

The City Record

Official Publication of the Council of the City of Cleveland



November the Ninth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	James R. Knight
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Emily Lipovan Holan
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE President of Council – Frank G. Jackson

Ward	Name	Residence	
1	James R. Knight	16217 Glendale Avenue	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Emily Lipovan Holan	4579 South Hills Drive	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

MAYOR – Jane L. Campbell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Antonette Thompson, Director

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

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

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

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

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank G. Jackson; Betsy Hruby, Asst. Sec’y.; Robert H. Baker, Director.

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President; Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities Director Julius Ciaccia; Council President Frank G. Jackson.

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

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

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

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud, Doris Honsa, Richard Lenard.

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

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

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair; Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

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

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

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

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OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 9, 2005

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CITY COUNCIL

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The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

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

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; _____, Vice Chairman; Brady, Cimperman, Johnson, Kelley, Knight, Polensek, White, Zone.

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

MONDAY

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

TUESDAY

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

TUESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; Brady, Vice Chairman; Cintron, Kelley, Knight, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Conwell, Vice Chairman, Brancatelli, Lipovan Holan, Kelley, Lewis, Pierce Scott.

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

Rules Committee: Jackson, Chairman; Reed, Sweeney, Westbrook.

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 2, 2005

The special meeting of the Board of Control convened in the Mayor's office on Wednesday, November 2, 2005, at 3:30 p.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Absent: Mayor Campbell and Director Ricchiuto.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Ed Nunez, Acting Director, Office of Equal Opportunity.

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

Resolution No. 612-05.

By Director Baker.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of October, 2005 in the amount of \$21,540.50, attached and made a part of this resolution, is received, approved and ordered filed.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 613-05.

By Director Baker.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Coleman Professional Services, Inc., d.b.a. Sage Computer Services for an estimated quantity of keypunch services, item 1, for the various divisions of City Government, for a period of one (1) year, beginning with the date of execution of a contract, received on the 31st day of August, 2005, under the authority of Ordinance No. 1005-05, passed June 6, 2005, which on the basis of the estimated quantity would amount to \$112,420.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is 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. 127031 which shall be certified against such contract in the sum of \$25,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 614-05.

By Director Ciaccia.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 2, 2005, for the estimated quantity of labor and materials to repair and maintain the high voltage static pipe-type transmission cable system and for emergency spill cleanup, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 1014-05, passed by the Council of the City of Cleveland on July 13, 2005, be and the same are hereby rejected.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 615-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of low sulfur #2 dyed diesel fuel oil, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on September 16, 2005, under the authority of Ordinance No. 1010-05, passed July 13, 2005, which on the basis of the estimated quantity would amount to \$1,013,970.00 (Net, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153885 which shall be certified against such contract in the sum of \$55,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 616-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Nerone & Sons, Inc. for the public improvement of the Crown Water Works Plant Filter Aid Polymer Feed System (including a \$12,760.00 contingency allowance), (all items), for the Division of Water, Department of Public Utilities, received on August 26, 2005, under the authority of Ordinance No. 461-05, passed June 6, 2005, upon a gross price for the improvement in the aggregate amount of \$140,360.00 is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Nerone & Sons, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u> <u>WORK</u>
DDC + Inc. (MBE)	3.56% \$ 5,000.00
Lee Infrastructure (MBE)	50.94% \$71,500.00
Julian Supply (FBE)	0.14% \$ 200.00

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 617-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Julian Supply Corp. for an estimated quantity of adjustable valve boxes (items 1, 2, 3, 4, and 6) for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on August 24, 2005 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$120,800.00 (2%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161304 which shall be certified against the contract in the sum of \$50,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 618-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of East Jordan Iron Works, Inc. for an estimated quantity of adjustable valve boxes (item 5) for the Division of Water, Department of Public Utilities, for a period of one (1) year, received on August 24, 2005 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$59,000.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161303 which shall be certified against the contract in the sum of \$20,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 619-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Environmental Associates Ltd. for an estimated quantity of laboratory services for protozoa and biological analysis (all items) for the Division of Water, Department of Public Utilities, for a period of four (4) years, received on September 16, 2005 under the authority of Section 129.28 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$78,978.00, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the

commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 161312

which shall be certified against the contract in the sum of \$25,000.00.

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

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 620-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Office Max Contracts, Inc. for an estimated quantity of office furniture, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on September 14, 2005, under the authority of Ordinance No. 2025-02, passed November 18, 2002, which on the basis of the estimated quantity would amount to \$40,105.20, (0% Net 20 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 153886

which shall be certified against the contract in the sum of \$20,000.00.

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the goods and/or services, whether more or less than the estimate quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Office Max Contracts, Inc., for office furniture for the above mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>MBE/FBE</u>
Integrated Business Supplies	\$2,500.00 (FBE) 6.23%

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 621-05.

By Director Watson.

Be it resolved by the Board of Control of the City of Cleveland that under Section 181.19(b) of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is directed to offer to sell to each police officer listed below, at fair market value; the service revolver bearing the serial number listed to the right of the respective officer's name:

	<u>Serial No.</u>
Brown, Arthur	SW5943 TFK5122
Butler, James	SW5943 TYR6140
Cerny, Richard	SW5946 VJD4569
Cutlip, Bruce	SW5943 TFK5286
Davis, Todd	SW5943 TFK5020
Dodge, Michael	SW5943 TFK5290
Gannon, Thomas	SW5943 TFK4986
Grabski, Jeffrey	SW5943 VCR6167
Jerse, Randy	SW5946 VJD4680
Johnson, Johnny	SW5943 VCR6099
Kane, Gary	SW6906 TCA3946
Kubiak, Robert	SW5946 VJD4650
Kuykendall, Phillip	SW5943 VAK6334
Lavelle, Timothy	SW5943 TFK5339
McCarthy, Raymond	SW5946 VJD4615
McNeeley, Charles	SW5943 VAK7535
Mehaffey, Rex	SW5943 TFL6633
Mills, Hugh	SW5943 TYR6075
Oliver, Dorcas	SW5943 VYY5234
Plute, Antoinette	SW5943 VYY5897
Raynard, James	SW5943 TVH5972
Rivera, Michele	SW5943 VCT2629
Romero, Harvey	SW5943 THA0706
Stanek, Mark	SW5946 TDP8586
Terrace, Laurie	SW5943 THA0738
Thomas, James	SW5946 VJD4646
Thomas, Theodore	SW5943 TVA6849
Timm, Ronald	SW5943 TFK5095
Torok, Michael	SW5943 THA0680
Turner, Hanz	SW5946 TDV5085
Tusing, Richard	SW5943 TYR6079
Williams, Virgil	SW5946 VJD4567
Young, Willie	SW6906 TCL0988

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 622-05.

By Director Mok.

Resolved, by the Board of Control of the City of Cleveland that the bid of Alitalia Contractors, Inc. d/b/a Creative Concrete Construction Co. for labor and materials to make pavement improvements on ramps, curbs and aprons, all items, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years beginning with the date of execution of a contract, received on August 31, 2005, under the authority of Ordinance No. 2296-04, passed on January 24, 2005, which on the basis of the estimated quantity would amount to \$293,694.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for such labor and materials necessary, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 156800

which shall be certified against the contract in the sum of \$50,900.00.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Alitalia Contractors, Inc., d/b/a Creative Concrete Construction Co. is approved:

<u>Subcontractor</u>	<u>MBE/FBE</u> <u>Amount</u>
McTech Corp.	15.02% MBE \$44,100.00
Interstate Safety	5.01% FBE \$14,700.00

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 623-05.

By Director Baker.

Whereas, Board of Control Resolution No. 396-05, adopted July 27, 2005 under the authority of Ordinance No. 4-05, passed by the Cleveland City Council January 12, 2005 authorized the Director of Finance to enter into contract with LBL Technology Partners for professional services for risk assessment, impact analysis, recovery strategy development, and all other related services necessary to develop, test, and deploy a comprehensive disaster recovery plan for the City's primary data center facilities and IT voice and data infrastructure, for various departments of City government and the Cleveland Municipal Court, and approved Burrows Travel as an MBE sub-consultant for \$7,500, 5%; and

Whereas, since adoption of Resolution No. 396-05, Burrows Travel has gone out of business; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 396-05, adopted July 27, 2005, authorizing the Director of Finance to contract with LBL Technology Partners for professional services to develop, test, and deploy a citywide comprehensive disaster recovery plan and approving various sub-consultants, is amended by approving Action Travel Center, Inc. (FBE) as a substitute sub-consultant for Burrows Travel in the same amount of \$7,500.00, 5% of the contract.

Be it further resolved that all other terms of Resolution No. 396-05 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Direc-

tor Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 624-05.

By Director Baker.

Whereas, Board of Control Resolution No. 120-05, adopted March 23, 2005 under the authority of Ordinance No. 906-04, passed by the Cleveland City Council June 7, 2004, authorized the Director of Finance to enter into contract with Crestone International, Inc. for professional services for support and maintenance of PeopleSoft Financial Management System for a term of one year with two options to renew for an additional one-year term.

Whereas, since adoption of Resolution No. 120-05, Crestone International, Inc. has changed its name to CedarCrestone, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 120-05, adopted March 23, 2005, authorizing the Director of Finance to enter into contract with Crestone International Inc. for professional services for support and maintenance of PeopleSoft Financial Management System for a term of one year with two options to renew for an additional one-year term, is amended to reflect the prospective contractor's name change to CedarCrestone, Inc.

Be it further resolved that all other terms of Resolution No. 120-05 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

Resolution No. 625-05.

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of Memorial Services Inc. d/b/a F.J. Corrigan Funeral Services Inc. for cremations and indigent burials, all items, for the Division of Health, Department of Public Health, for a period not to exceed two years beginning with the date of execution of a contract, received on September 15, 2005, under the authority of Ordinance No. 935-05, passed on June 6, 2005, which on the basis of the estimated quantity would amount to \$214,360.00, 5% 30 Days, is affirmed and approved as the lowest and best bid, and the Director of Public Health is requested to enter into a requirement contract for cremation and indigent burials, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 160803 which shall be certified against the contract in the sum of \$20,000.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for cremations and indigent burials, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Acting Director Horvath, Acting Director Schneider, Directors Ciaccia, Mok, Carroll, Acting Director Pettus, Directors Thompson, Rush, Routen, Huth, Acting Director Odom, Director Taylor and Acting Director Cooper.

