; thence along the arc of a curve deflecting to the right, an arc distance of 1810.22 feet. Said curve having a radius of 5729.58 feet and a chord bearing North 5°-48'-56" West, 1802.70 feet to a point of tangency. As shown by the Cuyahoga County Engineer's "Grayton Road Alteration and Improvement" Plan No. M 4493, 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 Original Grayton Rd., herein provided by sending him a copy of this Ordinance.

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

Passed May 11, 1998.  
 Effective May 20, 1998.

**Ord. No. 364-98.**  
**By Councilman Zone.**  
**An emergency ordinance to vacate a portion of Adeline Road S.W. hereinafter described.**

Whereas, on the 12th day of May, 1997 the Council of the City of Cleveland adopted Resolution No. 55-97 declaring its intention to vacate a portion of Adeline Road S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 55-97 has been served upon the owners of all the property abutting Adeline Road S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Adeline Road S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That the southeasterly 21.81 feet of Adeline Road S.W. (80.00 feet wide), that extends northeasterly from the northeasterly line of Oliver Road S.W., (50.00 feet wide), to its intersection with the westerly line of Sublot No. 64 in the Moses & Samantha Day Subdivision as recorded in Volume 16, Page 17 of Cuyahoga County Map Records, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of the southeasterly 21.81 feet of Adeline Road S.E. (80.00 feet wide), that extends northeasterly from the northeasterly line of Oliver Road S.W., (50.00 feet wide), to its intersection with the westerly line of Sublot No. 64 in the Moses & Samantha Day Subdivision as recorded in Volume 16, Page 17 of Cuyahoga County Map Records.

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 Adeline Road S.W., here provided by sending him a copy of this Ordinance.

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 368-98.**  
**By Councilmen Jackson, Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance acquisition and for capital improvements to property located at 2275 East 55th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance the acquisition and for capital improvements to property located at 2275 East 55th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 368-98-A.

**Section 3.** That the costs of said contract shall not exceed a \$239,206 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23751.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

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

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 369-98.**  
**By Councilmen Patmon, Jackson, Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 East 105th Street, Cleveland, Ohio and authorizing the Director of Economic Development to apply for and accept an economic development administration grant from the U.S. Department of Housing and Urban Development in conjunction with the project.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone one or more contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 East 105th Street, Cleveland, Ohio.

**Section 2.** That the Director of Economic Development is hereby authorized to apply for and accept an economic development administration grant in the amount of \$600,000 from the U.S. Department of Housing and Urban Development in conjunction with the ShoreBank project for the purposes set forth in the Executive Summary contained in Section 4 of this ordinance and according thereto; that the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes set forth in the above mentioned executive summary.

**Section 3.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 369-98-A.

**Section 4.** That the costs of said contract shall not exceed a Loan Amount of \$426,000, which shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, RL 23752 and a Grant Amount of \$600,000 which shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 2 of this ordinance.

**Section 5.** That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 7.** 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 and expended from Fund No. 18 SF 004.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 434-98.**  
**By Councilmen Britt, Jackson, Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Preisler Lumber Co., Inc. to provide economic development assistance to partially finance the redevelopment of its facility located at 2391 Woodhill Road, 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 Preisler Lumber Co., Inc. to provide economic development assistance to partially finance redevelopment of its facility, through selective demolition and reconstructing a warehouse, located at 2391 Woodhill Road, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 434-98-A.

**Section 3.** That the costs of said contract shall not exceed Sixty Thousand Dollars (\$60,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24262.

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

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

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

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

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

Passed May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 468-98.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to clean and maintain sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials, for the various divisions of the Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to clean and maintain storm and sanitary sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials, in the estimated sum of \$200,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22531)

**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 May 11, 1998.  
Effective May 20, 1998.

**Ord. No. 473-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13713-15 McElhatten Avenue to Frances R. Carson.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 112-01-044, as more fully described in Section 2 below, to Frances R. Carson.

**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. 112-01-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Henry C. Wick Subdivision of part of Original 100 Acre Lot No. 351 as shown by the recorded plat in Volume 28 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Northerly side of McElhatten Avenue, N.E. and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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.

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 476-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1437 West 58th Street to Cleveland Housing Network, Incorporated.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-15-018, as more fully described in Section 2 below, to Cleveland Housing Network, Incorporated.

