

The City Record

Official Publication of the City of Cleveland

January the Twentieth, Nineteen Hundred and Ninety-Nine

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Cecelia R. Huffman	
Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

Containing	PAGE
City Council	3
The Calendar	19
Board of Control	19
Civil Service	22
Board of Zoning Appeals	22
Board of Building Standards and Building Appeals	23
Public Notices	23
Public Hearings	23
City of Cleveland Bids	23
Adopted Resolutions and Ordinances	24
Committee Meetings	37
Index	38

FIRST-CLASS MAIL
U. S. POSTAGE PAID
CLEVELAND, OHIO

Permit No. 1372

First Class Mail

RECYCLE.....Save the Future



Printed on Recycled Paper.....Council Cares

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson CINTRON, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

MAYOR-Michael R. White
 LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
 Barry Withers, Executive Assistant for Administration
 Judith Zimomra, Executive Assistant for Service
 Kenneth Silliman, Executive Assistant for Economic Development
 Laura Ann Williams, Director, Office of Equal Opportunity
 Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106
 George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
 Karen E. Martines, Law Librarian, Room 100

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

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

DEPT. OF PORT CONTROL - Solomon F. Balraj, Director,
 Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
 Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
 Streets - Randell T. Scott, Commissioner, Room 25
 Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
 Architecture - Kenneth Nobilio, Commissioner, Room 517

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

DEPT. OF PUBLIC SAFETY - Henry Guzmán, Director, Room 230.
DIVISIONS - Police - Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
 Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
 Traffic Engineering & Parking - Mark Ricchiuto, Acting Commissioner, 2001 Payne Ave.
 Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
 Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

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

Parking Facilities - Dennis Donahue, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
 Recreation - Michael Cox, Acting Commissioner, Room 8
 Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
 Neighborhood Services - Louise V. Jackson, Commissioner.
 Neighborhood Development - Donald T. Moss, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

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

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS - Law Director Cornell P. Carter, President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Odelia V. Robinson.

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

MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

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

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

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; James Gibans, Sandra Morgan, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, Robert Keiser, Executive Secretary.

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

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

Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, JANUARY 20, 1999

No. 4441

CITY COUNCIL

THURSDAY, JANUARY 14, 1999

The City Record

Published weekly under authority
of the Charter of the
City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated
\$6.25 per month
Address all communications to

CECELIA R. HUFFMAN

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

1:30 P.M.—**City Planning Committee:** Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio January 14, 1999.

The meeting of the Council of January 11, 1999, was reconvened at the call of the Chair and was called to order by the President, Jay Westbrook.

Councilmen present: Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

FIRST READING EMERGENCY ORDINANCES

Ord. No. 77-99.

By Councilmen Westbrook and Johnson (by departmental request). An emergency ordinance to amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; to supplement said ordinance by adding new Sections 5, 6, 7, and 8 thereof; and to renumber existing Section 5 as new Section 9, relating to the purchase of real property for the Division of Cleveland Hopkins International Airport, Department of Port Control, and to authorize the lease of said property to the I-X Center Corporation.

Whereas, pursuant to Ordinance No. 68-94, passed January 18, 1994, this Council authorized the purchase of real property immediately to the south of Cleveland Hopkins International Airport, commonly known as the I-X Center and surrounding property, for future airport expansion; and

Whereas, this Council has heard testimony from the Director of Port Control and aviation consultants on the public purpose of acquiring land adjacent to Cleveland Hopkins

International Airport and reserving said land for the purpose of future airport expansion; and

Whereas, this Council has heard testimony from real estate appraisers on the fair market value of the property and the value of a fifteen-year leasehold interest in the property; and

Whereas, this Council has determined that the immediate acquisition of the property continues to serve a significant public purpose and is vital to the continued economic growth of the City of Cleveland and surrounding communities; and

Whereas, this Council has determined that the terms of purchase and lease of the property authorized by this ordinance are reasonable and represent fair market value for the real estate transaction; and

Whereas, the City wishes to purchase the property described in Ordinance No. 68-94, as amended by this ordinance (hereinafter the "Property") for the public use of improving Cleveland Hopkins International Airport (hereinafter the "Improvement"); and

Whereas, until such time as the Improvement is made, the Property would be suitable for Lease and operation by another party for the public use of generating commerce for the airport; and

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

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

Section 1. That the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby amended to read, respectively, as follows:

Authorizing the Commissioner of Purchases and Supplies to purchase real property for the **improvement of Cleveland Hopkins International Airport, Department of Port Control; and authorizing the Director of Port Control to lease to the I-X Center Corporation, said property for a term not to exceed fifteen years.**

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of improvement of Cleveland Hopkins International Airport:

AREA "D" I-X CENTER

Parcel 1

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being parts of

Original Middleburg Township Lots Nos. 1, 2, 3, 5 and 6 in Section 19 and a part of Original Middleburg Township Lot No. 1 in Section 22, and more particularly bounded and described as follows:

Beginning in the center line of Riverside Drive, 70 feet wide, at the Southeastly corner of land conveyed to Charles and Gottlieb Geiger by deed recorded in Volume 747 of Deeds, Page 558 of Cuyahoga County Records, said place of beginning being North 26° 31' 08" East measured along said center line of Riverside Drive, 1593.98 feet from an iron pin monument at the center line of Sheldon Road.

Course No. 1: Thence North 88° 32' 27" West along a Southerly line of land so conveyed to Charles and Gottlieb Geiger, 169.14 feet to a stone monument at a Southwesterly corner thereof.

Course No. 2: Thence North 1° 57' 33" East along a Westerly line of land so conveyed to Charles and Gottlieb Geiger, 288.99 ft. to the Southerly line of said Original Lot No. 2.

Course No. 3: Thence North 88° 32' 27" West along said Southerly line of Original Lot No. 2, 678.88 ft. to the Southwesterly corner thereof.

Course No. 4: Thence North 88° 59' 07" West along the Southerly line of said Original Lot No. 5, 850.57 ft. to a stone monument at the Southwesterly corner of land conveyed to Charles and Gottlieb Geiger, as aforesaid, being also a Southeastly corner of land conveyed to the City of Brook Park by deed recorded in Volume 13801 of Deeds Page 799 of Cuyahoga County Records.

Course No. 5: Thence North 2° 26' 06" East along the Easterly line of land so conveyed to the City of Brook Park 362.15 ft. to the Northeastly corner thereof.

Course No. 6: Thence North 88° 01' 10" West along the Northerly line of land so conveyed to the City of Brook Park 1767.82 ft. to the Westerly line of said Lot No. 5.

Course No. 7: Thence North 2° 41' 02" East along the Westerly line of Original Lot No. 5, 737.92 ft. to the Northeastly corner of land conveyed to The City of Cleveland by deed recorded in Volume 10677 of Deeds Page 467 of Cuyahoga County Records, said corner being also in the Northerly line of land conveyed to John and Mary **Kopia** by deed recorded in Volume 2104 of Deeds Page 621 of Cuyahoga County Records.

Course No. 8: Thence North 87° 59' 31" West along the Northerly line of land so conveyed to John and Mary **Kopia** 942.14 ft. to the center line of Grayton Road 60 ft. wide.

Course No. 9: Thence North 39° 11' 31" East along the center line of Grayton Road, 305.05 ft. to a point.

Course No. 10: Thence South 88° 21' 42" East 946.79 ft. to a point.

Course No. 11: Thence North 39° 11' 31" East 307.10 ft. to a point.

Course No. 12: Thence South 88° 40' 00" East 653.36 ft. to a point.

Course No. 13: Thence North 1° 21' 00" East 512.83 ft. to a point.

Course No. 14: Thence South 88° 39' 00" East 23.00 ft. to a point.

Course No. 15: Thence North 53° 33' 30" East 1025.40 ft. to a Southwesterly corner of land conveyed to The City of Cleveland by deed recorded in Volume 9933 of Deeds Page 17 of Cuyahoga County Records.

Course No. 16: Thence South 88° 39' 21" East along a Southerly line

of land so conveyed to The City of Cleveland, 325.97 ft. to a corner thereof.

Course No. 17: Thence South 1° 34' 08" West along a Westerly line of land so conveyed to The City of Cleveland, 218.94 ft. to a Southwesterly corner thereof.

Course No. 18: Thence South 88° 38' 42" East along a Southerly line of land so conveyed to The City of Cleveland, 1200.99 ft. to a Westerly line of Parcel I of land conveyed to The City of Cleveland by deed recorded in Volume 9037 of Deeds Page 245 of County Records.

Course No. 19: Thence South 1° 21' 12" West along said Westerly line of Parcel I of land conveyed to The City of Cleveland, 1197.15 ft. to a Southwesterly corner thereof.

Course No. 20: Thence South 88° 38' 48" East along a Southerly line of Parcel I of land so conveyed to The City of Cleveland 366.29 ft. to the Northwestly corner of land conveyed to The City of Cleveland by deed recorded in Volume 11888 of Deeds Page 647 of Cuyahoga County Records.

Course No. 21: Thence South 1° 21' 12" West along a Westerly line of land so conveyed to The City of Cleveland, **944.80** ft. to the center line of Riverside Drive, 70 ft. wide.

Course No. 22: Thence South 26° 45' 14" West along said center line of Riverside Drive, 453.76 ft. to a Southwesterly corner of land conveyed to The City of Cleveland as last aforesaid.

Course No. 23: Thence South 89° 14' 06" East along a Southerly line of land so conveyed to The City of Cleveland, 100.00 ft. to a corner thereof.

Course No. 24: Thence South 26° 45' 14" West along a Northwestly line of land so conveyed to The City of Cleveland, 200.00 ft. to a corner thereof.

Course No. 25: Thence North 89° 14' 06" West along the Northerly line of land conveyed to George Waddups and others, by deed recorded in Volume **4561** of Deeds, Page 441 of Cuyahoga County Records, 100.00 ft. to the center line of Riverside Drive.

Course No. 26: Thence South 26° 31' 08" West along the center line of Riverside Drive, 93.02 ft. to the place of beginning and containing 175.5701 acres of land according to a survey made by Bauer Surveys Company dated February 14, 1975 and recertified on **May 30, 1985**, be the same more or less, but subject to all legal highways.

Parcel 2

A non-exclusive Easement for right of way and ingress and egress for a Railroad Track Spur over the following described Parcel:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being Part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land, 60 ft. wide, lying, 30 ft. on each side of the center line of the Railroad spur track. The course of the center line of said 60 foot strip of land is more particularly described as follows:

Beginning in the Westerly line of the subject property at a point distant South 0° 58' 25" West (measured along said Westerly line) 413 ft. from its intersection with the Southerly line of a parcel of land conveyed to the City of Cleveland by deed dated October 15, 1957, and

recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, about 660 feet to a point of curvature thence Southeastly along the arc of a circle deflecting to the right, having a radius of 465 feet, an arc distance of about 800 ft. to a point of tangency; thence South 8° 41' 21" West, about 140 ft. to a point in the Westerly right of way line of the New York Central Railroad Company and having a total length of about 1600 ft. and containing about 2.20 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair, being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 3

A non-exclusive Easement for a Twelve Inch and Twenty-Four Inch Waterline over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land 10 ft. wide, lying 5 ft. on each side and parallel to the following described center line:

A. Beginning in a southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records at a point distant South 89° 01' 35" East (measured along said Southerly line of land conveyed to the City of Cleveland), 390 ft. from the Northwestly corner of the subject property; thence South 27° 03' 41" West, about 940 ft. to a point in the Westerly line of said subject property.

B. Beginning in the Westerly line of the subject property distant South 0° 58' 25" West (measured along the Westerly line of said subject property), 375 ft. from its intersection with the southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, 160 ft.; thence South 62° 53' 39" East, about 50 ft., and having a total length of about 210 ft. and containing about 0.05 acres of land.

C. Beginning in the Westerly line of the subject property, distant South 0° 58' 25" West (measured along said Westerly line of the subject property) 220 ft. from the Southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 74° 33' 39" East, 245 ft.; thence North 69° 01' 21" East, about 715 ft. to said Southerly line of land conveyed to the City of Cleveland, having a total length of about 960 ft. and containing about 0.22 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Twelve Inch lines as to A and B and a Twenty-Four Inch line as to C.

Parcel 4

A non-exclusive Easement for right of way of Ingress and Egress over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being, part of Original Middleburg Township Lots Nos. 2 and 3, Section 19;

A. Being a strip of land forty-eight (48) feet wide, lying twenty-four (24) feet on the North and South side thereof and parallel to the following described center line:

Beginning at a point in the Northwest boundary of 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 20, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 582.25 ft. from the Southeast corner of the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above boundary of said 17.31 acre tract and with the arc of a 21 degree curve (radius 272.65 ft.) to the right severing the Cleveland Army Tank-Automotive Plant reservation;

Northwesterly 104.0 ft. to a P.T. Station; thence continuing with a line severing above mentioned reservation: thence North 61° 50' W 612.0 ft., more or less, to a point in the West boundary of premises in question, having a total length of 716.0 ft., containing 0.89 acres, more or less.

B. Being a strip of land thirty-five (35) feet wide, being on the East side of and parallel to the following described center line:

Beginning at a point in the center line of Riverside Drive and in the West boundary of premises in question, said point being North 89° 37' W 1168.00 ft.; North 26° 22' 20" E 200.00 ft. North 89° 37' W 100.00 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence with the West boundary of premises in question and the centerline of Riverside Drive North 26° 22' 20" E 453.76 ft., more or less, containing 0.36 acres, more or less.

C. Being a strip of land seventy-two (72) feet wide, lying 30.0 ft. on the North side and 42.0 ft. on the South side of and parallel to the following described line;

Beginning at a point in the Northwest boundary of a 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 30, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 322.25 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above mentioned boundary and with a line severing the Cleveland Army Tank-Automotive Plant Reservation North 44° 50' W 643.00 ft., more or less, to a point in the West boundary of premises in question, having a total length of 643.00 ft., containing 1.07 acres, more or less, be the same more or less, but subject to all legal highways.

Being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 5

A non-exclusive Easement of Ingress and Egress is established in the Quit Claim Deed from of United States of America to the City of Cleveland, filed May 19, 1960, and recorded in Volume 9933, Page 17 of Cuyahoga County Records and being generally described as follows:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being a part of Original Middleburg Township Lot Number 1, Section No. 22 and Original Middleburg Township Lots Nos. 1 and 6, Section No. 19;

Being a 10 foot strip north of and adjacent to the North wall of the concrete block Hangar Building for the purpose of moving in necessary equipment and personnel as may be required from time to time to adequately maintain the North wall of the Hangar Building.

Parcel 6

Any Rights or Interests in and to non-exclusive Easements for utilities on, through, over or under the Real Property described as Parcels I, II, and III in the Quit Claim Deed from The United States of America to the City of Cleveland, filed December 6, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records.

Parcel 7

A non-exclusive Sanitary Sewer Easement the center line of which is described as follows:

Beginning at a point which bears South 53° 33' 30" West 839.80 ft. from a Southwest corner of land conveyed to the City of Cleveland by deed recorded in Volume 9933, of Deeds Page 17 of Cuyahoga County Records, said Southwest corner being the Westerly terminus of the tenth course in said deed, said Southwest corner bears North 88° 39' 21" West measured along the Westerly prolongation of the Northerly face of a concrete block hangar building, 10.00 ft. from the Northwest corner of said building.

Course 1: Thence North 88° 39' 46" West 22.75 ft. to a manhole.

Course 2: Thence North 1° 27' 53" East 742.92 ft. to a point in a Southeasterly line of land so conveyed to the City of Cleveland as aforesaid, said point bears North 57° 51' 33" East, measured along said **Southeasterly** line, 1386.79 ft. from the most Southerly corner thereof.

Parcel 8

Leasehold Estate in and to the following described Parcels:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 5 and 6, Section No. 19, and bounded and described as follows:

A. Beginning at the centerline of Grayton Road 60 ft. wide at the Southwest corner of land conveyed to the City of Cleveland by deed dated December 20, 1956 and recorded in Volume 8819, Page 70 of Cuyahoga County Records.