Nays: None.

Absent: Mayor Campbell and Director Ricchiuto.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 21, 2005

9:30 A.M.

Calendar No. 05-330: 1455 East 185th Street (Ward 11)

E-Poch Properties LLC, owner, and Sansai Environmental Technologies, Inc., lessee, appeal to establish use for the manufacture of soil products in an existing 659' x 700' former industrial manufacturing building, situated on acreage located in split zoning between a B1 Residence Industry District and a B3 General Industry District on the

east side of East 185th Street at 1455 East 185th Street; the proposed use is contrary to Section 345.02 being not permitted in a Residence Industry District and fertilizer manufacture from organic matter is specifically prohibited in a General Industry District, as stated in Section 345.04(c)(2)(G) of the Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 7, 2005

At the meeting of the Board of Zoning Appeals on Monday, November 7, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-318: 3101 Clinton Avenue

Louis Makar appealed to erect a 22'-6" one-story, frame garage addition to the rear of an existing single family residence in a Two-Family District.

Calendar No. 05-319: 17800 Parkmount Avenue

The Cuyahoga Metropolitan Housing Authority appealed to install an 8' high wooden fence along the rear property line of Riverside Estates between West 174th Street and Interstate 71 in a B1 Two-Family District.

Calendar No. 05-320: 710 Jefferson Avenue

UGP Properties LLC appealed to change a six story former printing facility to a restaurant and 102 residential apartments in a B1 Two-Family District.

The following appeal was **Denied:**

Calendar No. 05-321: 728 East 131st Street

Cleveland Housing Network LP XXI, appealed to install 66' of 4' high chain link fence in the actual front yard of a corner parcel in a Multi-Family District.

The following appeals were **Dismissed:**

Calendar No. 05-211: 3905 Clinton Avenue

Harsax, Inc., owner, and Rysar Properties, agent, appealed to erect a five unit townhouse structure in a Two-Family District.

Calendar No. 05-314: 1361-95 East 55th Street

VIP East 55th Street, Inc. appealed to use existing buildings and land on an irregular shaped 224' x 305' corner parcel for interior and exterior storage of building materials in split zoning for General Retail Business and Two-Family Districts.

The following appeal was **Postponed**:

Calendar No. 05-317: 1802 Crawford Road postponed to December 12, 2005.

In Executive Session on November 7, 2005, the following appeals heard by the Board on October 31, 2005 were adopted and approved.

The following appeals were **Approved**:

Calendar No. 05-305: 4837 State Road Bogdan One LLC appealed to renovate and expand an existing transmission repair use in a Local Retail Business District; subject to revised plan.

Calendar No. 05-306: 858 Royal Road Cresthaven Development Inc. appealed to erect a 18' x 35' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-307: 871 Ruple Road Cresthaven Development Inc. appealed to erect a 19' x 45' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-308: 855 Ruple Road Cresthaven Development Inc. appealed to erect a 20' x 41' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-309: 864 Royal Road Cresthaven Development Corp. appealed to erect a 19' x 59' single family residence in a Multi-Family District.

Calendar No. 05-310: 868 Ryal Road Cresthaven Development Corp. appealed to erect a 19' x 37' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-311: 859 Ruple Road Cresthaven Development Corp. appealed to erect a 19' x 45' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-312: 875 Ruple Road Cresthaven Development Corp. appealed to erect a 18' x 35' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-313: 879 Ruple Road Cresthaven Development Corp. appealed to erect a 19' x 35' single family residence and attached garage in a Multi-Family District.

Calendar No. 05-316: 1605 West Schaaf Road Douglas Champoir appealed to erect a 19' x 6' wooden arbor to the west side of a one family residence in a One-Family District; subject to conditions.

The following appeal was **Denied**:

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of November 2, 2005

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

* * *

Docket A-103-05.

RE: Appeal of Goodrich Properties, Owner of the General Retail Property located on the premises known as 1308 Prospect Avenue from a NOTICE OF VIOLATION — HAZARDOUS STRUCTURE of the Director of the Department of Building and Housing, dated August 18, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the structure to remain open, with the condition that emergency lighting and closures on the second and third floor exit doors in the one conforming exit be installed within thirty (30) days, and to require that the conditions in the Osborne Engineering letter dated October 17th, 2005 be complied with; the docket will be rescheduled in ninety (90) days to check on the progress of the property. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-107-05.

RE: Appeal of Estate of Charles C. Pearson, Owner of the Parking Lot located on the premises known as 5708 Train Avenue from a NOTICE OF VIOLATION — HAZARD OTHER of the Director of the Department of Building and Housing, dated August 15, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-107-05 has been POSTPONED; to be rescheduled for November 30th, 2005.

* * *

Docket A-111-05.

RE: Appeal of Edward M. Wheatley, Owner of the One Dwelling Unit Single Two Story Residential Property located on the premises known as 3810 Dawning Avenue from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Director of the Department of Building and Housing, dated August 26, 2005, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional

time and to REMAND the property at 3810 Dawning Avenue to the Department of Building and Housing for supervision and any required further action, and to require that the property be maintained groomed and debris free until the property is sold. Motion so in order. Motioned by Mr. Saab and Seconded by Mr. Gallagher.

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

* * *

APPROVAL OF RESOLUTIONS

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

A-92-05—Charles Pugh, d.b.a. Togo Construction.

A-93-05 to A-98-05 — Western Reserve Leasing Co.

A-100-05—Cornell Merchant.

A-104-05—Ashland Chemical.

A-109-05 — McPhillips Plumbing, Heating.

A-110-05 — The Cleveland Museum of Art.

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

* * *

AMENDED RESOLUTION:

Docket A-78-05 - Richard C. Giachetti - 10400 Lorain Avenue:

FROM:to permit the door swing to remain in, noting that there is a second clearly marked exit and that the occupancy of the front room will not exceed 40 occupants; to allow a 13R sprinkler system to be installed throughout the premises in lieu of a 13R system in the public areas; to require that the construction of the first floor be verified to ensure adequacy for assembly occupancy, and to require a description of the mechanical electrical systems to ensure their adequacy of the proposed occupancy; the property is REMANDED at this time to the Department of building and Housing for supervision and any required further action....

TO:to permit the door swing to remain in, noting that there is a second clearly marked exit and that the occupancy of the front room will not exceed forty (40) occupants; to allow a 13R sprinkler system to be installed in the public areas only in lieu of throughout the premises; to require that the construction of the first floor be verified to ensure adequacy for assembly occupancy, and to require a description of the mechanical electrical systems to ensure their adequacy of the proposed occupancy; the property is REMANDED at this time to the Department of building and Housing for supervision and any required

further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab....

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

* * *

APPROVAL OF MINUTES:

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

October 19, 2005

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

* * *

Secretary

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or

FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, NOVEMBER 17, 2005

Earle B. Turner Recreation Center — Gymnasium Renovations (Phase 1), for the Division of Architecture, Department of Public Service, as authorized by Ordinance Nos. 1264-03 and 2151-03, passed by the Council of the City of Cleveland, July 16, 2003 and December 15, 2003, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 10, 2005 AT 10:30 A.M., EARLE B. TURNER RECREATION CENTER, 11300 MILES AVENUE, CLEVELAND, OHIO 44105.

Assembly and Installation of New Boilers (Owner Furnished Equipment) at Fire Stations 6, 40, 42, 43, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2145-03, passed by the Council of the City of Cleveland, February 9, 2004.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 10, 2005 AT 10:00 A.M., FIRE STATION NO. 43, 4525 ROCKY RIVER DRIVE, CLEVELAND, OHIO 44135.

November 2, 2005 and November 9, 2005

FRIDAY, NOVEMBER 18, 2005

Exterminating Services (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 546-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 11, 2005 AT 11:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Labor and Materials Necessary to Maintain or Repair Overhead doors (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 552-05,

passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 11, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 2, 2005 and November 9, 2005

FRIDAY, NOVEMBER 25, 2005

Diesel Fuel — Will Call, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 825-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, NOVEMBER 15, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Lubricants, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 826-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, NOVEMBER 15, 2005 AT 3:30 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

Remanufactured Allison Automatic Transmissions, for the Division of Motor Vehicles Maintenance, Department of Public Service, as authorized by Ordinance No. 997-05, passed by the Council of the City of Cleveland, October 11, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, NOVEMBER 17, 2005 AT 3:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

November 2, 2005 and November 9, 2005

WEDNESDAY, NOVEMBER 23, 2005

Purchases and Supplies Office Renovations, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 835-02, passed by the Council of the City of Cleveland, June 3, 2002.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 17, 2005 AT 10:00 A.M., DIVISION OF ARCHITECTURE, 601 LAKESIDE AVENUE, ROOM 517, CLEVELAND, OHIO 44114.

November 9, 2005 and November 16, 2005

WEDNESDAY, NOVEMBER 30, 2005

Emergency Medical Care Bodies, for the use of Division of Emergency Medical Service, Department of Public Safety, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, NOVEMBER 22, 2005 AT 2:30 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

Pole Trailers (Dinkeys), for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 829-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, NOVEMBER 22, 2005 AT 3:00 P.M., MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44114.

November 9, 2005 and November 16, 2005

FRIDAY, DECEMBER 2, 2005

Snow and Ice Removal, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2009-04, passed by the Council of the City of Cleveland, November 22, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, FRIDAY, NOVEMBER 25, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

Fire and Extended Insurance Coverage, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 892-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **MANDATORY PRE-BID MEETING**, TUESDAY, NOVEMBER 22, 2005 AT 10:00 A.M., CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

HVAC/R Supplies and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 839-05, passed by the Council of the City of Cleveland, June 6, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 18, 2005 AT 10:00 A.M., DIVISION OF PROPERTY MANAGEMENT, 4150 EAST 49TH STREET, BUILDING #2, CLEVELAND, OHIO 44105.

November 9, 2005 and November 16, 2005

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2044-05.
By Council Members Coats, Jackson and White.