**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. 002-15-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Charles G. Summers and William B. Wintertons Subdivision of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 2 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 58th Street (formerly Waverly Street), and extending back of equal width 169 feet 1 inch, as appears by said plat.

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

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 517-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Carotech, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park located in the Cleveland Area Enterprise Zone.**

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

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

Whereas, Carotech, Inc. (the "Enterprise") has proposed to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park in the City of Cleveland; and

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

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development

in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of Carotech, Inc. for enterprise zone incentives on the basis that Carotech, Inc. 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 Carotech, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 517-98-A.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 518-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio 44105.**

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 Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio, 44105.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 518-98-A.

**Section 3.** That the costs of said contract shall not exceed Twenty Three Thousand Two Hundred Dollars (\$23,200), and shall be paid from Fund No. 17 SF 008, Request No. 24272.

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

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

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 519-98.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for development of a corporate office park north of Interstate 480 and west of Grayton Road for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Emerald Research Park, Ltd.**

Whereas, the Director of Economic Development has requested the purchase of property, which is located north of Interstate 480 and north of Grayton Road, for development of a corporate office park; and

Whereas, the Director of Economic Development has requested the sale of said property to Emerald Research Park, Ltd. for the public purpose of developing said property; and

Whereas, Emerald Research Park, Ltd. has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving development of said property; 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 provision of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing a corporate office park:

P.P.N.: 029-02-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township Section 4 and bounded and described as follows:

Beginning on the centerline of Hillside Road, a private road, (20 feet wide) distant North 82° 37' 06" East measured along said centerline 30.37 feet from a stone monument at its intersection with the Westerly line of land conveyed to Katy Leoblein by deed dated February 27, 1913 and recorded in Volume 1444, Page 376 of Cuyahoga County Deed Records;

Thence North 1° 35' 36" East and parallel with the Westerly line of land conveyed to said Katy Leoblein 300 feet to a point;

Thence North 82° 37' 06" East 101.24 feet to a point;

Thence South 1° 35' 36" West and parallel with the Westerly line of land so conveyed to said Katy Leoblein 295.13 feet to a point on the centerline of Hillside Road;

Thence South 70° 29' 06" West along the said centerline 22.87 feet to an angle point;

Thence South 82° 37' 06" West continuing along the centerline of Hillside Road 79.63 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-05-005

Parcel No. 1

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

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

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

Thence along the Westerly line of land so conveyed South 01° 28' 16" West, 63.96 feet to a point at the Northeastly corner of land con-

veyed to Dorothy Hutchinson by deed dated May 19, 1964 and recorded in Volume 11140, Page 399, Cuyahoga County Deed Records;

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

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

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

South 56° 30' 55" West, 42.78 feet;  
South 52° 05' 18" West, 27.99 feet;  
South 81° 56' 53" West, 18.00 feet;  
South 55° 43' 56" West, 30.48 feet;  
North 65° 34' 00" West, 23.72 feet;  
North 64° 07' 43" West, 26.38 feet;  
North 70° 04' 16" West, 30.93 feet;  
North 83° 58' 29" West, 20.78 feet;

to a tree imbedded with wire at the North edge of a ravine;

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

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

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

Easterly Part of Permanent

Parcel No. 029-05-003

Parcel No. 2

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

Beginning on the Northerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records, at a point distant 84.92 feet Westerly measured along said Northerly line from the Northeastly corner thereof;

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

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

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

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

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

Parcel No. 3  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4, and bounded and described as follows:

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

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

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

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

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

**Section 2.** That the Director of Economic Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That all costs of acquisition of land shall be paid from Fund No. 17 SF 652, Request No. 24270.

**Section 4.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development may enter into and execute a project agreement for an on behalf of the City of Cleveland with Emerald Research Park, Ltd. for the acquisition, disposition and private development for the property which is described in Section 1.

**Section 5.** That this Council finds that the conveyance to Emerald Research Park, Ltd. constitutes a public use of said property for the purposes of redevelopment.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the described property in Section 1 to the Emerald Research Park, Ltd., at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleve-

land in the deed or deeds of conveyances.

**Section 7.** 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 such necessary provisions (including such restrictive reversionary interests as may be specified by the Board of Control or Director of Law) which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 8.** That in the event that the above described property cannot be purchased pursuant to this legislation, this Council shall be notified by the Director of Economic Development prior to the introduction of legislation beginning the eminent domain process, which eminent domain process shall include a public hearing before the Council at the appropriate time.