Thence South 88° 43' 10" East along the Southerly line of land so conveyed to the City of Cleveland 577.03 ft. to the Southeasterly corner thereof. Thence North 2° 20' 30" East along a line 604.37 ft. to a

point. Thence North 56° 47' 36" East along a line 1969.71 ft. to an angle point. Thence South 89° 42' 00" East along a line 198.63 ft. to an angle point. Thence South 0° 18' 00" West along a line 320.81 ft. to an angle point. Thence South 89° 41' 45" East along a line 10.00 ft. to a point and being the principal place of beginning:

Course 1 - Thence South 89° 41' 45" East along a line 530.33 ft. to an angle point

Course 2 - Thence South 42° 58' 33" East along a line 234.11 ft. to an angle point

Course 3 - Thence South 89° 41' 06" East along a line 893.86 ft. to an angle point

Course 4 - Thence South 0° 09' 49" West along a line 684.14 ft. to an angle point

Course 5 - Thence North 89° 57' 57" West along a line 66.55 ft. to an angle point

Course 6 - Thence North 0° 04' 15" East along a line 408.36 ft. to an angle point

Course 7 - Thence North 89° 42' 51" West along a line 1200.85 ft. to an angle point

Course 8 - Thence North 0° 29' 59" East along a line 218.94 ft. to an angle point

Course 9 - Thence North 89° 42' 30" West along a line 317.97 ft. to an angle point

Course 10 - Thence North 0° 18' 00" East along a line 229.28 ft. to an angle point which is also the principal place of beginning, containing approximate **11.48** acres of land.

B. Situated at Cleveland Hopkins International Airport, in the cities of Cleveland and Brook Park, County of Cuyahoga, State of Ohio, and located West of the Park Corporation Lease No. 29768, Ordinance No. 1602-A-78, but contiguous to Course No. 10 of existing Lease No. 29768;

1) Beginning at the South End of Course No. 10 as described above and proceeding North 0° 18' 00" East, 214.28 ft. to a point

2) Thence North 89° 42' 30" West, 10.00 ft. to the P.C. of a curve

3) Thence along the arc of a curve 47.12 ft. with a radius of 30.00 ft. with a central angle of 90° and a chord of South 45° 18' 00" West, 42.43 ft. to a point

4) Thence South 0° 18' 00" West, 129.28 ft. to a point

5) Thence North 89° 42' 00" West, **30.50** ft. to a point

6) Thence South 0° 18' 00" West, 100.39 ft. to a point

7) Thence North 53° 33' 30" East, 75.87 ft. to a point

8) Thence South 89° 42' 00" East, 10.00 ft. to a point

and being the principal place of beginning, containing approximately **11.452** square feet, more or less.

Section 2. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property, **including the Purchase Agreement contained in File No. 77-99-A and incorporated herein**, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 4. That all costs of acquisition of the land or any other costs **authorized by this ordinance** shall be paid from **Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 120, 01 SF 001, 10 SF 006, 10 SF 165** and any funds or subfunds to which are credited any grants, pas-

senger facility charges, and the proceeds from the sale of any bonds, **notes or certificates of participation** issued for a purpose which includes **the acquisition of the Property.**

Section 2. That the existing title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby repealed.

Section 3. That Ordinance No. 68-94, passed January 18, 1994, is hereby supplemented by adding new Sections 5, 6, 7, 8, 9, 10, and 11 to read, respectively, as follows:

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to I-X Center Corporation all or any part of the Property which is determined to be not needed for the public use of the Improvement for the term specified in the Lease Agreement and which is suitable for operation by the Lessee for the public purpose of generating commerce for the airport.

Section 6. That the Lease Agreement shall be in the form contained in File No. 77-99-A.

Section 7. That the Lease Agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City and are not in conflict with the terms and conditions in the Lease Agreement contained in the file referenced in Section 6.

Section 8. That the Director of Port Control, the Director of Law, and other appropriate City officials, are hereby authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the Lease Agreement authorized by this ordinance.

Section 4. That existing Section 5 of Ordinance No. 68-94, passed January 18, 1994, is hereby renumbered to new **"Section 9"**.

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

Referred to Directors of Port Control, City Planning Commission, Finance, Law.

Ord. No. 78-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$40,000,000, in anticipation of the issuance of bonds, to pay costs of acquiring real property and interests in real property for the purpose of improving the Airport System, and related matters.

Whereas, this Council has determined that, in order to timely respond to the increasing demand for air service at Cleveland Hopkins International Airport, and to plan for future demands for air service, it is necessary to acquire neighboring property to increase the Airport site, with the desired consequence of increasing the capacity of Airport operations; and

Whereas, that acquisition will provide needed property for the provi-

sion of air services to the public, and the prompt commencement of the acquisition requires the issuance of the subordinated revenue notes authorized hereunder and the undertaking of the transactions contemplated herein, and it is necessary to issue such notes as soon as possible to take advantage of favorable conditions in the financial markets, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Airport" means Cleveland Hopkins International Airport, as it now exists or hereafter may be changed, modified, or expanded.

"Airport System" means the Airport and Burke Lakefront Airport, as it now exists or hereafter may be changed, modified or expanded.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Notes "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

"Certificate of Award" means, collectively, the certificate or certificates authorized by Section 11, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Notes and their issuance, sale, and delivery, as this Ordinance requires or authorizes to be set forth or determined therein.

"City" means the City of Cleveland, Ohio.

"Clerk" means the Clerk of Council of the City.

"Continuing Disclosure Certificate" means, collectively, the certificate or certificates authorized by Section 14, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and book entry owners of the Notes in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Notes or the principal and interest, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Director of Finance" means the Director of the Department of Finance of the City.

"Director of Law" means the Director of the Department of Law of the City.

"Director of Port Control" means the Director of the Department of Port Control of the City.

"Financial Advisor" means Carmona Motley Hoffmann, Inc., or such other financial advisor to the City selected from time to time by the City.

"Indenture" means the Trust Indenture, dated as of November 1, 1976, between the City and The Cleveland Trust Company, as original Trustee, together with all supplements thereto.

"Mayor" means the Mayor of the City.

"Note Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, any trust agreement, the Continuing Disclosure Certificate, and such other proceedings of the City, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Original Purchaser" means the original purchasers of the Notes: A.G. Edwards & Sons, Inc., SBK-Brooks Investment Corp., McDonald Investments Inc., a KeyCorp Company, and J.P. Morgan Securities Inc.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Project" means the acquisition of real property and interests in real property for the purpose of improving the Airport System.

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

"Subordinated Airport Revenue" means the Airport Revenue (as defined in the Indenture) deposited in the Surplus Fund and/or the Improvement Fund (both Funds as created under Section 5.02 of the Indenture), subject to any requirements of the Use Agreements (as defined in the Indenture) for the approval by the Airlines (as defined in the Indenture) of, or lack of objection by the Airlines to, the use by the City of such deposits for the Project.

Any reference herein to the City or the Council of the City, the Director of Finance, the Director of Law, the Clerk, or any other officers of the City, shall include those who or which succeed to the functions, duties, or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties, or responsibilities.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa.

Section 2. The Bonds. It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$40,000,000 (the "Bonds") to pay a portion of the costs of the Project, including costs of issuance of the Bonds, to adequately fund any debt service reserve fund established under Section 12, and to retire the Notes (as defined in Section 3

below). Interest on the Bonds shall be payable semiannually until the principal amount is paid. The Bonds are estimated to mature in 25 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The Bonds will be subordinated revenue obligations of the City, the principal of and interest on which will be secured solely by, and payable solely from, Subordinated Airport Revenue. The Notes may be retired from the proceeds of obligations issued other than the Bonds or from other moneys available for such purpose.

Section 3. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance, and this Council determines, that notes in the aggregate principal amount not to exceed \$40,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, the proceeds of which will be used to pay costs of the Project, to pay costs of any Credit Support Instrument with respect to the Notes, to fund any debt service reserve fund established under Section 12, and to pay costs of issuance of the Notes. The Notes shall be issued in the aggregate principal amount not to exceed \$40,000,000 that is determined by the Director of Finance in the Certificate of Award to be required to be issued for the purposes stated above in this Section, taking into account other moneys available for such purposes. The Notes may be issued from time to time in one or more series if so provided in the Certificate of Award, provided that a separate Certificate of Award shall be executed for each series and the last series of Notes shall be awarded and sold no later than December 31, 2000. The Notes of each series shall be dated the date of issuance of the respective series or such other date as is designated in the Certificate of Award, provided that such date shall be no later than December 31, 2000. The Notes of each series shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of and financial advantages to the City, provided that such date shall not be later than two years from the date of issuance of the respective series of Notes.

Section 4. Interest. The Notes of each series shall bear interest from the date of the respective series at the rate per annum set forth in the Certificate of Award, or if any Notes bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Notes shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Notes bear interest at a fixed rate, that rate shall not exceed six and one-half percent (6-1/2%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Notes bear interest at a variable rate or rates, those rates shall not exceed that set forth in Section 5, and interest shall

be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

Section 5. Variable Rate Notes. In the event that the Director of Finance determines that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Notes shall not bear interest at a rate in excess of twelve percent (12%) per annum. That maximum interest rate shall not apply to variable rate Notes during any period those Notes are held by a provider of a Credit Support Instrument because they could not be remarketed and the terms of the Credit Support Instrument do not permit such a maximum rate of interest. Holders of variable rate Notes may be given the right to tender their variable rate Notes for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Note. If the Director of Finance designates any Notes as variable rate Notes, and if the holders of the variable rate Notes are to be entitled to tender the variable rate Notes for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Notes the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents, and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of

the Notes, and regardless of the Notes bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Notes, if he determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 6. Payment of Debt Charges on the Notes; Redemption. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Registrar (as defined in Section 7) as the City's paying agent. If agreed to by the Original Purchaser, the Notes shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance.

If fewer than all of the outstanding Notes are called for optional redemption at one time and Notes of more than one maturity are then outstanding, the Notes that are called shall be called as selected by, and selected in a manner determined by, the City. If fewer than all of the Notes of a single maturity are to be redeemed, the selection of Notes of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Notes by lot when Notes of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a separate Note of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Note are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Note shall surrender the Note to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Note or Notes of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Note surrendered.

The notice of the call for redemption of Notes shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Notes or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner

of each Note subject to redemption in whole or in part at the registered owner's address shown on the Note Register (as defined in Section 7) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Note, however, shall not affect the validity of the proceedings for the redemption of any Note.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Notes for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Notes shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Notes.

Section 7. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent, and paying agent for the Notes after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully

available and appropriated or to be appropriated for that purpose.

The Notes shall be issued only as fully registered Notes. Principal on the Notes shall be payable when due upon presentation and surrender of the Notes at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Note shall be paid on each interest payment date by check or draft mailed to the person in whose name the Note was registered, and to that person's address appearing on the Note Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Notes as provided in this Section (the "Note Register") so long as any of the Notes remain outstanding. Subject to the provisions of this Section, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of the Note Proceedings. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Notes are issued in a book entry system, principal of and interest on the Notes shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 8. Transfer and Exchange of Certain Notes. Notes may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Note or Notes of the same series, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the un-matured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Proceedings. The exchange or transfer shall be without charge

to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Note Proceedings, as the Notes surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Note during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing or to transfer or exchange any Note selected for redemption in whole or in part.

Section 9. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Notes may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single, fully registered Note representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance also is hereby authorized and directed to the extent necessary or required to

enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 10. Execution of Notes. Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note Proceedings unless and until the certificate of authentication printed on the Note is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature. The Notes shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single note and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Notes in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11. Sale of Notes. The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Notes, the Director of Finance is hereby authorized and directed, in the name of and on

behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a note purchase agreement or agreements between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 12. Security for the Notes. The Notes are special obligations of the City. The interest on the Notes, unless paid from other sources available to the City, is secured solely by, and is payable solely from Subordinated Airport Revenue.

The principal of the Notes, unless paid from other sources available to the City, is payable solely from the proceeds of the Bonds. The City covenants and agrees to do all things necessary to effect the issuance and delivery, prior to the maturity of the Notes, of the Bonds or any renewal notes, in that principal amount as may be necessary, together with any other moneys available to the City for the purpose, to pay the principal of the Notes when due at maturity and to do all things necessary to sell the Bonds in sufficient time to permit their delivery prior to the maturity of the Notes. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose. Notwithstanding the foregoing, the City covenants and agrees to issue Additional Revenue Bonds as defined in the Indenture to retire the Notes which would be issued on a parity with Airport Revenue Bonds (as defined in the Indenture), if and to the extent the City can satisfy the conditions precedent under the Indenture for the issuance of Additional Airport Revenue Bonds. Further, if the Director of Finance determines, based on the written advice of the Financial Advisor, that under conditions of the market at that time, the Bonds cannot be issued with reasonable terms, the

City covenants and agrees that it will issue obligations payable from other City sources to retire the Notes at maturity.

The City shall not be obligated to pay principal of and interest on the Notes from any funds or sources other than those described in this Section, and the Notes shall not be a claim upon or lien against any other property of the City. The Notes, as to both principal and interest, are not general obligations of the City, and the full faith and credit of the City is not pledged to their payment. The holders of the Notes shall have no right to have taxes levied by the City for the payment of principal of and interest on the Notes. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Notes.

The City will observe and perform all its agreements and obligations provided for by the Notes or this Ordinance. All of the obligations under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust, or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

If, in the judgment of the Director of Finance, after consultation with the Financial Advisor, a trust agreement providing, among other things, for the holding in trust by a bank of a debt service fund, debt service reserve fund or similar fund to secure the Notes is in the best interest of and financially advantageous to the City, such trust agreement and fund or funds are hereby authorized and the Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Notes. Such trust agreement may be supplemental to the Indenture. The City hereby covenants and agrees to appropriate annually from the Subordinated Airport Revenue into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 13. Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest and except any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12 shall be paid into that debt service reserve fund.

Section 14. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the prepara-

tion of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees, as the only obligated person with respect to the Notes under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 15. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on the Notes by one or more nationally recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on the Notes, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy any reserve requirement for the Notes is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtain-

ing each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Notes.

Section 16. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Notes, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Notes for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligations of the City or to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Notes with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Notes applied to that structure as though it consisted solely of Notes; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Notes as described in this Ordinance; (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Notes.

Section 17. Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of

those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Notwithstanding the foregoing or any other provisions of this Ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of any Purchase Agreement that it is necessary and appropriate and in the best interests of the City for the interest on the Notes to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Notes.

Section 18. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 19. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Notes authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness,

other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 20. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Notes.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it 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 period allowed by law.

Referred to Directors of Port Control, Finance, Law.

Without objection Council resolved itself into a Committee of the Whole to consider Ordinance Nos. 77-99 and 78-99.

The Committee of the Whole concluded. The Council reconvened and the meeting was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Polensek, Robinson, Sweeney, Westbrook, White, Willis, Zone.

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

Ord. No. 77-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; to supplement said ordinance by adding new Sections 5, 6, 7, and 8 thereof; and to renumber existing Section 5 as new Section 9, relating to the purchase of real property for the Division of Cleveland Hopkins International Airport, Department of Port Control, and to authorize the lease of said property to the I-X Center Corporation.

Whereas, pursuant to Ordinance No. 68-94, passed January 18, 1994, this Council authorized the purchase of real property immediately to the south of Cleveland Hopkins International Airport, commonly known

as the I-X Center and surrounding property, for future airport expansion; and

Whereas, this Council has heard testimony from the Director of Port Control and aviation consultants on the public purpose of acquiring land adjacent to Cleveland Hopkins International Airport and reserving said land for the purpose of future airport expansion; and

Whereas, this Council has heard testimony from real estate appraisers on the fair market value of the property and the value of a fifteen-year leasehold interest in the property; and

Whereas, this Council has determined that the immediate acquisition of the property continues to serve a significant public purpose and is vital to the continued economic growth of the City of Cleveland and surrounding communities; and

Whereas, this Council has determined that the terms of purchase and lease of the property authorized by this ordinance are reasonable and represent fair market value for the real estate transaction; and

Whereas, the City wishes to purchase the property described in Ordinance No. 68-94, as amended by this ordinance (hereinafter the "Property") for the public use of improving Cleveland Hopkins International Airport (hereinafter the "Improvement"); and

Whereas, until such time as the Improvement is made, the Property would be suitable for Lease and operation by another party for the public use of generating commerce for the airport; and

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

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

Section 1. That the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby amended to read, respectively, as follows:

Authorizing the Commissioner of Purchases and Supplies to purchase real property for the improvement of Cleveland Hopkins International Airport, Department of Port Control; and authorizing the Director of Port Control to lease to the I-X Center Corporation, said property for a term not to exceed fifteen years.