An emergency resolution remembering Rosa Parks and the sacrifices that she made in advancing civil rights and designating December 1, 2005 as "Rosa Parks Day".

Whereas, Rosa Louise McCauley was born on February 4, 1913 in Tuskegee, Alabama to James McCauley, a carpenter, and Leona McCauley, a school teacher; and

Whereas, at the age of 11, Rosa enrolled in the Montgomery Industrial School for Girls and later at Alabama State Teachers College; and

Whereas, at the age of twenty, Rosa married a barber named Raymond Parks; and

Whereas, on December 1, 1955, Rosa Parks refused to give up her bus seat to a white passenger in Montgomery, Alabama, resulting in her arrest; and

Whereas, Rosa Parks' defiance triggered the famous Montgomery bus boycott and earned her the title "Mother of the Civil Rights Movement"; and

Whereas, the 382 day boycott introduced the world to Reverend Dr. Martin Luther King, Jr. who was President of the Montgomery Improvement Association and the boycott spokesperson; and

Whereas, the federal district court on June 4, 1956, ruled bus segregation unconstitutional; and

Whereas, Rosa Parks and her husband, Raymond Parks, in 1957 moved to Detroit, Michigan where Rosa served on the staff of United States Representative John Conyers; and

Whereas, the Southern Christian Leadership Council later established an annual Rosa Parks Freedom Award in her honor; and

Whereas, Rosa Parks founded the Rosa and Raymond Parks Institute for Self-Development to offer guidance to young African-Americans; and

Whereas, President Clinton presented Rosa Parks with the Congressional Medal of Freedom in 1995; and

Whereas, Rosa Parks died on October 24, 2005 at the age of 92; and

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

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

Section 1. That this Council hereby remembers Rosa Parks and the sacrifices that she made in advancing civil rights.

Section 2. That this Council hereby designates December 1, 2005 as "Rosa Parks Day".

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 October 31, 2005.

Effective November 2, 2005.

Res. No. 2047-05.
By Council Members Jackson and Sweeney.

An emergency resolution supporting and encouraging full participation in the Automotive Industry Summit and supporting efforts to protect the American automotive industry.

Whereas, community response to local industries in crisis and threatened with closure, such as hospitals, steel mills, the defense finance agency, and NASA, have resulted in a community response changing the direction of industry action; and

Whereas, Cleveland's local economy is dependent on the automotive industry; and

Whereas, the nation's automotive industry is in crisis as signified by the Delphi bankruptcy, General Motor's proposed cut in health benefits to its workers, and Ford's projected cutbacks; and

Whereas, all of these occurrences could have a negative impact on Cleveland's automotive industry; and

Whereas, the federal, state, county, and local governments need to support the automotive industry and its workers; and

Whereas, automotive industry jobs are important to the local and national economy; and

Whereas, GM Canada and Ford Canada are in a stronger position because the Canadian government provides universal health care to all of its citizens, including automotive industry workers; and

Whereas, even though many local automotive industry jobs are located in the suburbs of the City of Cleveland, many automotive workers live in the City of Cleveland and many jobs related to the automotive industry are in the City of Cleveland; and

Whereas, many of the problems facing the automotive industry are the result of the deindustrialization of our nation and are frequently beyond the jurisdiction of local governments; and

Whereas, as a result of deindustrialization and the loss of important manufacturing jobs in the automotive industry and other industries, our standard of living is decreasing, families encounter more challenges, and today's young adults are not as financially secure as the preceding generation; and

Whereas, the City of Cleveland, the State of Ohio, and the United States of America have a workforce second to none; and

Whereas, today's work force, like previous generations, needs health care; and

Whereas, today's seniors and retirees need health care; and

Whereas, corporate pensions are being reduced or eliminated by corporate bankruptcies and cutbacks; and

Whereas, the Pension Benefits Guaranty Corporation is being tapped out; and

Whereas, when the automotive industry fails, other industries are negatively impacted; and

Whereas, our country cannot survive without manufacturing; and

Whereas, the United States lacks, but needs, a manufacturing policy, and

Whereas, the automotive, steel, and aerospace industries are essential to national security; and

Whereas, on October 25, 2005, Congressman Dennis Kucinich convened the Automotive Industry Summit to draw attention to the plight of local workers and the state of the automotive industry and to bring together those impacted by current trends with government officials at the local, county, state, and federal levels in a bipartisan and nonpartisan manner to address these issues; and

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

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

Section 1. That this Council supports and encourages full participation in the Automotive Industry Summit and supports efforts to protect the American automotive industry as such efforts will enable Clevelanders, Ohioans, and Americans to find and keep good jobs in the U.S. automotive industry.

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 October 31, 2005.

Effective November 2, 2005.

Ord. No. 1645-05.

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

An emergency ordinance declaring improvements to certain parcels of real property to be a public purpose, describing the public improvements to be made to directly benefit such parcels, requiring the owner of the improvements on such parcels to make service payments in lieu of taxes, establishing a municipal public improvement tax increment equivalent fund for the deposit of such service payments, authorizing a compensation agreement with the Cleveland Municipal School District, and related authorizations pursuant to Revised Code Sections 5709.40, 5709.42 and 5709.43.

Whereas, Sections 5709.40, 5709.42 and 5709.43 of the Revised Code (the "Act") provide that this Council may describe public improvements to be made which directly benefit certain parcels, declare Improvements (as defined in Section 5709.40 of the Revised Code) with respect to such parcels of real property located in the City to be a public purpose, thereby authorizing the exemption of those Improvements from real property taxation for a period of time, and provide for the making of service payments in lieu of taxes by the owner of such parcels, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

Whereas, a residential and commercial development has been proposed (the "Project") to be located on the parcels and in the area described in File No. 1645-05-C (that area, as the parcels therein are consolidated or subdivided and as existing streets are vacated, is hereinafter referred to as the "Property," excluding the portions thereof to be part of public streets and parks otherwise exempt from property taxation); and

Whereas, this Council desires to construct or cause the construction of the public infrastructure improvements described and placed in the above-mentioned file (the "Public Improvements") that once made will directly benefit the Property; and

Whereas, the City has determined that it is necessary and appropriate and in the best interests of the City to provide for service payments in lieu of taxes with respect to the Property pursuant to Section 5709.42 of the Revised Code (the "Service Payments"); and

Whereas, the City of Cleveland is an Impacted City within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located within area designated as the Flats East Bank Community Development Plan Area, which this Council has determined by Ordinance No. 1644-05, passed _____, 2005, is a Blighted Area within the meaning of Section 1728.01 of the Revised Code; and

Whereas, the Property is located in the Cleveland Municipal School District (the "School District"), and the School District has approved the real property tax exemption provided for in this Ordinance and has waived notice requirements on the condition that a compensation agreement be entered into, as provided herein (the "School Agreement"); and

Whereas, the City desires that the Cleveland Cuyahoga County Port Authority (the "Port Authority") and/or the City and other governmental entities construct and finance a portion of the Public Improvements and anticipates that the Port Authority will finance costs relating thereto by the issuance of bonds by the Port Authority secured by the Service Payments (the "Bonds") under the terms of a cooperative agreement to be entered into providing for the City's transfer of the portion of the Service Payments not otherwise paid to the School District; and

Whereas, the construction of the Project and the Public Improvements is necessary to eliminate blighted conditions and prevent the recurrence of blight and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Public Improvements. That the Public Improvements described in the above described file hereto intended to be made or caused to be made, by the City are hereby designated as those Public Improvements that directly benefit, or that once made will directly benefit, the Property, and improvements on the Property will place direct,

additional demand on the Public Improvements.

Section 2. Property Tax Exemption. That pursuant to and in accordance with the provisions of Section 5709.40 of the Revised Code, and, in particular, division (B) of Section 5709.40 of the Revised Code, this Council hereby finds and determines that 100% of the increase in the assessed value of the Property that would first appear on the tax list and duplicate of real property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvement" or "Improvements" as defined in said Section 5709.40 of the Revised Code) is a public purpose, and 100% of said Improvement is hereby declared to be a public purpose for a period of 30 years and exempt from taxation commencing with tax year 2009 and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of 30 years or (2) the date on which the City has collected into the Fund established in Section 5 hereof a total amount of payments in lieu of taxes available for and sufficient to pay the costs provided in Section 5 hereof.

Section 3. Service Payments. That as provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the Municipal Public Improvement Tax Increment Equivalent Fund established in Section 5 hereof. This Council hereby authorizes the Mayor, Director of Finance, Director of Economic Development, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

Section 4. School Agreement. That the Mayor is hereby authorized and directed to sign on behalf of the City a School Agreement between the City and the School District pursuant to Section 5709.82 of the Revised Code providing that the City shall pay the School District a portion of the Service Payments received by the City equal each year to 50% of the amount the School District would have received as real property taxes but for the exemption provided in this Ordinance, that School Agreement to be in such form as is approved by the Mayor and Law Director consistent with the objectives and requirements of this Ordinance, which approval shall be conclusively evidenced by the signing of the School Agreement.

Section 5. Tax Increment Equivalent Fund. That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Flats East Bank Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments and any associated rollback payments distributed to the City with respect to the Improvement on

the Property, by or on behalf of the County Treasurer as provided in Section 5709.42 of the Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used for any or all of the following purposes:

(i) to pay any and all planning, engineering, acquisition, construction, installation, financing costs, and any and all other direct and indirect costs of the Public Improvements, including those costs set forth in division (B) of Section 133.15(B) of the Revised Code;

(ii) to pay the interest on and principal of bonds or notes, and premium, if any, including refunding or additional bonds or notes or other obligations issued or loans entered into by the City, the Port Authority, the State of Ohio or other governmental entity to finance costs of the Public Improvements until such notes or bonds or other obligations or loans are paid in full, and to pay trustee and other costs related to servicing the obligations and providing and replenishing a reserve fund and to pay costs charged by the issuer of the obligations;

(iii) to reimburse the City, the Port Authority, the State or other governmental entity for any funds used to pay costs of the Public Improvements, or to pay interest, principal, or premium, and related costs on any of the aforesaid notes, bonds, loans or other obligations, prior to receipt of Service Payments; and

(iv) to compensate the School District pursuant to the School Agreement.

The Fund shall remain in existence so long as the Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43 of the Revised Code.