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 557-98.**

**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to service and maintain police aircraft, including installation if necessary, for the Division of Police, Department of Public Safety, for one option to renew for one additional year.**

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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to service and maintain police aircraft, including installation if necessary, in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Public Safety, to renew for an additional year, and cancelable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Sup-

plies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24381)

**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 May 11, 1998.

Effective May 20, 1998.

**Ord. No. 867-98.**

**By Councilman Jackson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2386 and 2382 East 59th Street to St. Paul A.M.E. Zion Church.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-28-021 and 118-28-022, as more fully described in Section 2 below, to St. Paul A.M.E. Zion Church.

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

P.P. No. 118-28-021

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 60 feet of Sublots Nos. 227 and 228 in the W. S. Chamberlain's Subdivision of part of Original 100 Acre Lot No. 334 as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records.

Said Southerly 60 feet of said Sublot Nos. 227 and 228 together form a parcel of land having a frontage of 100 feet 3/4 inches on the Northerly side of Quincy Avenue S.E. and extending back be-

tween parallel lines 60 feet on the Easterly line of said land being the Westerly line of East 59th Street, formerly First Avenue, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-28-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 30 feet of the Southerly 90 feet of Sub-lots Nos. 227 and 228 in W. S. Chamberlain's Allotment of part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat in Volume 6 of Maps, Page 14 of Cuyahoga County Records, and being 30 feet front on the Westerly side of East 59th Street (60 feet wide) (formerly First Avenue), and extending back of equal width 100 feet 3/4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 868-98.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Loew's Building Limited and Ciao Cucina Restaurant to encroach into the public right-of-way of (1515) Euclid Avenue to install a railing to enclose the cafe which will allow for outdoor seating.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the Loew's Building Limited and Ciao Cucina Restaurant, 1501 Euclid Avenue Suite 200, Cleveland, Ohio 44115; its successors and assigns; for the construction, use and maintenance of a railing to enclose the area at 1515 Euclid Avenue, to provide enclosed outdoor cafe seating at this location more fully described as follows:

**LOEW'S BUILDING LIMITED/  
CIAO CUCINA RESTAURANT  
ENCROACHMENT:**

Beginning on the Northerly line of Euclid Avenue (99.00 feet wide) at a point distant 135.15 feet from the Westerly line of East 17th Street (60.00 feet wide); thence Westerly along the Northerly line of Euclid Avenue 36.00 feet; thence Southerly at right angles to the Northerly line of Euclid Avenue 9.00 feet; thence Easterly and parallel with the Northerly line of Euclid Avenue 36.00 feet; thence Northerly 9.00 feet to the place of beginning.

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

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

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

Passed May 11, 1998.

Effective May 20, 1998.

**Ord. No. 869-98.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the Children's Run/Run For The Arts on May 31, 1998, sponsored by Hermes Race Systems.**

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 Children's Run/Run For The Arts, sponsored by Hermes Race Systems, on May 31, 1998, beginning on Ontario to

Huron, Huron to East 6th Street 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 May 11, 1998.

Effective May 20, 1998.

**Ord. No. 870-98.**

**By Councilman Cintron.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Earline Reasor).**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; 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 14: Earline Reasor.

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

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

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

Passed May 11, 1998.

Effective May 20, 1998 without the signature of the Mayor.

**COUNCIL COMMITTEE  
MEETINGS****Monday, May 11, 1998****Employment, Affirmative Action  
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— Present: White, Chairman; Moran,  
Vice Chairman; Britt, Cintron,  
Lewis. Excused: Gordon, Johnson.**Finance Committee: 2:00 P.M.** —  
Present: Johnson, Chairman; West-brook, Vice Chairman; Coats, Lewis,  
Patmon, Polensek, Robinson,  
Rybka, Sweeney, Zone. Excused:  
Melena.**Tuesday, May 12, 1998****Community & Economic Develop-  
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sent: Jackson, Chairman; Robinson,  
Vice Chairman; Cimperman, Cin-  
tron, Coats, Gordon, Jones, Lewis,  
Zone.**Public Utilities Committee: 1:30  
P.M.** — Present: Patmon, Chairman;  
Coats, Vice Chairman; Britt, Cintron,  
Jones, Lewis, Polensek. Excused:  
Dolan, Moran.**Wednesday, May 13, 1998****City Planning Committee: 1:30 P.M.**  
— Present: Rybka, Chairman; Cim-  
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