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of improvement of Cleveland Hopkins International Airport:

**AREA "D"
I-X CENTER**

Parcel 1

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being parts of Original Middleburg Township Lots Nos. 1, 2, 3, 5 and 6 in Section 19 and a part of Original Middleburg Township Lot No. 1 in Section 22, and more particularly bounded and described as follows:

Beginning in the center line of Riverside Drive, 70 feet wide, at the Southeast corner of land conveyed to Charles and Gottlieb Geiger by deed recorded in Volume 747 of Deeds, Page 558 of Cuyahoga County Records, said place of beginning being North 26° 31' 08" East measured along said center line of Riverside Drive, 1593.98 feet from an iron pin monument at the center line of Sheldon Road.

Course No. 1: Thence North 88° 32' 27" West along a Southerly line of land so conveyed to Charles and Gottlieb Geiger, 169.14 feet to a stone monument at a Southwesterly corner thereof.

Course No. 2: Thence North 1° 57' 33" East along a Westerly line of land so conveyed to Charles and Gottlieb Geiger, 288.99 ft. to the Southerly line of said Original Lot No. 2.

Course No. 3: Thence North 88° 32' 27" West along said Southerly line of Original Lot No. 2, 678.88 ft. to the Southwesterly corner thereof.

Course No. 4: Thence North 88° 59' 07" West along the Southerly line of said Original Lot No. 5, 850.57 ft. to a stone monument at the Southwesterly corner of land conveyed to Charles and Gottlieb Geiger, as aforesaid, being also a Southeast corner of land conveyed to the City of Brook Park by deed recorded in Volume 13801 of Deeds Page 799 of Cuyahoga County Records.

Course No. 5: Thence North 2° 26' 06" East along the Easterly line of land so conveyed to the City of Brook Park 362.15 ft. to the Northeast corner thereof.

Course No. 6: Thence North 88° 01' 10" West along the Northerly line of land so conveyed to the City of Brook Park 1767.82 ft. to the Westerly line of said Lot No. 5.

Course No. 7: Thence North 2° 41' 02" East along the Westerly line of Original Lot No. 5, 737.92 ft. to the Northeast corner of land conveyed to The City of Cleveland by deed recorded in Volume 10677 of Deeds Page 467 of Cuyahoga County Records, said corner being also in the Northerly line of land conveyed to John and Mary Kopia by deed recorded in Volume 2104 of Deeds Page 621 of Cuyahoga County Records.

Course No. 8: Thence North 87° 59' 31" West along the Northerly line of land so conveyed to John and Mary Kopia 942.14 ft. to the center line of Grayton Road 60 ft. wide.

Course No. 9: Thence North 39° 11' 31" East along the center line of Grayton Road, 305.05 ft. to a point.

Course No. 10: Thence South 88° 21' 42" East 946.79 ft. to a point.

Course No. 11: Thence North 39° 11' 31" East 307.10 ft. to a point.

Course No. 12: Thence South 88° 40' 00" East 653.36 ft. to a point.

Course No. 13: Thence North 1° 21' 00" East 512.83 ft. to a point.

Course No. 14: Thence South 88° 39' 00" East 23.00 ft. to a point.

Course No. 15: Thence North 53° 33' 30" East 1025.40 ft. to a Southwesterly corner of land conveyed to The City of Cleveland by deed recorded in Volume 9933 of Deeds Page 17 of Cuyahoga County Records.

Course No. 16: Thence South 88° 39' 21" East along a Southerly line of land so conveyed to The City of Cleveland, 325.97 ft. to a corner thereof.

Course No. 17: Thence South 1° 34' 08" West along a Westerly line of land so conveyed to The City of Cleveland, 218.94 ft. to a Southwest-erly corner thereof.

Course No. 18: Thence South 88° 38' 42" East along a Southerly line of land so conveyed to The City of Cleveland, 1200.99 ft. to a Westerly line of Parcel I of land conveyed to The City of Cleveland by deed recorded in Volume 9037 of Deeds Page 245 of County Records.

Course No. 19: Thence South 1° 21' 12" West along said Westerly line of Parcel I of land conveyed to The City of Cleveland, 1197.15 ft. to a Southwesterly corner thereof.

Course No. 20: Thence South 88° 38' 48" East along a Southerly line of Parcel I of land so conveyed to The City of Cleveland 366.29 ft. to the Northwesterly corner of land conveyed to The City of Cleveland by deed recorded in Volume 11888 of Deeds Page 647 of Cuyahoga County Records.

Course No. 21: Thence South 1° 21' 12" West along a Westerly line of land so conveyed to The City of Cleveland, 944.80 ft. to the center line of Riverside Drive, 70 ft. wide.

Course No. 22: Thence South 26° 45' 14" West along said center line of Riverside Drive, 453.76 ft. to a Southwesterly corner of land conveyed to The City of Cleveland as last aforesaid.

Course No. 23: Thence South 89° 14' 06" East along a Southerly line of land so conveyed to The City of Cleveland, 100.00 ft. to a corner thereof.

Course No. 24: Thence South 26° 45' 14" West along a Northwesterly line of land so conveyed to The City of Cleveland, 200.00 ft. to a corner thereof.

Course No. 25: Thence North 89° 14' 06" West along the Northerly line of land conveyed to George Waddups and others, by deed recorded in Volume 4561 of Deeds, Page 441 of Cuyahoga County Records, 100.00 ft. to the center line of Riverside Drive.

Course No. 26: Thence South 26° 31' 08" West along the center line of Riverside Drive, 93.02 ft. to the place of beginning and containing 175.5701 acres of land according to a survey made by Bauer Surveys Company dated February 14, 1975 and recertified on May 30, 1985, be the same more or less, but subject to all legal highways.

Parcel 2

A non-exclusive Easement for right of way and ingress and egress for a Railroad Track Spur over the following described Parcel:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being Part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land, 60 ft. wide, lying, 30 ft. on each side of the center line of the Railroad spur track. The course of the center line of said 60 foot strip of land is more particularly described as follows:

Beginning in the Westerly line of the subject property at a point distant South 0° 58' 25" West (measured along said Westerly line) 413 ft. from its intersection with the Southerly line of a parcel of land conveyed to the City of Cleveland by deed dated October 15, 1957, and

recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, about 660 feet to a point of curvature thence Southeasterly along the arc of a circle deflecting to the right, having a radius of 465 feet, an arc distance of about 800 ft. to a point of tangency; thence South 8° 41' 21" West, about 140 ft. to a point in the Westerly right of way line of the New York Central Railroad Company and having a total length of about 1600 ft. and containing about 2.20 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair, being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 3

A non-exclusive Easement for a Twelve Inch and Twenty-Four Inch Waterline over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land 10 ft. wide, lying 5 ft. on each side and parallel to the following described center line:

A. Beginning in a southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records at a point distant South 89° 01' 35" East (measured along said Southerly line of land conveyed to the City of Cleveland), 390 ft. from the Northwesterly corner of the subject property; thence South 27° 03' 41" West, about 940 ft. to a point in the Westerly line of said subject property.

B. Beginning in the Westerly line of the subject property distant South 0° 58' 25" West (measured along the Westerly line of said subject property), 375 ft. from its intersection with the southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, 160 ft.; thence South 62° 53' 39" East, about 50 ft., and having a total length of about 210 ft. and containing about 0.05 acres of land.

C. Beginning in the Westerly line of the subject property, distant South 0° 58' 25" West (measured along said Westerly line of the subject property) 220 ft. from the Southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 74° 33' 39" East, 245 ft.; thence North 69° 01' 21" East, about 715 ft. to said Southerly line of land conveyed to the City of Cleveland, having a total length of about 960 ft. and containing about 0.22 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Twelve Inch lines as to A and B and a Twenty-Four Inch line as to C.

Parcel 4

A non-exclusive Easement for right of way of Ingress and Egress over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being, part of Original Middleburg Township Lots Nos. 2 and 3, Section 19;

A. Being a strip of land forty-eight (48) feet wide, lying twenty-four (24) feet on the North and South side thereof and parallel to the following described center line:

Beginning at a point in the North-west boundary of 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 20, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 582.25 ft. from the Southeast corner of the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above boundary of said 17.31 acre tract and with the arc of a 21 degree curve (radius 272.65 ft.) to the right severing the Cleveland Army Tank-Automotive Plant reservation;

Northwesterly 104.0 ft. to a P.T. Station; thence continuing with a line severing above mentioned reservation: thence North 61° 50' W 612.0 ft., more or less, to a point in the West boundary of premises in question, having a total length of 716.0 ft., containing 0.89 acres, more or less.

B. Being a strip of land thirty-five (35) feet wide, being on the East side of and parallel to the following described center line:

Beginning at a point in the center line of Riverside Drive and in the West boundary of premises in question, said point being North 89° 37' W 1168.00 ft.; North 26° 22' 20" E 200.00 ft. North 89° 37' W 100.00 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence with the West boundary of premises in question and the centerline of Riverside Drive North 26° 22' 20" E 453.76 ft., more or less, containing 0.36 acres, more or less.

C. Being a strip of land seventy-two (72) feet wide, lying 30.0 ft. on the North side and 42.0 ft. on the South side of and parallel to the following described line;

Beginning at a point in the North-west boundary of a 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 30, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 322.25 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above mentioned boundary and with a line severing the Cleveland Army Tank-Automotive Plant Reservation North 44° 50' W 643.00 ft., more or less, to a point in the West boundary of premises in question, having a total length of 643.00 ft., containing 1.07 acres, more or less, be the same more or less, but subject to all legal highways.

Being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 5

A non-exclusive Easement of Ingress and Egress is established in the Quit Claim Deed from of United States of America to the City of Cleveland, filed May 19, 1960, and recorded in Volume 9933, Page 17 of Cuyahoga County Records and being generally described as follows:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being a part of Original Middleburg Township Lot Number 1, Section No. 22 and Original Middleburg Township Lots Nos. 1 and 6, Section No. 19;

Being a 10 foot strip north of and adjacent to the North wall of the concrete block Hangar Building for the purpose of moving in necessary equipment and personnel as may be required from time to time to adequately maintain the North wall of the Hangar Building.

Parcel 6

Any Rights or Interests in and to non-exclusive Easements for utilities on, through, over or under the Real Property described as Parcels I, II, and III in the Quit Claim Deed from The United States of America to the City of Cleveland, filed December 6, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records.

Parcel 7

A non-exclusive Sanitary Sewer Easement the center line of which is described as follows:

Beginning at a point which bears South 53° 33' 30" West 839.80 ft. from a Southwesterly corner of land conveyed to the City of Cleveland by deed recorded in Volume 9933, of Deeds Page 17 of Cuyahoga County Records, said Southwesterly corner being the Westerly terminus of the tenth course in said deed, said Southwesterly corner bears North 88° 39' 21" West measured along the Westerly prolongation of the Northerly face of a concrete block hangar building, 10.00 ft. from the Northwesterly corner of said building.

Course 1: Thence North 88° 39' 46" West 22.75 ft. to a manhole.

Course 2: Thence North 1° 27' 53" East 742.92 ft. to a point in a Southeastery line of land so conveyed to the City of Cleveland as aforesaid, said point bears North 57° 51' 33" East, measured along said Southeastery line, 1386.79 ft. from the most Southerly corner thereof.

Parcel 8

Leasehold Estate in and to the following described Parcels:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 5 and 6, Section No. 19, and bounded and described as follows:

A. Beginning at the centerline of Grayton Road 60 ft. wide at the Southwesterly corner of land conveyed to the City of Cleveland by deed dated December 20, 1956 and recorded in Volume 8819, Page 70 of Cuyahoga County Records.

Thence South 88° 43' 10" East along the Southerly line of land so conveyed to the City of Cleveland

577.03 ft. to the Southeasterly corner thereof. Thence North 2° 20' 30" East along a line 604.37 ft. to a point. Thence North 56° 47' 36" East along a line 1969.71 ft. to an angle point. Thence South 89° 42' 00" East along a line 198.63 ft. to an angle point. Thence South 0° 18' 00" West along a line 320.81 ft. to an angle point. Thence South 89° 41' 45" East along a line 10.00 ft. to a point and being the principal place of beginning:

Course 1 - Thence South 89° 41' 45" East along a line 530.33 ft. to an angle point

Course 2 - Thence South 42° 58' 33" East along a line 234.11 ft. to an angle point

Course 3 - Thence South 89° 41' 06" East along a line 893.86 ft. to an angle point

Course 4 - Thence South 0° 09' 49" West along a line 684.14 ft. to an angle point

Course 5 - Thence North 89° 57' 57" West along a line 66.55 ft. to an angle point

Course 6 - Thence North 0° 04' 15" East along a line 408.36 ft. to an angle point

Course 7 - Thence North 89° 42' 51" West along a line 1200.85 ft. to an angle point

Course 8 - Thence North 0° 29' 59" East along a line 218.94 ft. to an angle point

Course 9 - Thence North 89° 42' 30" West along a line 317.97 ft. to an angle point

Course 10 - Thence North 0° 18' 00" East along a line 229.28 ft. to an angle point which is also the principal place of beginning, containing approximate 11.48 acres of land.

B. Situated at Cleveland Hopkins International Airport, in the cities of Cleveland and Brook Park, County of Cuyahoga, State of Ohio, and located West of the Park Corporation Lease No. 29768, Ordinance No. 1602-A-78, but contiguous to Course No. 10 of existing Lease No. 29768;

1) Beginning at the South End of Course No. 10 as described above and proceeding North 0° 18' 00" East, 214.28 ft. to a point

2) Thence North 89° 42' 30" West, 10.00 ft. to the P.C. of a curve

3) Thence along the arc of a curve 47.12 ft. with a radius of 30.00 ft. with a central angle of 90° and a chord of South 45° 18' 00" West, 42.43 ft. to a point

4) Thence South 0° 18' 00" West, 129.28 ft. to a point

5) Thence North 89° 42' 00" West, 30.80 ft. to a point

6) Thence South 0° 18' 00" West, 100.39 ft. to a point

7) Thence North 53° 33' 30" East, 75.87 ft. to a point

8) Thence South 89° 42' 00" East, 10.00 ft. to a point

and being the principal place of beginning, containing approximately 11,452 square feet, more or less.

Section 2. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property, including the Purchase Agreement contained in File No. 77-99-A and incorporated herein, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 4. That all costs of acquisition of the land or any other costs

authorized by this ordinance shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 120, 01 SF 001, 10 SF 006, 10 SF 165 and any funds or subfunds to which are credited any grants, passenger facility charges, and the proceeds from the sale of any bonds, notes or certificates of participation issued for a purpose which includes the acquisition of the Property.

Section 2. That the existing title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby repealed.

Section 3. That Ordinance No. 68-94, passed January 18, 1994, is hereby supplemented by adding new Sections 5, 6, 7, 8, 9, 10, and 11 to read, respectively, as follows:

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to I-X Center Corporation all or any part of the Property which is determined to be not needed for the public use of the Improvement for the term specified in the Lease Agreement and which is suitable for operation by the Lessee for the public purpose of generating commerce for the airport.

Section 6. That the Lease Agreement shall be in the form contained in File No. 77-99-A.

Section 7. That the Lease Agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City and are not in conflict with the terms and conditions in the Lease Agreement contained in the file referenced in Section 6.

Section 8. That the Director of Port Control, the Director of Law, and other appropriate City officials, are hereby authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the Lease Agreement authorized by this ordinance.

Section 4. That existing Section 5 of Ordinance No. 68-94, passed January 18, 1994, is hereby renumbered to new "Section 9".

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

Approved by Directors of Port Control, City Planning Commission, Finance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0. Those voting yea were: Councilmen Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Polensek, Robinson, Sweeney, Westbrook, White, Willis and Zone.

Absent: Councilmen Cintron, Lewis, Patmon and Rybka.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of the Council before final passage.

Ord. No. 78-99.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance to authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$40,000,000, in anticipation of the issuance of bonds, to pay costs of acquiring real property and interests in real property for the purpose of improving the Airport System, and related matters.

Whereas, this Council has determined that, in order to timely respond to the increasing demand for air service at Cleveland Hopkins International Airport, and to plan for future demands for air service, it is necessary to acquire neighboring property to increase the Airport site, with the desired consequence of increasing the capacity of Airport operations; and

Whereas, that acquisition will provide needed property for the provision of air services to the public, and the prompt commencement of the acquisition requires the issuance of the subordinated revenue notes authorized hereunder and the undertaking of the transactions contemplated herein, and it is necessary to issue such notes as soon as possible to take advantage of favorable conditions in the financial markets, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Airport" means Cleveland Hopkins International Airport, as it now exists or hereafter may be changed, modified, or expanded.