Section 6. Community Reinvestment Area. That to the extent any of the residential units and related facilities are eligible for and are granted a real property tax exemption under the City's existing community reinvestment area program, the City hereby consents for that exemption to supersede the exemption provided in this Ordinance during the years of that community reinvestment area exemption; provided that the exemption under this Ordinance is effective immediately upon the termination of the community reinvestment area exemption.

Section 7. Filing and Reporting to State. That pursuant to Section 5709.40 of the Revised Code, the Clerk of Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Director of Economic Development or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Revised Code.

Section 8. Captions. That the captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 9. Open Meeting Determination. That it is found and determined that all formal actions of this Council and of any of its committees

concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 10. City Charter Findings. That it is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 11. Severability. That each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 13. Legislative Intent. That all terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Section 14. Emergency Measure. That this Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the elimination of blighted conditions and prevention of the recurrence of those conditions and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1646-05.
By Council Member Jackson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 61st Street to Burten, Bell, Carr Development Corporation, Inc.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 124-02-001 and 124-02-044, as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 124-02-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 6 in Block "F" in Patten Knowles and Slater Trustees Subdivision of part of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southerly side of Quincy Avenue S.E. at its intersection with the Easterly line of East 61st Street (formerly Slater Avenue); thence Easterly along the Southerly line of Quincy Avenue S.E., 54 feet to the Northeast corner of said Sublot No. 6; thence Southerly along the Easterly line of said Sublot, 95 feet; thence Westerly parallel with the Southerly line of Quincy Avenue S.E. to the Easterly line of East 61st Street; thence Northerly along the Easterly line of East 61st Street, 95 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 124-02-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 117 in Patten, Knowles and Slater Trustees Re-Subdivision of part of Bomford Allotment of part of Original One Hundred Acre Lot Nos. 331 and 332, as shown by the recorded plat in Volume 2 of Maps, Page 52 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of East 61st Street (formerly Slater Street) at a point 85 feet Northerly from the intersection of said Easterly line with the Northerly line of Scovill Avenue S.E.; thence Easterly parallel with the Northerly line of Scovill Avenue S.E., 45 feet; thence Northerly parallel with the Easterly line of East 61st Street, 35 feet to the Northerly line of said Sublot No. 117; thence Westerly along the Northerly line of said Sublot No. 117, 45 feet to the Easterly line of East 61st Street; thence Southerly along the Easterly line of East 61st Street,

35 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1647-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Burten, Bell, Carr Development, Inc.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 118-23-064, as more fully described below, to as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 118-23-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 35 feet of Sublot No. 68 and the Southerly 5 feet of Sublot No. 69 in Coleman and Van Tine's Subdivision of a part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 17 of Maps, Page 8 of Cuyahoga County Records. Said Northerly 35 feet of Sublot No. 68 and the Southerly 5 feet of said Sublot No. 69 together forming a parcel of land having a frontage of 40 feet on the Easterly side of East 70th Street (formerly Irvington Street) and extending back between parallel lines 134 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1648-05.

By Council Member Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on scattered sites to Burten, Bell, Carr Development, Inc.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, adminis-

tered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-066 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 109 in H.P. Weddell's Subdivision of part of Original Ten Acre Lot Nos. 64, 65 and 66 as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and bounded and described as follows:

Beginning on a Westerly line of East 37th Street (formerly Forest Street), 48 feet Southerly from its intersection with the Southerly line of Cedar Avenue, S.E., thence Westerly at right angles 37 feet 11 inches to the Westerly line of said Sublot No. 109; thence Southerly along said Westerly line, 29 feet; thence Easterly parallel to the Northerly line of said Sublot No. 109, 37 feet 11 inches to the Westerly line of East 37th Street, thence Northerly along the Westerly line of East 37th Street, 29 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-108 as more fully described below to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly one-half of Sublot No. 18 in Taylor and Hoyt Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 26 feet front on the Easterly side of East 37th Street, and extending back of equal width 73 feet five inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-22-106 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 32 feet front to rear of Sublot No. 16 in Taylor and Hoyt's Allotment of part of Original Ten Acre Lot No. 66, as shown by the recorded plat in Volume 2 of Maps, Page 34 of Cuyahoga County Records, and being 32 feet front on the Easterly side of Wheat Street, (now known as East 37th Street) and extending back of equal width 73 feet 5 inches deep, as appears by said plat.

Subject to zoning ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-001 as more fully described, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 84 and the Westerly 8-5/12 feet front to rear of Sublot No. 85 in Wm. Williams' Allotment of part of Original Ten Acre Lot Nos. 67 to 70, both inclusive, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land 60 feet, 7 inches front on the Southerly side of Cedar Street, (now known as Cedar Avenue), S.E. and extending back of equal width along the Easterly side of Grant Street, now known as East 39th Street, 150 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-041 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot Nos. 72 and 73 in William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 39th Street (formerly Grant Street) at a point distant 3.50 feet Southerly, measured along said Easterly line, from the Northwesterly corner of said Sublot No. 72; thence Northerly along said Easterly line of East 39th Street, 6 feet; thence Easterly and parallel with the Southerly line of said Sublot No. 73, 81.70 feet; thence Northerly, and parallel with the Easterly line of East 39th Street, 34 feet; thence Easterly, and parallel with the Southerly line of said Sublot

No. 73, 70 feet to the Easterly line of said Sublot No. 73; thence Southerly, along the Easterly line of said Sublot Nos. 73 and 72, 40 feet; thence Westerly, and parallel with the Northerly line of said Sublot No. 72, 151.70 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-042 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: and known as being the Northerly 13 (6/12) feet of Sublot No. 73 and the Southerly 18 (3/12) feet of Sublot No. 74 in W. Williams' correction of Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 31 9/12 feet front on the Easterly side of East 39th Street and extending back of equal width 151 7/12 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-055 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 89 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 40th Street, (formerly Case Avenue) at the Southeast corner of said Sublot No. 89, thence Northerly along the Westerly line of East 40th Street to a point which is distant 87 feet Southerly measured along the Westerly line of East 40th Street from its intersection with the Southerly line of Cedar Avenue, Southeast, thence Westerly in a direct line about 151 feet 6 inches to a point on the Easterly line of Sublot No. 87 in said Allotment, distant 88' 9" Southerly measured along said Easterly line from its intersection with the Southerly line of Cedar Avenue, Southeast, thence Southerly along the Easterly line of said Sublot No. 87, 46 feet to a point, thence Easterly in a direct line about 152 feet, 7 3/4 to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the

Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-056 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being Sublot No. 90 in Wm. Williams' Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and being 62 feet 2 inches front on the Westerly side of East 40th Street, 202 feet 7 3/4 inches deep on the Northerly line 204 feet 1 1/4 inches deep on the Southerly line, and 62 feet in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 17. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-070 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 102 in William Williams' Re-Subdivision of William Williams' Subdivision of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly line of East 40th Street, (formerly Case Avenue) at a point 11 feet Northerly measured along said Westerly line from the Southeast corner of said Sublot No. 102; thence continuing Northerly along the Westerly line of East 40th Street, 55 feet to the Northeast corner of said Sublot; thence Westerly along the Northerly line of said Sublot No. 102 a distance of 219 feet 6 1/2 inches to the Northwesterly corner of said Sublot; thence Southerly along the Westerly line of said Sublot No. 102, 66 feet to the Southwest corner of said Sublot; thence Easterly along the Southerly line of said Sublot No. 102, 106 feet 11 inches to a point 114 feet Westerly measured along said Southerly line from the Westerly line of East 40th Street, thence Northerly parallel with the Westerly line of East 40th Street 11 feet, thence Easterly parallel with the Southerly line of said Sublot No. 102, 114 feet the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 19. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-086 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning in the Easterly line of East 39th Street at the Southwesterly corner of said Sublot No. 75; thence North 8° 30' 00" West along the Northeasterly line of East 39th Street 25 feet; thence North 81° 31' 10" East parallel with the Southeasterly line of said Sublot No. 75 100 feet; thence South 73° 38' 20" East 16-07/100 feet; thence North 81° 31' 10" East parallel with the Southeasterly line of said Sublot No. 75, 37 feet to the Northeasterly line of said Sublot; thence 8° 30' 00" East along the Northeasterly line of said Sublot No. 18-25/100 feet to the Southeasterly corner thereof; thence South 81° 31' 10" West along the Southeasterly line of said Sublot No. 75 151.58 feet to the place of beginning according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor. Together with and subject to an easement over the following described parcel of land; Southerly-75-SP. 25 East 39th Street 151.58. Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 75 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 38, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded as follows:

Beginning at a point in the Northeasterly line of East 39th Street at a point distant North 8° 30' 00" West, 21 feet front the Southwesterly corner of said Sublot No. 75; thence North 8° 30' 00" West along the Northeasterly line of East 39th Street 7-25/100 feet; thence North 81° 31' 10" East parallel with the Southeasterly line of Sublot No. 75, 92-98/100 feet; thence South 73° 38' 20" East 17-26/100 feet; thence South 81° 31' 10" West parallel with the Southeasterly line of said Sublot No. 75, 108-64/100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 21. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-087 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 83, in Wm. Williams Allotment of part of Original Ten Acre Lot, Nos. 61, 68, 69 and 70, as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northwesterly line of said Sublot 83 at a point distant Northeasterly, measured along said Northwesterly line, 110 feet from the Northeasterly line of East 39th Street; thence Northeasterly along the Northwesterly line of said Sublot No. 83; 41 feet 7 inches to the most

Northerly comer of said Sublot 8, thence Southeasterly along the Northeasterly line of said Sublot No. 83, 36 feet 7 inches; thence Southwesterly parallel with the Northwesterly line of said Sublot No. 83, 151 feet 7 inches to the Northeasterly line of line said East 39th Street thence Northwesterly 3 feet; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 83, 110 feet; thence Northwesterly parallel with the Northeasterly line of said East 39th Street, 33 feet 6 inches to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 23. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-088 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Sublot No. 83 in Wm. Williams Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, bounded and described as follows:

Beginning in the Northwesterly line of said Sublot No. 83 at a point distant Northeasterly, measured along said Northwesterly line, 61 feet from the Northeasterly line of East 39th Street; thence Northeasterly along the Northwesterly line of said Sublot No. 83, 49 feet; thence Southeasterly parallel with the Northeasterly line of said East 39th Street, 33 feet 6 inches; thence Southwesterly parallel with the Northwesterly line of said Sublot No. 83, 110 feet to the Northeasterly line of said East 39th Street; thence Northwesterly along said Northeasterly line, 3 feet; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 83, 61 feet; thence Northwesterly parallel with the Northeasterly line of said East 39th Street, 30 feet 6 inches to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

Section 25. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 103-23-045 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-23-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 76 in Wm. Williams Allotment of part of Original Ten Acre Lots Nos. 67, 68, 69 and 70 as shown by recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, being 50 feet front on the Easterly side of East 39th Street (formerly Grant Street) and extending back of equal width 151 feet 7 inches, 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. 103-22-029 as more fully described below, to Burten, Bell, Carr Development, Inc.

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

P. P. No. 103-22-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being part of Sublot No. 63 in William Williams' Allotment of part of Original Ten Acre Lot Nos. 67, 68, 69 and 70 as shown by the recorded plat in Volume 3 of Maps, Page 6 of Cuyahoga County Records, and bounded and describes as follows:

Beginning on the Westerly line of East 39th Street at the Northeasterly corner of said Sublot No. 63; thence Southerly along the Westerly line of East 39th Street, about 30 feet, 11 1/4 inches to the Northeasterly corner of land conveyed to Thomas McWilson and Mary McWilson, by deed dated December 6, 1923, and recorded in Volume 2923, Page 163 of Cuyahoga County Records; thence Westerly along the Northerly line of land conveyed to Thomas and Mary McWilson, 51 feet, 7 inches to the Westerly line of Sublot No. 63; thence Northerly along the Westerly line of Sublot No. 63 to the Northwesterly corner thereof, thence Easterly along the Northerly line of Sublot No. 63, 51 feet, 7 inches to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 29. 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 30. 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 31. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 32. 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 October 31, 2005.

Effective November 2, 2005.

Ord. No. 1785-05.**By Council Members Cimperman, Britt, Lewis and Jackson (by departmental request).****An ordinance to change the zoning of properties bounded by Chester Avenue, East 40th Street, East 79th Street and Carnegie Avenue including all properties on the South side of and fronting on Carnegie Avenue to Midtown Mixed Use Districts 1, 2, 3, and 4 (Map Change NO. 2161, Sheet Number 5).**

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

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

Beginning in the centerline of Prospect Avenue and its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline of East 40th Street to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Level 3 Communications by deed dated August 26th, 1999 and recorded as AFN 199908268969 in the Cuyahoga County Records (said parcel also being known as PPN 103-09-011);

Thence Easterly along said prolongation and Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with a line drawn 150 Northerly and parallel to the Northerly line of Euclid Avenue;

Thence Easterly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to Sucha Sing by deed dated September 23rd, 2003 and recorded as AFN 200309230962 in Cuyahoga County Records (said parcel also being know as PPN 118-02-021);

Thence Easterly along said Southerly line to its intersection with the easterly line thereof;

Thence Northerly along said Southerly line to its intersection with the Southerly line of Sublot No. 39 in the Cobb, Bradley and Wick Subdivision as shown by the Recorded Plat in Volume 20 of Maps and Page 4 of Cuyahoga County Records;

Thence Easterly along said Southerly line to its intersection with the centerline of East 57th Street;

Thence Northerly along said centerline to its intersection with the Southerly line of Sublot No. 12 in said Cobb, Bradley and Wick Subdivision;

Thence Easterly along said Southerly line to its intersection with the Easterly line thereof;

Thence Northerly along said Easterly line to its intersection with the Southerly line of Sublot No. 12 in the Southern and Adams Subdivision as shown by the recorded plat in Volume 5 of Maps and Page 4 of Cuyahoga County Records;

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 59th Street;

Thence Northerly along said centerline to its intersection with the Southerly line of Sublot No. 3 in said Southern and Adams Subdivision;

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 61st Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 1 in the Clara Hannon's Subdivision as shown by the recorded plat in Volume 15 of Maps and Page 29 of Cuyahoga County Records;

Thence Easterly along said prolongation and Southerly line to its intersection with the Westerly line of said Subdivision;

Thence Northerly along said Westerly line to its intersection with the Southerly line of Sublot No. 2 in said Subdivision;

Thence Easterly along said Southerly line to its intersection with the centerline of East 63rd Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of a Southerly line of a 1.6641 Acre parcel of land shown on the Plat of Consolidation Recorded in Volume 308 of Maps Page 10 of Cuyahoga County Records (said parcel also being known as all of PPNs 118-04-047 and 008);

Thence Easterly along said Southerly line to its intersection with a Westerly line thereof;

Thence Southerly along said Westerly line to its intersection with a Southerly line of said parcel;

Thence Easterly along said Southerly line to its intersection with the centerline of East 65th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Robert Bondi by deed dated November 22nd, 1996 and recorded in Volume 96-11542 of Maps and Page 55 of Cuyahoga County Records (said parcel also being known as PPN 118-06-030);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Easterly line thereof;

Thence Southerly along said Easterly line to its intersection with the Northerly line of a parcel of land conveyed to Joseph M. Stern Company by deed dated January 18th 1947 and recorded in Volume 6251 of Maps and Page 696 of Cuyahoga County Records (said parcel also being known as PPN 118-06-048);

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the centerline of East 66th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of a parcel of land conveyed to 6611 Properties LLC by deed dated January 7th, 2002 and recorded as AFN 200201070050 of Cuyahoga County Records (said parcel also being known as PPN 118-06-050);

Thence Easterly to its intersection with the Easterly line thereof;

Thence Southerly along said Easterly line to its intersection with a line drawn 200 feet north of and parallel to the northerly line of Euclid Avenue;

Thence Easterly along said parallel line to its intersection with the centerline of East 69th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to the city of Cleveland by Deed dated October 4th, 1993 and recorded in Volume 93-10693 Page 37 of Cuyahoga County Records (said parcel also being known as PPN 118-08-025);

Thence Easterly along said prolongation, Northerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 4 in the Streator & Adams Subdivision as shown by the recorded plat in Volume 4 of Maps Page 4 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Southerly line and its Easterly prolongation to its intersection with the centerline of East 71st Street;

Thence Southerly along said centerline to its intersection with the centerline of Simpson Court;

Thence Easterly along said centerline of Simpson Court to its intersection with the centerline of East 73rd Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 10 in the Spangler Heirs Subdivision as shown by the recorded plat in Volume 14 of Maps Page 8 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Southerly line and its Easterly prolongation to its intersection with the centerline of East 75th Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 3 in said Subdivision;

Thence Easterly along said Westerly prolongation and Southerly line to its intersection with the Easterly line of said Spangler Heirs Subdivision;

Thence Northerly along said Easterly line to its intersection with the Southerly line of the Chase Anderson & Robinson Subdivision as shown by the recorded plat in Volume 4 of Maps and Page 54 of Cuyahoga County Records;

Thence Easterly along said Southerly line to its intersection with the Westerly line of a 12 foot unnamed alley as shown in said Chase Anderson & Robinson Subdivision;

Thence Northerly along said Westerly line to its intersection with the centerline of Chester Avenue;

Thence Easterly along said centerline to its intersection with the centerline of East 79th Street;

Thence Southerly along said centerline of East 79th Street to its intersection with the centerline of Carnegie Avenue;

Thence Westerly along said centerline of Carnegie Avenue to its intersection with the centerline of East 77th Street;

Thence Northerly along said centerline of East 77th Street to its intersection with the Easterly prolongation of Sublot No. 6 in the C.E. Bolton & John E. Colby as shown by the recorded plat in Volume 5 of Maps Page 36 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Barbara Jalovec by deed dated November 14th, 1967 as recorded in Volume 12173 Page 965 of Cuyahoga County Records (said parcel being also known as PPN 118-15-007);

Thence Southerly along said Easterly line to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to Iron Mountain Safesite, Inc. by deed dated October 22, 1999 and recorded as AFN 199910220132 of Cuyahoga County Records (said parcel being also known as PPN 118-15-003);

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Ram Enterprises by deed dated August 26th, 1983 as recorded in Volume 83-259 Page 533 of Cuyahoga County Records (said parcel being also known as PPN 118-15-025);

Thence Northerly along said Easterly line to its intersection with the Northerly line thereof;

Thence Westerly along said Northerly line to its intersection with the centerline of East 71st Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 in the Carnegie Euclid Company Subdivision as shown by the recorded plat in Volume 67 of Maps, Page 22 of Cuyahoga County Records;

Thence Easterly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of Sublot No. 19 in said Carnegie Euclid Company Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Westerly line thereof;

Thence Northerly along said Westerly line to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Page Sumpter by Deed dated May 23rd, 1977 and recorded in Volume 14471, Page 645 of Cuyahoga County Records (said parcel also being known as PPN 118-14-020);

Thence Westerly along said Northerly line, Easterly prolongation and Westerly prolongation to its intersection with the centerline of East 69th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Roderick Nassif by Deed dated September 25th, 2001 and recorded as AFN 200109250811 (said parcel being also known as PPN 118-13-017);

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation in a direct line to its intersection with the Westerly line of a parcel of land conveyed to RBR Properties LTD by Deed dated May 22nd, 2000 and recorded as AFN 200005220253 of Cuyahoga County Records (said parcel being also known as PPN 118-13-001);

Thence Northerly along said Westerly line to its intersection with the Northerly line of Sublot No. 14 in the Euclid Improvement Company Subdivision Unrecorded;

Thence Westerly along said Northerly line and Westerly prolongation to its intersection with the centerline of Vacated East 65th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Parcel 3 in the Consolidation for Pierre's as shown by the recorded plat in Volume 270, Page 37 in Cuyahoga County Records;

Thence Northerly along said Easterly line to its intersection with a line drawn 100 feet Southerly of and parallel to the Southerly line of Euclid Avenue;

Thence Westerly along said parallel line to its intersection with an Easterly line of Block A in said Consolidation for Pierre's;

Thence Southerly along said Easterly line to a Northerly line of said Block A;

Thence Westerly along said Northerly line to its intersection with the Northerly prolongation of the Westerly line of Parcel A-1 as shown in said Consolidation for Pierre's;

Thence Southeasterly along said Westerly line to its intersection with a line drawn 335 feet from and parallel to the Northerly line of Carnegie Avenue;

Thence Westerly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to 5000 Prospect LTD., by Deed dated January 11th, 2002 and recorded as AFN 200201111120 in Cuyahoga County Records (said parcel being also known as PPN 103-18-010);

Thence Westerly to its intersection with the Westerly line of said parcel so conveyed;

Thence Southerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Northwesterly along said centerline to its intersection with the centerline of East 46th Street;

Thence Southerly along said centerline of East 46th Street to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to James C. Comella and Sherry E. Greer by Deed dated January 5th, 1993 and recorded in Volume 93-86, Page 20 of Cuyahoga County Records (said parcel also being known as PPN 103-17-014);

Thence Westerly along said Southerly line and Easterly prolongation to its intersection with the Westerly line of Sublot 9 in Henry F. Clark's Corrected Subdivision as recorded in Volume 4 of Maps, Page 10 of Cuyahoga County Records;

Thence Northerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Northwesterly along said centerline to its intersection with the Northerly prolongation of the Westerly line of Original Ten Acre Lot No. 71;

Thence Southerly along said Westerly line to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 12 in said Subdivision;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline of East 40th Street to the principal place of beginning. and as outlined on the attached map is changed to a Midtown Mixed Use District 1: Euclid Corridor.