"Airport System" means the Airport and Burke Lakefront Airport, as it now exists or hereafter may be changed, modified or expanded.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Notes "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of book entry interests in those Notes and that principal and interest.

"Certificate of Award" means, collectively, the certificate or certificates authorized by Section 11, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Notes and their issuance, sale, and delivery, as this Ordinance requires or authorizes to be set forth or determined therein.

"City" means the City of Cleveland, Ohio.

"Clerk" means the Clerk of Council of the City.

"Continuing Disclosure Certificate" means, collectively, the certificate or certificates authorized by Section 14, which, together with the

agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and book entry owners of the Notes in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Notes or the principal and interest, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Director of Finance" means the Director of the Department of Finance of the City.

"Director of Law" means the Director of the Department of Law of the City.

"Director of Port Control" means the Director of the Department of Port Control of the City.

"Financial Advisor" means Carmona Motley Hoffmann, Inc., or such other financial advisor to the City selected from time to time by the City.

"Indenture" means the Trust Indenture, dated as of November 1, 1976, between the City and The Cleveland Trust Company, as original Trustee, together with all supplements thereto.

"Mayor" means the Mayor of the City.

"Note Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, any trust agreement, the Continuing Disclosure Certificate, and such other proceedings of the City, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Original Purchaser" means the original purchasers of the Notes: A.G. Edwards & Sons, Inc., SBK-Brooks Investment Corp., McDonald Investments Inc., a KeyCorp Company, and J.P. Morgan Securities Inc.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Project" means the acquisition of real property and interests in real property for the purpose of improving the Airport System.

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

"Subordinated Airport Revenue" means the Airport Revenue (as defined in the Indenture) deposited in the Surplus Fund and/or the Improvement Fund (both Funds as created under Section 5.02 of the Indenture), subject to any requirements of the Use Agreements (as defined in the Indenture) for the approval by the Airlines (as defined in the Indenture) of, or lack of objection by the Airlines to, the use by the City of such deposits for the Project.

Any reference herein to the City or the Council of the City, the Direc-

tor of Finance, the Director of Law, the Clerk, or any other officers of the City, shall include those who or which succeed to the functions, duties, or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties, or responsibilities.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa.

Section 2. The Bonds. It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$40,000,000 (the "Bonds") to pay a portion of the costs of the Project, including costs of issuance of the Bonds, to adequately fund any debt service reserve fund established under Section 12, and to retire the Notes (as defined in Section 3 below). Interest on the Bonds shall be payable semiannually until the principal amount is paid. The Bonds are estimated to mature in 25 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The Bonds will be subordinated revenue obligations of the City, the principal of and interest on which will be secured solely by, and payable solely from, Subordinated Airport Revenue. The Notes may be retired from the proceeds of obligations issued other than the Bonds or from other moneys available for such purpose. **Such Bonds or other Obligations shall bear such terms as are authorized by this Council in a subsequent ordinance providing for their issuance.**

Section 3. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance, and this Council determines, that notes in the aggregate principal amount not to exceed \$40,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, the proceeds of which will be used to pay costs of the Project, to pay costs of any Credit Support Instrument with respect to the Notes, to fund any debt service reserve fund established under Section 12, and to pay costs of issuance of the Notes. The Notes shall be issued in the aggregate principal amount not to exceed \$40,000,000 that is determined by the Director of Finance in the Certificate of Award to be required to be issued for the purposes stated above in this Section, taking into account other moneys available for such purposes. The Notes may be issued from time to time in one or more series if so provided in the Certificate of Award, provided that a separate Certificate of Award shall be executed for each series and the last series of Notes shall be awarded and sold no later than December 31, 2000. The Notes of each series shall be dated the date of issuance of the respective series or such other date as is designated in the Certificate of Award, provided that such date shall be no later than December 31, 2000. The Notes of each series shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of and financial advantages to the City, provided that such date

shall not be later than two years from the date of issuance of the respective series of Notes.

Section 4. Interest. The Notes of each series shall bear interest from the date of the respective series at the rate per annum set forth in the Certificate of Award, or if any Notes bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Notes shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Notes bear interest at a fixed rate, that rate shall not exceed six and one-half percent (6-1/2%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Notes bear interest at a variable rate or rates, those rates shall not exceed that set forth in Section 5, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

Section 5. Variable Rate Notes. In the event that the Director of Finance determines that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Notes shall not bear interest at a rate in excess of twelve percent (12%) per annum. That maximum interest rate shall not apply to variable rate Notes during any period those Notes are held by a provider of a Credit Support Instrument because they could not be remarketed and the terms of the Credit Support Instrument do not permit such a maximum rate of interest. Holders of variable rate Notes may be given the right to tender their variable rate Notes for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Note. If the Director of Finance designates any Notes as variable rate Notes, and if the holders of the variable rate Notes are to be entitled to tender the variable rate Notes for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Notes the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties

so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents, and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Notes, and regardless of the Notes bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Notes, if he determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 6. Payment of Debt Charges on the Notes; Redemption. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Registrar (as defined in Section 7) as the City's paying agent. If agreed to by the Original Purchaser, the Notes shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance.

If fewer than all of the outstanding Notes are called for optional redemption at one time and Notes of more than one maturity are then outstanding, the Notes that are called shall be called as selected by, and selected in a manner determined by, the City. If fewer than all of the Notes of a single maturity are to be redeemed, the selection of Notes of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Notes by lot when Notes of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a separate Note of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Note are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Note shall surrender the Note to the

Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Note or Notes of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Note surrendered.

The notice of the call for redemption of Notes shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Notes or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Note subject to redemption in whole or in part at the registered owner's address shown on the Note Register (as defined in Section 7) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Note, however, shall not affect the validity of the proceedings for the redemption of any Note.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Notes for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Notes shall be held in trust for the account of the registered owners thereof and

shall be paid to them, respectively, upon presentation and surrender of those Notes.

Section 7. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent, and paying agent for the Notes after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

The Notes shall be issued only as fully registered Notes. Principal on the Notes shall be payable when due upon presentation and surrender of the Notes at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Note shall be paid on each interest payment date by check or draft mailed to the person in whose name the Note was registered, and to that person's address appearing on the Note Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Notes as provided in this Section (the "Note Register") so long as any of the Notes remain outstanding. Subject to the provisions of this Section, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of the Note Proceedings. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Notes are issued in a book entry system, principal of and interest on the Notes shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 8. Transfer and Exchange of Certain Notes. Notes may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar.

A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Note or Notes of the same series, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Note Proceedings, as the Notes surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Note during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing or to transfer or exchange any Note selected for redemption in whole or in part.

Section 9. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Notes may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single, fully registered Note representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such

shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance also is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 10. Execution of Notes.

Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note Proceedings unless and until the certificate of authentication printed on the Note is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature. The Notes shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single note and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii)

\$5,000 or any integral multiple thereof, and not exchangeable for other Notes in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11. Sale of Notes. The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Notes, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a note purchase agreement or agreements between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 12. Security for the Notes. The Notes are special obligations of the City. The interest on the Notes, unless paid from other sources available to the City, is secured solely by, and is payable solely from Subordinated Airport Revenue.

The principal of the Notes, unless paid from other sources available to the City, is payable solely from the proceeds of the Bonds. The City covenants and agrees to do all things necessary to effect the issuance and delivery, prior to the maturity of the Notes, of the Bonds or any renewal notes, in that principal amount as may be necessary, together with any other moneys

available to the City for the purpose, to pay the principal of the Notes when due at maturity and to do all things necessary to sell the Bonds in sufficient time to permit their delivery prior to the maturity of the Notes. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose. Notwithstanding the foregoing, the City covenants and agrees to issue Additional Revenue Bonds as defined in the Indenture to retire the Notes which would be issued on a parity with Airport Revenue Bonds (as defined in the Indenture), if and to the extent the City can satisfy the conditions precedent under the Indenture for the issuance of Additional Airport Revenue Bonds. Further, if the Director of Finance determines, based on the written advice of the Financial Advisor, that under conditions of the market at that time, the Bonds cannot be issued with reasonable terms, the City covenants and agrees that it will issue obligations payable from other City sources to retire the Notes at maturity.

The City shall not be obligated to pay principal of and interest on the Notes from any funds or sources other than those described in this Section, and the Notes shall not be a claim upon or lien against any other property of the City. The Notes, as to both principal and interest, are not general obligations of the City, and the full faith and credit of the City is not pledged to their payment. The holders of the Notes shall have no right to have taxes levied by the City for the payment of principal of and interest on the Notes. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Notes.

The City will observe and perform all its agreements and obligations provided for by the Notes or this Ordinance. All of the obligations under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust, or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

If, in the judgment of the Director of Finance, after consultation with the Financial Advisor, a trust agreement providing, among other things, for the holding in trust by a bank of a debt service fund, debt service reserve fund or similar fund to secure the Notes is in the best interest of and financially advantageous to the City, such trust agreement and fund or funds are hereby authorized and the Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Notes. Such trust agreement may be supplemental to the Indenture. The City hereby covenants and agrees to appropriate annually from the Subordinated Airport Revenue into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 13. Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest and except any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12 shall be paid into that debt service reserve fund.

Section 14. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees, as the only obligated person with respect to the Notes under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City,

shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 15. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on the Notes by one or more nationally recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on the Notes, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy any reserve requirement for the Notes is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Notes.

Section 16. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Notes, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Notes for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligations to the City or to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Notes with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Notes applied to that structure as though it consisted solely of Notes; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Notes as described in this Ordinance; (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Notes.

Section 17. Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149

of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Notwithstanding the foregoing or any other provisions of this Ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of any Purchase Agreement that it is necessary and appropriate and in the best interests of the City for the interest on the Notes to be included in gross income for federal income tax purposes, the City shall not be

bound by the covenants of this Section with respect to the Notes.

Section 18. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 19. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Notes authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 20. Satisfaction of Conditions. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Notes.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it 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 period allowed by law.

Approved by Directors of Port Control, City Planning Commission, Finance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0. Those voting yea were: Councilmen Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Polensek, Robinson, Sweeney, Westbrook, White, Willis and Zone.

Absent: Councilmen Cintron, Lewis, Patmon and Rybka.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of the Council before final passage.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Nelson Cintron, Jr., Councilman Fannie M. Lewis, Councilman William Patmon and Councilman Edward W. Rybka be and is hereby authorized.

The Council adjourned to meet at 7:00 p.m. on Monday, January 25, 1999.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 13, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 13, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Absent: Director Warren.

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

On motion, the following resolutions were adopted.

Resolution No. 10-99.

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the authority of Ordinance No. 1744-97, passed by the Council of the City of Cleveland October 20, 1997, the firm of Oracle Corporation is hereby selected upon the nomination of the Director of Finance, as determined after a full and complete canvass by the Director of Finance, as the firm of computer consultants to be employed for the purpose of licensing certain database software to the city and providing certain additional professional service related thereto.

Be it further resolved that the Director of Finance hereby is authorized to enter into a contract with Oracle Corporation based on its proposal dated December 2, 1998 setting forth the software to be licensed and the services to be provided with respect to such software. The contract authorized hereby shall provide that the fee for the software license and services shall not exceed \$686,001, shall be prepared by the Director of Law, and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Directors Staib, Warren.

Resolution No. 11-99.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland that the bid of Brooks and Stafford Company for the following: public official bonds for the Director of Community Development; Director of Finance; Chief of Police; Director of Public Health; Director of Public Safety; Director of Public Utilities; Commissioner, Division of Taxation; and Treasurer; for the Department of Finance, received on the ninth day of December, 1998, pursuant to the authority of Section 171.13 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of order quantities would amount to \$12,606.00 Dollars, is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Be it further resolved, that the employment of Patricia Hill as subcontractor by Brooks and Stafford Company for the above-mentioned purchase of public official bonds pursuant of Section 171.13 C.O. is hereby approved.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Directors Staib, Warren.

Resolution No. 12-99.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland that the bid of Love Insurance Agency, Inc. for the following: blanket employee dishonesty coverage for the Department of Finance, received on the ninth day of December, 1998, pursuant to the authority of Section 171.13 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of order quantities would amount to \$6,882.00 Dollars, is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Be it further resolved, that the employment of Patricia Hill as subcontractor by Love Insurance Agency, Inc. for the above-mentioned purchase of blanket employee dishonesty coverage pursuant of Section 171.13 C.O. is hereby approved.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Directors Staib, Warren.

Resolution No. 13-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Wesco Distribution, Incorporated for an estimated quantity of PVC conduit and fittings, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on October 8, 1998, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to Sixty Eight Thousand Seven Hundred Nineteen and 80/100 Dollars, (\$68,719.80), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of

Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 21528

which shall be certified against such contract in the sum of Three Thousand Four Hundred Fifty One and no/100 Dollars (\$3,451.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Director Warren.

Resolution No. 14-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Traffic Control Products, Inc., for an estimated quantity of Traffic Signal Materials, item numbers 1, 2, 3, 4, 5, 6, 22, 33, 34, and 36, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Eighty Thousand, Six Hundred Forty-Four and no/100 Dollars (\$80,644.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26665

Various amounts of items 1, 2, 3, 4, 5, 6, 22, 33, 34, and 36, as specified which shall be certified against such contract in the sum of Sixty-Seven Thousand, Five Hundred Forty-Four and no/100 Dollars (\$67,544.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Director Warren.

Resolution No. 15-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Rocal, Inc., for an estimated quantity of Aluminum Sign Blanks and Refurbishing of Aluminum Sign Blanks, item numbers 1, 2, and 3, for the Division of Traffic Engineering

and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Fifty-One Thousand, Six Hundred Six and 50/100 Dollars (\$51,606.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26676

2,500 Aluminum Sign Blanks - Item #3 as per specifications, which shall be certified against such contract in the sum of Seven Thousand, Four Hundred Fifty and no/100 Dollars (\$7,450.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 16-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of West Shore Radiator Works, Inc., for an estimated quantity of Aluminum Sign Blanks and Refurbishing of Aluminum Sign Blanks, item number 4, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Twenty-Two Thousand, Eighty and no/100 Dollars (\$22,080.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26677

31,535 sq. ft. of Aluminum Sign Blanks to be refurbished - Item #4 as per specifications.

which shall be certified against such contract in the sum of Twenty-One Thousand, Seven Hundred Fifty-Nine and 15/100 Dollars (\$21,759.15).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 17-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Aexcel Corp., for an estimated quantity of Traffic Paint, Thermoplastic Material and Reflective Glass Beads, item numbers 9, 10, and 11, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 760-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Fifteen Thousand, Two Hundred Seventy-Seven and 50/100 Dollars (\$15,277.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26673

275 Gallons of Water Base Pavement Marking (White) in 55 gal. Drums, Item #9

825 Gallons of Water Base Pavement Marking material (Yellow) in 55 gal. Drums, Item #10

which shall be certified against such contract in the sum of Four Thousand, Four Hundred Thirty-One and 25/100 Dollars (\$4,431.25).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 18-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Linear Dynamics, Inc., for an estimated quantity of Traffic Paint, Thermoplastic Material and Reflective Glass Beads, item numbers 1, 2, 3, 4, 5, 6, 7, and 8, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 760-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Forty-Two Thousand, Thirty Seven and 90/100 Dollars (\$42,037.90), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a

requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26672

330 Gallons of Rapid Drying Pavement Marking (White) in 55 gal. Drums, Item #1

330 Gallons of Rapid Drying Pavement Marking (Yellow) in 55 gal. Drums, Item #2

50 Gallons of Conventional Pavement Marking material (White) in 5 gal. Pails, Item #5

20,000 lbs. of Reflective Glass Beads in 50 lb. Bags, Item #7

which shall be certified against such contract in the sum of Seven Thousand, Five Hundred Seventy Three and 90/100 Dollars (\$7,573.90).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 19-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Path Master, Inc., for an estimated quantity of Traffic Signal Materials, item numbers 7A, 7B, 8A, 9, 10, 12, 13, 14, 15, 16, 17, 18, 21, 23, 24, 25, 26, 27, 28, 29, 32, 35, 38, 39, 40, and 41, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to One Hundred Seventy Thousand, Six Hundred Thirty-Eight and 80/100 Dollars (\$170,638.80), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26661

5,000 ft. of conductor cable, Item # 18, as per specifications

6 side mounted conductor cable, Item #32, as per specifications

6 phase timers, Item #35, as per specifications

1,000 ft. of Loop Lead-In Cable, Item #40, as per specifications

which shall be certified against such contract in the sum of Sixteen Thousand, Four Hundred Eighty and no/100 Dollars (\$16,480.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 20-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Leader Electric Supply Co., Inc., for an estimated quantity of Traffic Signal Materials, item numbers 19, 20, 30, and 31, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Two Thousand, Six Hundred Twenty-Eight and 80/100 Dollars (\$2,628.80), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26664

5,000 ft. single conductor, Blk, #20 Stranded, Item 19, as specified
5,000 ft. single conductor, White #10 stranded, Item #20, as specified
1,000 ft. Galvanized rigid conduit, 1-1/4", Item #30, as specified
1,000 ft. Galvanized rigid conduit, 1/2", Item #31, as specified
which shall be certified against such contract in the sum of Two Thousand, Six Hundred Twenty-Eight and 80/100 Dollars (\$2,628.80).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 21-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of General Traffic Equipment Corp., for an estimated quantity of Traffic Signal Materials, item number 7, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Two Thousand and no/100 Dollars (\$2,000.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which

shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26663

100 Span Wire Assembly, Item 7, as specified

which shall be certified against such contract in the sum of Two Thousand, Six Hundred Twenty-Eight and 80/100 Dollars (\$2,628.80).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 22-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Traffic Parts, Inc., for an estimated quantity of Traffic Signal Materials, item number 11, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Three Thousand, Seven Hundred Fifty and no/100 Dollars (\$3,750.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26666

10 School Sign Control Cabinets, Item #11, as specified

which shall be certified against such contract in the sum of Three Thousand, Seven Hundred Fifty and no/100 Dollars (\$3,750.00) (Net 30).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 23-99.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Able Contracting Group, Inc., for an estimated quantity of Traffic Signal Materials, item numbers 8, 8B, and 37, for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 7, 1998, pursuant

to the authority of Ordinance No. 683-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Forty-Two Thousand, Four Hundred Eighty-Two and no/100 Dollars (\$42,482.00) (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 26662

2 Eagle, 4-phase Master, Item 8, as specified

4 Eagle, 8-phase Control and Cabinet, Item 8B, as specified

6 - 2 phase Control and Cabinet, Item #37, as specified

which shall be certified against such contract in the sum of Forty-Two Thousand, Four Hundred Eighty-Two and no/100 Dollars (\$42,482.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 24-99.