Section 2. That the Use, Area and Height Districts of lands described as follows;

Beginning in the centerline of Chester Avenue at its intersection with the Westerly line of a 12 foot wide unnamed alley as shown in the Chase Anderson & Robinson Subdivision recorded in Volume 4 of Maps, Page 54 of Cuyahoga county Records;

Thence Southerly along said centerline of Chester Avenue to its intersection with the Easterly prolongation of the Southerly line of said Subdivision;

Thence Westerly along said Southerly Subdivision line to its intersection with the Easterly line of the Spangler Heirs Subdivision as shown by the recorded plat in Volume 14 of Maps Page 8 of Cuyahoga County Records;

Thence Southerly along said Easterly Subdivision line to its intersection with the Southerly line of Sublot No. 3 in said Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 75th Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 53 in said Spangler Heirs Subdivision;

Thence Westerly along said prolongation; Southerly line and along the Southerly line of Sublot No. 10 and its Westerly prolongation to its intersection with the centerline of East 73rd Street;

Thence Southerly along said centerline to its intersection with the centerline of Simpson Avenue, N.E.;

Thence Westerly along said centerline to its intersection with the centerline of East 71st Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 4 in the Streater & Adams Subdivision as shown by the recorded plat in Volume 4 of Maps, Page 2 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 70th Street;

Thence Northerly along said centerline to the Easterly prolongation of the Northerly line of a parcel of land conveyed to The City of Cleveland by Deed dated October 4th, 1993 and recorded in Volume 93-10693, Page 37 of Cuyahoga County Records (said parcel also being known as PPN 118-08-025);

Thence Westerly along said Easterly prolongation, Northerly line and Westerly prolongation to its intersection with the centerline of East 69th Street;

Thence Southerly along said centerline to its intersection with a line drawn 200 feet Northerly of and parallel to Euclid Avenue;

Thence Westerly along said parallel line to its intersection with the Easterly line of a parcel of land conveyed to 6611 Properties LLC by Deed dated January 7th, 2002 and recorded as AFN 200201070050 of Cuyahoga County Records (said parcel also being known as PPN 118-06-025);

Thence Northerly along said Easterly line to its intersection with the Southerly line of a parcel of land conveyed to 6111 Properties LLC by Deed dated January 7th, 2002 and recorded as AFN 200201070049 of Cuyahoga County Records (said parcel also being known as PPN 118-06-050);

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 66th Street;

Thence Northerly along said centerline of East 66th Street to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Joseph M. Stern Company by Deed dated January 18th, 1947 and recorded in Volume 6251, Page 696 of Cuyahoga County Records (said parcel also being known as PPN 118-06-048);

Thence Westerly along said Easterly prolongation of and Northerly line to its intersection with the Easterly line of a parcel of land conveyed to Robert Bondi by Deed dated November 22nd, 1996 and recorded in Volume 96-11542, Page 55 of Cuyahoga County Records (said parcel also being known as PPN 118-06-030);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel so conveyed;

Thence Westerly along said Northerly line and the Westerly prolongation thereof to its intersection with the centerline of East 65th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of a 1.6641 Acre parcel of land shown on the Plat of Consolidation recorded in Volume 308, Page 10 of Cuyahoga County Records;

Thence Westerly along said prolongation of and Southerly line to its intersection with the Westerly line of said parcel;

Thence Northerly along said Westerly line to its intersection with its intersection with a Southerly line of said parcel;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 63rd Street;

Thence Northerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 2 in the Clara Hannon's Subdivision as shown in Volume 15 of Maps, Page 29 of Cuyahoga County Records;

Thence Westerly along said prolongation and Southerly line of Sublot No. 2 to its intersection with the Westerly line of said Subdivision;

Thence Northerly along said Westerly line to its intersection with the Southerly line of Sublot No. 7 in said Subdivision;

Thence Easterly along said Southerly line and Easterly prolongation to its intersection with the centerline of East 63rd Street;

Thence Northerly along said centerline of East 63rd Street to its intersection with the centerline of Chester Avenue;

Thence Easterly along said centerline of Chester Avenue to the place of beginning.

and as outlined on the attached map is changed to a Midtown Mixed Use District 2: Chester Corridor East.

Section 3. That the Use, Area and Height Districts of lands described as follows;

Beginning in the centerline of Carnegie Avenue and its intersection with the centerline of East 79th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Southerly line of a parcel of land conveyed to the City of Cleveland by Deed dated April 9th, 1997 and recorded in Volume 97-3130, Page 25 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation of and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Dionne Carmichael by Deed dated July 20th, 2005 and recorded as AFN 20050720— of Cuyahoga County Records (said parcel being also known as PPN 118-27-023);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of the George Watkins Subdivision as shown in Volume 4 of Maps, Page 21 of Cuyahoga County Records;

Thence Southerly along said Easterly line to its intersection with the Southerly line of Sublot No. 3 in said Subdivision;

Thence Westerly along said Southerly line to its intersection with the centerline of East 77th Street;

Thence Southerly along said centerline to its intersection with a line drawn 50 feet Northerly of and parallel to the Northerly line of the Northerly line of Cedar Avenue;

Thence Westerly along said parallel line to its intersection with the Westerly line of a parcel of land conveyed to 6530 Carnegie LTD by Deed dated July 21st, 1997 and recorded in Volume 97-7045, Page 20 of Cuyahoga County Records;

Thence Northerly along said Westerly line to its intersection with the Northerly line of said parcel;

Thence Westerly along the Westerly prolongation of said Northerly line to its intersection with the centerline of East 65th Street;

Thence Northerly along the centerline of East 65th Street to its intersection with a line drawn 160 feet Southerly of and parallel to the Southerly line of Carnegie Avenue;

Thence Westerly along said parallel line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of a parcel of land conveyed to Willie Miley by Deed dated June 23rd, 1981 and recorded in Volume 15462, Page 515 of Cuyahoga County Records;

Thence Westerly along the Easterly prolongation, Northerly line, and its Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Fresh Start, Inc. by Deed dated October 10th, 1968 and recorded in Volume 12364, Page 453 of Cuyahoga County Records (said parcel being also known as PPN 103-18-031);

Thence Northerly along said Easterly line to the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of Sublot No. 3 in the George Williams Subdivision as shown in Volume 12 of Maps, Page 15 of Cuyahoga County Records;

Thence Northerly along said Easterly line to its intersection with the Northerly line of a parcel of land conveyed to Land Metropolitan CME Church by Deed dated March 6th, 1973 as recorded in Volume 13188, Page 895 of Cuyahoga County Records (said parcel also being known as PPN 103-18-004);

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 46th Street;

Thence Southerly along said centerline to its intersection with the Easterly prolongation of the Northerly line of Sublots 19 through 23 in Henry F. Clark's Corrected Subdivision as recorded in Volume 4 of Maps, Page 10 of Cuyahoga County Records;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the Easterly line of a parcel of land conveyed to the Reno Hotel Inc. by Deed dated March 17th, 1975 and recorded in Volume 13816, Page 53 of Cuyahoga County Records (said parcel also being known as PPN 103-17-003);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Centennial Investments LP by Deed dated May 28th, 2002 and recorded as AFN 200205281003 (said parcel also being known as PPN 103-17-007);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with the Westerly prolongation of the Northerly line of Sublot Numbers 12 and 13 in said Henry F. Clark's Corrected Subdivision;

Thence Easterly along said Westerly prolongation and Northerly Sublot line to its intersection with the Westerly line of Original Ten Acre Lot No. 71;

Thence Easterly along said Westerly prolongation and Northerly Sublot line to its intersection with the Westerly line of Original Ten Acre Lot No. 71;

Thence Northerly along said Westerly line to its intersection with the centerline of Prospect Road;

Thence Southeasterly along said centerline to its intersection with the Northerly prolongation of the Westerly line of Sublot No. 9 in said Subdivision;

Thence Southerly along said Westerly line to its intersection with the Southerly line of a parcel of land conveyed to James C. Comella and Sherry E. Greer by Deed dated January 5th, 1993 and recorded in Volume 93-86, Page 20 of Cuyahoga County Records (said parcel being also known as PPN 103-17-014);

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the centerline of East 46th Street;

Thence Northerly along said centerline to its intersection with the centerline of Prospect Road;

Thence Southeasterly along said centerline of Prospect Road to its intersection with the Southerly prolongation of the Westerly line of a parcel of land conveyed to 5000 Prospect LTD., LLC by Deed dated January 11th, 2002 and recorded as AFN 200201111120 in Cuyahoga County Records;

Thence Northerly along said Southerly prolongation and Westerly line to its intersection with the Northerly line of said parcel;

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the centerline of East 55th Street;

Thence Northerly along said centerline to its intersection with a line drawn 335 feet from and parallel to the Northerly line of Carnegie Avenue;

Thence Easterly along said parallel line to its intersection with the Westerly line of Parcel A-1 as shown on the Plat of Resubdivision as recorded in Volume 270, Page 37 of Cuyahoga County Records;

Thence Northwesterly along said Westerly line to its intersection with a Northerly line of said Parcel A-1;

Thence Southeasterly along said Northeasterly line to its intersection with a Northerly line of said parcel;

Thence Easterly along said Northerly line to a Westerly line thereof;

Thence Northerly along said Westerly line to a Northerly line thereof;

Thence Easterly along said Northerly line to its intersection with the centerline of vacated East 65th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 14 in the Euclid Improvement Company Subdivision Unrecorded (said parcel also being known PPN 118-12-013);

Thence Easterly along said Westerly prolongation and Northerly line to its intersection with the Westerly line of a parcel of land conveyed to RBR Properties LTD by Deed dated May 22nd, 2000 and recorded as AFN 200005220253 of Cuyahoga County Records (said parcel being also known as PPN 118-13-001);

Thence Easterly in a direct line to its intersection with the Northerly line of a parcel of land conveyed to Rod-erick Nassif by Deed dated September 25th, 2001 and recorded as AFN 200109250811 (said parcel being also known as PPN 118-13-017);

Thence Easterly along said northerly line and its Easterly prolongation to its intersection with the centerline of East 69th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to Page Sumpter by Deed dated May 23rd, 1977 and recorded in Volume 14471, Page 645 of Cuyahoga County Records (said parcel being also known as 118-14-020);

Thence Easterly along said Northerly line and its Easterly prolongation to its intersection with the Westerly line of Sublot No. 19 in the Carnegie Euclid Company Subdivision as shown by the recorded plat in Volume 67 of Maps, Page 22 of Cuyahoga County Records;

Thence Southerly along said Westerly line to its intersection with the Southerly line of said Sublot Southerly line of said Sublot;

Thence Easterly along said Southerly line to its intersection with the centerline of East 70th Street;

Thence Northerly along said centerline to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 11 in said Subdivision;

Thence Easterly along said Westerly prolongation, Southerly line, and Easterly prolongation to its intersection with the centerline of East 71st, Street;

Thence Southerly along said centerline to its intersection with the Westerly prolongation of the Northerly line of a parcel of land conveyed to RAM Enterprises by Deed dated August 26th, 1983 as recorded in Volume 83-259, Page 533 of Cuyahoga County Records;

Thence Easterly along said Northerly line to its intersection with the Easterly line of said parcel;

Thence Southerly along said Easterly line to its intersection with the Southerly line of a parcel of land conveyed to Iron Mountain Safesite, Inc. by Deed dated October 22nd, 1999 and recorded as AFN 199910220132 of Cuyahoga County Records (said parcel being also known as PPN 118-15-003);

Thence Easterly along said Southerly line and its Easterly prolongation to its intersection with the Easterly line of a parcel of land conveyed to Barbara Jalovec by Deed dated November 14th, 1967 as recorded in Volume 12173, Page 965 of Cuyahoga County Records (said parcel being also known as PPN 118-15-007);

Thence Northerly along said Easterly line to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 6 in the C.E. Bolton & John E. Colby Subdivision as shown by the recorded plat in Volume 5, Page 36 in Cuyahoga County Records;

Thence Easterly along said Westerly prolongation, Northerly line and Easterly prolongation to its intersection with the centerline of East 71st Street;

Thence Southerly along said centerline to its intersection with the centerline of Carnegie Avenue;

Thence Easterly along said centerline to the place of beginning.

and as outlined on the attached map is changed to a Midtown Mixed Use District 3: Carnegie Corridor.

Section 4. That the Use, Area and Height Districts of lands described as follows;

Beginning in the intersection of the centerline of Chester Avenue and the centerline of East 63rd Street;

Thence Southerly along said centerline of East 63rd Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 7 in the Clara Hannon's Subdivision and recorded in Volume 15 of Maps, Page 29 of Cuyahoga County Records;

Thence Westerly along said prolongation and Southerly line to its intersection with the Westerly line of said Subdivision;

Thence Southerly along said Westerly line to its intersection with the Southerly line of Sublot No. 1 in said Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 61st Street;

Thence Northerly along said centerline of East 61st Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 3 in the Southern & Adams Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records;

Thence Westerly along said Easterly prolongation, Southerly line and Westerly prolongation to its intersection with the centerline of East 59th Street;

Thence Northerly along said centerline of East 59th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 12 of said Southern & Adams Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line of Sublot No. 12 to its intersection with the Westerly line of said Southern & Adams Subdivision;

Thence Southerly along said Westerly line to its intersection with the Southerly line of Sublot No. 12 in the Cobb, Bradley & Wick Subdivision;

Thence Westerly along said Southerly line and its Westerly prolongation to its intersection with the centerline of East 57th Street;

Thence Southerly along said centerline of East 57th Street to its intersection with the Easterly prolongation of the Southerly line of Sublot No. 39 in said Cobb, Bradley & Wick Subdivision;

Thence Westerly along said Easterly prolongation and Southerly line to its intersection with the Easterly line of a parcel of land conveyed to Sucha Singh by Deed dated September 23, 2003 and recorded as AFN 200309230962 in Cuyahoga County Records (said parcel also being known as PPN 118-02-021);

Thence Southerly along said Easterly line to its intersection with the Southerly line of said Singh parcel;

Thence Westerly along said Southerly line to its intersection with the centerline of East 55th Street;

Thence Southerly along said centerline of East 55th Street to its intersection with a line drawn 150 feet Northerly of and parallel to Euclid Avenue;

Thence Westerly along said parallel line to its intersection with the Easterly line of a parcel of land conveyed to Level 3 Communications by Deed dated August 26, 1999 and recorded as AFN 199908268969 of Cuyahoga County Records (said parcel also being known as PPN 103-09-011);

Thence Northerly along said Easterly line to its intersection with the Northerly line of said parcel so conveyed;

Thence Westerly along said Northerly line and its Westerly prolongation to its intersection with the centerline of East 40th Street;

Thence Northerly along said centerline to its intersection with the centerline of Chester Avenue;

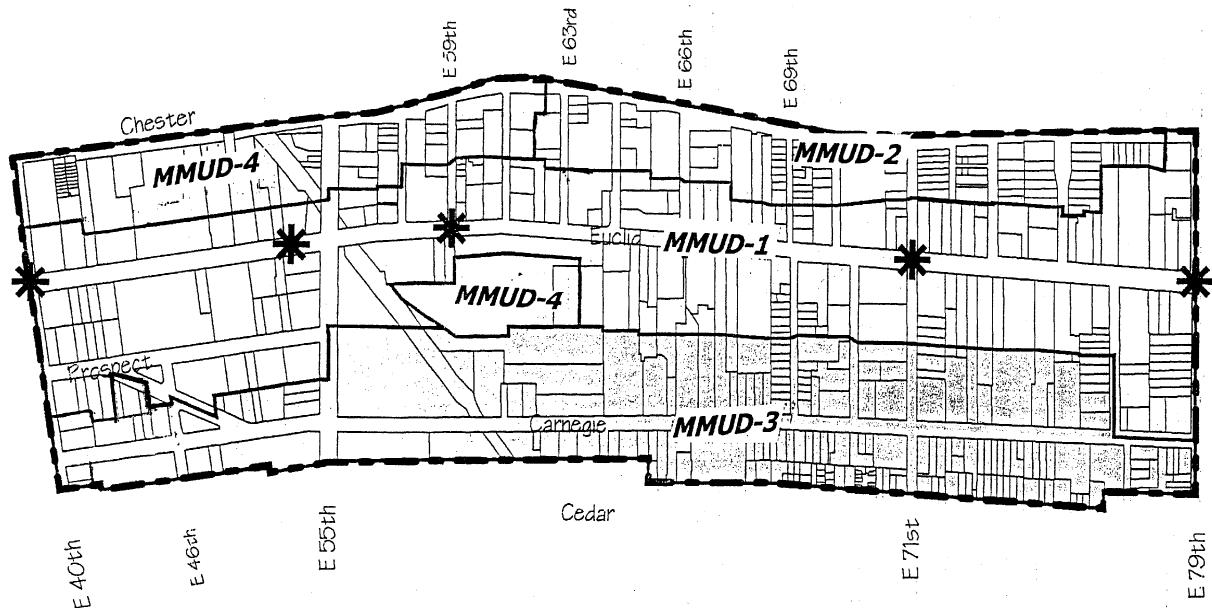
Thence Easterly along said centerline to the place of beginning.

And also being all of Block C, Block A and Parcel 3 in the Consolidation for Pierre's as shown by the recorded plat in Volume 270, Page 37 in Cuyahoga County Records excepting all of that portion of the aforementioned parcels lying within 100 feet of the Southerly line of Euclid Avenue.

and as outlined on the attached map is changed to a Midtown Mixed Use District 4: Chester Corridor West.

Section 5. That the changed designation of lands described in Sections 1 through 4 shall be identified as Map Change No. 2161, Sheet Number 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 31, 2005.
Effective December 10, 2005.

Ord. No. 1828-05.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to Center for Families and Children to encroach into the public right-of-way of Euclid Avenue and Prospect Avenue with 8 banners to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to the Center for Families and Children (4500 Euclid Avenue) ("Permittee") to encroach into the public right-of-way above Euclid Avenue and Prospect Avenue by installing, using, and maintaining 8 banners to be attached to Cleveland Public Power utility poles (by separate permission), for the period starting September 2005 and ending June 2006, at the locations more fully described as follows:

<u>LOCATION</u>	<u>POLE NUMBER</u>	<u>POLE OWNER</u>
<u>Euclid Avenue South Side</u>		
1st Pole West of East 46th St.	No Tag	CPP
2nd Pole West of East 46th St.	No Tag	CPP
3rd Pole West of East 46th St.	No Tag	CPP
4th Pole West of East 46th St.	No Tag	CPP
5th Pole West of East 46th St.	No Tag	CPP
<u>Prospect Avenue North Side</u>		
1st Pole East of Prospect St.	No Tag	CPP
2nd Pole West of Prospect St.	No Tag	CPP
3rd Pole West of Prospect St.	No Tag	CPP

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

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching structures permitted by this ordinance shall conform to plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the City.