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 2111-98, passed December 14, 1998, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized by and at the direction of the Board of Control to sell certain City-owned property, no longer needed for public use, described therein and located at 9250 Miles Park Avenue, Permanent Parcel Number 134-08-056, to the Union-Miles Development Corporation; and

Whereas, said Ordinance No. 2111-98 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2111-98, passed by the Council of the City of Cleveland on December 14, 1998, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property, no longer needed for public use, described therein and located 9250 Miles Park Avenue, Permanent Parcel Number 134-08-056, to Union-Miles Development Corporation. The consideration to be paid for said property is hereby fixed at One Hundred Dollars (\$100.00), which amount is determined to be not less than the fair market value.

Be it resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

Resolution No. 25-99.

By Director Warren.

Whereas, pursuant to Ordinance No. 1267-98 passed by the Council of the City of Cleveland on August 15, 1998 as amended by Ordinance No. 2011-98 passed November 16, 1998, the Commissioner of Purchases and Supplies is authorized to acquire title to the properties known as the Lee Harvard Shopping Plaza, and to reconvey such property to LH Development LLC, consistent with Section 5709.41(B)(1) of the Ohio Revised Code, provided that the consideration for such conveyances is nominal as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Ordinance No. 1267-98 passed by the Council of the City of Cleveland on August 15, 1998 as amended by Ordinance No. 2011-98 passed November 16, 1998, the Board hereby determines the nominal consideration for purposes of acquisition and reconveyance of the property described in Council File 1267-98-B, to be Ten Dollars (\$10.00) for each such conveyance.

Be it further resolved, that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official quitclaim deed of the City of Cleveland conveying said real property; said deed shall contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan and Axelrod.

Nays: None.

Absent: Mayor White, Director Warren.

JEFFREY B. MARKS,
Secretary

BOARD OF CONTROL

January 14, 1999

The special meeting of the Board of Control convened in the Mayor's office on Thursday, January 14, 1999, at 2:00 p.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Directors Staib, Guzman, Jackson, Hudecek, Nolan, Warren and Axelrod.

Absent: None.

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

On motion, the following resolution was adopted.

Resolution No. 26-99.

By Director Balraj.

Whereas, pursuant to Ordinance No. 68-94, passed January 18, 1994, as amended by Ordinance No. 77-99, passed January 14, 1999 (the "Ordinances"), the Commissioner of Purchases and Supplies is authorized to acquire title to the property described in the Ordinances and commonly known as the I-X Center (the "Property") and the Director of Port Control is authorized to lease the Property to the I-X Center Corporation for the public purpose of generating commerce for Cleveland Hopkins International Airport; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the Ordinances, the Commissioner of Purchases and Supplies is hereby authorized to acquire the Property in accordance with the terms and conditions and for the consideration set forth in the Purchase Agreement contained in Council File No. 77-99-A.

Be it further resolved that, pursuant to the Ordinances, the Director of Port Control is hereby authorized to lease the Property to the I-X Center Corporation in accordance with the terms and conditions and for the consideration set forth in the Lease Agreement contained in Council File No. 77-99-A.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Owens, Directors Staib, Guzman, Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS**MONDAY, FEBRUARY 1, 1999****9:30 A.M.****Calendar No. 99-1:** 10507 Buckeye Road

Morningstar Baptist Church, owner, and AT&T Wireless Inc. c/o Ron Russo, appeal to install a 164' tall monopole style antenna tower and a 20' long x 11'-6" wide prefabricated radio equipment building and approximately 100 linear ft. of 8' high chain link fence topped with barbed wire, situated on a 152' x 50' parcel and located in a General Retail Business District on the north side of Buckeye Road at 10507 Buckeye Road; said installation requires that

a tower is not nearer to any lot lines at the height limit than 25 feet and 4' is proposed and where all portions of the tower exceeding 35' in height are set back from any Residential Use District limit at least 2' for each 1' of the tower's height, and 24' is proposed where 258' are required, as per the Height Regulations of Section 353.06(a)(3) and (4) of the Codified Ordinances.

Calendar No. 99-2: 2114 West 6th Street

Sutton Builders LLC, owner c/o Keith Sutton, appeal to erect a 20' x 40' three-story, two family dwelling house with a full basement and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District at 2114 West 6th Street; said proposal being contrary to the information requirements of Section 327.02(d) of the Codified Ordinances and Section 355.05 where a two family residence on an existing lot of record requires a minimum 6,000 sq. ft. lot and a minimum 40 ft. wide lot, and a 2,500 sq. ft. lot with a width of 25' is proposed, and Section 355.04 where the required maximum gross floor area permitted (1/2 of lot area) is 1,250 sq. ft. and 1,600 sq. ft. is proposed and Section 357.04 where the Front Yard Regulations are determined by the lot depth times 15% or 15' and 10' is proposed, and where the interior side yard proposed is 3'-6" and 1'-6" instead of the 3' and 7' required and the aggregate width of side yards being 5' instead of the 10' required by Section 357.09 of the Codified Ordinances.

Calendar No. 99-3: 2118 West 6th Street

Sutton Builders LLC, owner c/o Keith Sutton, appeal to erect a 20' x 40' three-story two family dwelling house with a full basement and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District at 2118 West 6th Street; said proposal being contrary to the information requirements of Section 327.02(d) of the Codified Ordinances and Section 355.05 where a two family residence on an existing lot of record requires a minimum 6,000 sq. ft. lot and a minimum 40' wide lot and a 2,500 sq. ft. lot with a width of 25' is proposed, and Section 355.04 where the required maximum gross floor area permitted (1/2 of lot area) is 1,250 sq. ft. and 1,600 sq. ft. is proposed and Section 357.04 where the Front Yard Regulations are determined by the lot depth times 15% or 15' and 10' is and where the interior side yard is 3'-6" and 1'-6" instead of the 3' and 7' and the aggregate width of side yards being 5' instead of the 10' as required by Section 357.09 of the Codified Ordinances.

Calendar No. 99-4: 18210 St. Clair Avenue

Ed Intihar, owner, and Sievers Company Inc., c/o Robert Sievers, tenant, appeal to erect a 12' x 17', 6'-8" x 22', 16' x 20' and (2) 16' x 25' sheds for a total of 5 sheds for storage next to an existing 61' x 45' one-story masonry storage building situated on an 88' x 130' corner parcel and located in a Local Retail District at the corner of Penhurst Road and St. Clair Avenue at 18210 St. Clair Avenue; said storage units being the Yards and Courts Requirements where a 4' side yard is proposed and a 15' side yard is

required at the southeast corner of the lot as required by Section 357.05(b)(1) of the Codified Ordinances.

Calendar No. 99-7: 11631-11633 Clifton Boulevard
Nola, Inc., dba Cliffhangers c/o John C. Katsaros, appeals under authority of Section 76-6 of the Charter of the City of Cleveland from the refusal to issue a Dance Hall License for the premises at 11631-11633 Clifton Boulevard by Robert J. Schneider, Commissioner of Assessments and Licenses, upon recommendation of the Commissioner of Building and Housing pursuant to Ordinance No. 690.03 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 19, 1999

At the Meeting of the Board of Zoning Appeals on Tuesday, January 19, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 98-226: 2109 West 7th Street

Sutton Builders LLC, owner c/o Keith Sutton, appealed to erect a three-story, two family dwelling house with full basement and a detached private garage in a B-Multi-Family District on the northeasterly side of West 7th Street.

Calendar No. 98-227: 2103 West 7th Street

Sutton Builders LLC, owner c/o Keith Sutton, appealed to erect a three-story, two family dwelling house with full basement and a detached private garage in a B-Multi-Family District on the northeasterly side of West 7th Street.

Calendar No. 98-228: 2119 West 7th Street

Sutton Builders LLC, owner c/o Keith Sutton, appealed to erect a three-story, two family dwelling house with full basement and a detached private garage in a B-Multi-Family District on the northeasterly side of West 7th Street.

Calendar No. 98-248: 469 West Schaaf Road, S.W.

Walter Zurowski, owner, and Charter One Bank, prospective purchaser c/o Jim Zeller, appealed to construct a 47 car off-street parking lot (accessory to the Banking Service Center located at 4780 Hinckley Industrial Parkway) in a Semi-Industry and Two-Family District on the northwest corner of Hinckley Industrial Parkway and West Schaaf Road.

Calendar No. 98-260: 4004 East 131st Street

Sanctuary Baptist Church, owner c/o Reverend Herbert Smith, pastor, appealed to change use of an existing one-story masonry retail store building into a church situated in a Local Retail and Two-Family District on the southwest corner of

Crennell Avenue and East 131st Street.

The following appeals were **Postponed**:

Calendar No. 98-206: 3520 East 116th Street postponed to February 1, 1999.

Calendar No. 98-251: 10022 Madison Avenue postponed to February 8, 1999.

Calendar No. 98-256: 12013 Ashbury Avenue postponed to February 16, 1999.

Calendar No. 98-261: 3127-3129 West 25th Street postponed to February 1, 1999.

On Tuesday, January 19, 1999 in Executive Session:

The following appeals were heard on Monday, January 11, 1999, and said decisions to **GRANT** were approved and adopted by the Board on Tuesday, January 19, 1999:

Calendar No. 98-254: 18240 Harvard Avenue, S.E.

Harvard Community Service, Inc., owner c/o Elaine Gohlstin, Executive Director, appealed to add a 15'-8" x 47'-4" one-story masonry kitchen extension to the west wall of an existing one and two-story masonry community center building in a One-Family District.

Calendar No. 98-255: 1216-1222 East 105th Street

Mary Daniels, owner, appealed to change use of an existing two-story masonry 3 stores building with 5 dwelling units and 1 office space into 3 stores and 6 dwelling units in a Local Retail District.

Calendar No. 98-259: 10406 Kinsman Road, S.E.

Unity Baptist Church, owner c/o Reverend E. L. Cryer, and Ministerial Day Care c/o Verneda Bentley, Executive Director, tenant, appealed to change use of an existing one and two-story masonry, non-conforming nursing home building into a day care center and assembly area, classrooms and offices for the church in a B-Two-Family District.

The following appeals were heard on Monday, January 11, 1999, and said decisions to **DENY** were approved and adopted by the Board on Tuesday, January 19, 1999.

Calendar No. 98-257: 11601 Detroit Avenue, N.W.

Detroit Apartments Inc., owner c/o Nancy Wilson, and Eller Media, lessee c/o Donald Isham and Scott Rowland, appealed from a Notice of Violation of Housing Ordinances dated August 28, 1998 regarding a wall sign erected without obtaining a permit to a two-story stores and suites building.

Calendar No. 98-241: 12212 Bellaire Road, S.W.

Cheryl Johnson, owner, and Eller Media Company, tenant, appealed to erect a 25' wide x 12' long x 16' high from grade billboard on a 28' x 133' irregular shaped lot in a General Retail District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JANUARY 28, 1999

Cleaning and Cement Mortar Lining of Trunk Water Mains, Area 98-T1, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1880-98.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET

OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

January 13 and January 20, 1999

THURSDAY, FEBRUARY 4, 1999

Ridge Road Transfer Station Reconstruction, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1256-97.

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

A PRE-BID MEETING WILL BE HELD ON FRIDAY, JANUARY 22, 1999, 10:00 A.M., AT THE SITE LOCATED AT 3727 RIDGE ROAD, CLEVELAND, OHIO.

January 13 and January 20, 1999

WEDNESDAY, FEBRUARY 3, 1999

Check Printing, Signing, Folding and Sealing Equipment, for the Department of Finance, as authorized by Ordinance No. 1744-97, passed by the Council of the City of Cleveland, October 20, 1997.

January 20 and January 27, 1999

WEDNESDAY, FEBRUARY 10, 1999

Three (3) Welders with Trailers, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2180-97, passed by the Council of the City of Cleveland, February 2, 1998.

January 20 and January 27, 1999

THURSDAY, FEBRUARY 11, 1999

Various Sewer Maintenance Appurtenances — Castings, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Various Sewer Maintenance Appurtenances — Slabs, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

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

January 20 and January 27, 1999

FRIDAY, FEBRUARY 12, 1999

Two (2) Single Axle Cab and Chassis with Dump Body and Seven Tandem Axle Cab and Chassis with Dump Body, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

January 20 and January 27, 1999

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 39-99.

By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of expanding Brookside Park.

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

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

Section 1. That for the public purpose of expanding Brookside Park, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property: Sublot Number 1 through 8 in the Municipal Realty Company's Memphis Avenue Subdivision as recorded in Volume 84, Page 12 of the Cuyahoga County Map Records.

Section 2. That the Director of Finance is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

Adopted January 11, 1999.

Effective January 20, 1999.

Res. No. 41-99.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of location of a D5 Liquor Permit to 1300 W. Ninth St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D5 Liquor Permit from Permit No. 9333373, Wade Park Renaissance Corp., 7904 Wade Park Ave., 1st Fl. & Bsmt., Cleve-

land, Ohio 44103, c/o Ernest Cross to Permit No. 3105158, Genemarco Co. LLC, DBA Club Zibbibo, 1300 W. Ninth St., Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a D5 Liquor Permit from Permit No. 9333373, Wade Park Renaissance Corp., 7904 Wade Park Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44103, c/o Ernest Cross to Permit No. 3105158, Genemarco Co. LLC, DBA Club Zibbibo, 1300 W. Ninth St., Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 42-99.**By Councilman Cintron.**

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 3625 Detroit Ave., and repealing Res. No. 1463-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 3625 Detroit Ave., by Res. No. 1463-98, adopted August 19, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 3625 Detroit Ave., be and the same is hereby withdrawn and Res. No. 1463-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 11, 1999.

Effective January 20, 1999.

Res. No. 43-99.**By Councilman Melena.**

An emergency resolution objecting to the stock transfer of a C1 Liquor Permit to 3459 W. 54th St., 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C1 Liquor Permit to Permit No. 88651590005, 3459 W. 54th Street Inc., DBA Alexs Deli, 3459 W. 54th St., 1st Fl., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a C1 Liquor Permit to Permit No. 88651590005, No. 3459 W. 54th Street Inc., DBA Alexs Deli, 3459 W. 54th St., 1st Fl., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.

Effective January 20, 1999.

Res. No. 44-99.**By Councilman Melena.**

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 1871-77 West 65th Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 9554895, West 65th Street Beverage & Deli Inc., DBA West 65th St. Market, 1871-77 W. 65th St., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 9554895, West 65th Street Beverage & Deli Inc., DBA West 65th St. Market, 1871-77 W. 65th St., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.

Effective January 20, 1999.

Res. No. 45-99.**By Councilman Melena.**

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., and repealing Res. No. 1825-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., by Res. No. 1825-98, adopted October 12, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership; and

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

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

Section 1. That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., be and the same is hereby withdrawn and Res. No. 1825-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 11, 1999.

Effective January 20, 1999.

Res. No. 46-99.
By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit to 16101 Arcade Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Permit No. 0254173, Arcade Bar Inc., DBA Arcade Bar, Street Fl. & Bsmt., 16101 Arcade Ave., Cleveland, Ohio 44110 to Permit No. 7931681, Walter H. Scott, 16101 Arcade Ave., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Permit No. 0254173, Arcade Bar Inc., DBA Arcade Bar, Street Fl. & Bsmt., 16101 Arcade Ave., Cleveland, Ohio 44110 to Permit No. 7931681, Walter H. Scott, 16101 Arcade Ave., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives

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

Adopted January 11, 1999.
 Effective January 20, 1999.

Res. No. 47-99.
By Councilman Polensek.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street, and repealing Res. No. 1323-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street, by Res. No. 1323-98, adopted July 29, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed December 30, 1998, a copy of which is in the file for this address in the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street, be and the same is hereby withdrawn and Res. No. 1323-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 11, 1999.
 Awaiting the approval or disapproval of the Mayor.

Res. No. 48-99.
By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit to 656-58 E. 185th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 1164328, BZO Corp., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119, to Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 1164328, BZO Corp., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119, to Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.
 Effective January 20, 1999.

Res. No. 49-99.
By Councilman O'Malley.
An emergency resolution objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 6801 Denison Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3

Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Ave., 1st Fl., Cleveland, Ohio 44102, to Permit No. 4786325, Kool Katt Inc., DBA Randys Sports Bar, 6801 Denison Ave., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Ave., 1st Fl., Cleveland, Ohio 44102, to Permit No. 4786325, Kool Katt Inc., DBA Randys Sports Bar, 6801 Denison Ave., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.
Effective January 20, 1999.

Res. No. 50-99.

By Councilman O'Malley.

An emergency resolution objecting to the stock transfer of a C2, C2X and D6 Liquor Permit to 4171 Ridge Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2, C2X and D6 Liquor Permit to Permit No. 1894446, Daher Inc., 4171 Ridge Rd., Cleveland, Ohio 44144; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a C2, C2X and D6 Liquor Permit to Permit No. 1894446, Daher Inc., 4171 Ridge Rd., Cleveland, Ohio 44144 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 11, 1999.
Effective January 20, 1999.

Res. No. 51-99.

By Councilmen Westbrook, Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, White, Willis and Zone.

An emergency resolution urging the Secretary of the U.S. Department of Housing and Urban Development to reconsider and support the application for the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program application for Supportive Housing funds submitted by the City of Cleveland/Cuyahoga County Office of Homeless Services.

Whereas, on any given night, there are 950 shelter beds or mats on a floor available to homeless persons to sleep; and

Whereas, there are an estimated 12,000 persons who use the shelters in the City of Cleveland at some point in any given year; and

Whereas, there are an estimated 20,000 homeless persons who go homeless in Cuyahoga County at some point in any given year; and

Whereas, the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program is a creative and necessary component of the continuum of care services for homeless people throughout Greater Cleveland; and

Whereas, the P.A.S.S. Program serves 47 persons at a time, has accommodated a total of 186 persons, and has had requests for service from 700 different persons; and

Whereas, the P.A.S.S. Program effectively serves persons who are homeless; encouraging people on the street to break chemical addictions, develop a positive work record; save money, overcome psychological limitations and strive for self-sufficiency through a system of thoughtful and successful social services; and

Whereas, the Greater Cleveland Chapter of the Salvation Army has been the faithful steward of HUD Innovative Homeless Demonstration Program (IHDP) funds by developing this program to serve some of the most hard core homeless persons in the Greater Cleveland community; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services is charged with developing on-going funds for this local IHDP program, and in communication with HUD staff determined the Supportive Housing Program (SHP) funds were most appropriate to seek for help; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services and HUD staff discussed during the application period that the P.A.S.S. Program was not a new program, nor previously funded by Supporting Housing Program funds and together decided to apply for "renewal" funding within the SHP; and

Whereas, the Secretary of the U.S. Department of Housing and Urban Development identified in a letter to the City of Cleveland dated May 28th, 1998 that the Supporting Housing Program is a potential source of funds specifically for the continuation of the P.A.S.S. Program and further enclosed the Notice of Funding Availability (NOFA) to assist the City to apply for funds in this regard; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services consequently applied for Supportive Housing Funds for the P.A.S.S. Program; and

Whereas, a HUD rule forbids applicants for funds to communicate with HUD staff after an application is submitted for review and before it is approved or denied by HUD even to discuss complex application circumstances such as these; and

Whereas, on December 23rd, 1998 HUD announced the awards for Supportive Housing Program funds which did NOT include funds for the P.A.S.S. program because it had not previously received SHP funds; now, therefore,

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

Section 1. That the Cleveland City Council hereby strongly encourages the Secretary of the U.S. Department of Housing and Urban Development to reconsider and support the application of the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program application for Supportive Housing funds submitted by the City of Cleveland/Cuyahoga County Office of Homeless Services; and

Section 2. That the Clerk of Cleveland City Council is hereby requested to transmit a copy of this resolution to Mr. Andrew Cuomo, Secretary of the U.S. Department of Housing and Urban Development; U.S. Senator George Voinovich, U.S. Senator Michael DeWine, Cuyahoga County Commissioner Jane Campbell, Cuyahoga County Commissioner James Dimora, Cuyahoga County Commissioner Timothy McCormick, and Cleveland Mayor, Michael White.

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 January 11, 1999.
Effective January 20, 1999.

Ord. No. 1135-A-98. (As substitute for Ordinance No. 1135-98).

By Councilmen Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis and Zone.

An ordinance to amend Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, relating to unnecessary noise.

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

Section 1. That Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, is hereby amended to read as follows:

Section 605.10 Unnecessary Noise

(a) No person shall make, or cause, suffer, allow, or permit to be made within the City any unreasonably loud, disturbing and unnecessary noise, or noises of such character, intensity or duration as to be detrimental to the life and health of any individual.

(b) Loud, disturbing and unnecessary noises in violation of this section shall include without limitation the following:

(1) The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.

(2) The keeping of any animal or bird which, by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity, where such noise can be distinctly heard outside the property line of the premises at which the animal or bird is kept.

(3) The use of any motorcycle, or vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger, or the use of steam under pressure for cleaning purposes in any establishment between the hours of 7:00 p.m. and 7:00 a.m., when the windows of such establishment are open.

(5) The unreasonable discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine.

(6) The use of any mechanical device operated by compressed air (excluding a jackhammer operated on weekdays between the hours of 8:00 a.m. and 7:00 p.m.) unless the noise created thereby is effectively muffled and reduced.

(7) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(8) The making of any unnecessary or unseemly noise by a person or by his operation of any instrument, device, agency or vehicle, the performance of any construction or demolition activity or the operation of any mechanical, electrical, pneumatically, hydraulically powered or battery operated apparatus used in connection with any construction or demolition activity between the hours of 7:00 p.m. and 7:00 a.m. within 500 feet of places of residence and 150 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged or infirm, or within 150 feet of any school, courthouse, church or building in which religious services are held, during school hours, hours of holding court or hours of public worship, respectively. The area within 150 feet of a hospital, school, courthouse or church shall be a "zone of quiet" and the Director of Public Safety shall place signs within such zones of quiet calling attention to the prohibition against unnecessary noise.

(9) The making of any loud, unseemly or unnecessary noise in violation of Chapter 683 of these Codified Ordinances.

(c) Emergency utility or other repair work, such as restoring electric power lines or a water or sewer main, shall be exempted from this ordinance. If there is a need to do any construction or demolition activity other than emergency repairs the construction contractor in charge of the project shall submit to the Director of Public Safety a request to perform construction work outside of the time allowed under this ordinance. The Director of Public Safety may grant an exemption to this ordinance if such an exemption is justified and necessary.

(d) Whoever violates this section is guilty of making unnecessary noise, a minor misdemeanor, and shall be fined at least seventy-five

dollars (\$75.00), which fine shall not be suspended, waived or otherwise reduced below that amount. Whoever violates this section within twelve (12) hours of having been charged with the minor misdemeanor of making unnecessary noise or of having been warned by a police officer to desist from making unnecessary noise is guilty of making unnecessary noise, a misdemeanor of the third degree, and shall be fined at least one hundred dollars (\$100.00), which fine shall not be suspended, waived, or otherwise reduced below that amount. Notwithstanding the preceding provisions of this paragraph, the penalties contained in Section 683.99 shall apply to violations of division (b)(9) of this section.

Section 2. That existing Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, is hereby repealed.

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

Passed January 11, 1999.
Effective February 18, 1999.

Ord. No. 37-99.

By Councilmen Willis and Britt. An emergency ordinance consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays, on Sunday, April 24, 1999, sponsored by Case Western Reserve University.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Relay Race, the Hudson Relays, sponsored by Case Western Reserve University, on Sunday, April 24, 1999, beginning at the rock on the Quad, go through the Quad, over the RTA bridge, cross Adelbert Rd. at the Greenhouse and up the Fribley driveway to the bottom of the elephant stairs, back up to the top of the elephant stairs, down Carlton Rd. to Overlook, past the First Church of Christ Scientist to the intersection of Overlook and Edgehill, down Edgehill on the right side of the road to Murray Hill Rd., take a left at Murray Hill and run to the exchange point at the Greenhouse, cross the RTA bridge and run up Adelbert Rd. to the corner of Euclid, head west on Euclid crossing East Blvd. and go around the lagoon to Martin Luther King, Jr. Dr., continue along Martin Luther King Jr. Dr. to the next exchange point, continue down Martin Luther King, Jr. Dr. and turn right at the entrance to Wade Oval (between the Art and Natural History Museums), take a left going around Wade Oval crossing East Blvd. and continuing down E. 108th St. to the intersection of Wade Park Drive, turn right down Wade Park Drive to the exchange point at the corner of E. 115th St., continue down down E. 115th St. and take a right turn at Bellflower to its intersection with Ford (the next exchange point), continue down Bellflower, take a left heading down East Blvd.

around Severance Hall to the intersection of Adelbert and Euclid, cross Euclid and proceed to the next exchange point (the rock), which restarts the loop, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed January 11, 1999.
Effective January 20, 1999.

Ord. No. 38-99.

**By Councilman Willis (by request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Medical Center Company to encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard, with twin, 20", chilled water lines for use in their building.**

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Medical Center Company, 2250 Circle Drive, Cleveland, Ohio 44106-2664, its successors and assigns, for the construction, use and maintenance of twin, twenty inch (20"), chilled water lines for use by their building as aforesaid, and which twin, 20", chilled water lines will encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard, and are more fully described herein.

LEGAL DESCRIPTION/CENTER-LINE 20" CHILLED WATER LINE/ADELBERT RD.

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original 100 Acre Lot Number 403 and bounded and described as follows:

Beginning at a stone monument at the intersection of the centerline of Euclid Avenue (100.00 feet wide) and the centerline of Adelbert Road S.E. (60.00 feet wide); thence along the northwesterly extension of the centerline of Adelbert Road, North 46°-12'-04" West a distance of 50.00 feet to a point on the northerly line of Euclid Avenue, as aforesaid;

Thence South 43°-49'-06" West along the northerly line of Euclid Avenue, as aforesaid, a distance of 129.00 feet to the Principal Place of

Beginning and following along the centerline of a 20" chilled water line;

Thence North 88°-49'-06" East a distance of 7.00 feet to an angle point;

Thence North 43°-49'-06" East and parallel with the centerline of Euclid Avenue, as aforesaid, and measuring 45.00 feet northwesterly at right angles to said centerline, a distance of 85.00 feet to an angle point;

Thence South 46°-12'-04" East and parallel with the centerline of Adelbert Road, as aforesaid, and measuring 40.00 feet southwesterly at right angles to said centerline, a distance of 109.00 feet to an angle point;

Thence North 88°-47'-56" East a distance of 69.00 feet to an angle point;

Thence South 46°-12'-04" East and parallel with the centerline of Adelbert Road, as aforesaid, and measuring 10.00 feet northeasterly at right angles to said centerline, a distance of 1014.00 feet to an angle point;

Thence North 88°-47'-56" East a distance of 30.00 feet to a point on the easterly line of Adelbert Road, as aforesaid, and the terminus thereof. This legal description was prepared by Ciuni & Lynn Associates, January, 1999.

Section 2. That said 20" chilled water lines will be placed within the public right-of-way as aforesaid in Section 1, and said 20" chilled water lines will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed January 11, 1999.
Effective January 20, 1999.

Ord. No. 40-99.

**By Councilman Cintron.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to MetroHealth Medical Center to stretch twenty-six (26) banners on utility poles (by separate permission) in various streets surrounding MetroHealth Center located at 2500 MetroHealth Drive publicizing MetroHealth's Center for Rehabilitation Services for the period of February 8, 1999 to March 8, 1999, inclusive.**

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the

Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to MetroHealth Medical Center, 2500 MetroHealth Drive, Cleveland, Ohio 44109-1998, to install, maintain and remove twenty-six (26) banners to be attached to utility poles, (by separate permission) at Scranton Road - 10 poles between Sackett and Southpoint (W), no pole numbers; 1st pole north of West 25th St. (W), no pole number; West 25th Street - 8 poles between Sackett and Southpoint (E), no pole numbers; 1-pole south of Southpoint (E), #AOM41-125; 1-pole at 3517 West 25th Street (E), no pole number; MetroHealth Drive - 3 poles in median strip between West 25th Street and Scranton Road, no pole numbers; Southpoint Drive - 2 poles between West 25th Street and Scranton Road (N), no numbers; publicizing MetroHealth's Center for Rehabilitation Services from the period of February 8, 1999 to March 8, 1999, inclusive. Said banner shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed January 11, 1999.
Effective January 20, 1999.

Ord. No. 52-99.

**By Councilman Jackson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Gregory C. Simmons).**

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

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

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Gregory C. Simmons (Northwest corner of East 93rd Street and Union Avenue).

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

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

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

Passed January 11, 1999.

Effective January 20, 1999, without the signature of the Mayor.

Ord. No. 77-99.
By Councilmen Westbrook and Johnson (by departmental request).
An emergency ordinance to amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; to supplement said ordinance by adding new Sections 5, 6, 7, and 8 thereof; and to renumber existing Section 5 as new Section 9, relating to the purchase of real property for the Division of Cleveland Hopkins International Airport, Department of Port Control, and to authorize the lease of said property to the I-X Center Corporation.

Whereas, pursuant to Ordinance No. 68-94, passed January 18, 1994, this Council authorized the purchase of real property immediately to the south of Cleveland Hopkins International Airport, commonly known as the I-X Center and surrounding property, for future airport expansion; and

Whereas, this Council has heard testimony from the Director of Port Control and aviation consultants on the public purpose of acquiring land adjacent to Cleveland Hopkins International Airport and reserving said land for the purpose of future airport expansion; and

Whereas, this Council has heard testimony from real estate appraisers on the fair market value of the property and the value of a fifteen-year leasehold interest in the property; and

Whereas, this Council has determined that the immediate acquisition of the property continues to serve a significant public purpose and is vital to the continued economic growth of the City of Cleveland and surrounding communities; and

Whereas, this Council has determined that the terms of purchase and lease of the property authorized by this ordinance are reasonable and represent fair market value for the real estate transaction; and

Whereas, the City wishes to purchase the property described in Ordinance No. 68-94, as amended by this ordinance (hereinafter the "Property") for the public use of improving Cleveland Hopkins International Airport (hereinafter the "Improvement"); and

Whereas, until such time as the Improvement is made, the Property would be suitable for Lease and operation by another party for the public use of generating commerce for the airport; and

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

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

Section 1. That the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby amended to read, respectively, as follows:

Authorizing the Commissioner of Purchases and Supplies to purchase real property for the improvement of Cleveland Hopkins International Airport, Department of Port Control; and authorizing the Director of Port Control to lease to the I-X Center Corporation, said property for a term not to exceed fifteen years.