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

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1837-05.

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

An emergency ordinance authorizing the Director of Economic Development to consent to the assignments of various contracts from Kinbess LLC to the Cuyahoga Metropolitan Housing Authority.

Whereas, that under Ordinance No. 1033-01, passed June 19, 2001, the Director of Economic Development entered into City Contract No. 58711 for financial assistance in the form of a NDIF loan with Kinbess LLC; and

Whereas, that under Ordinance No. 1494-01, passed November 26, 2001, the Director of Economic Development entered into a Project Agreement for Acquisition and Private Redevelopment of Property dated August 28, 2003 with Kinbess LLC; and

Whereas, that under Ordinance No. 602-02, passed May 6, 2002, the Director of Economic Development into a Clean Ohio Fund Participation and Redevelopment Agreement, City Contract No. 63835, dated May 15, 2003, with Kinbess LLC; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That the Director of Economic Development is authorized to consent to the request of Kinbess LLC to assign the NDIF loan obligations of Kinbess LLC, under Contract No. 58711, to the Cuyahoga Metropolitan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 2. That the Director of Economic Development is authorized to consent to the request of Kinbess LLC to assign the Project Agreement for Acquisition and Private Redevelopment of Property dated August 28, 2003, to the Cuyahoga Metropolitan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 3. That the Director of Economic Development is authorized to consent to the request of Kinbess LLC to assign the Clean Ohio Fund Participation and Redevelopment Agreement, City Contract No. 63835, to the Cuyahoga Metro-

politan Housing Authority, under terms and conditions determined by the Directors of Law and Economic Development.

Section 4. That the assignments shall be prepared and approved by the Director of Law.

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

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1878-05.

By Council Member Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 141st Street to Euclid-St. Clair Development Corporation or designee.

Whereas, the City of Cleveland has elected to adopt and implement

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 115-02-077, as more fully described below, to Euclid-St. Clair Development Corporation or designee.

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

P. P. No. 115-02-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 48 in Lucian Gunn's Heirs Subdivision of part of Original Euclid Township Lot No. 1 as shown by the recorded plat in Volume 18 of Maps, Page 29 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 141st Street, (formerly Brooks Avenue) and extending back of equal width 133 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed October 31, 2005.
Effective November 2, 2005.

Ord. No. 1889-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies to implement homeless assistance 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 authorized to enter into one or more contracts with various non-profit agencies to implement homeless assistance activities, including providing shelter and other essential services.

Section 2. That the aggregate cost of the contracts shall not exceed \$1,692,646 and shall be paid from Fund Nos. 14 SF 031 and 13 SF 237, Request No. 149518.

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

Passed October 31, 2005.
Effective November 2, 2005.

Ord. No. 1890-05.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Valleyview Phase I, L.P., to provide development assistance to partially finance the Valley View Hope VI Development Project Phase I located at the eastern edge of the Tremont neighborhood and I-490, and all other associated costs necessary to redevelop the property.

Whereas, the Council of the City of Cleveland has determined that to enhance the availability of adequate housing in the City and to improve the economic and general well-being of the people of the City it is in the public interest and a proper public purpose for the City to provide and/or assist in providing housing for individuals and families; and

Whereas, in compliance with Section 16, of Article VIII, Ohio Constitution and Ohio Revised Code Sections 133 et seq. and 176 et seq., the City has established a Housing Advisory Board for review of the City's comprehensive affordable housing strategy and various housing assistance programs; and

Whereas, consistent with the Ohio Constitution and State statutes, the City provided its five-year comprehensive housing affordability strategy for the City developed under the "Cranston-Gonzalez National Affordable Housing Act" (the "Plan") for the development and maintenance of

affordable housing within the City boundaries to the Housing Advisory Board for its review and recommendations; and

Whereas, after review by the Housing Advisory Board in excess of 30 days, the Board unanimously approved the Plan; and

Whereas, the Housing Advisory Board, after reviewing in excess of 15 days the proposed project, approved the project; and

Whereas, Council desires to authorize the development assistance to the project which has been approved by the Housing Advisory Board in compliance with the Ohio Constitution and statutory requirements; and

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

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

Section 1. That the Director of Community Development is authorized to enter into contract with Valleyview Phase I, L.P., to provide development assistance to partially finance the Valley View Hope VI Development Project Phase I located at the eastern edge of the Tremont neighborhood and I-490, and all other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1890-05-A, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), and shall be paid from Fund No. 10 SF 545, which funds are appropriated for this purpose, Request No. 149519.

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

Section 5. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 10 SF 546.

Section 6. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 10 SF 546, Loan Fees Fund.

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

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

Passed October 31, 2005.
Effective November 2, 2005.

Ord. No. 1899-05.
By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 81st Street to Kenneth Stanback and Delphia Stanback.

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 No(s). 106-20-082, as more fully described below, to Kenneth Stanback and Delphia Stanback.

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

P. P. No. 106-20-082
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 32.50 feet of Sublot No. 8 in the Davis Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392 of Cuyahoga County Records, and being 32.50 feet front on the Easterly side of East 81st Street (formerly Park Avenue), and extending back of equal width 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

Community Development or the Director of Law.

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

Passed October 31, 2005.
 Effective November 2, 2005.

Ord. No. 1900-05.

By Council Member Coats.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 148th Street to Pamela J. Hagler.

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 No(s). 115-13-045, as more fully described below, to Pamela J. Hagler.

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

P. P. No. 115-13-045
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in Ambler Realty Company's East 148th Street Allotment of part of Original Euclid Township Nos. 1 and 2, Tract No. 10 as shown by the recorded plat in Volume 48 of Maps, Page 11 of Cuyahoga County Records, and being 40 feet front on the Northeasterly side of East 148th Street, 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.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Passed October 31, 2005.
 Effective November 2, 2005.

Ord. No. 1961-05.

By Council Members Lewis, Britt, Cimperman and Jackson.

An emergency ordinance authorizing the Director of Public Service to issue a permit to MidTown Cleveland, Inc., to encroach into the public right-of-way of various locations within the MidTown Service Area with banners to be attached to utility poles (by separate permission); and authorizing MidTown, Cleveland, Inc. to coordinate a banner program for the Midtown Service Area.

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

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

Section 1. That the Director of Public Service is authorized to issue a permit, revocable at the will of Council, to MidTown Cleveland, Inc., its successors and assigns ("Permittee"), to encroach into the public right-of-way by installing, using, and maintaining banners to be attached to utility poles (by separate permission) at various locations within the rights-of-way in the area described in the Executive Summary and designated on the map in File No. 1961-05-A. The Director of Public Service shall determine the specific locations to be included in the encroachment permit after considering visibility of existing signs, traffic signals and safety signs; clearance requirements; and other relevant factors. Permittee may assign the permit only with the written consent of the Director of Public Service.

Section 2. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to poles. Permittee shall obtain that permission from the respective pole owner, including the City of Cleveland's Division of Cleveland Public Power.

Section 3. That the encroaching structures permitted by this ordinance will be placed within the public right-of-way as identified and determined in Section 1, and will be constructed in accordance with

plans and specifications approved by the Commissioner of Engineering and Construction. That Permittee shall obtain all other required permits before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate any additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachments permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the City.

Section 6. That MidTown Cleveland, Inc. shall have the authority to coordinate a banner program in the area described in Section 1. In coordinating the banner program, MidTown Cleveland Inc. shall comply with the Executive Summary located in the File identified in Section 1 and shall comply with any guidelines of the Cleveland Planning Commission regarding banner programs. The guidelines of the Cleveland Planning Commission shall take precedence.

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

Passed October 31, 2005.

Effective November 2, 2005.

Ord. No. 1996-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community services Center for their Clean Sweep program in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community services Center for their Clean Sweep program in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

Passed October 24, 2005.

Effective November 2, 2005.

Ord. No. 1997-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community Services Center for their Senior Computer Training program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community Services Center for their Senior Computer Training program in order to carry out the public purpose of providing educational programming to the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

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

Passed October 24, 2005.

Effective November 2, 2005.

Ord. No. 1998-05.

By Council Member Knight.

An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Harvard Community Services Center for providing Homebound Meals in order to carry out the public purpose of improving the quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

Section 1. That the Director of Community Development is authorized to enter into a grant agreement with Harvard Community Services Center for providing Homebound Meals in order to carry out the public purpose of improving the

quality of life of the residents of the City of Cleveland through the use of Ward 1 Neighborhood Equity Funds.

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

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

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

Passed October 24, 2005.

Effective November 2, 2005.

Ord. No. 2045-05.

By Council Member White.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 2. (Robert Hayden).

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 2; 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 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 2: Robert Hayden

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 may be revoked at any time by this Council.

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

Passed October 31, 2005.

Effective November 2, 2005.

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Chester Ave., E. 40th St., E. 97th St. & Carnegie Ave. (properties bounded by) — Change the zoning — Midtown Mixed Use Districts 1, 2, 3, and 4 (O 1785-05)	2399
E. 81st St. — Land Reutilization Program — Kenneth Stanback and Delphia Stanback (O 1899-05).....	2408

Ward 10

E. 141st St. — Land Reutilization Program — Euclid St.-Clair Development Corporation
(O 1878-05).....**2406**
E. 148th St. — Land Reutilization Program — Pamela J. Hagler (O 1900-05)**2408**

Ward 13

Center for Families and Children — permit — 8 banners (O 1828-05).....**2406**
Chester Ave., E. 40th St., E. 97th St. & Carnegie Ave. (properties bounded by) — Change
the zoning — Midtown Mixed Use Districts 1, 2, 3, and 4 (O 1785-05)**2399**
Municipal public improvement tax increment equivalent fund — service payments — public
improvements — Cleveland Municipal School District — compensation agreement
(O 1645-05).....**2394**
Valleyview Phase I, L.P. — contract — Valley View Hope VI Development Project Phase I
(O 1890-05).....**2407**

Zoning

Chester Ave., E. 40th St., E. 97th St. & Carnegie Ave. (properties bounded by) — Change
the zoning — Midtown Mixed Use Districts 1, 2, 3, and 4 (O 1785-05)**2399**