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of improvement of Cleveland Hopkins International Airport:

AREA "D"
I-X CENTER

Parcel 1

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being parts of Original Middleburg Township Lots Nos. 1, 2, 3, 5 and 6 in Section 19 and a part of Original Middleburg Township Lot No. 1 in Section 22, and more particularly bounded and described as follows:

Beginning in the center line of Riverside Drive, 70 feet wide, at the Southeast corner of land conveyed to Charles and Gottlieb Geiger by deed recorded in Volume 747 of Deeds, Page 558 of Cuyahoga County Records, said place of beginning being North 26° 31' 08" East measured along said center line of Riverside Drive, 1593.98 feet from an iron pin monument at the center line of Sheldon Road.

Course No. 1: Thence North 88° 32' 27" West along a Southerly line of land so conveyed to Charles and Gottlieb Geiger, 169.14 feet to a stone monument at a Southwesterly corner thereof.

Course No. 2: Thence North 1° 57' 33" East along a Westerly line of land so conveyed to Charles and Gottlieb Geiger, 288.99 ft. to the Southerly line of said Original Lot No. 2.

Course No. 3: Thence North 88° 32' 27" West along said Southerly line of Original Lot No. 2, 678.88 ft. to the Southwesterly corner thereof.

Course No. 4: Thence North 88° 59' 07" West along the Southerly line of said Original Lot No. 5, 850.57 ft. to a stone monument at the Southwesterly corner of land conveyed to Charles and Gottlieb Geiger, as aforesaid, being also a Southeast corner of land conveyed to the City of Brook Park by deed recorded in Volume 13801 of Deeds Page 799 of Cuyahoga County Records.

Course No. 5: Thence North 2° 26' 06" East along the Easterly line of land so conveyed to the City of Brook Park 362.15 ft. to the Northeast corner thereof.

Course No. 6: Thence North 88° 01' 10" West along the Northerly line of land so conveyed to the City of

Brook Park 1767.82 ft. to the Westerly line of said Lot No. 5.

Course No. 7: Thence North 2° 41' 02" East along the Westerly line of Original Lot No. 5, 737.92 ft. to the Northeast corner of land conveyed to The City of Cleveland by deed recorded in Volume 10677 of Deeds Page 467 of Cuyahoga County Records, said corner being also in the Northerly line of land conveyed to John and Mary Kopia by deed recorded in Volume 2104 of Deeds Page 621 of Cuyahoga County Records.

Course No. 8: Thence North 87° 59' 31" West along the Northerly line of land so conveyed to John and Mary Kopia 942.14 ft. to the center line of Grayton Road 60 ft. wide.

Course No. 9: Thence North 39° 11' 31" East along the center line of Grayton Road, 305.05 ft. to a point.

Course No. 10: Thence South 88° 21' 42" East 946.79 ft. to a point.

Course No. 11: Thence North 39° 11' 31" East 307.10 ft. to a point.

Course No. 12: Thence South 88° 40' 00" East 653.36 ft. to a point.

Course No. 13: Thence North 1° 21' 00" East 512.83 ft. to a point.

Course No. 14: Thence South 88° 39' 00" East 23.00 ft. to a point.

Course No. 15: Thence North 53° 33' 30" East 1025.40 ft. to a Southwesterly corner of land conveyed to The City of Cleveland by deed recorded in Volume 9933 of Deeds Page 17 of Cuyahoga County Records.

Course No. 16: Thence South 88° 39' 21" East along a Southerly line of land so conveyed to The City of Cleveland, 325.97 ft. to a corner thereof.

Course No. 17: Thence South 1° 34' 08" West along a Westerly line of land so conveyed to The City of Cleveland, 218.94 ft. to a Southwesterly corner thereof.

Course No. 18: Thence South 88° 38' 42" East along a Southerly line of land so conveyed to The City of Cleveland, 1200.99 ft. to a Westerly line of Parcel I of land conveyed to The City of Cleveland by deed recorded in Volume 9037 of Deeds Page 245 of County Records.

Course No. 19: Thence South 1° 21' 12" West along said Westerly line of Parcel I of land conveyed to The City of Cleveland, 1197.15 ft. to a Southwesterly corner thereof.

Course No. 20: Thence South 88° 38' 48" East along a Southerly line of Parcel I of land so conveyed to The City of Cleveland 366.29 ft. to the Northwesterly corner of land conveyed to The City of Cleveland by deed recorded in Volume 11888 of Deeds Page 647 of Cuyahoga County Records.

Course No. 21: Thence South 1° 21' 12" West along a Westerly line of land so conveyed to The City of Cleveland, 944.80 ft. to the center line of Riverside Drive, 70 ft. wide.

Course No. 22: Thence South 26° 45' 14" West along said center line of Riverside Drive, 453.76 ft. to a Southwesterly corner of land conveyed to The City of Cleveland as last aforesaid.

Course No. 23: Thence South 89° 14' 06" East along a Southerly line of land so conveyed to The City of Cleveland, 100.00 ft. to a corner thereof.

Course No. 24: Thence South 26° 45' 14" West along a Northwesterly line of land so conveyed to The City of Cleveland, 200.00 ft. to a corner thereof.

Course No. 25: Thence North 89° 14' 06" West along the Northerly line of land conveyed to George Waddups and others, by deed recorded in Volume 4561 of Deeds, Page 441 of Cuyahoga County Records, 100.00 ft. to the center line of Riverside Drive.

Course No. 26: Thence South 26° 31' 08" West along the center line of Riverside Drive, 93.02 ft. to the place of beginning and containing 175.5701 acres of land according to a survey made by Bauer Surveys Company dated February 14, 1975 and recertified on May 30, 1985, be the same more or less, but subject to all legal highways.

Parcel 2

A non-exclusive Easement for right of way and ingress and egress for a Railroad Track Spur over the following described Parcel:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being Part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land, 60 ft. wide, lying, 30 ft. on each side of the center line of the Railroad spur track. The course of the center line of said 60 foot strip of land is more particularly described as follows:

Beginning in the Westerly line of the subject property at a point distant South 0° 58' 25" West (measured along said Westerly line) 413 ft. from its intersection with the Southerly line of a parcel of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, about 660 feet to a point of curvature thence Southeasterly along the arc of a circle deflecting to the right, having a radius of 465 feet, an arc distance of about 800 ft. to a point of tangency; thence South 8° 41' 21" West, about 140 ft. to a point in the Westerly right of way line of the New York Central Railroad Company and having a total length of about 1600 ft. and containing about 2.20 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair, being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 3

A non-exclusive Easement for a Twelve Inch and Twenty-Four Inch Waterline over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 2 and 3, Section No. 19;

Being a strip of land 10 ft. wide, lying 5 ft. on each side and parallel to the following described center line:

A. Beginning in a southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records at a point distant South 89° 01' 35" East (measured along said Southerly line of land conveyed to the City of Cleveland), 390 ft. from the Northwesterly corner of the subject property; thence South 27° 03' 41" West, about 940 ft.

to a point in the Westerly line of said subject property.

B. Beginning in the Westerly line of the subject property distant South 0° 58' 25" West (measured along the Westerly line of said subject property), 375 ft. from its intersection with the southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 89° 01' 35" East, 160 ft.; thence South 62° 53' 39" East, about 50 ft., and having a total length of about 210 ft. and containing about 0.05 acres of land.

C. Beginning in the Westerly line of the subject property, distant South 0° 58' 25" West (measured along said Westerly line of the subject property) 220 ft. from the Southerly line of Parcel No. 1 of land conveyed to the City of Cleveland by deed dated October 15, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records; thence South 74° 33' 39" East, 245 ft.; thence North 69° 01' 21" East, about 715 ft. to said Southerly line of land conveyed to the City of Cleveland, having a total length of about 960 ft. and containing about 0.22 acres of land, be the same more or less, but subject to all legal highways.

Together with an Easement of ingress and egress for maintenance and repair being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Twelve Inch lines as to A and B and a Twenty-Four Inch line as to C.

Parcel 4

A non-exclusive Easement for right of way of Ingress and Egress over the following described Parcels:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio, and known as being, part of Original Middleburg Township Lots Nos. 2 and 3, Section 19;

A. Being a strip of land forty-eight (48) feet wide, lying twenty-four (24) feet on the North and South side thereof and parallel to the following described center line:

Beginning at a point in the North-west boundary of 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 20, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 582.25 ft. from the Southeast corner of the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above boundary of said 17.31 acre tract and with the arc of a 21 degree curve (radius 272.65 ft.) to the right severing the Cleveland Army Tank-Automotive Plant reservation;

Northwesterly 104.0 ft. to a P.T. Station; thence continuing with a line severing above mentioned reservation; thence North 61° 50' W 612.0 ft., more or less, to a point in the West boundary of premises in question, having a total length of 716.0 ft., containing 0.89 acres, more or less.

B. Being a strip of land thirty-five (35) feet wide, being on the East side of and parallel to the following described center line:

Beginning at a point in the center line of Riverside Drive and in the West boundary of premises in

question, said point being North 89° 37' W 1168.00 ft.; North 26° 22' 20" E 200.00 ft. North 89° 37' W 100.00 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence with the West boundary of premises in question and the centerline of Riverside Drive North 26° 22' 20" E 453.76 ft., more or less, containing 0.36 acres, more or less.

C. Being a strip of land seventy-two (72) feet wide, lying 30.0 ft. on the North side and 42.0 ft. on the South side of and parallel to the following described line;

Beginning at a point in the North-west boundary of a 17.31 acre tract described in a War Department Permit to the State of Ohio, dated August 30, 1943, for extension of road across the former Cleveland Aircraft Assembly Plant Military Reservation, Ohio, said point being North 89° 37' W 693.73 ft., North 45° 10' E 322.25 ft. from the Southeast corner in the Cleveland Army Tank-Automotive Plant boundary; thence leaving the above mentioned boundary and with a line severing the Cleveland Army Tank-Automotive Plant Reservation North 44° 50' W 643.00 ft., more or less, to a point in the West boundary of premises in question, having a total length of 643.00 ft., containing 1.07 acres, more or less, be the same more or less, but subject to all legal highways.

Being the same as described in Quit Claim Deed recorded in Volume 11888, Page 647 of Cuyahoga County Records.

Parcel 5

A non-exclusive Easement of Ingress and Egress is established in the Quit Claim Deed from of United States of America to the City of Cleveland, filed May 19, 1960, and recorded in Volume 9933, Page 17 of Cuyahoga County Records and being generally described as follows:

Situated in the City of Brook Park, County of Cuyahoga, State of Ohio and known as being a part of Original Middleburg Township Lot Number 1, Section No. 22 and Original Middleburg Township Lots Nos. 1 and 6, Section No. 19;

Being a 10 foot strip north of and adjacent to the North wall of the concrete block Hangar Building for the purpose of moving in necessary equipment and personnel as may be required from time to time to adequately maintain the North wall of the Hangar Building.

Parcel 6

Any Rights or Interests in and to non-exclusive Easements for utilities on, through, over or under the Real Property described as Parcels I, II, and III in the Quit Claim Deed from The United States of America to the City of Cleveland, filed December 6, 1957, and recorded in Volume 9037, Page 245 of Cuyahoga County Records.

Parcel 7

A non-exclusive Sanitary Sewer Easement the center line of which is described as follows:

Beginning at a point which bears South 53° 33' 30" West 839.80 ft. from a Southwesterly corner of land conveyed to the City of Cleveland by deed recorded in Volume 9933, of Deeds Page 17 of Cuyahoga County Records, said Southwesterly corner

being the Westerly terminus of the tenth course in said deed, said Southwesterly corner bears North 88° 39' 21" West measured along the Westerly prolongation of the Northerly face of a concrete block hangar building, 10.00 ft. from the Northwesterly corner of said building.

Course 1: Thence North 88° 39' 46" West 22.75 ft. to a manhole.

Course 2: Thence North 1° 27' 53" East 742.92 ft. to a point in a Southeastly line of land so conveyed to the City of Cleveland as aforesaid, said point bears North 57° 51' 33" East, measured along said Southeastly line, 1386.79 ft. from the most Southerly corner thereof.

Parcel 8

Leasehold Estate in and to the following described Parcels:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Original Middleburg Township Lots Nos. 5 and 6, Section No. 19, and bounded and described as follows:

A. Beginning at the centerline of Grayton Road 60 ft. wide at the Southwesterly corner of land conveyed to the City of Cleveland by deed dated December 20, 1956 and recorded in Volume 8819, Page 70 of Cuyahoga County Records.

Thence South 88° 43' 10" East along the Southerly line of land so conveyed to the City of Cleveland 577.03 ft. to the Southeastly corner thereof. Thence North 2° 20' 30" East along a line 604.37 ft. to a point. Thence North 56° 47' 36" East along a line 1969.71 ft. to an angle point. Thence South 89° 42' 00" East along a line 198.63 ft. to an angle point. Thence South 0° 18' 00" West along a line 320.81 ft. to an angle point. Thence South 89° 41' 45" East along a line 10.00 ft. to a point and being the principal place of beginning:

Course 1 - Thence South 89° 41' 45" East along a line 530.33 ft. to an angle point

Course 2 - Thence South 42° 58' 33" East along a line 234.11 ft. to an angle point

Course 3 - Thence South 89° 41' 06" East along a line 893.86 ft. to an angle point

Course 4 - Thence South 0° 09' 49" West along a line 684.14 ft. to an angle point

Course 5 - Thence North 89° 57' 57" West along a line 66.55 ft. to an angle point

Course 6 - Thence North 0° 04' 15" East along a line 408.36 ft. to an angle point

Course 7 - Thence North 89° 42' 51" West along a line 1200.85 ft. to an angle point

Course 8 - Thence North 0° 29' 59" East along a line 218.94 ft. to an angle point

Course 9 - Thence North 89° 42' 30" West along a line 317.97 ft. to an angle point

Course 10 - Thence North 0° 18' 00" East along a line 229.28 ft. to an angle point which is also the principal place of beginning, containing approximate 11.48 acres of land.

B. Situated at Cleveland Hopkins International Airport, in the cities of Cleveland and Brook Park, County of Cuyahoga, State of Ohio, and located West of the Park Corporation Lease No. 29768, Ordinance No. 1602-A-78, but contiguous to Course No. 10 of existing Lease No. 29768;

1) Beginning at the South End of Course No. 10 as described above and proceeding North 0° 18' 00" East, 214.28 ft. to a point

2) Thence North 89° 42' 30" West, 10.00 ft. to the P.C. of a curve

3) Thence along the arc of a curve 47.12 ft. with a radius of 30.00 ft. with a central angle of 90° and a chord of South 45° 18' 00" West, 42.43 ft. to a point

4) Thence South 0° 18' 00" West, 129.28 ft. to a point

5) Thence North 89° 42' 00" West, 30.80 ft. to a point

6) Thence South 0° 18' 00" West, 100.39 ft. to a point

7) Thence North 53° 33' 30" East, 75.87 ft. to a point

8) Thence South 89° 42' 00" East, 10.00 ft. to a point

and being the principal place of beginning, containing approximately 11.452 square feet, more or less.

Section 2. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property, including the Purchase Agreement contained in File No. 77-99-A and incorporated herein, and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 4. That all costs of acquisition of the land or any other costs authorized by this ordinance shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 120, 01 SF 001, 10 SF 006, 10 SF 165 and any funds or subfunds to which are credited any grants, passenger facility charges, and the proceeds from the sale of any bonds, notes or certificates of participation issued for a purpose which includes the acquisition of the Property.

Section 2. That the existing title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994, are hereby repealed.

Section 3. That Ordinance No. 68-94, passed January 18, 1994, is hereby supplemented by adding new Sections 5, 6, 7, 8, 9, 10, and 11 to read, respectively, as follows:

Section 5. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease to I-X Center Corporation all or any part of the Property which is determined to be not needed for the public use of the Improvement for the term specified in the Lease Agreement and which is suitable for operation by the Lessee for the public purpose of generating commerce for the airport.

Section 6. That the Lease Agreement shall be in the form contained in File No. 77-99-A.

Section 7. That the Lease Agreement shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interests of the City and are not in conflict with the terms and conditions in the Lease Agreement contained in the file referenced in Section 6.

Section 8. That the Director of Port Control, the Director of Law, and other appropriate City officials, are hereby authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the Lease Agreement authorized by this ordinance.

Section 4. That existing Section 5 of Ordinance No. 68-94, passed January 18, 1994, is hereby renumbered to new "Section 9".

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

Passed January 14, 1999.

Effective January 14, 1999.

Ord. No. 78-99.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$40,000,000, in anticipation of the issuance of bonds, to pay costs of acquiring real property and interests in real property for the purpose of improving the Airport System, and related matters.

Whereas, this Council has determined that, in order to timely respond to the increasing demand for air service at Cleveland Hopkins International Airport, and to plan for future demands for air service, it is necessary to acquire neighboring property to increase the Airport site, with the desired consequence of increasing the capacity of Airport operations; and

Whereas, that acquisition will provide needed property for the provision of air services to the public, and the prompt commencement of the acquisition requires the issuance of the subordinated revenue notes authorized hereunder and the undertaking of the transactions contemplated herein, and it is necessary to issue such notes as soon as possible to take advantage of favorable conditions in the financial markets, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Airport" means Cleveland Hopkins International Airport, as it now exists or hereafter may be changed, modified, or expanded.

"Airport System" means the Airport and Burke Lakefront Airport, as it now exists or hereafter may be changed, modified or expanded.

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of book entry interests in Notes and the principal of and interest on the Notes may be transferred only through a book entry, and (ii) physical Note certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Notes "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the

record that identifies the owners of book entry interests in those Notes and that principal and interest.

"Certificate of Award" means, collectively, the certificate or certificates authorized by Section 11, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Notes and their issuance, sale, and delivery, as this Ordinance requires or authorizes to be set forth or determined therein.

"City" means the City of Cleveland, Ohio.

"Clerk" means the Clerk of Council of the City.

"Continuing Disclosure Certificate" means, collectively, the certificate or certificates authorized by Section 14, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and book entry owners of the Notes in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Notes.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of book entry interests in Notes or the principal and interest, and to effect transfers of Notes, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Director of Finance" means the Director of the Department of Finance of the City.

"Director of Law" means the Director of the Department of Law of the City.

"Director of Port Control" means the Director of the Department of Port Control of the City.

"Financial Advisor" means Carmona Motley Hoffmann, Inc., or such other financial advisor to the City selected from time to time by the City.

"Indenture" means the Trust Indenture, dated as of November 1, 1976, between the City and The Cleveland Trust Company, as original Trustee, together with all supplements thereto.

"Mayor" means the Mayor of the City.

"Note Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Purchase Agreement, any trust agreement, the Continuing Disclosure Certificate, and such other proceedings of the City, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Original Purchaser" means the original purchasers of the Notes: A.G. Edwards & Sons, Inc., SBK-Brooks Investment Corp., McDonald Investments Inc., a KeyCorp Company, and J.P. Morgan Securities Inc.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

"Project" means the acquisition of real property and interests in real

property for the purpose of improving the Airport System.

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

"Subordinated Airport Revenue" means the Airport Revenue (as defined in the Indenture) deposited in the Surplus Fund and/or the Improvement Fund (both Funds as created under Section 5.02 of the Indenture), subject to any requirements of the Use Agreements (as defined in the Indenture) for the approval by the Airlines (as defined in the Indenture) of, or lack of objection by the Airlines to, the use by the City of such deposits for the Project.

Any reference herein to the City or the Council of the City, the Director of Finance, the Director of Law, the Clerk, or any other officers of the City, shall include those who or which succeed to the functions, duties, or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties, or responsibilities.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa.

Section 2. The Bonds. It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$40,000,000 (the "Bonds") to pay a portion of the costs of the Project, including costs of issuance of the Bonds, to adequately fund any debt service reserve fund established under Section 12, and to retire the Notes (as defined in Section 3 below). Interest on the Bonds shall be payable semiannually until the principal amount is paid. The Bonds are estimated to mature in 25 annual principal installments that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The Bonds will be subordinated revenue obligations of the City, the principal of and interest on which will be secured solely by, and payable solely from, Subordinated Airport Revenue. The Notes may be retired from the proceeds of obligations issued other than the Bonds or from other moneys available for such purpose. Such Bonds or other Obligations shall bear such terms as are authorized by this Council in a subsequent ordinance providing for their issuance.

Section 3. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance, and this Council determines, that notes in the aggregate principal amount not to exceed \$40,000,000 (the "Notes") shall be issued in anticipation of the issuance of the Bonds, the proceeds of which will be used to pay costs of the Project, to pay costs of any Credit Support Instrument with respect to the Notes, to fund any debt service reserve fund established under Section 12, and to pay costs of issuance of the Notes. The Notes shall be issued in the aggregate principal amount not to exceed \$40,000,000 that is determined by the Director of Finance in the Certificate of Award to be required to be issued for the purposes stated above in

this Section, taking into account other moneys available for such purposes. The Notes may be issued from time to time in one or more series if so provided in the Certificate of Award, provided that a separate Certificate of Award shall be executed for each series and the last series of Notes shall be awarded and sold no later than December 31, 2000. The Notes of each series shall be dated the date of issuance of the respective series or such other date as is designated in the Certificate of Award, provided that such date shall be no later than December 31, 2000. The Notes of each series shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with his determination of the best interest of and financial advantages to the City, provided that such date shall not be later than two years from the date of issuance of the respective series of Notes.

Section 4. Interest. The Notes of each series shall bear interest from the date of the respective series at the rate per annum set forth in the Certificate of Award, or if any Notes bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Notes shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Notes bear interest at a fixed rate, that rate shall not exceed six and one-half percent (6-1/2%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Notes bear interest at a variable rate or rates, those rates shall not exceed that set forth in Section 5, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

Section 5. Variable Rate Notes. In the event that the Director of Finance determines that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Notes shall not bear interest at a rate in excess of twelve percent (12%) per annum. That maximum interest rate shall not apply to variable rate Notes during any period those Notes are held by a provider of a Credit Support Instrument because they could not be remarketed and the terms of the Credit Support Instrument do not permit such a maximum rate of interest. Holders of variable rate Notes may be given the right to ten-

der their variable rate Notes for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Note. If the Director of Finance designates any Notes as variable rate Notes, and if the holders of the variable rate Notes are to be entitled to tender the variable rate Notes for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Notes the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents, and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Notes, and regardless of the Notes bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Notes, if he determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 6. Payment of Debt Charges on the Notes; Redemption. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Registrar (as defined in Section 7) as the City's paying agent. If agreed to by the Original Purchaser, the Notes shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance.

If fewer than all of the outstanding Notes are called for optional redemption at one time and Notes of more than one maturity are then outstanding, the Notes that are called shall be called as selected by, and selected in a manner determined by, the City. If fewer than all

of the Notes of a single maturity are to be redeemed, the selection of Notes of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Notes by lot when Notes of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination shall be treated as if it were a separate Note of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Note are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Note shall surrender the Note to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Note or Notes of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Note surrendered.

The notice of the call for redemption of Notes shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Notes or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Note subject to redemption in whole or in part at the registered owner's address shown on the Note Register (as defined in Section 7) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Note, however, shall not affect the validity of the proceedings for the redemption of any Note.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Notes for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Notes and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the

redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Notes and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Notes and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Notes shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Notes.

Section 7. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent, and paying agent for the Notes after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

The Notes shall be issued only as fully registered Notes. Principal on the Notes shall be payable when due upon presentation and surrender of the Notes at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Note shall be paid on each interest payment date by check or draft mailed to the person in whose name the Note was registered, and to that person's address appearing on the Note Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date. The City will cause the Registrar to maintain and keep all books and records necessary for the registration, exchange, and transfer of Notes as provided in this Section (the "Note Register") so long as any of the Notes remain outstanding. Subject to the provisions of this Section, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of the Note Proceedings. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of

that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Notes are issued in a book entry system, principal of and interest on the Notes shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 8. Transfer and Exchange of Certain Notes. Notes may be exchanged for Notes of any authorized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Note or Notes of the same series, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the unamortized principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Notes in accordance with the provisions of the Note Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Note Proceedings, as the Notes surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Note during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Notes and ending at the close of business on the day of such mailing or to transfer or exchange any Note selected for redemption in whole or in part.

Section 9. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined

by the Director of Finance to be in the best interests of and financially advantageous to the City, the Notes may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

The Notes may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Notes may be issued in the form of a single, fully registered Note representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners of Notes in book entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of book entry interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance also is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 10. Execution of Notes. Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Note shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Note Proceedings unless and until the certificate of authentication printed on the Note is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Note so authenticated has been duly issued, signed and delivered under, and is entitled

to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Notes.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature. The Notes shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single note and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Notes in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11. Sale of Notes. The Notes shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Notes, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a note purchase agreement or agreements between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the pay-

ment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 12. Security for the Notes. The Notes are special obligations of the City. The interest on the Notes, unless paid from other sources available to the City, is secured solely by, and is payable solely from Subordinated Airport Revenue.

The principal of the Notes, unless paid from other sources available to the City, is payable solely from the proceeds of the Bonds. The City covenants and agrees to do all things necessary to effect the issuance and delivery, prior to the maturity of the Notes, of the Bonds or any renewal notes, in that principal amount as may be necessary, together with any other moneys available to the City for the purpose, to pay the principal of the Notes when due at maturity and to do all things necessary to sell the Bonds in sufficient time to permit their delivery prior to the maturity of the Notes. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose. Notwithstanding the foregoing, the City covenants and agrees to issue Additional Revenue Bonds as defined in the Indenture to retire the Notes which would be issued on a parity with Airport Revenue Bonds (as defined in the Indenture), if and to the extent the City can satisfy the conditions precedent under the Indenture for the issuance of Additional Airport Revenue Bonds. Further, if the Director of Finance determines, based on the written advice of the Financial Advisor, that under conditions of the market at that time, the Bonds cannot be issued with reasonable terms, the City covenants and agrees that it will issue obligations payable from other City sources to retire the Notes at maturity.

The City shall not be obligated to pay principal of and interest on the Notes from any funds or sources other than those described in this Section, and the Notes shall not be a claim upon or lien against any other property of the City. The Notes, as to both principal and interest, are not general obligations of the City, and the full faith and credit of the City is not pledged to their payment. The holders of the Notes shall have no right to have taxes levied by the City for the payment of principal of and interest on the Notes. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to

the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions, or obligations of this Ordinance or of the Notes.

The City will observe and perform all its agreements and obligations provided for by the Notes or this Ordinance. All of the obligations under this Ordinance are hereby established as duties specifically enjoined by law and resulting from an office, trust, or station upon the City within the meaning of Section 2731.01 of the Ohio Revised Code.

If, in the judgment of the Director of Finance, after consultation with the Financial Advisor, a trust agreement providing, among other things, for the holding in trust by a bank of a debt service fund, debt service reserve fund or similar fund to secure the Notes is in the best interest of and financially advantageous to the City, such trust agreement and fund or funds are hereby authorized and the Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Notes. Such trust agreement may be supplemental to the Indenture. The City hereby covenants and agrees to appropriate annually from the Subordinated Airport Revenue into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 13. Note Proceeds. The proceeds from the sale of the Notes, except any premium and accrued interest and except any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes are being issued. Any portion of the proceeds representing a required deposit to a debt service reserve fund created pursuant to Section 12 shall be paid into that debt service reserve fund.

Section 14. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes, the City agrees, as the only obligated person with respect

to the Notes under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 15. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on the Notes by one or more nationally recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on the Notes, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy any reserve requirement for the Notes is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Notes.

Section 16. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Notes, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more

agreements in connection with or subsequent to the issuance of the Notes for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligations to the City or to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Notes with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Notes applied to that structure as though it consisted solely of Notes; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc., or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Notes as described in this Ordinance; (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Notes.

Section 17. Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect

any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

Notwithstanding the foregoing or any other provisions of this Ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of any Purchase Agreement that it is necessary and appropriate and in the best interests of the City for the interest on the Notes to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Notes.

Section 18. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 19. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Notes authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 20. Satisfaction of Conditions. This Council determines that

all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Notes.

Section 21. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 22. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it 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 period allowed by law.

Passed January 14, 1999.

Effective January 14, 1999.

COUNCIL COMMITTEE MEETINGS

Tuesday, January 5, 1999

Community and Economic Development Committee: 9:00 A.M. — Present: Jackson, Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka. Excused: Robinson, Vice Chairman.

Monday, January 11, 1999

Public Parks, Property and Recreation Committee: 9:30 A.M. — Present: Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

Wednesday, January 13, 1999

Public Utilities Committee: 1:30 P.M. — Present: Willis, Chairman; Coats, Vice Chairman; Jones, O'Malley, Rybka, Sweeney. Excused: Britt, Melena.

Thursday, January 14, 1999

Committee of the Whole: — Present: Westbrook, Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone. Excused: Cintron, Lewis.

Tuesday, January 19, 1999

Community and Economic Development Committee: 9:00 A.M. — Present: Jackson, Chairman; Cimperman, Cintron, Coats, Gordon, Rybka. Excused: Robinson, Vice Chairman.

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Brook Park, Ohio

To amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; relating to the purchase of real property for the Division of Cleveland Hopkins International Airport; lease property to the I-X Center (O 77-99)..... **49-76**

Cleveland Hopkins International Airport

To amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; relating to the purchase of real property for the Division of Cleveland Hopkins International Airport; lease property to the I-X Center (O 77-99)..... **49-76**

Codified Ordinances

Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, relating to unnecessary noise (O 1135-A-98)..... **74**

Finance Department

Authorize the issuance and sale of subordinated airport revenue notes in the aggregate principal amount not to exceed \$40,000,000, in anticipation of the issuance of bonds, to pay costs of acquiring real property and interests in real property (O 78-99)..... **52-78**

Lease Agreement

To amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed January 18, 1994; relating to the purchase of real property for the Division of Cleveland Hopkins International Airport; lease property to the I-X Center (O 77-99)..... **49-76**

Liquor Permits

Arcade Avenue, 16101 - objecting to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit (R 46-99)..... **72**
 Clifton Blvd., 11100 - withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit, and repealing Res. No. 1825-98, objecting to said transfer of ownership (R 45-99)..... **71**
 Denison Avenue, 6801 - objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit (R 49-99)..... **72**
 Detroit Avenue, 3625 - withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit, and repealing Res. No. 1463-98, objecting to said transfer of ownership (R 42-99)..... **71**
 East 185th Street, 656-58 - objecting to the transfer of ownership of a D1 and D2 Liquor Permit (R 48-99)..... **72**
 East 185th Street, 870 - withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit, and repealing Res. No. 1323-98, objecting to said transfer of ownership (R 47-99)..... **72**
 Ridge Road, 4171 - objecting to the stock transfer of a C2, C2X and D6 Liquor Permit (R 50-99)..... **73**
 West 54th Street, 3459, first floor - objecting to the stock transfer of a C1 Liquor Permit (R 43-99)..... **71**
 West 65th Street, 1871-77 - objecting to the issuance of a C1 Liquor Permit (R 44-99)..... **71**
 West 9th Street, 1300 -objecting to the transfer of location of a D5 Liquor Permit (R 41-99)..... **70**

Parks, Recreation and Properties Department

Declaring the necessity and intention to appropriate property for the public purpose of expanding Brookside Park (R 39-99)..... **70**

Peddlers

Simmons, Gregory C. - peddling - Ward 5 (O 52-99) **75**

Permits

Consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays,
on Sunday, April 24, 1999, sponsored by Case Western Reserve University (O 37-99) **74**

Port Control Department

Authorize the issuance and sale of subordinated airport revenue notes in the aggregate
principal amount not to exceed \$40,000,000, in anticipation of the issuance of bonds,
to pay costs of acquiring real property and interests in real property (O 78-99)..... **52-78**

To amend the title, Section 1, Section 2 and Section 4 of Ordinance No. 68-94, passed
January 18, 1994; relating to the purchase of real property for the Division
of Cleveland Hopkins International Airport; lease property to the I-X Center
(O 77-99) **49-76**

Resolutions — Miscellaneous

An Emergency Resolution urging the Secretary of the U.S. Department of Housing and Urban
Development to reconsider and support the application for the Pick-Up, Assessment,
Shelter and Services Program application for Supportive Housing funds (R 51-99) **73**

Declaring the necessity and intention to appropriate property for the public purpose of
expanding Brookside Park (R 39-99) **70**

Service Department

Authorizing and directing the Director of Public Service to issue a permit to MetroHealth
Medical Center to stretch twenty-six (26) banners on utility poles in various streets
surrounding MetroHealth Center - February 8, 1999 to March 8, 1999 (O 40-99) **75**

Authorizing the Director of Public Service to issue a permit to The Medical Center Company
to encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard,
with twin, 20", chilled water lines for use in their build (O 38-99)..... **75**